

**LAWS
OF THE
STATE OF DELAWARE

ONE HUNDRED AND SIXTEENTH
SESSION OF THE GENERAL ASSEMBLY**

**COMMENCED AND HELD AT DOVER
ON TUESDAY, JANUARY 2, A. D. 1951**

AND

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

VOLUME XLVIII

CHAPTER 1

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, 1951 and ending June 30, 1953. Two Thousand Dollars (\$2,000.00) of said sum shall be paid within three months after July 1, 1951 and a like sum of Two Thousand Dollars (\$2,000.00) shall be paid within three months after July 1, 1952, 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 5, 1951.

CHAPTER 2

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, 1951 and ending June 30, 1953. Fifteen Hundred Dollars (\$1,500.00) of said sum shall be paid within three months after July 1, 1951 and a like sum of Fifteen Hundred Dollars (\$1,500.00) shall be paid within three months after July 1, 1952, to the duly elected Finance Officer of the Veterans of Foreign Wars, Department of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

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

Approved February 5, 1951.

CHAPTER 3

SUSSEX COUNTY LEVY COURT

AUTHORIZING APPROPRIATION TO MILTON FIRE COMPANY

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

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

Section 1. The Levy Court of Sussex County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to the Milton Volunteer Fire Company to be used in the maintenance of its Ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Sussex County to the said Milton Volunteer Fire Company on the first day of June of each year.

Approved February 5, 1951.

CHAPTER 4

LEVY COURT OF KENT COUNTY

AUTHORIZING APPROPRIATION TO HARTLY FIRE COMPANY

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONIES TO THE HARTLY VOLUNTEER FIRE COMPANY FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to the Hartly Volunteer Fire Company to be used in the maintenance of its ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Kent County to the said Hartly Volunteer Fire Company on the first day of May of each year.

Approved February 5, 1951.

CHAPTER 5

LEVY COURT OF KENT COUNTY

AUTHORIZING APPROPRIATION TO HARRISON POST,
AMERICAN LEGION

**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 AN AMBU-
LANCE.**

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

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to David C. Harrison Post No. 14, Inc., American Legion, to be used in the maintenance of its ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Kent County to the said David C. Harrison Post No. 14, Inc., American Legion, on the first day of May of each year.

Approved February 5, 1951.

CHAPTER 6

APPROPRIATION

DISABLED 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, 1951 and ending June 30, 1953. Five Hundred (\$500.00) Dollars of said sum shall be paid within three months after July 1, 1951 and a like sum of Five Hundred (\$500.00) Dollars shall be paid within three months after July 1, 1952 to the 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 February 13, 1951.

CHAPTER 7

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, 1951 and ending June 30, 1953. Three Thousand Dollars (\$3,000.00) of said sum is hereby appropriated for the year beginning July 1, 1951 and ending June 30, 1952, and Three Thousand Dollars (\$3,000.00) of said sum is hereby appropriated for the year beginning July 1, 1952 and ending June 30, 1953.

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 thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon proper vouchers signed by the State Auditor, 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 February 13, 1951.

CHAPTER 8

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 OFFICERS 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 Dollars (\$12,000.00) be and the same is hereby appropriated, Three Thousand Dollars (\$3,000.00) to the American Legion, Department of Delaware, and Three Thousand Dollars (\$3,000.00) to the Veterans of Foreign Wars, Department of Delaware, for each of the fiscal years beginning July 1, 1951 and July 1, 1952.

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 Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved February 13, 1951.

CHAPTER 9

APPROPRIATION

JOHN M. CLAYTON SCHOOL DISTRICT
DEBT SERVICE ACCOUNT**AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO HONOR CERTAIN PAYMENTS FROM THE DEBT SERVICE ACCOUNT OF THE JOHN M. CLAYTON SCHOOL DISTRICT FOR CURRENT EXPENSES OF SAID SCHOOL DISTRICT.**

WHEREAS, The John M. Clayton School District has paid in full its Debt Service; and

WHEREAS, There remains in the Debt Service Account of the John M. Clayton School District after all of the debt service was paid the sum of \$2,747.69; and

WHEREAS, the voters of the John M. Clayton School District at a referendum voted to continue the old debt service tax for current expense of said school district; NOW, THEREFORE,

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

Section 1. That the State Treasurer of the State of Delaware be, and he is hereby authorized and directed to honor up to the sum of \$2,747.69 expenditures from the debt service account of the John M. Clayton School District for current expenses of said School District.

Section 2. That the said sum so granted, as provided for in Section 1 hereof, shall be used by said School District for current expenses of said School District and shall be paid by the State Treasurer from time to time upon warrants drawn on said fund by the proper officers of the John M. Clayton School District.

Approved February 19, 1951.

CHAPTER 10

APPROPRIATION

SELBYVILLE SCHOOL DISTRICT NO. 32

DEBT SERVICE ACCOUNT

AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO HONOR CERTAIN PAYMENTS FROM THE DEBT SERVICE ACCOUNT OF THE SELBYVILLE SCHOOL DISTRICT NO. 32 FOR CURRENT EXPENSES OF SAID SCHOOL DISTRICT.

WHEREAS, The Selbyville School District No. 32 has paid in full its Debt Service; and

WHEREAS, There remains in the Debt Service Account of the Selbyville School District No. 32 after all of the debt service was paid the sum of \$1,552.42.

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 honor up to the sum of \$1,552.42 expenditures from the debt service account of the Selbyville School District No. 32 for current expenses of said School District.

Section 2. That the said sum so granted, as provided for in Section 1 hereof, shall be used by said School District for current expenses of said School District and shall be paid by the State Treasurer from time to time upon warrants drawn on said fund by the proper officers of the Selbyville School District No. 32.

Approved February 19, 1951.

CHAPTER 11

APPROPRIATION

FIRE COMPANIES

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 does on the first day of June, A. D. 1951, maintain and operate and does continue to 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, 1951, and beginning July 1, 1952, to be used for the maintenance and operation of 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 June A. D. 1951, and does continue to 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 February 19, 1951.

CHAPTER 12

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 Dollars (\$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 for operation expenses for the biennium beginning July 1, 1951 and ending June 30, 1953.

Two Thousand Eight Hundred Dollars (\$2,800.00) of said sum shall be paid within three months after July 1, 1951 and a like sum of Two Thousand Eight Hundred Dollars (\$2,800.00) shall be paid within three months after July 1, 1952.

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 February 19, 1951.

CHAPTER 13

LEWES

EXTENDING POWER OF BOARD OF PUBLIC WORKS

AN ACT TO AMEND CHAPTER 196, VOLUME 22, PART ONE, LAWS OF DELAWARE, BEING AN ACT ESTABLISHING A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES AND DEFINING ITS POWERS, BY EXTENDING TO THE SAID BOARD OF PUBLIC WORKS THE AUTHORITY TO PURCHASE AND HAVE HOUSED AND INSTALLED CERTAIN MACHINERY FOR THE ELECTRIC LIGHT AND POWER PLANT AT LEWES ON CONDITIONAL SALES CONTRACTS, AND TO PLEDGE THE REVENUES FROM THE UTILITY FOR THE PAYMENT OF THE COST THEREOF.

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

Section 1. That Section "3" of Chapter 196, Volume 22, Laws of Delaware, be, and the same is hereby, amended by adding at the end of the aforesaid section the following language:

3 (d). The said Board of Public Works is hereby authorized and empowered at any time in the year 1951, but not thereafter, to purchase such machinery and equipment as it deems presently necessary for the maintenance, replacement, enlargement, alteration, repair, or improvement of the municipal electric light and power plant, at Lewes, and cause the same to be properly housed and installed, either paying for the same at the time of the purchase, or making the purchases by way of what are known as "contracts of conditional sale," of a maximum of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00), giving the sellers the right of repossession, and, further, in the said contracts, or in notes, revenue certificates, or other evidence of debt accompanying the same, the right to collect the purchase price for the said machinery or equipment, together with interest thereon at the agreed rate, by resort to the net revenues from the said utility, but the said contracts of conditional sale and other obliga-

tions made in connection therewith shall not constitute a pledge of the faith and credit of the municipality nor be deemed as a general obligation.

3 (e). That the right of the conditional vendor to repossess machinery and equipment under the contracts of conditional sale above authorized shall continue for the entire term covered by the installment payments called for in the contract and thirty days thereafter, notwithstanding any statute or statutes of limitations which might have terminated that right earlier if this sub-section had not been enacted.

Approved February 28, 1951.

CHAPTER 14

GENERAL PROVISIONS RESPECTING POLICE

OLEOMARGARINE

AN ACT TO AMEND ARTICLE 27 OF CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO PURE FOOD, BY PRESCRIBING THE TERMS AND CONDITIONS UPON WHICH OLEOMARGARINE, EITHER WHITE OR YELLOW IN COLOR, MAY BE MANUFACTURED, SOLD, SERVED IN EATING HOUSES, AND DISPLAYED FOR SALE.

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

Section 1. That Article 27 of Chapter 100 of the Revised Code of Delaware, 1935, relating to Pure Food, be and the same hereby is amended by repealing the whole of 4007, Sec. 112 of said Article and Chapter and by inserting in lieu thereof the following to be known as 4007, Sec. 112:

4007. Sec.112. OLEOMARGARINE; MANUFACTURE OR SALE OF IMITATION OF BUTTER UNLAWFUL; REGULATIONS; VIOLATION A MISDEMEANOR; PENALTY:—No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil or oleaginous substance, or compound thereof, not produced from unadulterated milk, or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream from the same; PROVIDED, that nothing in Sections 112 to 114, inclusive, shall be construed to prohibit the manufacture or sale of oleomargarine, whether yellow or white, in a separate and distinct form in such manner as will advise the consumer of its real character. No oleomargarine shall be sold in open tubs or containers. Every retail dealer in oleomargarine shall exhibit, in conjunction with any display of packaged oleomargarine being offered for sale, a placard with the word "oleomargarine" in plain uncondensed Gothic letters not less

than one inch high. No package of oleomargarine shall contain the word "butter" or any imitation or simulation thereof, or any picture or reproduction of a cow, or any name or simulation of the name of any dairy breed of cattle, or any name or term normally used in the dairy industry. No owner or proprietor of any public eating place shall serve yellow oleomargarine unless a notice that oleomargarine is served, is displayed prominently on the menu or on a placard in clear view of all customers. As used in this act the term "oleomargarine" shall be deemed applicable to the food product known as "margarine" and any requirement herein contained for labeling or display of the word "oleomargarine" shall be deemed sufficiently complied with by the use of the word "margarine." If any person shall violate any provision of this section he shall be deemed guilty of a misdemeanor and shall be punishable in the Court of General Sessions as provided in this Article.

Approved March 8, 1951.

CHAPTER 15

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 the Old Folk's Home at Dover, and for operation for the biennium beginning July 1, 1951 and ending June 30, 1953..

Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) of said sum shall be paid within three months after July 1, 1951 and a like sum of Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) shall be paid within three months after July 1, 1952.

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 9, 1951.

CHAPTER 16

APPROPRIATION

KENT AND SUSSEX FAIR, INCORPORATED

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, 1951 and ending June 30, 1952, and a like sum of Ten Thousand Dollars (\$10,000.00) for the fiscal year beginning July 1, 1952 and ending June 30, 1953. 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 March 9, 1951.

CHAPTER 17

OCCUPATIONAL LICENSES

REDEFINING FINANCE ACCEPTOR

**AN ACT TO AMEND CHAPTER 14, VOLUME 41, LAWS OF
DELAWARE, 1937, RELATING TO OCCUPATIONAL
LICENSES BY REDEFINING FINANCE ACCEPTOR.**

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

Section 1. That Section 5, 195. Sec. 161. of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by striking out the paragraph thereof defining "Finance Acceptor" and by inserting in lieu thereof a new paragraph as follows:

"Finance Acceptor, Twenty-five Dollars (\$25.00). Finance Acceptor shall include every person engaged in the business of lending money on automobiles, radios and other articles of tangible personal property, the title to which is taken as security by the lender and repayments of the loans are made by installments or otherwise, but shall not include, either in reference to future or past transactions, banks or trust companies authorized to do banking business in Delaware under the provisions of Chapter 66, Revised Code of Delaware, 1935, as amended."

Approved March 12, 1951.

CHAPTER 18

WILMINGTON

FIVE DAY WORK WEEK FOR DEPARTMENT OF PUBLIC SAFETY

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, AS IT RELATES TO MEMBERS AND EMPLOYEES OF THE DEPARTMENT OF PUBLIC SAFETY OF "THE MAYOR AND COUNCIL OF WILMINGTON" BY DESIGNATING A FIVE DAY WORK WEEK.

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

Section 1. That 3321. Sec. 197. Chapter 78 of the Revised Code of Delaware, 1935, be, and the same is hereby amended by adding at the end thereof a new paragraph as follows:

The work week of all members and employees of the Department of Public Safety of "The Mayor and Council of Wilmington" shall consist of five days.

Section 2. This Act shall become effective on the First day of July, A. D. 1951.

Section 3. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistencies.

Approved March 15, 1951.

CHAPTER 19

NEW CASTLE

REINCORPORATING CITY OF NEW CASTLE

AN ACT TO REINCORPORATE THE CITY OF NEW CASTLE AND TO REPEAL CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE" AND REPEALING CERTAIN OTHER ACTS CONCERNING THE CITY OF NEW CASTLE INCONSISTENT HERewith RELATING TO THE BOARD OF EDUCATION, ELECTIONS, CITY CLERK, BOARD OF WATER AND LIGHT COMMISSIONERS, SEWERS AND DISPOSAL WORKS.

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

Section 1.—(a) The limits and bounds of the City of New Castle are hereby established and declared to be as follows:

BEGINNING at a point in the center line of Delaware Street extended in a Southeasterly direction, being four hundred and sixty-four feet from the center stone at the intersection of the center lines of Front and Delaware Streets; thence in a Southwesterly direction in a straight line to a point in the center line of South Street extended nine hundred and five feet from the center stone at the intersection of the center lines of South and Pearl Streets; thence in a Southwesterly direction in a straight line to a point in the center line of Johnson Street extended seven hundred and eighty-six feet from the center stone at the intersection of the center lines of Johnson and Fourth Streets; thence Northwesterly along the line of Johnson Street to low water mark; thence by the line of low water mark Southwesterly to the Northeasterly line of Hickman Street extended as laid out on the plot of the City of New Castle; thence Northwesterly along said Northwesterly line of Hickman Street to the Easterly line of the Hamburg or River Road; thence Northerly by the Easterly line of the Hamburg Road to the Northeasterly line of Taylor

Street, as laid out on the plot of the City of New Castle; thence Northwesterly by the Northeasterly line of Taylor Street to the line of the lands of New Castle Common, sometimes known as "The Commons"; and thence along the line of the said New Castle Commons first in a Southeasterly and then in a North-easterly direction to the Southerly line of the New Castle and French Town Turnpike; thence Easterly along the Southerly line of said Turnpike to the Southeasterly line of the continuation of Fourteenth Street extended as laid out on the plot of the City of New Castle; thence Northeasterly by the said Southeasterly line of Fourteenth Street to the intersection of said Fourteenth Street with the Northwesterly line of the right-of-way of the Delaware Railroad Company; thence Northerly along said Northwesterly line of said railroad right-of-way to the intersection of the center line of the main canal or ditch known as the Narrow Dyke; thence Easterly by the center line of said Narrow Dyke to the line between the farm of the heirs of Julian D. Janiver, and the farm of the heirs of Victor duPont; thence following said dividing line between said farms to the Southwesterly side of the public road known as Moore Avenue; thence Southeasterly by the Southwesterly side of said Moore Avenue to the Northeasterly line of the tract known as "Baldton"; thence Northeasterly and crossing Moore Avenue by the line of the said tract "Baldton," to the corner of said tract; thence Southeasterly by the North-easterly line of said tract "Baldton" and continuing the same crossing the public road leading from New Castle to Wilmington to the Easterly line of the said public road; thence Northerly by the Easterly line of the said public road leading from New Castle to Wilmington to the Northeastern line of School District number forty-six; thence Southeasterly by the Northeasterly line of School District number forty-six to low water mark on the Delaware River; thence Southwesterly by the said line of low water mark to North Street extended as laid out on the plot of the City of New Castle; thence Southeasterly along North Street extended to a point seven hundred and nine feet from the center stone at the intersection of the center lines of Market (or Second) and North Streets; thence Southwesterly in a straight line to a point in the center line of Chestnut Street extended eight hundred and twelve feet six inches from the center stone at the intersection of the center lines Chestnut and Market (or Second) Streets; thence Southwesterly in a straight line to the East Corner of the rectangular pier off Truss (or Harmony Street) wharf;

thence along the outer face of said pier to the Southwest corner of the same; thence Southwesterly in a straight line to the South corner of Jefferson's (or Lea's) wharf; thence in a straight line to a point in the center line of Delaware Street, the place of BEGINNING.

(b) The City Council may, at any time hereafter, cause a survey and plot to be made of said City. The said plot or any supplement thereto, shall be approved by the City Council, signed by the Mayor, who shall affix thereto the municipal corporate seal, attested by the Secretary of the Council, and shall be recorded in the Office of the Recorder of Deeds of the State of Delaware, in and for New Castle County. The said plot or supplement thereto, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of Law and Equity of this State.

Section 2.—(a) The inhabitants of the City of New Castle within the limits and boundaries referred to in Section 1 of this Charter, or within the limits and boundaries of said City as the same may hereafter be established, shall continue to be a body politic and corporate by the name, style and title of "The Mayor and Council of New Castle," and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; 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 or 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 or appropriate for the government of the City, its peace 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 and private; may appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of the City and may fix and determine the compensation of such officers and agents.

(b) All actions, suits and proceedings shall be brought in the name of "The Mayor and Council of New Castle."

(c) The enumeration of particular powers by this Charter

shall not be held to be exclusive, or to restrict, in any way, the general powers conferred herein; but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Mayor and Council of New Castle shall have and may exercise all powers which, under the Constitution of the State of Delaware, it shall be competent for this Charter specifically to enumerate. All powers of The Mayor and Council of New Castle, whether expressed or implied, shall be exercised as prescribed by this Charter, or, if the procedure, or a mode of exercise, be not prescribed herein, such power or powers shall be exercised by ordinance or resolution of The Mayor and Council of New Castle.

Section 3.—(a) The government of the City and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in a City Council.

Section 4.—(a) The City Council shall be the executive and legislative body of the City and shall be composed of the Mayor and four Members of Council, each of whom shall be above the age of twenty-one years, a freeholder resident of the City at the time of his election and during his term of office, and shall have resided within the limits of the City for the two years next preceding his election. If the Mayor or any Member of Council shall cease to be a freeholder resident of the City during his term of office, his cessation to be such shall, ipso facto, vacate his office. At the first election to be held under this Charter on the 10th day of April, A. D. 1951, four Members of Council shall be elected of whom the two securing the greatest number of votes shall have a four year term ending with the second succeeding biennial city election and the other two of whom shall have a two year term ending with the next succeeding biennial city election; at every biennial city election held thereafter in accordance with the provisions of Section 6 of this Charter, two members of council shall be elected for the full term of four years each to fill the vacancies caused by expiration of term in the offices of Members of Council.

(b) The Mayor shall be elected at the first election held under this Charter for a term ending at the next succeeding biennial city election and thereafter at each biennial city election held

under the provisions of Section 6 of this Charter for a term of two years.

(c) No one shall be eligible to be elected as Mayor or Members of Council who has not filed as a candidate therefor, as hereinafter provided.

(d) In the case of a vacancy created in any office of Mayor or Member of Council by death, resignation, loss of residence in the City, other disqualifying event, or otherwise, the City Council shall fill such vacancy for the unexpired term.

(e) In all elections for the offices of Mayor and Members of Council, the candidates seeking election to such offices shall run at large in all wards of the City.

(f) The Mayor and Members of Council shall serve as such for their designated terms and until their successors are duly elected and qualified.

(g) The Mayor shall preside at all meetings of the City Council.

(h) City Council shall designate one of its members to act as Mayor in the Mayor's absence, except as otherwise herein provided.

Section 5.—(a) Any person desiring to become a candidate for the office of Mayor or Member of Council shall file with the Secretary of the City Council his name, designating the office for which he seeks to become a candidate at least two weeks before the date on which a municipal election is scheduled to be held, and shall, at the same time, deposit with the said Secretary the sum of Ten Dollars (\$10.00) as a filing fee for use in defraying City Council's expenses of said election.

Section 6.—(a) Biennial municipal elections shall be held on the second Tuesday of April in each year after the General Election for the purpose of electing a Mayor and Members of Council for the terms of office set forth in Section 4 of this Charter.

(b) For the purpose of holding such election, the City of New Castle shall be divided into wards corresponding in number and boundaries with the election districts laid out under the general election laws of the State of Delaware. Each ward shall have one voting place for said election.

(c) The election in each district shall be held under the supervision of an Election Board which shall consist of one (1) Inspector and two (2) Judges of Election. No more than a majority of such Board shall be of the same political party. The Inspector and Judges of Election shall be qualified voters of the City of New Castle and residents of the ward in which they are appointed to serve. Such Boards shall be appointed by the City Council in open meeting at least two weeks before the date for holding such election. Before entering upon their duties, the members of the Election Boards shall swear and subscribe to the following oath before any person authorized by law to administer oaths:

I, _____, a resident of the _____ ward of the City of New Castle, and a person qualified to vote at the municipal election of said City to be held on the _____ day of _____, A. D. _____, do hereby solemnly swear (or affirm) that I will truly and impartially conduct said municipal election in said ward in accordance with law, and that I will cause a true return of said election to be made.

Sworn to (or affirmed) and subscribed before me, the undersigned, an officer authorized by law to administer oaths, this _____ day of _____, A. D. _____.

(Title)

(d) Members of the Election Boards shall be Judges of the Election within their respective wards and shall decide upon the legality of the votes offered. The Election Board shall keep a true and accurate list of all voters voting. It shall have the authority to subpoena persons, and officers of the City and any books, records and papers relative to the determination of the validity of any votes or vote offered. The Election Boards shall

keep a true and accurate list of persons voting and those offering to vote but refused the right to do so. If a majority of an Election Board is of the opinion that a person offering to vote is not qualified so to do, the Election Board shall receive the vote of such person but not count it and shall thereafter return it in a separate package to the City Council with the name of the person who sought to vote such ballot. So far as the same shall not be inconsistent with this Charter, Inspectors and Judges of Election of the City of New Castle shall have the same powers and authority conferred upon Inspectors and Judges of Election under the General Election Laws of the State of Delaware.

(e) The City Council shall determine the places for holding said election in the several wards and shall give notice of the time and places of holding said election by posting notice thereof in at least three of the most public places in each of the wards of the City at least a week before the day on which said election is to be held, and by publishing notice thereof one time at least a week in advance of said day in a newspaper having general circulation in the City of New Castle. On the day of election the Election Boards shall open the polls at 1:00 o'clock in the afternoon and close the same at 7:00 o'clock in the evening.

(f) Upon the closing of the polls as aforesaid, the Members of the Election Boards shall publicly read and count the votes cast and shall certify the result of the canvass of the election to the City Council showing the number of votes cast for each candidate whose name appears on the ballot.

(g) At any municipal election of the City of New Castle every person, male or female, above the age of twenty-one years, who shall have been a resident of the State of Delaware for one year next preceding said election, and who shall have been a resident of the City of New Castle for the three months next preceding said election, shall be entitled to vote in the ward in which he or she resides at the time of said election; provided, however, that no person shall vote whose name does not appear upon the last list of registered voters in the City of New Castle as hereinafter provided. No one voter shall be permitted to vote for more candidates than there are offices to be filled at said election. In voting, the name of the candidate or candidates for whom such voter does not desire to vote shall be crossed out on

the ballot voted. If any ballot be defaced or bear any identifying mark, or if the person voting has attempted to vote for more candidates than there are offices to be filled at said election, said ballot shall not be counted for any candidate for office. Provided, however, that qualifications for voters at the first biennial election held hereunder shall be as provided by Chapter 216, Vol. 27, Laws of Delaware and any person who would have been entitled to vote had this Charter not been enacted, shall be entitled to vote in said first biennial election held hereunder.

(h) The Bureau of Registration of New Castle County shall furnish to the registration officers for the several districts of New Castle Hundred in the year of any General Election, when it furnishes the registration books as now provided by law, two separate and similar books in which the said registration officers shall register all persons who are entitled to be registered who reside in the City of New Castle. One of these registration books for the City of New Castle shall be returned by the registration officers of New Castle Hundred to the Bureau of Registration of New Castle County as the other registration books are returnable, and the other registration book shall be returned to the Secretary of the City Council within thirty days after the last day of registration. The registration officers shall be under the same regulations and liabilities for the registration of the citizens of the City of New Castle as for the general registration for the Hundred. The City Council shall sit as a Board of Registration the third and fourth Tuesday and Wednesday evenings of March of each year in which a city election is to be held, between the hours of seven and nine o'clock for the purpose of adding to the said list of registered voters any unregistered person who shall apply and who shall have, since the last preceding general registration, become qualified as a voter at the City election, and to transfer those registered voters who have moved from one ward to another, and the Secretary of City Council shall place the names of voters so registered or transferred by the Council on the books of registered voters for the several wards. The said registration books so turned over to the Council of New Castle, with the additions and transfers made by the Council as above provided for, shall in every year of election under this Charter be turned over by the Secretary of the City Council on the day of such election to the Election Boards appointed to hold such election.

(i) All ballots cast and all records of the election together with ballot boxes and all unused supplies shall be delivered by the Election Boards to the Secretary of the City Council who shall keep them safely and produce them before the City Council at its next succeeding meeting after the election.

(j) The Members of the Election Boards shall make out and sign four certificates of election showing the total vote cast for all candidates at said election. One such certificate shall be placed in the ballot box and returned with it to the Secretary of the City Council as aforesaid and the three Members of the Election Boards shall each retain one of said certificates.

(k) On the evening following any such election, the City Council shall meet at 8:00 o'clock for the purpose of canvassing said election. All members of the Election Boards shall appear before it at that time and present the certificates of election retained by them. The City Council shall canvass the vote in all wards and after ascertaining which candidates have received the greatest number of votes and have been thereby elected to the various offices, shall make out and sign certificates of election to the successful candidates. The Secretary of City Council shall deliver said certificates to the successful candidates.

(l) The City Council shall supply to the Election Boards all ballots, ballot boxes, paper, pens, oaths, certificates, and other supplies necessary for conducting said election. All ballots shall be printed and contain the names of all persons who have filed as candidates as hereinbefore provided, together with the designation of the office for which he is a candidate. The names of all candidates for the same office shall be listed on the ballot in alphabetical order.

(m) In the event of a tie vote for election to any office, the City Council by a majority of all its members shall determine the tie.

(n) The pay for Inspector or Judge of any municipal election shall be ten dollars (\$10.00) to be paid out of City funds. All expenses of said elections, including rental for polling places shall be paid out of City funds.

Section 7.—(a) As soon as conveniently may be after the delivery to him of his certificate of election by the Secretary of the City Council, the Mayor elect shall take and subscribe on the back of his said certificate of election before an officer authorized to administer oaths in the State of Delaware, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Delaware, and that he will perform the duties of his office with fidelity, and thereupon he shall enter upon the duties of the office of Mayor.

(b) Upon the Tuesday evening next following said election, or as soon thereafter as may be convenient the Mayor and Members of Council, including newly elected Members of Council, shall convene in the Council Chamber at 8:00 o'clock in said evening for the purpose of organizing and transacting such business as may properly come before the City Council. The newly elected Members of Council shall present their certificates of election to the Mayor, who shall thereupon administer to said newly elected Members of Council an oath or affirmation similar to the one taken by the Mayor. The oath shall be subscribed on the back of said certificates of election. The Secretary of City Council shall enter the certificates of election of the Mayor and Members of Council together with their oaths taken and subscribed at large in the Journal of City Council and shall thereafter return said certificates of election.

(c) Upon the taking of the proper oaths, the City Council shall be deemed to have been organized and shall proceed to the transaction of any business which may properly come before it. The said meeting of the Mayor, holdover Members of Council, and newly elected Members of Council shall be called or known as the biennial meeting.

(d) Thereafter, City Council shall hold regular meetings on the first Tuesday in each month.

Special meetings shall be called by the Secretary of City Council upon the request of the Mayor, or upon the written request of any two Members of Council. The notice of the call of a Special Meeting shall state the day, hour and place of the special meeting and the nature of the business to be brought

before it. At least two days' notice of any special meeting shall be given. Any business that could be transacted at any regular meeting may be acted upon at a special meeting.

(e) The City Manager of the City of New Castle shall act as Secretary of City Council and shall perform all duties incident to such office without any additional compensation therefor.

(f) All meetings of City Council shall be public.

(g) At any regular or special meeting, a majority of Members of City Council shall be a quorum to do business, but a less number may adjourn said meetings from time to time. At all meetings of City Council the Mayor and each Member of Council shall have one vote each. Except as hereinafter provided, no ordinance, resolution, or order shall be deemed to have been enacted until it shall have received the affirmative vote of a majority of all members of the City Council. The receipt of such affirmative majority vote shall enact such ordinance, resolution or order.

(h) The City Council shall determine its rules and order of business. The Secretary shall keep a Journal of its proceedings. The yeas and nays of the individual members shall be taken upon the passing of every ordinance, and shall be entered in the Journal together with the full text of the ordinance.

(i) No member of the City Council shall be excused from voting except on matters involving the consideration of his own official conduct, or when his financial interests are involved.

(j) The Secretary shall not have a vote on any matter coming before the City Council.

Section 8.—(a) The City Council is vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of fines and penalties for the violation of any such ordinance; pro-

vided that no fine or penalty shall exceed the sum of One Hundred Dollars (\$100.00) and that no penalty of imprisonment shall exceed thirty (30) days in the New Castle County Workhouse; and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated.

(b) The City Council shall have power to define nuisances and cause their abatement.

(c) The City Council shall have power to adopt ordinances promoting, safeguarding and relating to the health of the population of the City, preventing the introduction or spread of infection or contagious diseases, and abating nuisances detrimental to the public health. The powers given hereunder shall extend to the area outside the City Limits and within one mile from said limit.

(d) The City Council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end it may adopt ordinances prohibiting the use of building materials that in its opinion would create a fire hazard, and may zone or district the City for fire protection purposes and make particular provisions for particular zones or districts. This power shall embrace new buildings or additions to or alterations of existing structures of every kind. The City Council shall have power to condemn any building or structure or portion thereof, that it deems constitutes 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.

(e) The City Council may adopt zoning ordinances limiting and restricting to specified districts, and regulating therein, buildings and structures according to their construction and the nature and extent of their use.

(f) It may adopt ordinances prescribing the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof. It may provide for the issuance of building permits and forbid the construction of a

new building or the addition to or alteration and repair of an existing building unless a building permit has been obtained therefor.

(g) The City Council shall have the right to grant or refuse franchises or licenses to public utilities and common carriers and fix the terms and conditions thereof and to regulate their use of the streets, lanes and alleys of the City.

(h) The City Council may by contract or otherwise direct or provide for the construction, regulation and maintenance of sewers, drains, gutters and other works for the drainage of the City and the disposition of sewage. It may by condemnation proceedings take for sewer purposes, private land, or the right to use private land under the surface thereof, for the laying of sewer mains. It shall have power to make all ordinances, rules and regulations regarding the sewer and sewer system of the City and the use thereof, and may fix fines and penalties for the violation of the provisions of such ordinances. It may require subject to the provisions of Section 9 (c) hereof, any property to be connected with the water and sewer mains and to compel the owner of such property to pay the cost of such connection and the tapping fee or charge therefor. The connecting with the water or sewer and the tapping thereof shall be under the control of City Council.

(i) The City Council shall have power and authority to lay out, locate and open new streets, to widen and alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever it shall deem it for the best interest of the City. It may by condemnation proceedings take over private land for the purposes herein specified. It shall have power to pave, fix the grade of, and improve all roads, streets, squares, parks, lanes and alleys in said City.

(j) The City Council shall have the power to direct and regulate the paving of foot ways and sidewalks, prescribe the width of the same and to direct and regulate the fixing and maintenance of curbs. It may prescribe the extent of steps, porches, cellar doors, awnings, other inlets to buildings, and any other obstruction on said footways and sidewalks.

(k) The City Council shall have the power to provide police protection and to pass such ordinances and make such regulations as may be necessary to protect persons and property and to maintain the public peace and prevent crime.

(l) The City Council shall have the power to provide for supplying the City and its inhabitants with water and to provide for the acquisition or erection of such works and apparatus as may from time to time be necessary or convenient for the same. It shall have the power to provide for the lighting of the City Streets and public places and supplying the inhabitants with light, and to provide for the acquisition or erection of such works and apparatus as may from time to time be necessary or convenient for the same.

(m) The City Council shall have the power to regulate public amusements, to regulate party walls, to regulate the markets, to regulate the storage of explosives or dangerously combustible material and to prevent the running at large of any dog or other animal.

(n) The City Council shall have the power to levy and collect reasonable taxes upon all telephone, telegraph, electric light poles and other erections of like character, erected within the City of New Castle, and may by ordinance prescribe the mode of levying and collecting same. In case any of the owners or lessees of any such poles or erections within said City shall refuse or neglect to pay the taxes that may be levied upon such poles or erections, the City Council shall have authority to cause the same to be removed and may cause to be instituted suit to recover the amount of taxes so levied and the expenses incident to the removal of such poles or erections.

(o) The City Council shall have the power to levy and collect taxes in the manner hereinafter provided and to collect license fees annually of such various amount or amounts as it shall from time to time fix for the privilege of carrying on or practicing any business, profession or occupation within the limits of the City.

(p) The City Council shall have the power to adopt a

health and sanitary code for the City and to provide by ordinance fines and penalties for its enforcement.

(q) The City Council shall have the power to provide for the incineration or other sanitary disposal of litter, debris, refuse, garbage and sewage.

(r) The City Council shall have the power to adopt ordinances regulating the parking of motor and other vehicles within the limits of the City.

(s) The City Council shall have the power to determine the salaries or compensation of all City officers and employees, except the salaries of the Mayor and Members of City Council who shall receive as compensation for their services the sum of One Hundred Dollars (\$100.00) per year.

(t) The City Council in general shall exercise all powers necessary to the proper administration of the municipal government and for the well being of the City and the inhabitants thereof, whether expressly enumerated herein or not, not inconsistent with the Constitution or Laws of this State.

(u) The City Council shall have the power to appoint such advisory commissions as may seem desirable in the creation, development, extension or operation of any utility, or other interest of said City. Such advisory commissions may be appointed for such term as to said Council may seem expedient. Such advisory commission shall act in connection with the City Manager in said projects but shall have no authority to incur any indebtedness without the prior authorization of City Council.

(v) The City Council shall be authorized to enter into contracts for the construction, maintenance, sale or resale of water facilities and for supplying and distributing water throughout all of that territory included within three miles of the corporate limits of the City of New Castle.

Section 9.—(a) The City Council is authorized and empowered to delegate to the City Manager the authority to fix, reset, renew and repair curb stones and gutters, to pave sidewalks, cut gutters and keep them clean and to direct the con-

necting of any house or building accessible to a sewer or water main to connect such house or building with such sewer or water main.

(b) Whenever the City Council determines that any one or all of the matters of sub-section (a) of this section should be done with respect to any property in said City, it shall direct the City Manager to notify the owner or owners of such property to have the necessary work done. In the event such owner or owners shall not comply with such notice for the space of thirty days, or in the event the owner or owners of such property are unknown, the City Manager shall proceed to have the required work done and the expenses thereof shall be a charge owed the City of New Castle, a lien on said property, and collectible in the same manner as taxes, assessments and other charges due the City.

(c) The City Council shall not require that any vacant lot be connected to any sewer or water main, or that any owner or owners of property, or any property bear the expense of paving any footway or sidewalk to a greater breadth than four feet from the curbstone. Nor shall the City Council require the installation of curbing, gutters or sidewalks on any rural property with said City limits which may be carried on the assessment list as "Suburban Land."

Section 10.—(a) In furtherance of the powers hereby granted under this Chapter to the Mayor and Council of New Castle, or any officer, department, or body of the same, the said, the Mayor and Council of New Castle, is hereby granted the power of Eminent Domain, or right of condemnation within the said city limits for the purpose of laying out, widening or vacating streets; installing, altering or renewing sewer or water systems; protecting the public health; establishing public parks; constructing wharves, docks and piers; and in general for public purposes benefiting the residents of the City of New Castle, the furtherance of which requires the acquisition of rights in land by the said City. Condemnation shall be accomplished by the Mayor and Council of New Castle as hereinafter provided.

(b) Whenever the City Council shall determine it is necessary for the condemnation of any land or rights in land within

the City of New Castle for any of the purposes set forth in subsection (a) of this section, it shall by majority vote, adopt a resolution authorizing the condemnation of the desired land or rights in land describing it with particularity by metes and bounds and naming the owner or owners thereof if such be known, or stating that the owners thereof are unknown. The said resolution shall state the opinion of the City Council as to the value of each parcel sought to be condemned, and shall also state a day, hour and place when and where the City Council will sit to hear the objection, if any, of any owner or resident of the city to such condemnation; and to award just compensation to anyone who will be deprived of such property. A copy of such resolution shall be posted in five or more of the most public places in the city and on the land in question, and shall be published at least once a week in a newspaper having general circulation in the City of New Castle until the date of said meeting. A copy of said resolution shall also be mailed to each owner of said property at his last known post office address. The meeting of City Council to hear objections and award just compensation shall not be less than thirty (30) days after the adoption of said resolution, nor less than twenty-five (25) days from the mailing and posting of said copies of the resolution.

(c) At the time and place fixed in said resolution the City Council shall hear such residents of the City or owners of the property affected as shall attend, and shall at said meeting, or at a subsequent meeting, as it shall deem proper, adopt a resolution by a majority vote to proceed with or abandon, as it shall deem for the best interest of the said city, the condemnation of said property as contemplated in the prior resolution. In case the determination of the City Council shall be to proceed with the condemnation, just and reasonable compensation shall be awarded to the owner or owners of said property. If just compensation be awarded, a certified copy of the resolution awarding such compensation shall be mailed by registered mail return receipt requested to the owner or owners of such property at their last known post office address. Awards of just compensation shall be paid by the City Treasurer on a warrant drawn on him by authority of the City Council. If the owner or owners of said land be unknown, the amount awarded as just compensation shall be deposited in a banking institution of the City of New Castle in such a manner as to identify it as the property of the owner or

owners of the property for which it was awarded. Said funds may be withdrawn by such owner or owners upon petition to the City Council upon establishment of ownership.

(d) If anyone whose property is condemned as aforesaid be dissatisfied with the compensation awarded by the City Council, he may within fifteen (15) days after receipt of the certified copy of the said resolution awarding just compensation, apply to the Associate Judge of the State of Delaware resident in New Castle County for the appointment of freeholders to hear and determine the matter of compensation for any property of which he will be deprived as aforesaid. The proceedings before said Associate Judge shall be in conformity with the statutes of the State of Delaware relating to condemnation of property by the State Highway Department, so far as the same may be applicable. Any determination of compensation made shall be paid to such appealing owner in the manner hereinbefore set forth.

(e) Upon the condemnation of land and the acceptance of just compensation by the owner or owners, or the deposit of the amount of just compensation in the case of land the owners of which is unknown, the Secretary of City Council shall record in the office of the Recorder of Deeds at Wilmington a statement of the condemnation proceedings together with a description of the lands condemned.

Section 11.—(a) Annually and prior to the First day of September the City Council shall have the finances of the City and the books and accounts of the Mayor, the City Manager and the City Treasurer audited by a certified public accountant.

(b) As soon as practicable after such audit has been completed, the City Council shall cause to be made and published a report of the City's finances for the preceding fiscal year.

Section 12.—(a) It shall be unlawful for the City Council to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the City of New Castle with any member of the City Council, or with any partnership in which any member of the City Council is a partner, or with any corporation in which any member of the City Council is a director or stockholder, or with any firm or company in which any

member of City Council is pecuniarily interested, except with the unanimous consent of all other members of the City Council. Any contract entered into in violation of this section of the Charter shall be absolutely null and void.

Section 13.—(a) The Mayor of said City, in addition to being a Member of the City Council, is hereby constituted a conservator of the peace within the limits of the City. He is authorized and empowered to exercise within the City all the authority which justices of the peace in and for New Castle County may exercise under the laws of this State, and he is further authorized in all lawful cases of commitment to commit persons guilty of a breach of the peace to the New Castle County Workhouse. He is authorized to cause to be arrested, or to arrest and hold to bail, all persons charged with violation of The Ordinances of The City of New Castle, and to fine and imprison, or either, all persons adjudged guilty of a breach of the ordinances of the City of New Castle. Such power and authority shall be exercised upon complaint duly made under oath, and within hearing of the party accused, and for that purpose the Mayor shall have power to issue the ordinary process for the arrest of parties and for the attendance of witnesses, and the power to punish for contempt now possessed by justices of the peace. Provided, however, that the Mayor shall not have jurisdiction in any civil matter except insofar as such jurisdiction is specifically given him by the terms of this Charter or by any duly adopted ordinance or regulation of the City of New Castle. The Mayor shall not impose any fine in excess of One Hundred Dollars (\$100.00) nor impose any term of imprisonment of longer than thirty (30) days. All fines imposed for violation of city ordinances shall be paid to the Treasurer of the City.

(b) The Mayor shall keep a record of all judicial proceedings had before him in such form as shall be prescribed by the City Council. Process issued by the Mayor shall be similar in form to that prescribed in like cases before justices of the peace, shall run throughout New Castle County, and shall be directed to the Sheriff or any constable of said County, or to any police constable of the City. The cost of the proceedings before the Mayor shall be the same as are provided by law in like proceedings before justices of the peace, and shall be collected from the defendant in case of conviction in addition to any fine imposed, or shall be paid by said defendant before his discharge from im-

prisonment, but the costs may be remitted in the discretion of the Mayor. In case the charge is for violation of a City ordinance and the party so charged is acquitted, the costs shall be paid by the City.

(c) The Mayor may decline to hear any case in which he or a member of his family is personally interested, or he may disqualify himself from hearing any cases during a stated interval of time by giving to Council written notice to that effect, stating the interval of time during which he so chooses to disqualify himself. In either event, the justice of the peace resident in The City of New Castle is empowered and authorized to, and shall, during such disqualification enforce the ordinances of The City of New Castle and exercise the magisterial functions hereinbefore granted to the said Mayor.

Section 14.—(a) At each biennial meeting after a municipal election, the City Council shall elect a City Treasurer to hold office until the next biennial meeting of the City Council, or until his successor has been duly chosen and qualified.

(b) The City Treasurer shall deposit the city funds of which he is custodian in a banking institution designated by the City Council. He shall pay out no money except upon warrant signed by the City Manager and countersigned by a duly authorized member of City Council.

(c) No warrants shall be signed and countersigned, nor honored by the City Treasurer except pursuant to appropriation or resolution theretofore made by the City Council.

(d) The City Treasurer shall keep a true and detailed account of all moneys received and of all moneys paid out by him. He shall preserve all vouchers for moneys paid by him. His books and accounts shall at all times be open to inspection by the City Council or the City Manager. He shall make such reports at such times as shall be directed by the City Council.

(e) The City Treasurer shall be required to give bond in such amount and in such form and with such surety as the City Council shall determine or approve, the cost of which bond shall be borne by the City.

Section 15.—(a) At each biennial meeting of the City Council, the City Council shall select and appoint a City Solicitor to serve as such for two years, or until his successor is duly appointed and qualified. He shall be a member in good standing of the Bar of the State of Delaware practicing in New Castle County. It shall be his duty to be the legal officer of the City, to advise all officers and bodies of the City in the performance of their duties, to perform all legal services customarily performed by general counsel, and to represent the City in all litigation. He shall receive for his services such compensation as shall be fixed by the City Council.

Section 16.—(a) There shall be a Board of Health for the City of New Castle which shall consist of the Mayor, the City Manager, and three additional Members elected for the term of two years, or until their successors are duly qualified, at each biennial meeting of the City Council. At least one of the three additional members shall be a practicing physician, one shall be a licensed plumber and all three of such additional members shall be residents of the City of New Castle.

(b) The Board of Health shall organize as soon as practical after the election of new members by the City Council by the election of a Chairman and a Secretary from among themselves. Thereafter the Board shall meet monthly on the second Thursday of each month.

(c) The Secretary may be allowed for his services reasonable compensation to be fixed by the City Council. No other member of the Board of Health shall receive compensation as such.

(d) The Board of Health shall be vested with all powers and duties prescribed by law for Local Boards of Health and by ordinance of the City of New Castle. It shall have power to adopt and enforce rules and regulations for safeguarding the health of the residents of the city and for enforcing and carrying into effect any law or ordinance relating to public health. Its authority in this respect shall extend one mile beyond the city limits.

Section 17.—(a) The City Council shall appoint a City Manager who shall be the chief administrative officer of the City.

He shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or State, but during his tenure of office he shall reside within the City.

(b) The City Manager shall be appointed and shall be removable by the City Council. Before the City Manager shall be removed, he shall, if he so demands, be given a written statement of the reasons alleged for his removal and shall be given a public hearing thereon at a meeting of the City Council prior to the final vote on the question of his removal. The action of the City Council in suspending or removing the City Manager shall be final. In case of the absence or disability of the City Manager, the City Council may perform or designate some qualified person to perform the duties of the office during such absence or disability.

(c) The City Manager shall receive such compensation for the performance of his duties as shall be fixed by the City Council.

(d) The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in his charge, and to that end, except as otherwise provided herein, he shall have the power to appoint and remove all employees in the administrative service of the affairs of the City under his charge. All such appointments shall be without definite term. Employees appointed by the City Manager, or under his authorization, may be removed by him at any time. The decision of the City Manager in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever.

(e) Neither the City Council, nor any of its committees or members, shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of employees in the administrative service of the affairs of the City under the charge of the City Manager. Except for the purpose of inquiry, the City Council and its members shall deal with that portion of the administrative service for which the City Manager is responsible solely through the City Manager,

and neither the Council nor any member thereof shall give orders to any subordinate of the City under the City Manager either publicly or privately. Any violation of the provisions of this Section by a Member of City Council shall be a misdemeanor under the laws of The State of Delaware, triable by the Court of General Sessions for New Castle County, conviction of which shall immediately forfeit the office of the member so convicted.

(f) It shall be the duty of the City Manager to supervise the administration of the affairs of the City under his charge; to make such recommendations to the City Council concerning the affairs of the City as may seem to him desirable; to keep the City Council advised of the financial conditions and future needs of the City; to prepare and submit to the City Council the annual budget estimate; to prepare and submit to the City Council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the City Council.

(g) The City Manager shall, pursuant to appropriation and resolution of the City Council, sign warrants on the City Treasurer.

(h) The City Manager shall have administrative charge of the light, water, sewer, gas, or other public utility system or plant or plants of the City. He shall have charge of the supervision of streets, gutters, curbs, sidewalks, wharves, and other public administrative affairs of the City and of all work relating thereto. He shall collect or cause to be collected, all taxes, assessments, rentals, license fees, or other charges due the City. He shall have charge of the administration of all provisions of this Charter and ordinances and resolutions of the City Council relating to the affairs of the City, where not otherwise provided for by this Charter, or by any ordinances or resolutions of the City Council.

(i) The City Manager shall keep a full and strict account of all moneys received and all disbursements by him and such account shall, at all times, be open to inspection by Members of City Council. He shall pay over to the City Treasurer, at least monthly, and more often if required by the City Council, all moneys received or collected by him and by any employee under

him. He shall render to the City Council at its monthly meeting a true, accurate and detailed account of all moneys collected or received by him in the performance of his duties.

(j) The City Manager and employees of the City having charge of city funds shall give bond in such amount and with such surety as may be required by the City Council; the cost of said bond or bonds shall be borne by the City.

Section 18.—(a) The City Manager shall appoint a permanent Police Force consisting of a Chief of Police and such other members and subordinates as the City Council shall determine. The Chief of Police and subordinate members of the Police Force shall receive for their services a compensation to be fixed by the City Council.

(b) The Police Force under the direction of the City Manager shall preserve peace and order and compel obedience within the City limits to the ordinances of the City of New Castle and the laws of the State of Delaware, and shall have such other duties as the City Council may by ordinance or resolution from time to time prescribe.

(c) Each member of the Police Force shall be vested, within the city limits and within one mile outside of said limits, with all the powers and authority of any constable in New Castle County and in the case of a pursuit of an offender their power and authority shall be without territorial limitation. Every person sentenced to imprisonment by the Mayor of New Castle shall be delivered by a member of the Police Force to the New Castle County Workhouse, or the lock-up of the City, to be there imprisoned for the term of the sentence.

(d) It shall be the duty of the Police Force to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the city, or the noisy conduct of any person in the same, and upon the view of the above, or upon the view of any violation of any ordinance of the City relating to the peace and good order thereof, the Police Force, or any member thereof, shall have the right, power and duty to arrest without warrant and to take the offender before the Mayor for hearing.

(e) The City Council shall have the power to establish rules and regulations concerning the personal conduct of members of the Police Force. The City Manager shall have the power to enforce such rules and regulations of the Police Force by suspension from duty, loss of pay, or dismissal.

(f) Upon any occasion for which the permanent Police Force is not adequate, the City Manager shall have authority to appoint any number of special police constables with all the authority and duties of a member of the Police Force who shall serve only as long as the occasion requiring their appointment shall continue.

(g) Any person arrested shall be taken, or given a summons to appear, before the Mayor who shall hear and appropriately determine the charge. If any arrest is made at a time when the Mayor is disqualified as hereinbefore provided in Section 13 (c), the offender shall be taken before the Justice of the Peace, resident in the City of New Castle, who shall hear and determine the charge and who for that purpose is vested with all proper authority and power granted by this Charter to the Mayor to hear and determine such charges. In the event neither the Mayor nor the said Justice of the Peace shall be available to hear such charge, the offender may be delivered to the New Castle County Workhouse or to the City Lock-up to be held for such reasonable time as it shall take for the charges against him to be heard and determined, or shall be held to bail to appear before the Mayor or said Justice of the Peace by the senior police officer on duty when said offender is arrested.

Section 19.—(a) The City Manager shall prepare and submit to the City Council at its regular meeting in April of each year a budget, presenting a financial plan for conducting the affairs of the City for the ensuing fiscal year. The budget shall include the following information:

(1) A detailed statement showing the expenses of conducting each department and office of the City for the last preceding fiscal year and showing or estimating such expense for the current fiscal year.

(2) A detailed estimate of the expenses of conducting

each department and office of the City for the ensuing fiscal year with reasons for the increases and decreases recommended.

(3) The value of supplies and materials on hand.

(4) The amount of the debt of the City together with a schedule of maturities of bond issues.

(5) A statement showing the amount required for interest on the City debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

(6) An itemized statement of all anticipated income of the City with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal years.

(7) An estimate of the amount of money to be received from taxes.

(8) Such other information as the City Manager may think desirable or as may be required by the City Council.

(b) The City Council shall, not later than its regular meeting in May of each year, adopt a budget for the succeeding fiscal year. The City Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

(c) The fiscal year of the City shall commence with the First day of July of each year and end with the Thirtieth day of the following June.

Section 20. City Council shall make or cause to be made the assessment for the City and shall each year make a true and impartial list of all the persons, property and estates within the said City, and not by law exempt from taxation, together with the sum or sums of money in dollars at which it shall appear to them that said persons or property ought to be rated and valued. In making such assessment, the rules and exemptions now applicable by law to the making of the County assessment of

persons and properties shall be applicable insofar as consistent with the provisions of this Act. Real estate shall be described with sufficient particularity to be identified, the principal improvements thereon to be specified. Real estate shall be assessed to the owner or owners if known; if the owner or owners cannot be found or ascertained, it may be assessed "Owner Unknown." A mistake in the name of the owner or owners, or a wrong name or the absence of a name, shall not affect the validity of the assessment of the City tax based thereon. Every male resident above the age of twenty-one shall pay a capitation tax of Two Dollars (\$2.00) per year; provided, however, that the Council is authorized to exempt from paying or to refund if paid, any capitation taxes assessed against a resident of the City of New Castle who has served in some branch of the armed forces of the government of the United States between December 7, 1941 and September 1, 1945. The said list of assessment shall be completed and a copy posted by the assessor in the Mayor's office on or before the Twentieth day of May in each year and kept there for a period of at least ten days for the information of and examination by all concerned, and public notice of the posting of the same shall be given.

On the evenings of the first Wednesday, Thursday and Friday in June of each year the City Council shall sit as a Court of Appeals for the hearing of appeals from assessments, with power to alter and correct any assessment in accordance with right and justice, to assess such persons, property and estates as may have been omitted from the list by the assessor, and to increase any assessment on said list which may have been placed at too low a value, provided however that in case of assessing persons, property and estates omitted and increasing assessments, notice shall first be given to the persons interested or some one of them, or their representatives or agents, so that he, she or they may have an opportunity to be heard before the final action. Such notice may be given personally, by mail, or by leaving a copy at the usual place of abode or any of the persons above designated.

The City Council shall then estimate and determine the rate or rates of taxes necessary to raise the sum or sums of money which it has estimated and determined will be necessary for the public use of the City for the year ensuing, and shall thereupon cause

to be compiled a tax list showing the amount owed by each taxable.

It shall be the duty of the City Council when assessing or causing to be assessed the persons and estates in the City to classify the real estate assessed in such manner as to discriminate between the farm land and suburban land in the City and the other property in the City; and for this purpose, it shall be the duty of the City Council to mark in the assessment book opposite the assessment of real estate used for farming, truck farming or agricultural purposes the words "Farm Land" and opposite the assessment of suburban real estate lying apart from and outside of the built up and developed portions of the City the words "Suburban Land." It shall be the duty of the Council in estimating and determining the rates of taxation in the City for each year to levy a rate of tax upon said "Farm Land" and upon said "Suburban Land" equal to one-half of the rates of tax levied upon the other real estate in the City; and the owners of said "Farm Land" and "Suburban Land" shall only be required to pay said half rate of taxes.

The Council of the City of New Castle is hereby vested with the power and authority, in the preparation and making of the annual city assessment of real estate within the City of New Castle for city purposes, to adopt and use the assessment and valuations made by the County Assessment Board of New Castle County of real estate within the City of New Castle, and to order and direct that such County Assessment be used as the assessment and valuations for the City Assessment of all real estate situated within the City of New Castle assessed and taxed for City purposes. There shall be added to such county assessment any taxable real estate within the City not included in the county assessment, and corrections of property or ownership shall be made in accordance with the existing facts. The person or persons making or copying the assessment shall also designate and mark in the assessment book such real estate as is "Farm Land" or "Suburban Land" as hereinbefore provided and directed in this Section.

Section 21.—(a) At its regular meeting in May of each year, the City Council, with the concurrence of three-fifths of all the members, shall estimate and determine the sum or sums of

money necessary to be raised in the City for the public use for the year ensuing, including the sums necessary to be raised for salaries and other City expenses, the maintenance of roads and streets, the payment of interest and principal of bonds that may become due, and all other reasonable and proper expenses of the said City.

(b) In order to definitely provide for a sinking fund for the payment of bonds issued by the City when the same shall become due, it shall be the duty of the Council at its regular meeting in May of each year to estimate and determine the sum necessary to be paid yearly to amortize all such bonds by their maturity date, and the sum so estimated and determined when raised shall be set aside and held as a sinking fund for the payment of said bonds and used for no other purpose. The levy of taxes for said purpose shall be made annually until the payment of all bonds of the municipality has been provided for.

(c) Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any assessment heretofore laid or done or in any way to affect the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due the City under existing laws in reference to the municipality of New Castle and the same are hereby declared to be valid, binding and vested in the Mayor and Council of New Castle.

Section 22.—(a) Subject to the restrictions hereinafter provided, the City Council is authorized and empowered to borrow on the faith and credit of the Mayor and Council of New Castle at such time or times as it may deem proper and necessary, money for municipal purposes and to issue bonds of the Mayor and Council of New Castle therefore, to an amount not exceeding, in the aggregate of all bonds issued and outstanding, five per centum of the assessed value of the real estate in said city. Such bonds shall be issued at such times, in such amounts of such denomination, bearing such rate of interest, in such form, and payable at such time and in such manner, as the City Council by an ordinance passed by vote of four-fifths of all the members shall determine and prescribe. All such bonds shall be signed by the Mayor and the City Treasurer, and sealed with the seal of said City. The City Council is authorized, empowered and directed to levy and collect annually in the same manner as other taxes

for municipal purposes are levied and collected, an amount of tax sufficient to pay all interest on such bonds as the same shall accrue, and to provide for the sinking fund requirements of said bonds.

(b) The City Council in addition to the above authorization is authorized to borrow money and issue bonds therefore up to an amount of twenty percentum of the assessed valuation of the real estate in said City as aforesaid when it shall heretofore have held a special election in the manner provided by the provisions of Section 17 of Chapter 216, Volume 27, Laws of Delaware, entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle," as heretofore amended, and a majority of the legal votes cast at such special election has been ascertained to be in favor of borrowing said amount of money and issuing said bonds or when it shall have held a special election in the manner provided for the holding of municipal elections and a majority of the legal votes cast at such election has been ascertained to be in favor of borrowing said amount of money and issuing said bonds. At every such special election each qualified voter as defined in Section 6 (g) of this Charter shall be entitled to vote.

(c) The provisions of this section of the Charter shall not apply to special bond issues now or hereinafter authorized by special Act of Assembly, except that bonds issued pursuant to any special Act of Assembly shall be included in computing the aggregate bonds issued and outstanding in estimating the amount of bonds that may be issued under this section of the Charter.

Section 23.—(a) The City Manager shall collect, or cause to be collected, the taxes levied by the City Council as shown on the annual tax list.

(b) All taxes levied by the City Council as aforesaid shall be due and payable on the First day of July in the year in which they are assessed and laid.

(c) All taxes assessed and laid upon real estate shall constitute a lien against all such real estate within the City for the period of ten years from the date when such taxes became due and payable, but if such real estate remains the property of the

person or persons who owned it at the time the tax was laid, then the lien shall remain as such until the tax is paid. The interest of a tenant for life shall first be liable for the taxes.

(d) On all taxes paid before the first day of September in the year in which they are due, there shall be an abatement of five per cent; on all taxes paid after the first day of September, and before the first day of December, there shall be an abatement of three per cent; on all taxes not paid by the first day of January, there shall be added one-half of one per cent per month until the same shall be paid.

(e) The City Manager shall pay over to the City Treasurer on the first Monday of each month, or oftener if required by the City Council, all moneys collected by him. He shall report to the Council every month at its regular meeting and at such other times as the City Council may require all payments of taxes made to him and by whom made, the amount of uncollected taxes, the amount of delinquent taxes, and such other information as the City Council may require and need so as at all times to be fully informed as to the condition of the City tax collections. He shall keep a book of receipts and shall furnish every person paying any tax with a receipt showing the date of payment, the amount paid, and the subject matter of the tax. He shall enter every payment immediately in a book to be kept for the purpose so that at all times the City Council and any person interested may be able to know what taxes have been paid and what taxes are unpaid, and in general, he shall diligently attend to the collection of taxes and carry out all reasonable directions and orders of the City Council.

Section 24.—(a) The City Manager may recover or cause to be recovered the amount of any tax assessed against any person, persons or corporation by the City of New Castle in an action of debt before any Justice of the Peace of New Castle County. Said action shall be brought in the name of "The Mayor and Council of New Castle" and shall be brought against the person, persons or corporation against whom the debt is assessed or in case suit is brought for a tax on real estate, then against the owner or owners of said land, provided that if personal service be had upon any one of several owners of land upon which taxes are assessed service need not be had upon the other owner or

owners of said land if a copy of the writ is left with the tenant in possession or posted upon the premises six days before the return of the said processes, provided the amount of taxes due thereon be not more than Five Hundred Dollars (\$500.00). In any such action it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax assessed against the defendant or land owned by the defendant or defendants, together with such description of the land as will be sufficient to identify the same, and the year or years for which said taxes were assessed and laid. The right of appeal in such cases shall be the same as in other civil actions.

(b) If any judgment is rendered against the defendant or defendants in any suit for the collection of taxes due the said City, reasonable fees for council for the City shall be taxed by the Court as a part of the costs, and execution shall issue against the real estate or personal estate of the defendant; provided, no execution against the real estate shall issue except out of the Superior Court of New Castle County. Whenever judgment is recovered before a Justice of the Peace and it is desired to proceed against the real estate of the defendant or defendants, a transcript of said judgment shall be entered in the Superior Court of New Castle County, and thereafter proceedings shall be the same as upon other judgments. The lien of the judgment shall be deemed to relate back and take effect from the date when such taxes were first due and payable, and such lien shall have priority and preference over all other liens or encumbrances against such real estate, although such other lien or liens may be of prior date.

(c) The City Manager may at any time notify the person or corporation by whom any taxable liable for a personal or poll is employed that tax of such employee is due and unpaid and it shall be the duty of such employer to deduct from the wages of such employee and charge the same against him, and if such employer neglect or refuse to comply with such notice within three months from the time of receiving such notice, he shall be personally liable for the taxes of such person so employed by him and the same may be recovered as provided in this section for the recovery of taxes. When such taxes are held by such employer he shall pay the same to the collector of taxes within thirty days thereafter.

Section 25.—(a) The City Manager as an alternative method of collecting any tax, assessment, license fee, warrant, or any other charge due the City from any taxable, and without the necessity of first employing other remedies provided in this Charter, is empowered to sell the lands and tenements of the taxable, the lands and tenements of a taxable alienated subsequent to the levy of the tax, assessment, license fee, warrant, or other charge, or lands and tenements carried on the assignment list as "Owner Unknown."

(b) The City Manager shall file in the office of the Prothonotary of the Superior Court of New Castle County a petition addressed to said Superior Court which shall set forth:

(1) The name of the taxable, assessee, licensee or chargee.

(2) The year or years for which the tax, assessment, license, or other charge was levied.

(3) The rate of tax assessment, license or other charge.

(4) The total amount due.

(5) The date from which the penalty for non-payment, if any, shall commence and the rate of such penalty.

(6) A short description of the lands and tenements proposed to be sold sufficient to identify the same.

(7) A statement that a bill of said tax, assessment, license, or other charge has been mailed to the taxable at his last known post office address, together with a notice to the taxable that he will proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, or other charge due the City, and the date of such mailing, or a statement that the owner of the lands and/or tenements proposed to be sold for taxes is unknown.

(8) A statement that a copy of said notice of intention to sell said lands and tenements was delivered to the tenant in possession of said lands and tenements, or if there

be none that a copy of said notice was posted prominently on said lands, and the date of such delivery or posting.

(c) At least twenty (20) days prior to the filing of any such petition the City Manager shall deposit in the mail, in a sealed and stamped envelope and requiring a return registered mail receipt, addressed to the taxable at his last known post office address, an itemized statement of the tax, assessment, license fee, warrant or other charge due the City, together with all penalties and costs then due thereon, together with a notice to the taxable that he shall proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, warrant or other charge due the City. The City Manager shall attach the return registered mail receipt to the said petition; provided, however, that if the owner of the lands and/or tenements proposed to be sold for taxes is unknown, a copy of said itemized statement and notice shall be served upon the tenant in possession, or if there be no such tenant, prominently posted on the premises at least twenty (20) days prior to the filing of such petition.

(d) The petition shall be filed in the name of the Mayor and Council of New Castle and verified by the City Manager.

(e) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Court and shall endorse upon said record of said petition, the following: "This petition filed the day of, A. D., (giving the day and year), and the City Manager of the City of New Castle shall thereupon proceed to sell the lands and tenements herein mentioned or a sufficient part thereof, for the payment of the amount due," which such endorsement shall be signed by the Prothonotary.

(f) The City Manager shall then proceed to advertise the lands and tenements to be sold by posting handbills in at least five (5) public places of the City of New Castle (one of which shall be posted on the premises) and publishing the notice of sale in a newspaper of general circulation in New Castle County at least once. The notice of sale shall contain the day, hour and place of sale and a short description of the premises sufficient

to identify the same. The notice shall be posted at least ten (10) days before the day fixed for sale and shall be published at least one week before the day of sale.

(g) Each sale of lands and tenements shall be returned to the Superior Court aforesaid, at the ensuing term thereof following the sale. At the return of said sale the Court shall inquire into the circumstances and either approve or set aside the sale. No sale shall be approved by the said Court if the owner be ready at the Court to pay the taxes, assessment, license fee or other charge due the City, together with penalty, interest and costs, if any. If it set aside the sale, another sale may be had and so on until the tax, assessment, license fee or other charge due is collected.

(h) If the sale shall be approved by the Court, then at the expiration of one year from the date of the sale (which shall be known as the redemption year) the City Manager shall make, execute and deliver a deed in the name of The Mayor and Council of New Castle to the purchaser, his heirs or assigns, which shall convey the title of the taxable, assessee, licensee, or chargee or his alienee, as the case may be, provided, however, that within the redemption year, the owner, his heirs or assigns, shall have power to redeem the lands on payment of the costs, the amount of the purchase money and twenty per cent interest thereon to the purchaser, his heirs or assigns. If the purchaser refuses to accept the same or in the event the purchaser, or his heirs and assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns to pay the amount of the redemption to the City Manager of the City of New Castle and, upon taking a good and lawful receipt therefor, such receipt shall be considered for all intents and purposes as a valid and lawful exercise by the owner, his heirs, executors and assigns, of his or their power to redeem the land so sold. The amount so paid to the City Manager shall be deposited in a banking institution of the City of New Castle in a manner by which the fund may be identified.

(i) After satisfying the tax, assessment, license or other charge and the cost and expenses of sale from the proceeds of the sale, the amount remaining in the hands of the City Manager shall be paid at once to the owner of the land. Should the owner

of the land refuse to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in a banking institution in the City of New Castle in a manner by which the fund may be identified.

(j) In said sales of land for the payment of taxes, assessments, licenses or other charges due the City of New Castle, the following costs shall be allowed, which shall be deducted by the City Manager from the proceeds of the sale, or chargeable against the owner; the Prothonotary of the Court shall receive for filing and recording the petition the sum of \$1.00 and also the sum of \$1.50 for filing and recording the Return of Sale; the City Manager shall receive for the account of the City the sum of \$5.00 for every sale of real estate made by him in the exercise of said power for the enforcement of the payment of taxes, together with such additional sum as may be reasonable and proper for the service of the Counsel in preparing such papers as may be necessary in the premises, all of which shall be a part of the costs to be paid out of the purchase money realized out of the sale of said real estate sold for the taxes, assessment, license fee or other charge due the City.

(k) The cost of the deed and recording the same shall not be chargeable as costs but shall be paid by the purchaser.

(l) If the owner of any lands and premises against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale and in the Petition to the Court.

(m) If any person is assessed for several parcels of land and tenements in the same assessment, the total of said taxes, assessments and other charges due the City may be collected from the sale of any part or portion of said lands and tenements; provided, that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

Section 26. Any power or duty herein granted to or charged upon the City Manager shall, pending his appointment or in his absence or disqualification, be exercised or performed under the direction of the City Council.

Section 27.—(a) This act shall operate to repeal Chapter 216, Volume 27, Laws of Delaware, as amended, entitled "An Act amending, revising and consolidating the Charter of the City of New Castle"; Chapter 54, Volume 15, Laws of Delaware, as amended, entitled "An Act to establish a Board of Education for the City of New Castle, and to incorporate the same, and for other purposes"; Chapter 209, Volume 26, Laws of Delaware, as amended, entitled "An Act in reference to elections in the City of New Castle"; Chapter 134, Volume 28, Laws of Delaware, as amended, entitled "An Act altering and revising the Charter of the City of New Castle by creating the office of City Clerk and designating his duties"; Chapter 121, Volume 32, Laws of Delaware, as amended, entitled "An Act to Establish a Board of Water and Light Commissioners for the City of New Castle"; Chapter 121, Volume 35, Laws of Delaware, as amended, 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"; and Chapter 160, Volume 41, Laws of Delaware, as amended, entitled "An Act to Authorize the City of New Castle to Retire the City Clerk of Said City on Pension after 20 Years of Service."

(b) Notwithstanding the foregoing, all ordinances of the City of New Castle heretofore lawfully enacted or adopted and now in force in pursuance of any law of the State, shall continue in force until repealed, altered or amended by the Mayor and Council of said City; all Acts and doings of "The Mayor and Council of New Castle," the Board of Water and Light Commissioners of New Castle, the Sewer Commission of New Castle or of the Council or any officer of said City lawfully done and performed under the provisions of any law of the State or of any ordinances of said City are hereby ratified and confirmed; all debts, fines, penalties and forfeitures due to the said City and all debts due from said City to any person or persons, or corporation are declared to be unaffected and unimpaired by this Act, and all laws for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged; all powers and remedies now conferred by law for the collection and enforcement of all taxes in said City heretofore assessed and levied and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; the official bonds

of any employees or officials of the said City, the Board of Water and Light Commissioners or the Sewer Commission heretofore given shall not be affected or the remedy thereon impaired by this Act, and they and each of them, and their surety or sureties shall be and continue liable for any default or breaches of any of the conditions of said respective bonds; all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt to the said City, to the Board of Water and Light Commissioners and to the Sewer Commission upon any bond or obligation or under any law or ordinance shall not be affected or impaired by this Act, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged; all valid special Acts heretofore passed authorizing the borrowing of money and the issuing of bonds on the credit of said City shall be and remain valid and good as heretofore and be unaffected and unimpaired by this Act.

Section 28.—(a) This Act to Re-incorporate the City of New Castle, or any section or provision thereof, shall not take effect or be deemed to have changed or altered in any respect whatever any existing law or laws of the State of Delaware until it shall have been determined at a Referendum Election that a majority of the legal votes cast thereat are in favor of accepting this Act.

(b) The date, time and place of said referendum election shall be fixed by resolution of the Council of the Mayor and Council of New Castle and copies thereof shall be posted in at least five public places in the City of New Castle not less than five days prior to the date of said referendum election.

(c) Voting at said referendum election shall be by ballot, of such form as the said Council shall prescribe, and each resident of the City of New Castle qualified to vote as a citizen of the City of New Castle in the last preceding general election shall be entitled to cast one vote at said referendum election. Such records or copies thereof of the Bureau of Registration for New Castle County as shall be necessary to determine the qualifications of voters shall be made available to the Council of the Mayor and Council of New Castle upon its request therefor.

(d) The Council of the Mayor and Council of New Castle shall appoint three persons to hold said referendum election, each

of whom shall take the same oath required of election officials at the last preceding biennial election in the City of New Castle and each of whom, upon the completion of the counting and tabulation of votes cast at said referendum election, shall subscribe a return setting forth the number of votes cast for and against the acceptance of this Act, which return shall be presented to the said Council on the day following said referendum election.

(e) In the event of a tie vote, the Council of the Mayor and Council of New Castle shall determine the tie by a majority vote.

(f) If a majority of votes cast at any such referendum election shall be in favor of the acceptance of this Act, the Council of the Mayor and Council of New Castle shall make or cause a written certificate to that effect to be recorded in the office of the Recorder of Deeds in and for New Castle County and such certificate, or the record thereof, or a duly certified copy of such record, shall be evidence in all courts of law or equity in this state of the facts therein set forth.

(g) If the acceptance of this Act should not be approved by a majority of the votes cast at said referendum election, the Council of the Mayor and Council of New Castle shall be and it is hereby authorized and empowered to call a further election or elections at any time thereafter in like manner and for said purpose, provided that a majority of said Council shall vote so to do and that no two such elections shall be less than one year apart.

Section 29. This Act after its passage by the General Assembly of Delaware, approval by the Governor of Delaware and acceptance at a referendum election as hereinbefore provided shall become effective on the fourth day of April, A. D. 1951, or one month following its acceptance at a referendum election, whichever date shall first occur.

Approved March 22, 1951.

CHAPTER 20

ELSMERE

AN ACT TO AMEND CHAPTER 117, VOLUME 32, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND AN ACT TO INCORPORATE THE TOWN OF ELSMERE, NEW CASTLE COUNTY, BY CHANGING THE HOURS AND METHODS OF VOTING IN TOWN ELECTIONS, AND BY PROVIDING FOR MORE THAN ONE POLLING PLACE FOR TOWN ELECTIONS."

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

Section 1. That Chapter 117 of Volume 32, Laws of Delaware, entitled "An Act to Amend An Act to Incorporate the Town of Elsmere, New Castle County" be and the same is hereby amended by striking out that portion of the first paragraph of Section 4 thereof following the third sentence of the said Section 4 and inserting in lieu thereof, the following:

"Section 4. Said election shall be held from eight o'clock in the morning until seven o'clock in the afternoon, at such place or places as shall be determined and fixed by the Town Commissioners. At least ten days previous to such election due notice thereof, and of the time and place or places thereof, shall be given by the said Commissioners. At all such elections the votes shall be received at each polling place by three qualified voters of said Town appointed by the said Commissioners at any regular or special meeting of said Commissioners held in the month preceding said election. One of the said persons so appointed for each polling place shall be designated as the Inspector and the other two as the Judges of Election, and the three in each polling place shall be known as Officers of Election, and no such person shall be a candidate for any office at any such election while acting as such officer of election. The result of the balloting at each polling place for said officers of said Town shall be ascertained by the said Officers of Election."

Section 2. That Chapter 117 of Volume 32, Laws of Delaware, entitled "An Act to Amend An Act to Incorporate the Town of Elsmere, New Castle County" be and the same is hereby amended by striking out the fourth and fifth paragraphs of Section 5 of said Chapter and inserting in lieu thereof the following:

"Section 5. Not less than five days prior to the date for holding such election the Town Commissioners shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately above or below each group of names, instructions as to how many to vote for, for instance 'Vote for One' or 'Vote for Two' or as many as the voter shall be entitled to vote for in any particular case. A box shall be printed in front of the name of each candidate appearing on the ballot, and the voters shall designate their choice of candidates to be voted for by placing an X in the box in front of the name of each candidate for whom it is desired to vote, provided, however, that no elector at any such election shall be allowed to vote for more candidates for any particular office (but may vote for less) than the number to be elected at said election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. The form of ballot shall be substantially as follows:

OFFICIAL BALLOT

FOR ALDERMAN

(Vote for One)

- ☐ _____
- ☐ _____
- ☐ _____

FOR COMMISSIONERS (Vote for Two—or Three)

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

FOR TREASURER

(Vote for One)

- ☐ _____
- ☐ _____
- ☐ _____

FOR ASSESSOR

(Vote for One)

- ☐ _____
- ☐ _____
- ☐ _____

The method of voting shall be by placing an X, with pencil or black crayon, in the block in front of the name of the candidate to be voted for."

Approved March 22, 1951.

CHAPTER 21

CITIES AND TOWNS

REPEAL OF ACT REQUIRING CERTAIN UNIFORM FIRE
EQUIPMENT IN THE TOWNS OF THE STATE

**AN ACT TO REPEAL CHAPTER 128 OF VOLUME 30, LAWS
OF DELAWARE, 1919, ENTITLED "AN ACT REQUIRING
CERTAIN UNIFORM FIRE EQUIPMENT IN THE TOWNS
OF THIS STATE."**

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

Section 1. That Chapter 128 of Volume 30, Laws of Delaware, 1919, be and the same is hereby repealed.

Approved March 29, 1951.

CHAPTER 22

APPROPRIATION

UNITED SPANISH WAR VETERANS
DEPARTMENT OF DELAWARE**AN ACT APPROPRIATING MONEY TO THE UNITED SPANISH WAR VETERANS, DEPARTMENT OF DELAWARE.**

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

Section 1. That the sum of One Thousand Dollars (\$1,000.00) be and the same is hereby appropriated to the United Spanish War Veterans, Department of Delaware, for the biennium beginning July 1, 1951 and ending June 30, 1953 for operation expenses. Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1951 and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1952, 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 29, 1951.

CHAPTER 23

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, 1951 and ending June 30, 1953, for salaries, wages and for operation.

Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1951, and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1952.

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 29, 1951.

CHAPTER 24

WORKMEN'S COMPENSATION LAW

RELATING TO DEPOSIT OF CERTAIN BONDS WITH
INSURANCE COMMISSIONER

AN ACT TO AMEND CHAPTER 175, REVISED CODE OF DELAWARE, 1935, ENTITLED "DELAWARE WORKMEN'S COMPENSATION LAW," AS AMENDED BY CHAPTER 174, VOLUME 47, LAWS OF DELAWARE, 1949, IN RELATION TO THE DEPOSIT OF BONDS WITH THE INSURANCE COMMISSIONER TO SECURE THE PAYMENT OF COMPENSATION LIABILITIES.

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, Revised Code of Delaware, 1935, as amended by Chapter 174, Volume 47, Laws of Delaware, 1949, be and the same is hereby further amended by striking out the last sentence at the end of the first paragraph thereof, and substituting in lieu thereof a new sentence 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 deposited with the Insurance Commissioner of the State of Delaware.

Approved March 29, 1951.

CHAPTER 25

AUTHORIZING PROTHONOTARY OF KENT COUNTY TO CHANGE
BEGINNING PERIOD OF NEW INDICES, AND TO OMIT
CERTAIN JUDGMENTS.

**AN ACT TO AMEND CHAPTER 122 OF VOLUME 47, LAWS OF
DELAWARE, 1949, ENTITLED "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" BY CHANGING THE BEGINNING OF THE
PERIOD OF THE NEW INDICES FROM THE FEBRUARY
TERM, A.D. 1900 TO THE FIRST DAY OF JANUARY, A.D.
1900, BY PROVIDING FOR A REVERSE INDICES ONLY;
AND BY MAKING PROVISION FOR OMITTING CERTAIN
JUDGMENTS FROM SAID INDICES.**

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

Section 1. That Sec. 1 of Chapter 122 of Volume 47, Laws of Delaware, 1949, be and the same is hereby amended to read as follows:

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 a complete reverse indices of all the unsatisfied judgments entered in said Superior Court from the First day of January, A. D. 1900 to the present time, except as hereinafter provided. In making said indices, he shall use the Campbell system of indexing, and the record of said judgments shall be examined to ascertain the satisfaction of all said judgments. Any and all of said judgments satisfied by the Plaintiff, an attorney of the Bar of the State of Delaware or any officer of a Plaintiff corporation, whether or not attested by the said Prothonotary or any credible person, prior to the year 1937, shall be omitted from the new indices provided for in this Act. Any and all satisfactions of said judgments attested by the said Prothonotary or by any credible person prior to the year 1937 shall be omitted from the new indices provided for in this Act. The Prothonotary is authorized to procure such

books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Kent County.

Approved March 29, 1951.

CHAPTER 26

APPROPRIATION

FOR GENERAL EXPENSES OF NEW CASTLE
TERCENTENARY COMMISSION**AN ACT MAKING AN APPROPRIATION FOR THE GENERAL
EXPENSES OF THE NEW CASTLE TERCENTENARY
COMMISSION.**

WHEREAS, the 115th Session of the General Assembly of the State of Delaware by Act provided for a State Commission to prepare plans for a fitting Celebration on the occasion of the Tercentenary of the first Permanent Dutch Settlement in Delaware (at New Castle); and

WHEREAS, the Commission has prepared such plans with the co-operation of many citizens of this State, of the Library of Congress of the United States and other national associations and agencies, of the Netherlands Embassy at Washington and of other agencies representing the Dutch Government and Dutch people; and

WHEREAS, it is desirable and necessary that a general appropriation should be made for the payment of the expenses of the Commemoration of the Three Hundredth Anniversary of the establishment by the Dutch in Delaware of the first measures of self-government; and the founding of New Castle which was to become the Colonial Capital and the first Capital of the First State, 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 Thousand Dollars (\$30,000.00) be and the same is hereby appropriated out of the General Fund of the State of Delaware for defraying the expenses of the Celebration of the Three Hundredth Anniversary of Dutch settlement at New Castle in the State of Delaware, and the preparations therefor required to be executed by the said Commission.

Section 2. That the sum of Thirty Thousand Dollars (\$30,000.00) so appropriated, shall be paid by the State Treasurer from the General Fund, from time to time to the "New Castle Tercentenary Commission" upon properly executed standard invoice forms signed by the President and Secretary of the Commission.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated. The money appropriated as aforesaid shall become immediately available upon the approval of this Act.

Approved March 30, 1951.

CHAPTER 27
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, 1951 and ending June 30, 1953. One Thousand Dollars (\$1,000.00) of said sum shall be available for the fiscal year ending June 30, 1952 and a like sum of One Thousand Dollars (\$1,000.00) shall be available during the fiscal year ending June 30, 1953. 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 April 13, 1951.

CHAPTER 28

APPROPRIATION

STATE BOARD OF AGRICULTURE
FOR ANTI-HOG CHOLERA SERUM AND VIRUS**AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE TO BE USED FOR ANTI-HOG CHOLERA SERUM AND VIRUS UNDER THE PROVISIONS OF ARTICLE 6, CHAPTER 21, REVISED CODE OF DELAWARE, 1935.**

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

Section 1. That the sum of Eight 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 Four Thousand Dollars shall be for the fiscal year beginning July 1, 1951 and ending June 30, 1952, and the remaining sum of Four Thousand Dollars shall be for the fiscal year beginning July 1, 1952 and ending June 30, 1953.

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 April 13, 1951.

CHAPTER 29

SUSSEX COUNTY LEVY COURT

APPROPRIATION FOR CONTROL OF DISEASES OF HOGS

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, 1951 and ending June 30, 1952, and beginning July 1, 1952 and ending June 30, 1953, 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 April 13, 1951.

CHAPTER 30

STATE BOARD OF AGRICULTURE

RELATING TO BANG'S DISEASE AND THE MOVEMENT
OF CATTLE NOT VACCINATED

**AN ACT TO AMEND CHAPTER 21, 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, as amended by Chapter 355, Volume 47, Laws of Delaware, 1949, 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 "July 1, 1951" and by inserting and enacting in lieu thereof the word and figures "July 1, 1953."

Approved April 13, 1951.

CHAPTER 31

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, 1951, and ending June 30, 1952, and beginning July 1, 1952, and ending June 30, 1953, 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 April 13, 1951.

CHAPTER 32

MIDDLETOWN

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MIDDLETOWN," BEING CHAPTER 128, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, TO PROVIDE FOR PAVING OR REPAIRING OF SIDEWALKS AND CURBS AND TO ORDER CONNECTION WITH WATER MAIN OR SEWER MAIN IN THE TOWN OF MIDDLETOWN AND TO PROVIDE FOR THE COLLECTION OF COSTS THEREOF FROM OWNERS OF THE LAND ABUTTING AND TO PROVIDE THAT THE COSTS THEREOF WHEN DONE BY THE TOWN OF MIDDLETOWN SHALL BE A LIEN ON THE PROPERTY, RECOVERABLE BY THE SALE OF LANDS AND PREMISES AFFECTED AS A SPECIAL ASSESSMENT.

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 all of Section 10, Chapter 128, Volume 33, Laws of Delaware, entitled "An Act to Reincorporate the Town of Middletown," as amended, be and the same is hereby amended by striking out all paragraphs of Section 10 thereof, and inserting in lieu thereof the following paragraphs to be designated as Section 10 thereof:

"Section 10. Whenever Council shall deem it expedient and needful for the public good and convenience that any sidewalk within said Town should be paved, or that any pavement should be repaired or relaid, or that any curbing should be laid or reset or repaired, it shall issue a written order to the person or persons owning the land thereunder, or abutting thereon, if known, requiring him or them to pave such sidewalk or curb, or to repair or relay such sidewalk, pavement or curb, or to reset or repair such curbing.

"The length and width of all pavements and curbs, and the material out of which the same shall be constructed, shall be

prescribed by Council, but no person shall be obligated to pave any sidewalk binding and abutting a vacant lot or lot not adjoining or near a dwelling house to a greater width than four feet.

"If such owner or owners shall neglect or refuse to pave the sidewalk, or to relay or repair the same, or to set, reset or repair the curbing in such order mentioned and described, for the space of twenty days after the day fixed in said order for the completion thereof, he or they shall forfeit and pay to the 'Mayor and Council of Middletown' for the use of said town the sum of Five Dollars (\$5.00) for each and every day thereafter (not to exceed twenty days) while such sidewalk remains unpaved or while such pavement or curb remains unlaaid or unrepaired, and thereupon it shall be lawful for the Council to cause such sidewalk, paving or curbing to be laid or repaired, or reset, as the case may be, the costs thereof, together with the penalty hereinabove described, together with interest at six per centum per annum from the date of the completion of said improvements shall be a lien on the lands and improvements before, along, in front, or adjoining which said work was done and relate back to the day when Council first caused said pavement or curbing to be laid or repaired, or reset, as the case may be, and the same shall be collected by Council in the same manner in which taxes are now or hereafter may be collected by the sale of said lands and improvements, provided, nevertheless, that if said Council shall cause a judgment to be entered on said lien in the office of the Prothonotary of the Superior Court in and for New Castle County within thirty days after the completion of said improvements as is now or may hereafter be provided for the collection of taxes for the Town of Middletown, then and in that event such lien and judgment shall have priority over any lien, encumbrance or conveyance of or against said lands and premises.

"The Council shall have like power and it is hereby authorized to order and direct, by like notice and in like manner, the owner or owners, if known, of any lands situate on any street in said Town, where there is, or may hereafter be, a water main or sewer main, to tap the same and connect said water or sewer main by pipe or proper drain with the lands and buildings, so situate on said street; and if he or they shall neglect or refuse so to do for the space of twenty days, as aforesaid, he or they shall

be liable to the same penalty as above prescribed and the said Council shall cause the same to be done, and the Mayor and Council of Middletown shall recover the costs together with like penalty and interest in the same manner and under like proceedings as hereinabove prescribed for the recovery of the costs and penalty and interest for default in laying or repairing, pavements or curbs, and the said costs, penalty and interest shall be a lien on said premises as hereinabove prescribed, recoverable as aforesaid.

"If there be more than one owner of any one of the lands and premises effected by the paving, repaving, curbing, recurbing or repairing, or resetting same, or tapping of water or sewer mains, notice to one shall be deemed notice to all persons having any right, title and interest of whatsoever nature in and to said lands and premises; if the owners or owner of said lands and premises are not known to said Council, or if there is no person known to said Council who has any right, title and interest of whatsoever kind and nature in and to said lands and premises, then and in that event, Council shall not be required to issue the written order herein prescribed, but Council shall cause a like notice to be posted on the premises which are to be paved, curbed, repaired, reset, or relaid, as the case may be, or to be connected with the water main or sewer main, as the case may be, for a period of twenty days, after which, if such work has not been begun by the owner or owners or any person having right, title and interest in and to said lands and premises, then and in that event, it shall be lawful for Council to cause such work to be done, and the costs together with penalty above prescribed, with interest thereon, shall be a lien on said lands and premises as hereinabove provided and shall be recovered by the sale of said lands and improvements abutting thereon as herein provided.

"It is hereby specifically provided that any lien recovered as hereinabove provided shall be a lien in rem, and shall constitute a special assessment against said lands and premises affected.

"In case of the sale of any land, premises and improvements under this section, the purchaser or purchasers of the same shall not be required to inquire into the regularity of the acts or pro-

ceedings of the Council or of any official or officials of the Mayor and Council of Middletown in complying with the detailed provisions of this section; the entry of judgment on the lien in the office of the Prothonotary of the Superior Court in and for New Castle County as aforesaid shall be conclusive, and the regularity of the proceedings for perfecting the lien or judgment shall not thereafter be inquired into by any court or proceeding."

Approved April 13, 1951.

CHAPTER 33

LAUREL

AN ACT PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE TOWN OF LAUREL FOR THE PURPOSE OF ELECTING A MAYOR AND CERTAIN MEMBERS OF THE COUNCIL OF THE TOWN.

WHEREAS, by the Charter of the Town of Laurel as enacted and established by Section 59 of Chapter 164, Volume 29, Laws of Delaware, the second Tuesday in March was designated as the day for the biennial Municipal Election for the election of a Mayor and members of the Council of the Town of Laurel; and

WHEREAS, it appears by Sections 2 and 3 of Chapter 65, Volume 47, Laws of Delaware, that the first Tuesday in March in the year 1951 has been designated as the day of the General Municipal Election; and

WHEREAS, through misunderstanding the general Municipal Election in the Town of Laurel for the year 1951 was not prepared for and held on the first Tuesday in March, and doubt and confusion have arisen as to the legality of a general Municipal Election to be held on the second Tuesday in March in 1951; NOW, THEREFORE,

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

Section 1. That the terms of office of the Mayor of the Town of Laurel and of such members of the Council of the Town whose terms of office expire on the first day of April, 1951, as provided by Section 8 of Chapter 164, Volume 29, Laws of Delaware, and the term of office of the councilman-at-large expiring on the first Tuesday in March, 1951, as provided, by Section 3, Chapter 65, Volume 47, Laws of Delaware, are extended until their respective successors are duly elected, or appointed, qualified and installed in office as hereinafter provided; and Mayor and Council of Laurel as thus established shall have all the power

and authority for the transaction of the municipal business and affairs as provided for in the Charter of the Town of Laurel and the several amendments thereto.

Section 2. That Mayor and Council of Laurel, as presently constituted, shall cause a special Municipal Election to be held in said Town on the first Tuesday in May, 1951, between the hours of twelve o'clock noon and six o'clock in the afternoon, Eastern Standard Time or Eastern Daylight Time, whichever shall be in effect on the day of the Election, for the election of a Mayor and such members of the Council whose terms of office shall have expired on the first day of April, 1951, and on the first Tuesday in March, 1951, as aforesaid.

Notice of the Election shall be given in a newspaper published in the Town of Laurel in at least two consecutive issues, and by handbills posted at no less than ten public places in the Town of Laurel at least two weeks before the first Tuesday in May, 1951.

The notices shall contain the day on which the Election shall be held, the place of the Election, the hours of voting, the offices to be filled and the term of the respective offices, and such other information as may be deemed necessary or desirable.

The Election shall be held in accordance with the provisions of Section 59, Chapter 164, Volume 29, Laws of Delaware, except that the polls shall be open between the hours of twelve o'clock noon and six o'clock in the afternoon, when the same shall be closed.

Section 3. That every candidate for the office of Mayor, or someone on his behalf, shall at least ten days before the first Tuesday in May, 1951, file with the Town Clerk nomination papers for the office signed by at least thirty of the qualified voters of the Town, and no signature shall be counted as valid if it shall be upon the nomination papers of more than one candidate for the office; and in like manner, and subject to the same requirements, every candidate for the office of Council from a Ward of the Town, or someone on his behalf, shall at least ten days before the day of the Election as aforesaid, file with the Town Clerk nomination papers for said office signed by at least

fifteen of the qualified voters of the respective Ward; or, if the candidate be for the office of councilman-at-large, the said papers shall be signed by at least twenty of the qualified voters of the Town of Laurel.

Section 4. That if more than one person residing in the same Ward of the Town shall become candidates for the office of councilman-at-large, the qualified voters of the Town shall be entitled to vote for only one of the candidates, so that no one Ward of the Town shall be represented by more than two councilmen as provided by Chapter 65, Volume 47, Laws of Delaware. The number or numbers of the Ward in which said candidates shall live shall be designated on the ballots, which shall contain a direction, plainly printed, to vote for one of the candidates only, and also a proper direction to indicate the choice of the voters. A ballot containing the names of more than one of said candidates as having been voted for for said office shall not be counted for either of said candidates for councilman-at-large.

Section 5. A list of all persons whose personal or capitation taxes are unpaid shall be posted in the office of the Town Clerk fifteen days before the day of the Election to be held on the first Tuesday in May, 1951, and all persons against whom the said taxes have been levied and whose personal or capitation tax shall remain unpaid ten days before the day of the Election as aforesaid shall be ineligible to vote at said Election.

Section 6. Upon the closing of the polls the officers conducting the Election in conformity with the Charter of the Town of Laurel shall publicly count the ballots cast thereat, and each candidate who shall have received a plurality of the votes cast for the respective office shall be declared to be elected. A Certificate of Election duly signed by the officers conducting the Election shall be delivered to the Mayor and Council of Laurel to be entered in the official minutes of the corporation. The Certificate of Election shall state the name of the office and the expiration date which shall be on the first Tuesday in April of the proper year of termination.

Section 7. Persons elected to the office of Mayor and to the Council of the Town of Laurel at the said Special Election as

provided for herein, shall assume their respective offices on the first Tuesday in June, 1951, at which time the Mayor and members of the Council shall organize.

Section 8. The provisions of this Act shall apply only to the Special Election provided for herein.

Section 9. Except as herein otherwise provided, all of the provisions of the Charter of the Town of Laurel and of the several amendments thereto shall remain in full force and effect, and all acts and transactions of Mayor and Council of Laurel hertofore done and performed, and to be done and performed until the organization of the Council on the first Tuesday in June, 1951, are hereby ratified and confirmed.

Approved April 13, 1951.

CHAPTER 34

CONSTITUTIONAL AMENDMENT

RELATING TO JUDICIARY APPOINTMENTS TO BE CONFIRMED
BY THE SENATE

AN ACT AGREEING TO THE PROPOSED 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.

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

"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 Members elected to each branch thereof agreeing thereto):

"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."

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 Fifteenth 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 1950, 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 April 17, 1951.

CHAPTER 35

GEORGETOWN

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE TOWN OF GEORGETOWN," BEING CHAPTER 166, VOLUME 43, AS AMENDED BY CHAPTER 155, VOLUME 46, LAWS OF DELAWARE, BY AUTHORIZING THE TOWN COUNCIL OF GEORGETOWN TO RAISE BY TAXATION A SUM NOT IN EXCESS OF FIFTY THOUSAND DOLLARS (\$50,000.00) YEARLY TO CARRY ON THE GOVERNMENT OF THE TOWN AND DEFRAY THE EXPENSES THEREOF.

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 Section 12 of Chapter 166, Volume 43, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the ninth paragraph appearing in said Section and by inserting in lieu thereof the following new paragraph:

"In furtherance and not in limitation of any existing Act empowering the Town Council to raise money by taxation, the Council shall have power and authority to raise by taxation a sum not exceeding Fifty Thousand Dollars (\$50,000.00) yearly to carry on the government of the Town and defray the expenses thereof, in addition to the amount raised by sewer rentals as hereinafter provided."

Approved April 18, 1951.

CHAPTER 36

LAUREL

AN ACT TO AMEND CHAPTER 164, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL, BY INCREASING THE SALARY OF MEMBERS OF THE COUNCIL."

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

Section 1. That Section 10 of Chapter 164, Volume 36, Laws of Delaware, as amended, be amended by striking out all of said Section 10, and substituting therefor the following:

Section 10. The salary of each member of Council shall be fifty dollars (\$50.00) annually.

Section 2. This Act shall become effective on and after the annual Town Election held in the year A. D. 1953.

Approved April 18, 1951.

CHAPTER 37

GEORGETOWN

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT, AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE TOWN OF GEORGETOWN," BEING CHAPTER 166, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY AUTHORIZING AN INCREASE IN THE ABATEMENT OF TAXES AND BY AUTHORIZING A CERTAIN PENALTY FOR NON-PAYMENT OF TAXES AFTER THE THIRTY-FIRST DAY OF MAY OF EACH YEAR.

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 paragraph 4 of Section 12 of Chapter 166, Volume 43, Laws of Delaware as amended, be and the same is hereby further amended by striking out the said fourth (4th) paragraph appearing in said section and by inserting in lieu thereof a new paragraph as follows:

After the Council has ascertained the sum necessary to be raised in the said Town for the purpose of this Act, and has apportioned the same on the assessment valuation as aforesaid, it shall forthwith deliver a copy of the assessment list to the Treasurer of the said Town, who shall, within three (3) days after receiving same, make out all bills representing town taxes and place them in the mail. It shall and may be lawful for the Treasurer to accept and receive the tax of each and every person liable to pay the same, who shall tender the payment thereof on or before the Thirty-First day of May of each year in which said tax was levied, and each and every person so paying his tax within said time shall be allowed an abatement of ten percentum (10%) upon said tax. The Treasurer shall give notice of the place he will sit, during normal business hours, to accept and receive taxes for abatement purposes, by public notice published in at least six (6) public places in said Town, said notices to be published on or before the day the bills for taxes are placed in the mail. All taxes levied and remaining unpaid on the First day

of June of each year shall be deemed delinquent, and the Treasurer shall after the Thirty-First day of May of each year in which the tax duplicates shall be delivered to him, add to taxes to be paid thereafter a penalty of one percentum (1%) per month until the same shall be paid.

Approved April 18, 1951.

CHAPTER 38

BETHANY BEACH

AN ACT AUTHORIZING THE COMMISSIONERS OF BETHANY BEACH, DELAWARE, TO ERECT, CONSTRUCT, EQUIP, ENLARGE, PURCHASE, MAINTAIN AND OPERATE A PLANT OR PLANTS FOR THE PURPOSE OF FURNISHING WATER TO THE INHABITANTS OF THE TOWN OF BETHANY BEACH AND IMMEDIATE VICINITY THEREOF AND TO ISSUE BONDS OR OTHER CERTIFICATES OF INDEBTEDNESS NOT TO EXCEED THE SUM OF \$125,000.00 THEREFOR.

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

Section 1. The Commissioners of Bethany Beach, Delaware, are authorized and fully empowered to erect, construct, enlarge, equip, purchase, maintain and operate a plant or plants, pumping station, filtering and/or aeration plant, for the purpose of establishing a system for furnishing and distributing water to the inhabitants of the Town of Bethany Beach, Delaware, and immediate vicinity thereof.

Section 2. In furtherance of the purposes set forth in Section 1 hereof, the Commissioners of Bethany Beach shall have the power to enter into such contracts or other engagements for the purpose of erecting and constructing such plant or plants, filtering and/or aeration plant, pumping station and also for the purpose of purchasing any existing water system or plant, including pumping station, filtering and/or aeration system, water mains and equipment, as may be necessary or advisable in carrying out the purposes of this Act. The Commissioners of Bethany Beach are hereby authorized to enter into contracts or engagements with any of the inhabitants of Bethany Beach, or in the immediate vicinity thereof, to furnish water for any properties in the Town of Bethany Beach, or immediate vicinity thereof, under

such terms and conditions as in the opinion of the Commissioners of Bethany Beach shall be reasonable and proper. The Commissioners of Bethany Beach are hereby further authorized to fix such rates and/or charges, including penalties, for the furnishing of water aforesaid and/or for laying mains or pipes and/or for making any connection or disconnection from said system as in the judgment of the Commissioners of Bethany Beach shall be reasonable and proper.

Section 3. For any and all of the purposes above named, the Commissioners of Bethany Beach may borrow money and issue bonds, or other certificates of indebtedness in any amount not to exceed the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000.00), to secure payment thereof on the faith and credit of the Commissioners of Bethany Beach; provided, however, that the borrowing of money therefor shall have been duly authorized by the Commissioners of Bethany Beach and shall have been approved by the electors of the Town of Bethany Beach in the following manner:

The Commissioners of Bethany Beach shall pass a suitable resolution noting its approval of borrowing a stated amount of money for any or all of the purposes above named, the manner in which it proposes to secure the same and all other pertinent facts relating thereto; said resolution, when passed, shall provide for a special election to be held not less than thirty days thereafter; said resolution shall set forth the time and place of said election and the hours the polls will be open. Said election shall be conducted by an election board which shall be appointed by the Commissioners of Bethany Beach and shall otherwise be held and conducted in the same manner as a general Town election.

At said special election any resident and non-resident taxable of the Town of Bethany Beach, of the age of twenty-one (21) years, or upwards, eligible to vote at an annual Town election, shall have one vote for each dollar and fractional part of dollar assessed to him or her respectively and every owner of property, whether individual, partnership, or corporation, within the limits of the Town of Bethany Beach, shall have one vote for each dollar or part thereof payable by said owner and the said vote may be cast either in person or by proxy. In the case

of jointly owned property only one joint owner may cast a vote for the entire assessed valuation of real property so jointly owned, or the joint owners may cast their individual votes for equally divided portions of the entire assessed valuation of said jointly owned property; and, provided, further, where said real property is owned by a corporation, said vote shall be cast by the duly authorized officer of the corporation, it being the intent and purpose of this Act that the assessed valuation of any real property shall be voted only once. Life tenants shall have the entire vote as to the property so held and the holders of any remainder interest in said property shall have no vote by reason thereof. Ballots shall be furnished by the Commissioners of Bethany Beach, which shall be printed and marked in such manner as the Commissioners of Bethany Beach shall deem suitable and proper. The Board of Elections shall count the votes for and against said proposed loan, shall announce the results thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan and shall deliver the same to the Commissioners. If the majority of the votes so cast shall be in favor of said bond issue, this Act shall become effective immediately and the bonds herein provided for may be issued and sold as in this Act provided. If at such election the majority of votes cast shall be against the bond issue, then no bonds shall be issued nor shall any money be borrowed under the provisions of this Act; provided, however, that this Act shall continue and remain in full force and effect and that at any time or times after the expiration of one year from the date of said election, the Commissioners of Bethany Beach may, by proper resolution, in the same manner as provided in this Act, provide for the holding of another referendum election under the provisions of this Act.

Section 4. The form, amount and denomination of bonds or other certificates of indebtedness, the rate of interest and the time of payment thereof, the classes, and the times of maturity, and provisions as to the registration thereof shall be determined by the Commissioners. The said bonds or other certificates of indebtedness shall be offered for sale to the best and most responsible bidders therefor after suitable advertisement, as the Commissioners shall determine. The Commissioners shall have the right to reject any and all bids which may be offered for such bonds if in its judgment such bids shall be deemed insuffi-

cient. The Commissioners may sell or dispose of said bonds at private sale for the best price obtainable therefor, provided, said price shall not be less than par and accrued interest.

Section 5. Said bonds shall recite that they are for the purposes set forth in Section 1 of this Act and that they are issued in pursuance of this Act. Such recital shall be conclusive evidence of the authority of the Commissioners of Bethany Beach to issue said bonds and of their validity. Any such bonds containing such recital shall in any suit, action, or proceeding, in law or equity, involving their validity be conclusively deemed to be fully authorized by this Act and to have been issued, executed, and delivered in conformity herewith and shall be incontestable for any cause. The said bonds may be issued notwithstanding that any of the officers signing the same, or whose facsimile signature may appear on any coupons, should coupons be issued, shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

Section 6. The Commissioners of Bethany Beach shall direct and effect the preparation for printing of the bonds authorized by this Act and shall also prescribe the form thereof. Said bonds shall be signed by the President of the Commissioners of Bethany Beach and counter-signed by its Secretary and shall be sealed with the corporate seal of said Commissioners. Said bonds shall be exempt from all State, County and Municipal taxation.

Section 7. The Commissioners of Bethany Beach shall annually provide for a sum equal to the amount of interest due each year upon said bonds and, as and when the Commissioners of Bethany Beach shall see fit to call any or all of said bonds, shall in like manner provide for a sum sufficient for the payment of redemption of such bonds. The said Commissioners of Bethany Beach are further authorized and empowered to assess and collect annually a tax for the purpose of establishing a sinking fund adequate for the redemption of said bonds at and before maturity. Such moneys so received shall be deposited by the Commissioners of Bethany Beach in any bank or trust Company in Sussex County or may be invested until such time as it may be needed for the redemption of said bonds on such security as may be approved by the Commissioners of Bethany Beach.

Section 8. The faith and credit of the Town of Bethany Beach are hereby expressly pledged for the payments of all bonds authorized to be issued under the provisions of this Act, together with all interest thereon.

Approved April 18, 1951.

CHAPTER 39

REGISTRATION OF VOTERS

INCREASING COMPENSATION OF REGISTRARS

AN ACT TO AMEND CHAPTER 56 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED, ENTITLED: "REGISTRATION OF VOTERS" BY INCREASING THE COMPENSATION FOR REGISTRARS, ASSISTANT REGISTRARS AND ALTERNATE REGISTRARS.

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

Section 1. That Chapter 56, of the Revised Code of the State of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the words "Seven Dollars and Fifty Cents" where the said words appear in 1729. Sec. 24, thereof substituting in lieu thereof the words "Twelve Dollars and Fifty Cents."

Approved April 25, 1951.

CHAPTER 40

CORONERS

RELATING TO DEPUTY CORONER

AN ACT TO AMEND CHAPTER 49, OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "CORONERS" BY REPEALING A PART THEREOF RELATING TO THE DEPUTY CORONER FOR NEW CASTLE COUNTY.

WHEREAS, the provision of 1540, Sec. 22 of Chapter 49, of the Revised Code of Delaware, 1935, are fully covered in 1598, Sec. 7, of Chapter 53 of the Revised Code of Delaware, 1935; and

WHEREAS, it is desirous that duplication of the statutory provision of the Revised Code of Delaware, 1935, be avoided; therefore

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

Section 1. That 1540, Sec. 22 of Chapter 49, Revised Code of Delaware, 1935, be and the same is hereby repealed.

Approved April 25, 1951.

CHAPTER 41

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 INVESTMENTS 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 by Chapter 19, Volume 47, Laws of Delaware, 1949, 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:

(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. Unless expressly provided otherwise in any such instrument, any provisions in any such instrument prescribing, defining or limiting the kind of property in which the funds of the trust to which such instrument relates shall be invested shall not apply to any property owned by a testator at the time of his death and delivered to the fiduciary by the personal representative of such testator who has created a trust by his will, or delivered by the settler to the fiduciary of a trust created in a trust agreement, or delivered to the fiduciary pursuant to a court order or other instrument creating or defining the fiduciary's duties and powers, and such fiduciary shall have the right to retain all such property so acquired, subject to the limitations of the standards set

forth in sub-division (b) of this Section 35. Unless expressly provided otherwise in any such instrument, a bank or trust company acting as a fiduciary and authorized so to act shall have the right to retain in a trust estate shares of its own capital stock acquired in any manner referred to above, as effectively as though the instrument creating or defining the fiduciary's duties and powers expressly so provided, subject to the limitations of the standards set forth in sub-division (b) of this Section 35.

Approved April 25, 1951.

CHAPTER 42

AUTHORIZING TRANSFER OF CERTAIN FUNDS BY STATE
TREASURER TO GENERAL FUND**AN ACT AUTHORIZING THE STATE TREASURER TO
TRANSFER CERTAIN BALANCES IN THE ACCOUNTS
OF FORMER STATE TREASURER BENJAMIN F.
JOHNSON TO THE GENERAL FUND OF THE STATE OF
DELAWARE.***Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. That the State Treasurer be and he is hereby authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Two Thousand Thirty-Four Dollars and Eighty Cents (\$2,034.80) 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

Benjamin F. Johnson.....	\$1,315.36
Payroll Account	280.04
Special I.B.M. Payroll Account.....	328.24
Motor Fuel Tax Refund Account.....	34.16
Motor Vehicle Licenses & Fees Refund Account	77.00

Total	\$2,034.80
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Approved April 25, 1951.

CHAPTER 43

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 the members elected to each branch thereof 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 "fifty" 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 "seventy-five."

Approved April 25, 1951.

CHAPTER 44

STATE REVENUE

RELATING TO OCCUPATIONAL LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO OCCUPATIONAL LICENSES BY PROVIDING A PENALTY FOR FAILURE OF COIN OPERATED AMUSEMENT MACHINE OWNERS AND MUSIC MACHINE OWNERS TO HAVE AFFIXED TO EACH MACHINE A DECALCOMANIA STAMP TO EVIDENCE PAYMENT OF LICENSE FEE.

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 amended by adding at the end of Section 7. 197. Sec. 163. a new paragraph as follows:

"Coin Operated Amusement Machine Owners and Music Machine Owners, as defined by Chapter 13, Volume 45, Laws of Delaware, who fail to affix to each of such machines the decalcomania stamp provided by the State Tax Department to evidence the payment of the respective license fee and for any failure to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) for each machine not having aforesaid stamp affixed."

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

Approved April 25, 1951.

CHAPTER 45

STATE REVENUE

RELATING TO OCCUPATIONAL LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO OCCUPATIONAL LICENSES, BY REQUIRING THAT COIN OPERATED AMUSEMENT MACHINE OWNERS AND MUSIC MACHINE OWNERS AFFIX TO EACH MACHINE A DECALCOMANIA STAMP TO EVIDENCE PAYMENT OF LICENSE FEE.

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 67, Volume 42, Laws of Delaware and by Chapter 13, Volume 45, Laws of Delaware, be and the same is hereby further amended by adding at the end of Section 4 of said Chapter 67, Volume 42, Laws of Delaware, further new paragraphs, as follows:

"Coin Operated Amusement Machine Owners and Music Machine Owners, as defined by Chapter 13, Volume 45, Laws of Delaware, shall affix to each of such machines a decalcomania stamp to be provided by the State Tax Department to evidence the payment of the respective license fee.

"Whenever any decalcomania stamp issued under the provisions of this Act is defaced, destroyed or lost, the State Tax Department may issue a duplicate to the holder of the defaced, destroyed or lost decalcomania stamp upon the payment of a fee of One Dollar (\$1.00)."

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

Approved April 25, 1951.

CHAPTER 46

FREE PUBLIC SCHOOLS

CHANGING ACREAGE LIMITATION FOR SCHOOL SITES

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, WITH REFERENCE TO ALL PUBLIC SCHOOLS BY CHANGING THE ACREAGE LIMITATIONS ON LANDS THAT MAY BE CONDEMNED FOR SCHOOL SITES.

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

Section 1. That 2716 Sec. 94 of Chapter 71 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the words "ten acres" where they appear in the fifteenth line of said section and inserting in lieu thereof the words "fifteen acres."

Approved April 25, 1951.

CHAPTER 47

MOTOR VEHICLES

INCREASING COSTS 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, Section 26 of Chapter 165 of the Revised Code of Delaware, 1935, as amended by Chapter 121, Volume 47, Laws of Delaware, 1949, be and the same is hereby further amended by striking out the words "One Dollar Fifty Cents" where they appear in the ninth line of paragraph (e) of said section, and by inserting in lieu thereof the words "Two Dollars."

Approved April 25, 1951.

CHAPTER 48

APPROPRIATION

TO SCHOOL DISTRICTS FOR DEFICIENCIES IN UNIT ALLOTMENTS

AN ACT TO APPROPRIATE FUNDS TO VARIOUS SCHOOL DISTRICTS TO MAKE UP FOR DEFICIENCIES IN UNIT ALLOTMENTS FOR WHICH FUNDS WERE NOT AVAILABLE UNDER THE REGULAR SCHOOL BUDGET FOR THE SCHOOL YEAR 1950-51.

WHEREAS, Chapter 364, Volume 47, Laws of Delaware, appropriated funds for the operation of various schools on the basis of the number of pupils enrolled in January, 1949; and

WHEREAS, the appropriations for the school year 1950-51, being made up on the basis of the same enrollments made provision for necessary additional teachers but was not adequate to make provision for increased cost due to increases in enrollments: NOW, THEREFORE,

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

Section 1. There is hereby appropriated the sum of Seventy-Four Thousand One Hundred Ten Dollars (\$74,110.00) to the following school districts, allocated according to the amounts opposite their names:

DISTRICT NO.	SCHOOL DISTRICT	AMOUNT
7	Alfred I. duPont	\$2625.00
20	Richardson Park	2625.00
21	Newport	4200.00
47	Rose Hill-Minquadale	3675.00
52	Delaware City	610.00
53	Commodore MacDonough	525.00
60	Middletown	1050.00
77	Marshallton	1050.00
130	Oak Grove	4725.00
131	Henry C. Conrad	525.00

DISTRICT NO.	SCHOOL DISTRICT	AMOUNT
106C	Newport (Absalom Jones Jr. H. S.) . . .	525.00
132C	Millside	525.00
54	Felton	525.00
119	Clayton	1050.00
23	Millsboro	1050.00
28	Lord Baltimore	525.00
32	Selbyville	1050.00
91	Greenwood	525.00
97	John M. Clayton	1050.00
204C	Millsboro	525.00
206C	Frankford	1575.00
220C	Bridgeville	1050.00

SPECIAL SCHOOL DISTRICTS

Alexis I. duPont	\$2100.00
Claymont	1575.00
Mt. Pleasant	6825.00
Newark	3675.00
New Castle	6825.00
Smyrna	1575.00
Dover	1575.00
Caesar Rodney	3150.00
Harrington	525.00
Milford	4725.00
Georgetown	2625.00
Seaford	4725.00
Laurel	1575.00
Rehoboth	1050.00

TOTAL \$74,110.00

Section 2. This shall be known as a supplementary appropriation act and the funds so appropriated shall be paid from the General Fund of the State from funds not already appropriated.

Approved April 25, 1951.

CHAPTER 49

SATURDAY BANK HOLIDAY

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "NEGOTIABLE INSTRUMENTS" WITH RESPECT TO LEGAL HOLIDAYS 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 paragraph of 3321. Sec. 197. thereof as the said paragraph appears on Page 78, Volume 47, Laws of Delaware, 1949, and by substituting and enacting in lieu thereof two new paragraphs as follows:

Every Saturday shall be a legal holiday to be known as Saturday Bank Holiday in the State of Delaware and all provisions of this Chapter, insofar as they apply to other legal holidays, shall be applicable to Saturdays in this State.

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 this State because done or performed on a Saturday, or because done or performed in New Castle County on a Friday if such Friday shall be Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day or Armistice Day; 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 this State, which by this law is entitled to be closed on any legal holiday specified herein, to keep open for the transaction of business or to perform any of the acts or transactions aforesaid on any legal holiday specified herein except at its own option.

Approved April 25, 1951.

DISTRICT NO.	SCHOOL DISTRICT	AMOUNT
106C	Newport (Absalom Jones Jr. H. S.) . . .	525.00
132C	Millside	525.00
54	Felton	525.00
119	Clayton	1050.00
23	Millsboro	1050.00
28	Lord Baltimore	525.00
32	Selbyville	1050.00
91	Greenwood	525.00
97	John M. Clayton	1050.00
204C	Millsboro	525.00
206C	Frankford	1575.00
220C	Bridgeville	1050.00

SPECIAL SCHOOL DISTRICTS

Alexis I. duPont	\$2100.00
Claymont	1575.00
Mt. Pleasant	6825.00
Newark	3675.00
New Castle	6825.00
Smyrna	1575.00
Dover	1575.00
Caesar Rodney	3150.00
Harrington	525.00
Milford	4725.00
Georgetown	2625.00
Seaford	4725.00
Laurel	1575.00
Rehoboth	1050.00
TOTAL	\$74,110.00

Section 2. This shall be known as a supplementary appropriation act and the funds so appropriated shall be paid from the General Fund of the State from funds not already appropriated.

Approved April 25, 1951.

CHAPTER 49

SATURDAY BANK HOLIDAY

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "NEGOTIABLE INSTRUMENTS" WITH RESPECT TO LEGAL HOLIDAYS 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 paragraph of 3321. Sec. 197. thereof as the said paragraph appears on Page 78, Volume 47, Laws of Delaware, 1949, and by substituting and enacting in lieu thereof two new paragraphs as follows:

Every Saturday shall be a legal holiday to be known as Saturday Bank Holiday in the State of Delaware and all provisions of this Chapter, insofar as they apply to other legal holidays, shall be applicable to Saturdays in this State.

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 this State because done or performed on a Saturday, or because done or performed in New Castle County on a Friday if such Friday shall be Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day or Armistice Day; 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 this State, which by this law is entitled to be closed on any legal holiday specified herein, to keep open for the transaction of business or to perform any of the acts or transactions aforesaid on any legal holiday specified herein except at its own option.

Approved April 25, 1951.

CHAPTER 50

DELAWARE HARNESS RACING COMMISSION

AN ACT TO AMEND CHAPTER 303, VOLUME 45, LAWS OF DELAWARE, 1944-45, AS AMENDED, WITH REFERENCE TO THE DELAWARE HARNESS RACING COMMISSION, BY AUTHORIZING THE SALE OF POOLS WITHOUT THE USE OF PARI MUTUEL MACHINES OR TOTALIZATORS.

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, be and the same is hereby further amended by striking out and deleting the first and second paragraphs thereof and by inserting in lieu thereof the following two paragraphs:

"Section 15. Within the enclosure of any harness horse race meeting licensed and conducted under this Act, but not elsewhere, the wagering and betting on harness horse racing by the use of pari mutuel machines or totalizators and by manual computation without the use of pari mutuel machines or totalizators insofar as the 'daily double' is concerned, is hereby authorized and permitted.

"The Delaware Harness Racing Commission shall have power, in its discretion, to grant a license or licenses to any person, association or corporation to make, conduct and sell pools by the use of pari mutuel machines or totalizators and to make, conduct and sell pools for the 'daily double' by manual computation without the use of pari mutuel machines or totalizators, for the purpose of receiving wagers or bets on harness horse races within the enclosure of any harness horse race meeting licensed and conducted under this Act, but not otherwise, under such regulations as the Commission shall prescribe."

Approved April 25, 1951.

CHAPTER 51

APPROPRIATION

TO FEDERALLY RECOGNIZED UNITS OF DELAWARE
NATIONAL GUARD

**AN ACT APPROPRIATING MONEY FOR PAYMENT TO FED-
ERALLY RECOGNIZED UNITS 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 Ten Thousand Five Hundred Dollars (\$10,500.00) 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, 1951 and ending June 30, 1952, and the sum of Ten Thousand Dollars (\$10,000.00) 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, 1952 and ending June 30, 1953, 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 April 25, 1951.

CHAPTER 52

APPROPRIATION

FOR UNIFORM ALLOWANCE OF OFFICERS OF DELAWARE NATIONAL GUARD

AN ACT APPROPRIATING MONEY FOR UNIFORM ALLOW- ANCE OF THE OFFICERS OF THE DELAWARE NA- TIONAL 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 Twelve Thousand Dollars (\$12,000.00) 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, 1951, and ending June 30, 1952, and the sum of Twelve Thousand Dollars (\$12,000.00) 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, 1952, and ending June 30, 1953, 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 April 25, 1951.

CHAPTER 53

KENT COUNTY LEVY COURT

APPROPRIATION FOR CONTROL OF DISEASES OF HOGS

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, 1951 and ending June 30, 1952, and beginning July 1, 1952 and ending June 30, 1953, 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 April 25, 1951.

CHAPTER 54

KENT COUNTY LEVY COURT

APPROPRIATION TO HARRINGTON VOLUNTEER FIRE COMPANY

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONIES TO THE HARRINGTON VOLUNTEER FIRE COMPANY FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to the Harrington Volunteer Fire Company to be used in the maintenance of its ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Kent County to the said Harrington Volunteer Fire Company on the first day of May of each year.

Approved April 27, 1951.

CHAPTER. 55

KENT COUNTY LEVY COURT

APPROPRIATION TO CHESWOLD VOLUNTEER FIRE COMPANY

**AN ACT AUTHORIZING THE LEVY COURT OF KENT
COUNTY TO APPROPRIATE COUNTY MONIES TO THE
CHESWOLD VOLUNTEER FIRE COMPANY FOR THE
MAINTENANCE OF AN AMBULANCE.**

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

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to the Cheswold Volunteer Fire Company to be used in the maintenance of its ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Kent County to the said Cheswold Volunteer Fire Company on the first day of May of each year.

Approved April 27, 1951.

CHAPTER 56

FISH, OYSTERS AND GAME

AN ACT TO AMEND CHAPTER 74, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME" BY REPEALING THE PROVISION PERTAINING TO THE KILLING OF WILD TURKEYS.

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

Section 1. That Chapter 74, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 2824. Sec. 23. thereof.

Approved April 27, 1951.

CHAPTER 57

FISH, OYSTERS AND GAME

AN ACT TO AMEND CHAPTER 74, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME," BY REPEALING THE PROVISION PERTAINING TO THE KILLING OF HUNGARIAN PARTRIDGE OR PHEASANT.

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

Section 1. That Chapter 74, Revised Code of Delaware, 1935, as amended be and the same is hereby further amended by striking out and repealing all of 2822. Sec. 21. thereof.

Approved April 27, 1951.

CHAPTER 58

APPROPRIATION

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, 1951 and ending June 30, 1952, and beginning July 1, 1952 and ending June 30, 1953, 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, 1951 and ending June 30, 1952, and beginning July 1, 1952 and ending June 30, 1953, 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 April 27, 1951.

CHAPTER 59

BRIDGEVILLE

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-
INCORPORATE THE TOWN OF BRIDGEVILLE" RELA-
TIVE TO THE HOURS FOR HOLDING TOWN ELEC-
TIONS.**

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 6 of Chapter 158, Laws of Delaware, 1941, Volume 3, Page 528, be, and the same is hereby amended by striking out of the third line thereof, before the word "o'clock" the words "one to four" and inserting in lieu thereof the words "two to six."

Approved April 27, 1951.

CHAPTER 60

ELLENDALE

AN ACT TO AMEND CHAPTER 186, VOLUME 23, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF ELLENDALE," BY AUTHORIZING THE TOWN OF ELLENDALE TO BORROW NOT EXCEEDING SIX THOUSAND DOLLARS (\$6,000.00) AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF.

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

Section 1. That Chapter 186, Volume 23, Laws of Delaware, be and the same is hereby amended by adding to said Chapter a new section to be known as Section 24, as follows:

"Section 24. The Board of Commissioners of the Town of Ellendale, is hereby authorized and empowered to borrow upon the faith and credit of the said Town, a sum of money not to exceed the sum of Six Thousand Dollars (\$6,000.00), and to issue bonds to secure the payment thereof.

"The money so borrowed shall be used for the purpose of and to contribute toward improving the streets, not including the alleys, by paving same with asphalt and stone, to be done by any company having the right to do such work, and the balance thereof to be used in the future improvement of said streets as and when required.

"The said bonds shall be prepared under the direction of said Board of Commissioners of the Town of Ellendale and shall have such form and bear such rate of interest not to exceed the legal rate, and may contain provisions for redemption before maturity, and have such date of maturity as the Board of Commissioners of the Town of Ellendale shall determine.

"The said bonds shall be sold as and when the Board of Commissioners of the Town of Ellendale may determine and

upon such terms as shall be most advantageous for the Town of Ellendale.

"The Board of Commissioners of the Town of Ellendale is hereby authorized and empowered to impose and levy a special tax upon the persons and property of the persons subject to assessment for the purpose of defraying the annual interest on said bonds and an adequate sinking fund for the redemption thereof at maturity, provided, that the special tax shall not in any one year exceed the sum of One Thousand Dollars (\$1,000.00)."

Section 2. This Act shall not become effective until it shall have been approved by a majority of the voters in the Town of Ellendale, legally qualified to vote at the last Town Election, and who have not since been disqualified for any cause; and for that purpose the Board of Commissioners of the Town of Ellendale are hereby authorized and directed to provide for, regulate and announce the result of said Election, the same to be held on a day and date the said Board of Commissioners shall hereafter designate; if a majority of the ballots cast at the said Election shall be for the bond issue the said Board of Commissioners shall have the right to exercise all the powers above specified; but if a majority of the ballots shall be against the bond issue the said Board of Commissioners shall not have the right to exercise any such powers.

Section 3. This Act shall be deemed and taken to be a Public Act.

Approved April 27, 1951.

CHAPTER 61

AUTHORIZING SEWERAGE SYSTEMS FOR NEW CASTLE COUNTY

AN ACT TO AUTHORIZE NEW CASTLE COUNTY TO PROVIDE FOR THE PLANNING, ACQUISITION, PURCHASE, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, BETTERMENT, EXTENSION, OPERATION, AND MAINTENANCE OF SEWERAGE SYSTEMS FOR THE COLLECTION, TREATMENT, AND DISPOSAL OF SEWAGE, WASTE, GARBAGE, AND STORM WATER; AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN; AUTHORIZING AND REGULATING THE ISSUANCE OF BONDS FOR FINANCING SUCH SEWERAGE SYSTEMS; AUTHORIZING THE CHARGING OF SERVICE CHARGES FOR SERVICE RENDERED BY SUCH SEWERAGE SYSTEMS AND PROVIDING FOR THE ENFORCEMENT OF THE PAYMENT THEREOF; AND PROVIDING FOR THE PAYMENT OF SUCH BONDS AND FOR THE RIGHTS OF THE HOLDERS THEREOF.

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 and may be cited as the "New Castle County Sewer Act."

Section 2. As used in this act, unless a different meaning clearly appears from the context (1) "County" shall mean New Castle County; (2) "Sewerage System" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by the County for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes, garbage and storm water, including sewers, conduits, pipe lines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, and outfalls, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for such purposes; (3) "Revenue Bonds" shall mean bonds to the payment of which all or any part of the revenues

derived from the operation of any Sewerage System are pledged in accordance with this act; and (4) "Service Charges" shall mean rents, rates, fees or other charges charged or collected under Section 10 of this act.

Section 3. In addition to the powers which it may now have, the County 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 Sewerage System, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land in connection therewith; (b) to operate and maintain any Sewerage System and to furnish the services and facilities rendered or afforded thereby; (c) to enter into and perform contracts, whether long term or short term, with any industrial establishment for the provision and operation by the County of the Sewerage System to abate or reduce the pollution of waters caused by discharges of industrial wastes by such industrial establishment and the payment periodically by the industrial establishment to the County of amounts at least sufficient, in the judgment of the Levy Court, to compensate the County for the cost of providing (including payment of principal and interest charges, if any), and of operating and maintaining, the Sewerage System 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 Sewerage System or Sewerage Systems; (e) to pledge to the punctual payment of said bonds and the interest thereon an amount of the revenues derived from the operation of such Sewerage System or Sewerage Systems (including the revenues of the existing facilities, if any, comprising a sewerage system 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 any such Sewerage System, 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; (f) 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 any Sewerage System and to enter into agreements with such agency respecting such loans and grants; and (g) to enter into a contract or contracts with any City or Town situated within the County providing for the disposal of sewage collected by any Sewerage System either for a specified or an unlimited time and for the charge to be made for such service by any such City or Town. The Levy Court of the County in determining the cost of acquiring or constructing any Sewerage System 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 on money borrowed or which it is estimated will be borrowed pursuant to this act.

Section 4. No Sewerage System, or any part thereof, shall be constructed or maintained within the boundaries of any City or Town situated in the County without the consent of such City or Town, which consent shall be given only by an ordinance adopted by the council or other governing body of such City or Town.

Section 5. The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any Sewerage System 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 Levy Court. 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 upon sealed proposals after at least ten days' notice published at least once in a newspaper published in the City of Wilmington in the State of Delaware; 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 Levy Court 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. Said bonds bearing the signature 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 County. 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 Sewerage System 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 7. The faith and credit of the County are hereby pledged to the payment of any bonds issued by the County under this act. The Levy Court of the County shall, annually appropriate to the payment of such bonds and the interest thereon the amounts required to pay such bonds and interest as the same become due and payable. Notwithstanding the provisions of any other law the Levy Court shall have power to levy an ad valorem tax, without limitation as to rate or amount, upon all property taxable by the County to raise the moneys necessary to meet any such appropriation.

Section 8. In the event that the County shall issue Revenue Bonds, the resolution or resolutions authorizing the issuance of such bonds 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 Sewerage System or Sewerage Systems the revenues of which are pledged to the payment of such bonds, in-

cluding the creation and maintenance of reserves, (c) the issuance of other or additional bonds payable from the revenues of such Sewerage System or Sewerage Systems, (d) the operation and maintenance of such Sewerage System or Sewerage Systems, (e) the insurance to be carried thereon and the use and disposition of insurance moneys, (f) books of account and the inspection and audit thereof, and (g) 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 Sewerage System or Sewerage Systems, operate and maintain the same, prescribe Service Charges therefor, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the County 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 County and of the Levy Court 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 9. If the County shall issue Revenue Bonds under this act the Levy Court shall prescribe and collect reasonable Service Charges for the services and facilities rendered or afforded by the Sewerage System or Sewerage Systems the revenues of which are pledged to the payment of such bonds, and shall revise such Service Charges from time to time whenever necessary. The Service Charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all Revenue 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 Sewerage System or Sewerage Systems, including reserves therefor. Such Service Charges when collected shall be applied to the payment of such Revenue Bonds and interest and to the expenses of such operation and maintenance in accordance with the resolution or resolutions authorizing such Revenue Bonds.

Section 10. The Levy Court shall have power to charge and collect rents, rates, fees or other charges (in this act some-

times referred to as "Service Charges") for direct or indirect connection with, or the use or services of, any Sewerage System. Such Service Charges may be charged to and collected from any person contracting for such connection or use or service or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with such Sewerage System, or from or on which originates or has originated sewage which directly or indirectly has entered or may enter into such Sewerage System, and such owner or occupant, or both of them, of any such real property shall be liable for and shall pay such Service Charges to the County at the time when and place where the Levy Court shall by ordinance, rule or regulation determine that such charges shall be due and payable. Such Service Charges shall, as near as the Levy Court shall deem practicable and equitable, be uniform throughout the area served by such Sewerage System, and may be based or computed either on the consumption of water on or in connection with the real property, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on other factors determining the type, class and amount of use or service of the Sewerage System, or on any combination of any such factors. In the event that a Service Charge with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the County on the unpaid balance at the rate of one per centum per month until such Service Charge, and the interest thereon, shall be fully paid to the County. In the event that any Service Charge with respect to any parcel of real property shall not be paid as and when due the County Engineer of the County may, in his discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the Sewerage System to be cut and shut off until such Service Charge and any subsequent Service Charge with regard to such parcel and all interest accrued thereon shall be fully paid.

Section 11. Each municipality or public corporation, or other person or persons or corporation, owning or operating any

system of water distribution serving three or more parcels of real property in the County shall, from time to time after request therefor by the County Engineer, deliver to the County Engineer a statement or statements showing the amount of water supplied to every such parcel of real property as shown by the records of such municipality or public corporation, or other person or persons or corporation. Such statements shall be delivered to the County Engineer within ten days after request is made for them, and the County Engineer shall pay the reasonable cost of preparation and delivery of such statements. The occupant of every parcel of property the sewage from which is disposed of or treated by any Sewerage System of the County shall, upon request therefor by the County Engineer, furnish to the County Engineer information as to the amount of water consumed by such occupant or in connection with such parcel and the number and kind of water outlets, and plumbing or sewerage fixtures or facilities on or in connection with such parcel and the number of persons working or residing therein.

Section 12. In the event that any Service Charge shall not be paid as and when due, the unpaid balance thereof and any interest accrued thereon shall be a lien on the parcel of real property with regard to which such Service Charge was made. Such lien shall be superior and paramount to the interest in such parcel of any owner, lessee, tenant, mortgagee or other person, except the lien of taxes. Payment of Service Charges shall be enforced by the President of the Levy Court in the same manner as assessments levied for the construction of sewers made pursuant to Sections 25 and 26 of Chapter 43, Revised Code of Delaware, 1935.

Section 13. Each City or Town or other public corporation owning or operating any water distribution system serving three or more parcels of real property in the County, and every other person owning or operating any such system may, and is hereby authorized to, enter into and perform a contract with the County that it will, upon request by the Levy Court of the County specifying a parcel of real property in the County charged with any unpaid Service Charge under Section 10 of this act, cause the supply of water from its system to such parcel of real property to be stopped or restricted, as the Levy Court may request,

until such Service Charge and any subsequent Service Charge charged to such parcel and the interest accrued thereon shall be fully paid or until the Levy Court directs otherwise. No such City or Town or other public corporation or other person shall be liable for any loss, damage or other claim based on or arising out of the stopping or restricting of such supply, and the Levy Court shall pay the reasonable cost of so stopping or restricting such supply and of restoring the same and may agree to indemnify such City or Town or other public corporation or other person from loss or damage by reason of such stopping or restriction, including loss of profits.

Section 14. The Levy Court is hereby authorized to make a contract or contracts with any City or Town within the territorial limits of the County to dispose of or treat by means of any Sewerage System of the County the sewage originating in such City or Town. Any such contract may be authorized by resolution duly adopted by the Levy Court and may be made with or without consideration and may contain provisions obligating the County to dispose of and treat all or any part of the sewage originating in such City or Town and obligating such City or Town to permit the County to dispose of or treat such sewage, either for a specific period of time or for an unlimited time. Any such contract may contain other and different provisions relative to the kind and character of sewage to be disposed of and treated and the compensation, if any, to be paid for such services.

Section 15. The powers conferred by this act shall be in addition to and not in substitution for the powers conferred by any other general, special or local law. The powers conferred by this act may be exercised notwithstanding that any other general, special or local law may confer such powers, and without regard to the requirements, restrictions, limitations or other provisions contained in such other general, special or local law.

Section 16. 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 provision 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 validity in any other instances.

Approved April 27, 1951.

CHAPTER 62

MOTOR VEHICLES

REGISTRATION FEES FOR VEHICLES PROPELLED BY DIESEL ENGINES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "MOTOR VEHICLES," AS AMENDED, WITH RESPECT TO THE FEES FOR REGISTRATION OF MOTOR VEHICLES PROPELLED BY DIESEL ENGINES.

*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 all of sub-sub-paragraph (a) of sub-paragraph (3) of paragraph (b) of 5564. Sec. 26. thereof, and inserting in lieu thereof a new sub-sub-paragraph (a) of sub-paragraph (3) of paragraph (b) of 5564. Sec. 26. thereof, as follows:

(3) (a) For the registration of other motor vehicles, including those propelled by Diesel engines, One Dollar and Fifty Cents (\$1.50) for each five hundred (500) pounds or fraction thereof of the gross load weight of the vehicle up to and including five thousand (5,000) pounds, and in the event the gross load weight shall exceed five thousand (5,000) pounds, Two Dollars (\$2.00) for each five hundred (500) pounds or fraction thereof over and above five thousand (5,000) pounds. The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the application; 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 2. 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 (4) of paragraph (b) of 5564. Sec. 26. of said Chapter.

Approved April 30, 1951.

CHAPTER 63

INSURANCE DEPARTMENT

LIFE INSURANCE AND INVESTMENT OF FUNDS OF INSURANCE COMPANIES AND METHOD OF CALCULATING RESERVES

AN ACT TO AMEND CHAPTER 20 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE INSURANCE DEPARTMENT AND MORE PARTICULARLY RELATING TO LIFE INSURANCE, IN REFERENCE TO THE INVESTMENT OF FUNDS OF INSURANCE COMPANIES AND THE METHOD OF CALCULATING RESERVES.

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 adding to 493. Sec. 32 of said Chapter a new paragraph numbered (d) reading as follows:

(d) A company doing business in foreign countries and not doing business in any state, territory or district of the United States may calculate its reserves on insurance written in each foreign jurisdiction in accordance with the reserve standards required by such jurisdiction.

Approved May 1, 1951.

CHAPTER 64

FAMILY COURT FOR NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 241, VOLUME 45, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 306, VOLUME 47, LAWS OF DELAWARE, WITH REFERENCE TO THE FAMILY COURT FOR NEW CASTLE COUNTY BY GIVING THE SAID COURT EXCLUSIVE ORIGINAL JURISDICTION IN THAT COUNTY OF THE OFFENSE OF LEWDLY AND LASCIVIOUSLY PLAYING OR TOYING WITH A CHILD UNDER THE AGE OF SIXTEEN YEARS.

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 241, Volume 45, Laws of Delaware, as amended by Chapter 306, Volume 47, Laws of Delaware, be and the same is hereby further amended by striking out subsection (r) in Section 3 thereof, and by enacting and inserting in lieu thereof a new sub-section (r) as follows:

“(r) Of the offense of lewdly and lasciviously playing or toying with a 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, as amended.”

Approved May 1, 1951.

CHAPTER 65

SELBYVILLE

AN ACT AUTHORIZING "THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE" TO BORROW SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) AND TO ISSUE BONDS THEREFORE FOR THE PURPOSE OF THE GENERAL IMPROVEMENT OF THE WATER PLANT OF "THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE," AND FOR THE PURPOSE OF REPAIRING OR REPLACING DEFECTIVE OR INADEQUATE WATER LINES AND EXTENDING THE WATER LINES WITHIN THE TOWN OF SELBYVILLE; PROVIDING FOR A REFERENDUM VOTE TO APPROVE THE ISSUANCE OF SAID BONDS BY "THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE."

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 Mayor and Council of the Town of Selbyville," a municipal corporation and body politic 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 Mayor and Council of the Town of Selbyville" a sum of money not exceeding Seventy-five Thousand Dollars (\$75,000.00) to be used for the purpose of the general improvement of the water plant of "The Mayor and Council of the Town of Selbyville," and for the purpose of repairing or replacing defective or inadequate water lines and extending the water lines within the Town of Selbyville.

Section 2. "The Mayor and Council of the Town of Selbyville," for the purpose as set forth in Section One of this Act, shall have full power and authority to issue bonds to an amount not exceeding in the aggregate the sum of Seventy-five Thousand Dollars (\$75,000.00) to be known by whatever name "The Mayor and Council of the Town of Selbyville" shall designate by resolution of the Mayor and Council.

Section 3. The form, amount and denomination of the bonds, the rate of interest, the time of payment thereof, the classes, the times of maturity and provisions as to the registration and redemption thereof, if said bonds shall be redeemable before their due date shall be determined by the Mayor and Council. The said bonds shall be offered for sale to the best and most responsible bidder or bidders after suitable advertisement, as the Mayor and Council shall determine. The Mayor and Council of the Town of Selbyville shall have the right to reject any and all bids which may be offered for such bonds if, in the judgment of the said Mayor and Council, such bids shall be deemed insufficient. The Mayor and Council may sell or dispose of said bonds at private sale for the best price obtainable therefor, provided, said price shall not be less than par and accrued interest.

In the event the Mayor and Council of the Town of Selbyville shall so decide said bonds shall be redeemable at the option of the Mayor and Council of the Town of Selbyville. The time of redemption and the price to be paid by "The Mayor and Council of the Town of Selbyville" upon redemption shall be determined by the Mayor and Council and the terms thereof shall be set forth and printed on the face of said bonds.

Section 4. The Mayor and Council of the Town of Selbyville 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 term as the Mayor and 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 prescribed by the Mayor and Council of the Town of Selbyville, and all such bonds shall be signed by the Mayor of "The Mayor and Council of the Town of Selbyville" and by the Treasurer of "The Mayor and Council of the Town of Selbyville" 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 Council of

the Town of Selbyville may direct. Facsimile signatures of the Mayor of "The Mayor and Council of the Town of Selbyville" and of the Treasurer of "The Mayor and Council of the Town of Selbyville" 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. The Mayor and Council of "The Mayor and Council of the Town of Selbyville" 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 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 Council of the Town of Selbyville 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 said municipal corporation are levied and raised, and shall be in addition to the taxes levied and raised for any and all other municipal purposes.

Section 7. The bonds authorized by this Act may be issued at one time and in one series or at different times and in different series and the maturity date of said bonds may be at one time or said bonds may mature serially at such time or times as the Mayor and Council of the Town of Selbyville may determine prior to the issuance and sale of said bonds. The authority to issue and sell any bonds or number of bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of the bonds issued under this Act shall be Seventy-five Thousand Dollars (\$75,000.00).

Section 8. That the faith and credit of "The Mayor and Council of the Town of Selbyville" 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 Mayor and Council of the Town of Selbyville." Notice of the holding of said referendum election shall be authorized by resolution of the Mayor and Council, published once a week, for at least three consecutive weeks in the newspaper or newspapers published in the Town of Selbyville, Delaware, if any, and in one other newspaper of the State of Delaware as shall be determined by resolution of the Mayor and Council of the Town of Selbyville. 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 town taxes theretofore assessed to him and/or assessed against the property he owns at the time of the referendum election, shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar, of taxes paid by him according to the last town assessment and tax payment records preceding the referendum election.

In case 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 the 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 the remainder interest only shall have no vote by reason thereof. Corporations owning taxable property within the limits of the municipal corporation shall have the right to vote. The vote of a corporation may be cast by its President, Vice-President, Secretary or Treasurer, who shall be entitled to vote one vote for each dollar, or fractional part of a dollar, of taxes paid by the corporation according to the last town assessment and tax payment records preceding 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 town assessment and tax payment records.

The Mayor and Council shall provide sufficient ballots which shall have printed thereon "For Bond Issue" and "Against Bond Issue." Each voter shall indicate his preference by 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. 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 the voters. The Mayor and Council, prior to the date of the referendum election shall designate either the Town Clerk or some other town employee or official familiar with the assessment and tax payment records to attend the election with the last town assessment and tax payment records for the inspection of the election officers. The referendum election shall be held not less than thirty days after the approval of this Act and at such time thereafter as the Mayor and Council shall designate after having first determined the extent of the present and probable 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 Town of Selbyville as the Mayor and Council shall designate in said public notice. The polls shall be open from 2:00 P.M. (Eastern Standard Time) and shall close at 7:00 P.M. (Eastern Standard Time), unless at the time of said election Daylight Saving Time be in effect in said Town, in which case the polls shall open at 2:00 P.M. (Daylight Saving Time) and shall close at 7:00 P.M. (Daylight Saving Time).

The Judge of the election and the election clerks shall have the right to vote subject to the same qualifications and provisions applying to other voters at said election.

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 Town Clerk, 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 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 bonds herein provided for, and not exceeding Seventy-five Thousand Dollars (\$75,000.00), 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, without another referendum election being held at such time as the Mayor and Council shall determine.

In the case of a tie vote on the Bond Issue, the Mayor of the Town of Selbyville shall, within one week after said referendum election, call a special meeting of the Mayor and Council of the Town of Selbyville, at which meeting a vote of the Mayor and Council of the Town of Selbyville shall be taken and if the vote of the majority of said Mayor and Council is for the Bond Issue, then the referendum election shall be deemed to be "For Bond Issue," but if the majority vote of the Mayor and Council is against the Bond Issue then no bonds shall be issued, nor shall any money be borrowed under this Act, without a further referendum election as herein provided.

Section 10. That a statement appearing in the bonds which may lawfully be issued under the provision 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 May 3, 1951.

CHAPTER 66

RELATING TO THE ACQUISITION BY THE STATE HIGHWAY
DEPARTMENT OF FERRIES IN OPERATION ACROSS THE
DELAWARE RIVER

**AN ACT TO AMEND CHAPTER 274, VOLUME 45, LAWS OF
DELAWARE, AS AMENDED BY CHAPTER 193, VOLUME
46, LAWS OF DELAWARE, IN RESPECT TO THE ACQUISITION BY THE STATE HIGHWAY DEPARTMENT OF
ANY FERRY OR FERRIES IN OPERATION ACROSS THE
DELAWARE RIVER.**

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

Section 1. That Chapter 274, Volume 45, Laws of Delaware, entitled "An Act To Amend Chapter 166 Of The Revised Code of Delaware, 1935, To Authorize The State Highway Department To Construct, Operate And Maintain A Crossing Over The Delaware River, And Appropriating Certain Monies Therefor," approved April 18, 1945, as amended by Chapter 193, Volume 46, Laws of Delaware, approved April 5, 1947, be and the same is hereby further amended by inserting between the second and third paragraphs of Section 10 of said Chapter a new paragraph as follows:

"In order to effectuate the provisions of this Section the Department is directed, in the event that it shall be unable to acquire such ferry or ferries by purchase, to institute, prior to the opening of the crossing for the use of the traveling public, but in no event later than ninety days following the approval of this amendatory Act, condemnation proceedings in the manner herein authorized for the acquisition of any such ferry or ferries. The amount of damages ascertained in any such condemnation proceedings may be paid or tendered by the Department to the person or persons entitled to the same within four months after the same shall have been finally ascertained, anything herein or in 5730 Sec. 11 of Chapter 166 or in 1676 Sec. 32 of Chapter 55 of the Revised Code of Delaware, 1935, or in any other applicable condemnation statute now existing or hereafter enacted to the contrary notwithstanding."

Section 2. It is the sense of the General Assembly that upon the final ascertainment of such amount of damages in such proceedings the General Assembly should be convened in special session for the consideration of the issuance of additional revenue bonds to provide for payment thereof under the provisions of the Act of Assembly of April 19, 1945, being Chapter 275, Volume 45, Laws of Delaware.

Approved May 3, 1951.

CHAPTER 67

STATE HIGHWAY DEPARTMENT

INCREASING AGGREGATE AMOUNT OF BONDS THAT MAY BE
ISSUED TO DEFRAY COST OF CONSTRUCTION OF A CROSSING
OVER THE DELAWARE RIVER

**AN ACT TO AMEND CHAPTER 275, VOLUME 45, LAWS OF
DELAWARE, ENTITLED, "AN ACT TO AMEND CHAP-
TER 166 OF THE REVISED CODE OF DELAWARE, 1935,
TO AUTHORIZE AND EMPOWER THE STATE HIGHWAY
DEPARTMENT TO ISSUE REVENUE BONDS TO DE-
FRAY THE COST OF CONSTRUCTION OF A CROSSING
OVER THE DELAWARE RIVER" AS AMENDED BY
CHAPTER 192, VOLUME 46, LAWS OF DELAWARE, BY
INCREASING THE AGGREGATE AMOUNT OF BONDS
THAT MAY BE ISSUED THEREUNDER.**

*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 Section 1 of said Chapter 275, Volume 45, Laws of Delaware, entitled "An Act to Amend Chapter 166 of the Revised Code of Delaware, 1935, to Authorize and empower the State Highway Department to issue Revenue Bonds to Defray the Cost of Construction of a Crossing over the Delaware River," as amended by Chapter 192, Volume 46, Laws of Delaware, be and the same is hereby amended by striking out the words and figures "Forty Million Dollars (\$40,000,000)" wherever the same appear in said Section 1 of said Chapter, as amended, and by substituting in lieu thereof the words and figures "Forty-three Million Nine Hundred Thousand Dollars (\$43,900,000)."

Approved May 3, 1951.

CHAPTER 68

RELATING TO AID FOR THE NEEDY BLIND

AN ACT TO AMEND CHAPTER 83, VOLUME 45, LAWS OF DELAWARE, 1945, AS AMENDED, RELATING TO AID FOR THE NEEDY BLIND, BY PROVIDING THAT EXAMINATION MAY BE BY AN OPTOMETRIST 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 8 of Chapter 83, Volume 45, Laws of Delaware, 1945, as amended by Section 3 of Chapter 288, Volume 46, Laws of Delaware, 1947, be and the same is hereby further amended by striking out and repealing all of said Section and by inserting in lieu thereof the following:

"Section 8. EYE EXAMINATIONS FOR ELIGIBILITY:—No application shall be approved until the applicant has been examined by an ophthalmologist, physician skilled in diseases of the eye, or an optometrist designated or approved by the Commission to make such examinations. The examining ophthalmologist, physician or optometrist shall certify in writing upon forms provided by the Commission the findings of the examination."

Section 2. That Section 4 of Chapter 83, Volume 45, Laws of Delaware, 1945, as amended by Chapter 109, Volume 47, Laws of Delaware, 1949, be and the same is hereby further amended by striking out and repealing the words "Ten Dollars (\$10.00) per week" as found in lines 13 and 14 thereof, and by inserting and enacting in lieu thereof the words "Fifty Dollars (\$50.00) per month."

Approved May 7, 1951.

CHAPTER 69

GENERAL ELECTIONS

INCREASING COMPENSATION OF ELECTION OFFICERS

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED: "GENERAL ELECTIONS," BY INCREASING THE COMPENSATION OF ELECTION OFFICERS.

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

Section 1. That 1881, Section 72, Chapter 60 of the Revised Code of Delaware, 1935, as amended by Chapter 154 of Volume 45, Laws of Delaware, be and the same is hereby repealed and a new Section substituted in lieu thereof, as follows:

1881. Sec. 72. COMPENSATION OF ELECTION OFFICERS:—Inspectors of Election, Judges of Election and Clerks of Election, shall each receive Twenty Dollars for each day's service rendered by them in holding any General or Special Election in this State, and Five Dollars for each day's service rendered by them for duties required of them or any of them on any other day than the day upon which such General or Special Election is held, except as otherwise provided.

Approved May 7, 1951.

CHAPTER 70
APPROPRIATION

RELATING TO 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 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 Twenty-two Thousand Five Hundred Dollars (\$22,500.00) for each of the fiscal years beginning July 1, 1951 and ending June 30, 1952, and beginning July 1, 1952 and ending June 30, 1953, 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-two Thousand Five Hundred Dollars (\$22,500.00) for each of the fiscal years beginning July 1, 1951 and ending June 30, 1952, and beginning July 1, 1952 and ending June 30, 1953, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstacles, 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 (50c) 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 May 7, 1951.

CHAPTER 71

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 96, VOLUME 47, 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 the Members elected to each Branch thereof concurring therein):

Section 1. That Section 1 of Chapter 96, Volume 47, Laws of Delaware, be amended by striking out the words and figures "One Hundred Thousand Dollars (\$100,000.00)" and substituting therefor the words and figures "One Hundred and Twelve Thousand Five Hundred (\$112,500.00) Dollars."

Approved May 7, 1951.

CHAPTER 72

BOARD OF BOILER RULES

AN ACT TO AMEND CHAPTER 159 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "BOARD OF BOILER RULES" BY REMOVING THE LIMITATION TO STEAM BOILERS ON THE QUALIFICATION AND RULE MAKING POWERS OF THE BOARD.

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

Section 1. That 5420. Sec. 1. of Chapter 159 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and removing the word "steam" wherever it appears therein.

Approved May 7, 1951.

CHAPTER 73

APPROPRIATION

UNIVERSITY OF DELAWARE—RESEARCH AND TRAINING ON
SALT WATER RESOURCES**AN ACT APPROPRIATING CERTAIN MONIES TO THE
UNIVERSITY OF DELAWARE FOR CONTINUING
RESEARCH AND TRAINING ON SALT WATER RE-
SOURCES.**

WHEREAS, the Governor of the State of Delaware has taken recently from his Emergency Fund certain monies to initiate a program of research and training on the salt water resources within this State; and

WHEREAS, there is a recognized need for the continuation of said program; NOW, THEREFORE,

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

Section 1. That there is hereby appropriated to the University of Delaware the sum of Thirty Thousand Dollars (\$30,000.00) for the fiscal year beginning July 1, 1951 and ending June 30, 1952 and Thirty Thousand Dollars (\$30,000.00) for the fiscal year beginning July 1, 1952 and ending June 30, 1953 to be used in establishing a program of research on past, present and potential products from the salt waters of the State, of instruction of special students, teachers and public citizens on the fishery, biology and conservation of aquatic resources, of encouragement of all types of investigation on salt and estuarine waters and their inhabitants, and for provision of advisory assistance to administrative and other agencies concerned with the utilization of marine and estuarine resources.

Section 2. The amounts hereby appropriated shall be paid by the State Treasurer upon warrants drawn by the State Auditor upon vouchers approved, submitted and signed by the proper officers of the University of Delaware.

Section 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 9, 1951.

CHAPTER 74

STATE EMPLOYEES

RELATING TO COMPUTING THE NUMBER OF YEARS OF SERVICE

AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, 1944-45, AS AMENDED, 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 PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," WITH REFERENCE TO COMPUTING THE NUMBER OF YEARS OF SERVICE OF CERTAIN EMPLOYEES OF THE DELAWARE STATE EMPLOYMENT SERVICE TRANSFERRED TO THE WAR MANPOWER COMMISSION AND RETURNED TO STATE SERVICE AT THE CONCLUSION 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. That Chapter 104, Volume 45, Laws of Delaware, 1944-45, be and the same is hereby further amended by adding at the end thereof a new paragraph as follows:—

"Any other provision of this Act notwithstanding, an employee shall be considered in 'Covered employment' (1) while the employee was a regular salaried employee of the Federal Government, engaged in employment service functions in this State during the period January 1, 1942 to November 15, 1946, with respect to which period of federal service the employee is not entitled to credit under the Federal Civil Service Retirement System, and after which period of federal service, the employee returned to State Service in the Delaware Unemployment Compensation Commission in accordance with the provisions of the

Act of Congress (Public Law 549, approved July 26, 1946) known as the Labor-Federal Security Appropriation Act, 1947, and (2) 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."

Approved May 9, 1951.

CHAPTER 75

BELLEFONTE

AN ACT TO AUTHORIZE "THE COMMISSIONERS OF BELLEFONTE," A MUNICIPAL CORPORATION OF THE STATE OF DELAWARE, TO PROVIDE IMPROVEMENTS OF A GENERAL AND PUBLIC NATURE WITHIN "THE COMMISSIONERS OF BELLEFONTE"; TO FINANCE SAID IMPROVEMENTS OUT OF THE GENERAL REVENUES OR BY MEANS OF BOND ISSUES; TO HOLD REFERENDUMS FOR THE APPROVAL OF SAID IMPROVEMENTS WHEN FINANCED BY MEANS OF BOND ISSUES; TO PROVIDE FOR THE ISSUANCE OF SAID BONDS AND THE TERMS AND CONDITIONS THEREOF; TO CREATE SPECIAL FUNDS FROM THE PROCEEDS OF SAID BOND ISSUES; TO PROVIDE FOR THE COLLECTION, BY TAXATION OR SPECIAL ASSESSMENT, OF FUNDS TO PAY THE INTEREST ON SAID BONDS AND FUNDS NECESSARY TO CREATE A SINKING FUND FOR THE REDEMPTION OF SAID BONDS; TO LEVY AND COLLECT SPECIAL ASSESSMENTS AGAINST THE PROPERTIES BENEFITED AND OTHER TAXES; TO ADOPT RULES AND REGULATIONS WITH REFERENCE TO THE AFORESAID IMPROVEMENTS AND TO PRESCRIBE FINES AND PENALTIES FOR THE VIOLATION OF SUCH RULES AND REGULATIONS; TO ACCEPT GRANTS AND/OR LOANS FROM OTHER AGENCIES WITH REFERENCE TO THE AFORESAID IMPROVEMENTS AND TO PROVIDE FOR THE REPAYMENT OF SAID LOANS; TO PROVIDE FOR THE EXERCISE OF THE POWER OF EMINENT DOMAIN IN CONNECTION WITH SAID IMPROVEMENTS.

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

Section 1. In addition to all of the powers which it may now have, "The Commissioners of Bellefonte," a municipal corporation of the State of Delaware, is hereby authorized and em-

powered to construct, reconstruct, purchase, lease, repave, remodel, maintain, use and control improvements of a general and public nature within "The Commissioners of Bellefonte," and to purchase, lease, acquire by gift, grant or by any other means whatsoever, real estate or personal property incidental or appurtenant thereto.

Section 2. The Commissioners of "The Commissioners of Bellefonte" shall have the power and authority to finance the construction, reconstruction, purchase, lease, repave, remodeling and maintenance of the aforesaid improvements or of the purchase, condemnation or lease of real estate or personal property incidental or appurtenant thereto out of the revenues of "The Commissioners of Bellefonte" from whatever source derived or by means of bond issues. The means of financing in each instance shall be left to the discretion of the Commissioners; provided, however, that when the improvements are financed through the issuance of bonds, the conditions and provisions contained in this Act shall be complied with.

Section 3. Whenever the aforesaid improvements shall be financed through the issuance of bonds, the Commissioners of "The Commissioners of Bellefonte" shall hold a referendum or referendums for the purpose of obtaining the approval of the authorized voters of "The Commissioners of Bellefonte" for the aforesaid improvements. The referendum shall be managed and the votes canvassed in such manner as may be prescribed by the Commissioners of "The Commissioners of Bellefonte." The eligible voters in such referendum shall be all of the owners of real estate located within the corporate limit of "The Commissioners of Bellefonte," and each owner of such real estate shall be entitled to one vote. When real estate is owned by tenants by the entirety or by more than one owner as tenants in common or as joint tenants, or as life tenants and remaindermen, each of the tenants by the entirety, tenants in common, joint tenants, or life tenants and remaindermen, shall be entitled to one vote.

Section 4. If a majority of those casting votes at the aforesaid referendum is in favor of the proposed improvement, the Commissioners of "The Commissioners of Bellefonte" shall have the right, in their discretion, to proceed with the aforesaid im-

provements at any time within a period of one year from the date of said referendum. Any agreement or commitment entered into by the Commissioners during said one year period with reference to said improvements shall constitute compliance with this requirement to proceed with said improvements, and it shall not be necessary to hold any further referendum in the event that said improvements are not completed within the aforesaid period of one year. If the Commissioners of "The Commissioners of Bellefonte" shall not enter into any agreement or commitment with reference to said improvements during the aforesaid one year period, no action shall be taken thereafter with reference to said improvements, unless a referendum is again held for the particular improvements.

Section 5. The interest rate of said bonds may be fixed by the Commissioners of "The Commissioners of Bellefonte" in advance of sale or the bonds may be offered for sale at a rate of interest to be fixed by the successful bidder of said bonds. The said bonds and the income therefrom shall not be subject to state, county or municipal taxation. The reasonable expenses of issuing said bonds shall be deemed an expense connected with the purpose for which said bonds are issued and may be paid by the Commissioners out of the special bond account. The full faith and credit of "The Commissioners of Bellefonte" shall be pledged to the payment of said bonds and the interest thereon.

Section 6. The Commissioners of "The Commissioners of Bellefonte" shall advertise said bonds for sale in at least two issues of a newspaper of general circulation in the city of Wilmington, Delaware, inviting bids for the same, which advertisement shall state the total amount of the proposed issue, the denominations of said bonds, the place and date of opening said bids under which said bonds are to be sold. The Commissioners of "The Commissioners of Bellefonte" may give notice of the sale of said bonds in such other manner as they may decide. Said bonds may be sold at private sale to the United States of America, or any agency, instrumentality or corporation thereof, at no less than par.

Section 7. The Commissioners of "The Commissioners of Bellefonte" may, in their discretion, 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, the Commissioners shall return to the unsuccessful bidder or bidders the certified check or checks submitted with the bid or bids.

Section 8. The Commissioners of "The Commissioners of Bellefonte" shall have the right to reject any and all bids, but said bonds, when sold, shall be sold to the person, persons, firm or corporation which, in the judgment of the Commissioners, offers the most advantageous terms.

Section 9. The Commissioners shall direct and effect the preparation and printing of said bonds and shall prescribe the form of said bonds and the coupons for the payment of interest thereto attached. Said bonds shall be signed by the president or president pro tem of the Commissioners of "The Commissioners of Bellefonte" and countersigned by the secretary or treasurer of the Commissioners of "The Commissioners of Bellefonte."

Section 10. Said bonds may bear such date or dates, may mature at such time or times 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, covenants and conditions as the Commissioners of "The Commissioners of Bellefonte" may provide by resolution or resolutions; which resolution or resolutions may be adopted at the same meeting at which they are introduced by a majority of all of the members thereof then in office and may take effect immediately upon adoption.

Section 11. 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 other persons whose signatures appear thereon shall have ceased to be officers of "The Commissioners of Bellefonte." The validity of said bonds shall not be dependent on or affected by the validity or regularity of any proceedings relating to the construction, reconstruction, purchase, lease, repave, remodeling and maintaining of the improvement 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 12. The money raised by the issuance of bonds shall be held in a special account apart from other town revenues and shall be expended only for the purposes for which said bond issue was authorized; provided, however, that any surplus of funds in said bond account, after the completion of said improvements, in excess of Two Hundred Dollars (\$200.00) shall be refunded pro rata to the property owners whose assessments have furnished the funds for said improvements, however, any excess of funds less than Two Hundred Dollars (\$200.00) shall revert to the general funds of "The Commissioners of Bellefonte" and expended for any other lawful purposes.

Section 13. The Commissioners of "The Commissioners of Bellefonte" are authorized, and, unless the funds are otherwise provided, are required to levy and collect, by taxation or special assessment, such sums of money as shall be sufficient to pay the interest accruing on said bonds, and are further authorized and empowered to levy and collect, by taxation or special assessment, unless the funds are otherwise provided, such 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 other town taxes, and the special assessments shall be levied and collected as hereafter stated.

Section 14. The Commissioners of "The Commissioners of Bellefonte" shall have the power and authority to fix and impose special assessments upon all properties benefited by the afore-said improvements. The special assessment shall be fixed at such a rate as the Commissioners shall deem to be fair and equitable in view of the cost of the improvements; and shall be fixed and imposed only in those cases in which a special assessment is an appropriate and equitable means of raising funds in connection with the particular improvements. The Commissioners of "The Commissioners of Bellefonte" shall also have the power and authority to increase the tax rate in "The Commissioners of Bellefonte" or to levy additional taxes whenever the Commis-

sioners shall deem it necessary in connection with the aforesaid improvements.

Section 15. Any such special assessment shall be a lien upon the properties upon which it is fixed and imposed from the time that it is fixed and imposed by the Commissioners; and said lien shall have priority over any lien, encumbrance or conveyance made or suffered by the owner of said property after the said special assessment has been fixed and imposed as aforesaid. Said special assessment may be fixed and imposed by the Commissioners by resolution at any regular or special meeting of the Commissioners. It shall be due and payable in accordance with the terms and conditions fixed by the Commissioners; and the Commissioners shall have the power and authority to provide for the payment thereof in installments over a period of years with interest at such rates as the Commissioners shall determine. Upon default in any of the installment payments for a period of thirty (30) days after such installment shall have become due, the Commissioners may cause to be instituted proper proceedings for the enforcement of the lien of said special assessment in accordance with the provisions of Chapter 143, Volume 41, Laws of Delaware. The Commissioners of "The Commissioners of Bellefonte" shall have the power and authority to exempt from the aforesaid special assessments any church property within "The Commissioners of Bellefonte" on which a church is erected and maintained, for so long a period as said church continues to be maintained as a church, and to the extent of the property on which the church is actually built. The same exemption with the same limitations and conditions may be provided by the Commissioners of "The Commissioners of Bellefonte" for property owned by Brandywine Hundred Fire Company No. 1 within "The Commissioners of Bellefonte," property owned by any veterans' organization and maintained for the purposes of a meeting place or social hall by said veterans' organization, and any property owned by "The Commissioners of Bellefonte."

Section 16. The Commissioners of "The Commissioners of Bellefonte" shall have the power and authority to adopt such rules and regulations as the said Commissioners may deem proper with reference to the construction, reconstruction, purchase, lease, repave, remodeling, maintenance, use and control of the

aforesaid improvements; and the said Commissioners shall have the power and authority to prescribe fines and penalties for the violation of any such rules and regulations, said fines to be collected in the same manner as other fines for offenses against the ordinances of the Town are now or may hereafter be collected.

Section 17. The Commissioners of "The Commissioners of Bellefonte" shall have the power and authority to accept grants and/or loans of money, labor, materials, equipment or technical assistance from agencies of the federal or state government or from an inter-state or intra-state agency or 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.

Section 18. Whenever "The Commissioners of Bellefonte" cannot agree with the owner or owners of any land, building, franchise, easement, or other property necessary to be taken or used in the construction, reconstruction, purchase, lease, repave, remodeling, or maintenance of any improvement or proposed improvement, the Commissioners of "The Commissioners of Bellefonte" may apply to the Associate Judge of the State of Delaware, resident in the county where any such property necessary to be taken is located, for the condemnation of such property, first giving to the other party or owner at least five days' notice in writing of the intended application if such party or owner is known to be within the State; and if said party or owner is unknown, or without the State, or under legal disability and has no guardian or legal representative in the State, or if said party or owner is known, but his whereabouts are unknown, then such notice shall be published in some newspaper in the county in which said property proposed to be taken is located, at least five days prior to the intended applications, and such publication shall be sufficient notice. Upon application made as aforesaid, the said Associate Judge shall appoint five judicious and impartial freeholders to view the premises or ascertain the easement or franchise, and assess the damages which the owner or owners will sustain by reason of the said construction, reconstruction, purchase, lease, repave, remodeling, or maintenance of said improvements, or the taking of such property. The freeholders shall be sworn or affirmed before some officer authorized to administer

oaths or affirmations, before entering on the premises or before ascertaining the easement or franchise, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner or owners of the premises or property so proposed to be condemned, if said owner or owners are known to be within said State, or to their guardians or legal representatives, duly appointed, if within the State, and to the said "The Commissioners of Bellefonte" of the time of their meeting to view the premises or ascertain the easement or franchise; if the owner or owners are unknown or are without the State or under legal disability and have no legal representative in the State, or if said owner or owners are known but their whereabouts are unknown, publication of such last mentioned notice shall be made in some newspaper in the County in which the proceedings were instituted at least ten days prior to the said meeting and such publication shall be sufficient notice thereof. The said condemnation commissioners shall keep a record of their proceedings with their findings and awards and return the same to the Prothonotary of the County in which the said proceedings were instituted; and shall certify their findings and awards to the owner or owners of the property in the same manner as that in which notice of the application for condemnation was given, and to "The Commissioners of Bellefonte." If "The Commissioners of Bellefonte" or any party in interest is dissatisfied with such findings or awards, they may, on application to said Prothonotary within fifteen days after such findings and awards have been made and filed, sue out a writ of ad quod damnum, requiring the Sheriff of said County, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages which will be sustained as aforesaid, and their report shall be final. The said condemnation commissioners or the said jury shall, in assessing the damages aforesaid, take into consideration the benefits and advantages to the owner or owners resulting from the proposed improvement and set off the value of such benefits or advantages against the loss, detriment and disadvantages, which such owner will suffer; provided that in no case shall the amount estimated as and for the benefits and advantages exceed the amount allowed for loss, detriment or disadvantage to such owner. The amount of damages being ascertained, "The Commissioners of Bellefonte" may pay or tender the amount thereof within two months after the same shall have

been so ascertained, to the person or persons so entitled thereto, or, if the person or persons so entitled refuse to accept or reside out of or are absent from the county during all or any part of said period of two months, or are unknown or are under legal disability and have no guardian or legal representative appointed within the State, or are known but have no known address within the State, the same may be deposited to their credit in the Farmers' Bank of the State of Delaware, in the county seat of the county wherein such proceedings are instituted, within said time, and thereupon said property may be taken and occupied for the use and purpose for which it was condemned; provided that "The Commissioners of Bellefonte" in its discretion, after it has made application as aforesaid, for the condemnation of the property, may occupy or use such property without delay and the proceedings for the ascertainment of the damages shall proceed as in this section provided, but in the event of such immediate use or occupation as last aforesaid, "The Commissioners of Bellefonte" shall pay to the owner or owners thereof if within the State or if such owner or owners refuse to accept the amount of damages or are without the County, or are unknown or are under legal disability and have no guardian or legal representative appointed within the State, or are known but have no known address within the State, deposit to his or their credit in the said bank as aforesaid, within ten days after the damages have been ascertained, the amount thereof. The expenses of the assessment by the said condemnation commissioners of the damages shall in all cases be paid by "The Commissioners of Bellefonte." The said judge shall have power to fill any vacancy in any commission and thereafter the commission shall proceed as though no vacancy had occurred.

In addition to the manner of condemnation of property in this section provided, the said "The Commissioners of Bellefonte" shall have the right to condemn any property in this Chapter mentioned for the purposes of this Chapter in the same manner and as fully as any property may be condemned under the provisions of Chapter 55 of the 1935 Revised Code of Delaware. Whenever any property shall be acquired by "The Commissioners of Bellefonte" in any manner, the title of such property shall be in "The Commissioners of Bellefonte."

Section 19. 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 be rendered. This Act shall take effect immediately.

Approved May 10, 1951.

CHAPTER 76

MILFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF MILFORD' TO 'THE CITY OF MILFORD' AND ESTABLISHING A CHARTER THEREFOR" BY PROVIDING AN INCREASE IN THE LIMIT 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 thereof concurring therein):

Section 1. That Chapter 162, Volume 37, Laws of Delaware, 1931, as amended by Chapter 185, Volume 45, Laws of Delaware, 1944-45 be and the same is hereby amended by striking out and repealing sub-section 14 of Section 13 thereof, and by inserting in lieu thereof a new sub-section 14 as follows:

"14. The limit of taxation for current expenses is that rate which by estimation will produce a sum not exceeding One Hundred Thousand Dollars (\$100,000.00), 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."

Approved May 10, 1951.

CHAPTER 77

NEW CASTLE COUNTY LEVY COURT

RELATING TO UNINCORPORATED COMMUNITIES IN NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 43, REVISED CODE OF DELAWARE, 1935, RELATING TO LEVY COURTS, AND PROVIDING FOR LIGHTING STREETS AND/OR HIGHWAYS IN UNINCORPORATED COMMUNITIES OR VILLAGES IN NEW CASTLE COUNTY.

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

Section 1. That Chapter 43, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing 1180. Section 34 of said Chapter and by inserting in lieu thereof the following:

1180. Sec. 34. Upon the petition of a majority of the property owners of any unincorporated community or village in New Castle County, filed on or before the first Tuesday in any month in any year, the Levy Court of said County may enter into a contract with any electric, gas or other lighting companies to light and illuminate, the streets and/or highways running through, bounding and within said community or villages, with electric light, gas light, or other illuminant. The petition of the said property owners shall set forth the boundary lines of the community to be lighted. Street lights shall be of such candle power electric or its equivalent in other illuminating mediums as shall be determined by the said Levy Court. The said Levy Court may enter into contracts for additional lights or may change the location of any lights theretofore located and may levy and collect additional tax for the payment of the same.

Section 2. That Chapter 43, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing 1181. Section 35 of said Chapter and by inserting in lieu thereof the following:

1181. Sec. 35. The said Levy Court, for the purposes of carrying out any such contract so entered into as aforesaid, shall levy for the installation and maintenance of such lights in any such community with respect to which such a contract has been entered into as aforesaid, an annual tax based upon the full annual cost of street and/or highway illumination upon all property within the boundary lines of said community or village as set forth in the petition provided for by Section 34 of this Chapter, based upon the assessment for County purposes. Such taxes shall be collected by the same collector, at the same time and in the same manner as other county taxes. No such taxes shall be levied against farm land.

The County Treasurer of New Castle County shall receive all such taxes collected for such purpose and shall keep the same in a separate account and pay out the same only upon orders signed by the President of the said Levy Court, and approved by the Comptroller of said County. The said officers shall receive no additional compensation for the performance of any duty required of them or any of them under this Section. If, after payment of all contracts entered into as herein provided, there remains a surplus in the Light Account, this surplus shall be applied to reduce the Light Tax Rate for the succeeding taxable year.

Section 3. That Chapter 43, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing 1183A. Section 37A of said Chapter.

Approved May 10, 1951.

CHAPTER 78

KENT COUNTY LEVY COURT

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 8, Volume 47, Laws of Delaware, be and the same is hereby 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 Twelve Thousand Seven Hundred and Fifty Dollars (\$12,750.00) to be distributed by said Firemen's Association equally to each of the regular organized and motorized fire companies, members of said association, for the maintenance and upkeep of the fire equipment of said member companies.

Approved May 10, 1951.

CHAPTER 79

CONSTITUTIONAL AMENDMENT

ZONING

AN ACT AGREEING TO THE PROPOSED AMENDMENT TO SECTION 25 OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO ZONING.

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

"AN ACT PROPOSING AN AMENDMENT TO SECTION 25 OF ARTICLE II 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 Members elected to each House thereof agreeing thereto):

"Section 1. That Section 25 of Article II 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."

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 Fifteenth 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 1950, 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 May 11, 1951.

CHAPTER 80

INSOLVENCY

RELATING TO FILING OF ACCOUNTS BY ASSIGNEES OR TRUSTEES

AN ACT TO AMEND CHAPTER 143, REVISED CODE OF DELAWARE, 1935, ENTITLED "INSOLVENCY" IN REFERENCE TO FILING OF ACCOUNTS BY ASSIGNEES OR TRUSTEES IN VOLUNTARY ASSIGNMENTS FOR BENEFIT OF CREDITORS.

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

Section 1. That Chapter 143, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the last sentence of 5113. Sec. 44. and substituting and enacting in lieu thereof a new sentence to read as follows:

Upon the filing of any such account, notice thereof shall be given to all persons in interest as directed by an appropriate order of the Chancellor or Vice-Chancellor. Such order and notice shall set forth the time within which any person in interest may take and file with the Register in Chancery, in and for the proper county, exceptions to the account in question. The time within which exceptions to any such account may be filed by any person in interest shall be determined by the Chancellor or Vice-Chancellor in the exercise of his discretion, and may be extended from time to time for good cause shown. Any exception or exceptions so filed in respect of any such account shall be heard, determined and the particular account adjusted before the Chancellor or Vice-Chancellor, either in term or vacation, as he may order or direct.

Approved May 11, 1951.

CHAPTER 81

GREENWOOD

AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF GREENWOOD AND INCREASING THE AMOUNT WHICH MAY BE RAISED BY TAXATION BY 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 the Corporate Limits of the Town of Greenwood be and the same are hereby extended on the East side to a distance of one-eighth of a mile beyond the present limits of the said Town as shown by the plot thereof, and the Town Council of the said Town shall cause to be made a new survey showing the said boundaries as hereby extended and shall cause a plot thereof to be recorded in the Office of the Recorder of Deeds at Georgetown.

Section 2. That beginning with the year 1951, the Town Council of the Town of Greenwood shall have authority to raise by taxation in each and every year such sums as the said Town Council shall deem necessary not exceeding Twenty Thousand Dollars (\$20,000.00).

Approved May 11, 1951.

CHAPTER 82

RELATING TO OPERATION OF BOAT IN SILVER LAKE
IN NEW CASTLE COUNTY**AN ACT TO PROHIBIT THE OPERATION OF A BOAT IN
SILVER LAKE IN NEW CASTLE COUNTY, BY A MOTOR
OF MORE THAN FIVE (5) HORSEPOWER.**

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

Section 1. On and after the passage of this Act it shall be unlawful for any person to operate a boat in Silver Lake, New Castle County, propelled by a motor of more than five (5) horsepower, except when such boat is being used for the purpose of training a crew of a shell or other racing boat or is following such a shell or racing boat during a boat or crew race.

Section 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars nor more than One Hundred Dollars or be imprisoned for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

Approved May 11, 1951.

CHAPTER 83

LEVY COURT OF SUSSEX COUNTY

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 CONSER-
VATION 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. 1951 and ending on the Thirtieth day of June, A. D. 1952, and a like sum of Five Thousand (\$5,000.00) Dollars for the fiscal year beginning on the First day of July, A. D. 1952 and ending on the Thirtieth day of June, A. D. 1953.

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 May 11, 1951.

CHAPTER 84

AUTHORIZING PAYMENT TO DR. WILLIAM T. CHIPMAN OF
SALARY AND TRAVELING EXPENSES INCIDENT TO HIS
MEMBERSHIP ON INDUSTRIAL ACCIDENT BOARD

**AN ACT AUTHORIZING AND DIRECTING THE STATE
TREASURER TO PAY TO DR. WILLIAM T. CHIPMAN THE
SUM OF SIX THOUSAND NINE HUNDRED EIGHTY-FIVE
DOLLARS AND NINETEEN CENTS FOR SALARY AND
TRAVELING EXPENSES INCIDENT TO THE OFFICE AS
A MEMBER OF THE INDUSTRIAL ACCIDENT BOARD
FROM JANUARY 11, 1949 to DECEMBER 31, 1950.**

WHEREAS, Dr. William T. Chipman was appointed a member of the Industrial Accident Board of the State of Delaware on January 11, 1949, and

WHEREAS, the said Dr. William T. Chipman, relying on said appointment as a member of the Industrial Accident Board duly qualified and entered upon the duties of said office on the 11th day of January, 1949, and continued to perform the duties as a member of said Industrial Accident Board until the 31st day of December, 1950, and

WHEREAS, on the 30th day of December, 1950, Dr. Isaac J. MacCollum was appointed a member of the Industrial Accident Board in place of the appointment of said Dr. William T. Chipman, for a term of six years, and

WHEREAS, Dr. William T. Chipman has never received any salary or traveling expenses incident to the office as a member of the Industrial Accident Board, and

WHEREAS, the said Dr. William T. Chipman has agreed to resign as a member of said Industrial Accident Board, effective December 31, 1950 and to withdraw any Court Action to collect said salary and traveling expenses incident to his membership on said Industrial Accident Board, and

WHEREAS, sufficient monies have been encumbered in the State Treasury to pay the salary and traveling expenses incident

to the office as a member of the Industrial Accident Board held by Dr. William T. Chipman, from January 11, 1949 to the end of the fiscal year ending June 30, 1950, and

WHEREAS, monies have been appropriated and are earmarked to pay the salary and traveling expenses, aforesaid, from July 1, 1950 to December 31, 1950; NOW, THEREFORE,

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

Section 1. That the State Treasurer is hereby authorized and directed to pay to Dr. William T. Chipman from the monies encumbered in the State Treasury and appropriated therefor, the sum of Six Thousand Nine Hundred Eighty-Five Dollars and Nineteen Cents (\$6,985.19) for the salary and traveling expenses of Dr. William T. Chipman incident to the office as a member of the Industrial Accident Board from January 11, 1949 to December 30, 1950.

Section 2. The State Treasurer shall pay the said sum of Six Thousand Nine Hundred Eighty-Five Dollars and Nineteen Cents (\$6,985.19) to Dr. William T. Chipman on the passage and approval of this Act.

Approved May 11, 1951.

CHAPTER 85

ROADS AND BRIDGES

REQUIRING CERTAIN NEW ROADS TO CONFORM TO
SPECIFICATIONS OF STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND CHAPTER 55 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "ROADS AND BRIDGES" REQUIRING CERTAIN NEW ROADS INTENDED TO BE DEDICATED TO PUBLIC USE TO BE CONSTRUCTED TO CONFORM TO SPECIFICATIONS OF THE STATE HIGHWAY DEPARTMENT; VIOLATION A MISDEMEANOR; JURISDICTION; PENALTIES; STATE HIGHWAY DEPARTMENT AUTHORIZED TO MAKE AND PUBLISH RULES AND REGULATIONS IN CONFORMITY HEREWITH.

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, as amended, be and the same is hereby further amended, by inserting after 1694. Sec. 50. of Article 3 thereof the following new section to be known as 1694A. Sec. 50A., as follows:

1694A. Sec. 50A. (a) On and after the effective date of this Act it shall be unlawful for any person, firm or corporation to construct or cause to be constructed, any new road or street not within the corporate limits of any city or town and intended to be dedicated by the owner thereof to the public use and which new road or street is or will be a continuation of or does or will connect with or intersect any existing public road or roads now or hereafter designed to be part of the general highway system of the State of Delaware, except in conformity with plans and specifications to be approved by the State Highway Department.

(b) Before commencement of any such construction, the owner and the person, firm or corporation actually engaged in such construction, shall first post with the State Highway De-

partment a good and sufficient bond to the State of Delaware in such amount as may be fixed, but not to exceed ten per centum of the estimated cost of such construction, and with surety or sureties to be approved by the State Highway Department, which said bond shall be conditioned on the faithful performance of the obligations imposed by Paragraph (a) hereof.

(c) It shall be the duty of the State Highway Department to inspect from time to time any new road or street being so constructed and upon the satisfactory completion of such construction in conformity with its plans and specifications the State Highway Department shall so notify the owner of said new road or street and upon the dedication by said owner of the said street to the public use, it shall be the duty of the State Highway Department immediately thereafter to assume the sole and absolute care, management and control of said new road or street as a public road or street.

(d) The State Highway Department is hereby authorized to make and publish rules, regulations and specifications for said construction work in conformity with this chapter.

(e) Any person, firm or corporation violating the terms and conditions of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand Dollars.

(f) Nothing herein contained shall prohibit the completion of any new road or street actually under construction on the effective date of this Act and which construction would otherwise be hereby prohibited but the State Highway Department shall not be required hereby to assume the sole and absolute care, management and control of such new road or street.

Section 2. This Act shall become effective on July 1, 1951.

Approved May 11, 1951.

CHAPTER 86

MOTOR VEHICLES

WHEN SPEED LIMITS NOT APPLICABLE

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5625. Sec. 87. and inserting in lieu thereof the following:

5625. Sec. 87. WHEN SPEED LIMITS NOT APPLICABLE:—The speed limitations set forth in this Chapter shall not apply to vehicles when operated with due regard for safety under the directions of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to police vehicles in cases of emergencies, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

Approved May 11, 1951.

CHAPTER 87

NEW CASTLE COUNTY LEVY COURT

AUTHORIZING RECORDER OF DEEDS TO PROCURE
NEW SEAL OF OFFICE

**AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN
AND FOR NEW CASTLE 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 Recorder of Deeds in and for New Castle 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 Recorder of Deeds in and for New Castle County.

Section 2. That when the said seal shall be so procured as aforesaid the said Recorder of Deeds shall cause the present seal in his office to be broken and destroyed in the presence of the high sheriff of said County.

Section 3. That the Levy Court of New Castle County shall pay the necessary costs and expenses of procuring the said new press and seal.

Approved May 11, 1951.

CHAPTER 88

INSOLVENCY

BOND OF ASSIGNEES

AN ACT TO AMEND CHAPTER 143 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "INSOLVENCY," IN REFERENCE TO THE AMOUNT OF AND APPROVAL OF THE BOND OF ASSIGNEE OR ASSIGNEES IN VOLUNTARY ASSIGNMENT FOR BENEFIT OF CREDIT.

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

Section 1. That Chapter 143 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the first sentence of 5111. Sec. 42. and substituting and enacting in lieu thereof a new sentence to read as follows:

The assignee or assignees, aforesaid, shall, as soon as such inventory and appraisement shall have been filed, give bond or bonds with sufficient surety or sureties, to be approved by the Chancellor or Vice-Chancellor in an amount fixed by the Chancellor or Vice-Chancellor, being not less than the total amount of inventory and appraisement of the estate so assigned.

Approved May 11, 1951.

CHAPTER 89

KENT COUNTY LEVY COURT

AUTHORIZING APPROPRIATION TO LEIPSIC VOLUNTEER
FIRE COMPANY

**AN ACT AUTHORIZING THE LEVY COURT OF KENT
COUNTY TO APPROPRIATE COUNTY MONIES TO THE
LEIPSIC VOLUNTEER FIRE COMPANY FOR THE
MAINTENANCE OF AN AMBULANCE.**

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

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to the Leipsic Volunteer Fire Company to be used in the maintenance of its ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Kent County to the said Leipsic Volunteer Fire Company on the first day of May of each year.

Approved May 11, 1951.

CHAPTER 90

LEVY COURT

SUBURBAN COMMUNITY CODE

AN ACT TO AMEND CHAPTER 123, OF VOLUME 45, LAWS OF DELAWARE, AS AMENDED, BEING THE SUBURBAN COMMUNITY CODE, WITH RESPECT TO PETITIONS TO LEVY COURT FOR STREET IMPROVEMENT AND TIME FOR FILING SUCH PETITIONS.

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 123, Volume 45, Laws of Delaware, 1944-45, be and the same is hereby amended by striking out the words "During the months of October and November of any year" as the same appear in Section 3 thereof, and by inserting and enacting in lieu thereof the words "At any time."

Approved May 11, 1951.

CHAPTER 91

BLADES

PROVIDING FOR ISSUANCE OF BONDS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING THE COUNCIL OF THE TOWN OF BLADES TO BORROW A SUM OF MONEY NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00), AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF INSTALLING A WATER PLANT AND THE LAYING OF WATER MAINS IN THE TOWN OF BLADES AND EQUIPMENT THEREFOR" AND PROVIDING FOR THE ISSUANCE OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) IN BONDS FOR THE ABOVE 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 branch of the Legislature concurring therein):

Section 1. That Chapter 136, Volume 41, Laws of Delaware, be amended by striking out all of said Chapter 136 and enacting the following bill providing for the issuance of One Hundred Thousand Dollars (\$100,000.00) in bonds for the above purpose:

"Section 1. That the Council of the town of Blades be and the same is hereby authorized and empowered to borrow on the credit of said town of Blades, a sum of money not to exceed One Hundred Thousand Dollars (\$100,000.00), to be used for the purpose of installing a water plant, the laying of water mains in the said town of Blades and the equipment therefor."

Section 2. That the Council of the said town of Blades for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue Bonds of the said town of Blades, to be known as "Blades Water Improvement Bonds," to an amount not exceeding the said sum of One Hundred Thousand Dollars (\$100,000.00), which bonds shall be in the denomination of Five Hundred Dollars (\$500.00), shall be numbered consecu-

tively beginning with number one, and shall bear interest at such rate as the Council shall determine, not exceeding four per centum per annum, payable semi-annually upon presentation of the coupons attached to said Bonds representing the semi-annual interest. The Bonds shall be payable, both as to principal and interest, at the Seaford Trust Company, in the town of Seaford, Sussex County, Delaware.

Section 3. The principal of said Bonds shall be payable as follows:

Bond No. 1, shall be payable on the 30th day of July in the tenth year after the issuance thereof, and thereafter, annually, one or more of said Bonds shall be called in and paid on the 30th day of July, until all of said Bonds shall have been paid, the calling in and payment of said Bonds to be made in the consecutive order of the numbers thereof; provided, however, that the Council of the town of Blades shall have the right to redeem any or all of said Bonds on or after the expiration of five years from the date of the issuance thereof.

If said Bonds or any of them shall be redeemed, the Council of the town of Blades shall publish notices thereof in a newspaper published in the town of Seaford, and in a newspaper published in the town of Georgetown. The said publications to commence at least thirty days prior to the date of said redemption.

The redemption of Bonds under the provisions hereof shall be according to the consecutive numbers thereof. Upon the redemption of said Bonds, interest thereon shall cease.

Section 4. The Council of the town of Blades shall direct and effect the preparation, printing and sale of said Bonds authorized by this Act at such time or times, and on such terms as it may deem expedient, and all the moneys arising from such sale shall be applied to carry into effect the provisions of this Act.

Section 5. The form of said Bonds, with coupons attached thereto, shall be prescribed by the Council of the town of Blades, and said Bonds shall be signed by the president of the said

Council, countersigned by the treasurer of said town of Blades and sealed with the corporate seal of said town, and shall be exempt from State, county, and municipal taxes. As said Bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Council shall direct.

Section 6. For the purpose of providing for the payment of said Bonds as they severally mature, and the annual interest thereon, and to provide a sinking fund for the payment or redemption of said Bonds, the Council of the town of Blades is authorized and directed to assess, levy and collect annually in the same manner as other town taxes are assessed, levied and collected in the town of Blades, such further sum of money in addition to the amount authorized by any other law as shall be necessary and sufficient to pay the interest on said Bonds accruing each year, and to pay the principal thereof as the said Bonds shall severally mature, or as they may be redeemed; and the Council of the town of Blades is authorized to make and to establish by ordinance all regulations and rules for the establishment of such sinking fund.

Section 7. The faith and credit of the town of Blades is hereby pledged for the due payment of the principal and interest of all the Bonds issued under the provisions of this Act.

Section 8. Before any moneys shall be borrowed and Bonds issued under the provisions of this Act, a special election shall be held in the same place and in the same manner as other town elections are held, and the Council of the Town of Blades shall arrange for the holding of such election. Notice of said election shall be given by advertisement in a newspaper published in the town of Seaford, State of Delaware, and by posting notices in at least ten public places in said town, at least ten days before said election, which said advertisements and notices shall state the time and place of the election, the amount of Bonds proposed to be issued and the purpose for which the money is to be borrowed. At said election every taxable paying town taxes in the said town of Blades shall be entitled to vote, and shall be entitled to vote one vote only; and for the purpose of this election, residence shall not be a qualification to voting in the said town. At said election the ballots used shall have printed thereon the words "For The

Bond Issue," or the words "Against The Bond Issue." If at such election a majority of the votes cast shall be for the Bond Issue, then Bonds to the amount voted on, and not exceeding in the aggregate One Hundred Thousand Dollars (\$100,000.00), may be issued as in this Act provided. But if, at such election, the majority of the votes cast shall be against the Bond Issue, then no Bonds shall be issued nor money borrowed under this Act.

Approved May 11, 1951.

CHAPTER 92

NEW CASTLE COUNTY LEVY COURT

AUTHORIZING REFUND OF CERTAIN OVERPAYMENT 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 ROADS IN DELAIRE, BRANDYWINE HUNDRED, NEW CASTLE COUNTY, DELAWARE.

WHEREAS, the State Highway Department of Delaware, did construct roads in Delaire, Brandywine Hundred, New Castle County, Delaware, 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 said Levy Court of New Castle County recognizes that said special tax for the purpose aforesaid, was excessive and 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 roads, 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 and directed to refund overpayment of excessive taxes levied for the construction of said roads in Delaire, Brandywine Hundred, New Castle County, State of Delaware,

which were levied to pay for the construction of said roads in the amount and to the persons named, as follows:

M. Stanley Davis, c/o Artic Roofing.....	\$ 68.51
Frank E. Higgins, Washington Realty Co.....	54.34
Marshall Yeatman	109.35
Delaire Corp., c/o Phillip E. Karl.....	184.34

Section 2. The amounts set forth above shall be paid within thirty days after the passage and approval of this Act.

Approved May 11, 1951.

CHAPTER 93

STATE FORESTRY DEPARTMENT

REGARDING DISTRIBUTION OF TREES

AN ACT TO AMEND CHAPTER 23 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO DISTRIBUTION OF FOREST TREES BY THE STATE FORESTRY DEPARTMENT.

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

Section 1. That 716. Section 8. Chapter 23 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out or repealing the said section and substituting in lieu thereof a new section as follows:

716. Section 8. DISTRIBUTION OF FOREST TREE SEEDS AND SEEDLINGS:—The State Forestry Department is hereby authorized to procure, produce and distribute forest tree seeds and seedlings for the purpose of establishing windbreaks and forest growth upon denuded or nonforested lands within the State, in such quantities and under such regulations as may be prescribed by the Department.

Approved May 11, 1951.

CHAPTER 94

LEVY COURT

SUBURBAN COMMUNITY CODE

AN ACT TO AMEND CHAPTER 123, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, ENTITLED "SUBURBAN COMMUNITY CODE," BY PROVIDING FOR REVISIONS IN THE PROCEDURE TO SELL BOND ISSUES; AUTHORIZATION TO USE EXCESS BOND ISSUE FUNDS TO FINANCE OTHER PROJECTS IN OTHER SUBURBAN COMMUNITIES; SUBURBAN COMMUNITY CONTRACTS TO BE EXEMPT FROM LIMITATION OF COUNTY CONTRACT LAWS; AND MEANS OF ACQUIRING AND CONDEMNING ADEQUATE RIGHTS-OF-WAY WHERE INADEQUATE RIGHTS-OF-WAY EXIST OR WHERE RIGHTS-OF-WAY ARE IN QUESTION.

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 further amended by repealing Section 12 therof and by substituting in lieu thereof a new Section 12 as follows:

"Section 12. ISSUANCE OF BONDS BY THE LEVY COURT; TERMS AND CONDITIONS THEREOF; USE OF GENERAL FUNDS OF LEVY COURT:—Provided the vote of the community is in the affirmative, the Levy Court shall promptly meet and by resolution authorize the issuance of bonds, except as hereinafter specifically provided, to defray the expenses of improvement or improvements favored by the freeholders of said community. Said resolution shall specifically state that the bond issue shall not be advertised until after contract bids have been received and thereby the contract cost definitely determined. The amount of the bond issue shall be determined by taking the amount of the contract bid and up to ten percent (10%) thereover. Said resolution shall also state the purpose of the bond issue, the date of maturity, or that the bonds shall mature

serially or be retired by lot, as the case may be, and all other terms and conditions under which said bonds are to be issued. Said Levy Court, before deciding upon the terms and conditions of said bond issue, shall seek the advice of at least two substantial bankers or brokers in Delaware accustomed to dealing in municipal, county or state bond issues. In the event that the contract bid or bids, hereinabove provided, after making provision for ten percent (10%) over and above contract bid or bids is or are less than Twenty Thousand Dollars (\$20,000.00) the Levy Court may use monies in its own general fund to defray costs of construction. Notwithstanding the provisions of Section 28 of this chapter the Levy Court may also use excess monies from previous bond issues to finance contract costs in whole or in part for projects in other suburban communities."

Section 2. That Chapter 123, Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by repealing Section 17 thereof and by substituting in lieu thereof a new Section 17 as follows:

"Section 17. **CONTRACTS FOR IMPROVEMENTS; COMPETITIVE BASIS REQUIRED; PRACTICE TO BE FOLLOWED:**—Immediately upon receiving and reviewing contract bids, the Levy Court shall proceed to enter into a contract or contracts for the required improvements. The letting of said contracts shall be upon a competitive basis pursuant to public advertisement of the intention of the Levy Court to receive sealed proposals for the work on said improvements. In every respect, the letting of said contracts shall follow the practice of the State Highway Department in letting the State Highway Department contracts."

Section 3. That Chapter 123, Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by adding a completely new section to be known as Section 32:

"Section 32. **CONTRACTS EXEMPT FROM LIMITATIONS OF COUNTY CONTRACT LAWS:**—Contracts entered into by the Levy Court under the provisions of this chapter shall in all cases be exempt from monetary limitations now set forth in Levy Court Contract Laws."

Section 4. That Chapter 123, Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new section to be known as Section 33:

"Section 33. RIGHTS-OF-WAY:—In the event that street rights-of-way are inadequate or where street rights-of-way are in question, the State Highway Department shall have authority to acquire the rights-of-way necessary for the suburban community construction project. In every respect, the acquisition of such necessary street rights-of-way shall follow the then current practice of the State Highway Department in acquiring rights-of-way for State Highway Department contracts."

Approved May 11, 1951.

CHAPTER 95

PROVIDING FOR THE PROTECTION OF THE HEALTH AND
SAFETY OF THE CIVILIAN POPULATION DURING AN
EMERGENCY PERIOD**AN ACT TO PROTECT THE HEALTH AND SAFETY OF THE
CIVILIAN POPULATION DURING AN EMERGENCY
PERIOD.**

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

Section 1. PURPOSE:—A serious public emergency may exist in this State because of the demands of the armed services for physicians and dentists. Cooperation on the part of the State, with certain Federal agencies, such as the Procurement and Assignment Service for Physicians, Dentists, and Veterinarians of the War Manpower Commission is imperative, so that temporary relocation of physicians and dentists may be accomplished, to overcome acute shortages in specific localities from time to time. For the protection of the health and welfare of the people of the State, power to provide for the temporary admission to practice in the State, of physicians and dentists, licensed in a State of the United States other than Delaware, is hereby conferred upon the Medical Council of Delaware, the Delaware State Board of Dental Examiners and the State Board of Veterinary Examiners upon conditions and under regulations prescribed by them.

Section 2. POWER TO PROVIDE FOR THE TEMPORARY ADMISSION TO PRACTICE MEDICINE AND DENTISTRY IN THE STATE:—To accomplish the purpose set forth in Section 1, and notwithstanding any inconsistent provision of law, the Medical Council of Delaware, the Delaware State Board of Dental Examiners and the State Board of Veterinary Examiners shall have power by general regulations or specific orders, to issue temporary emergency certificates, said temporary certificates to be limited to twelve months duration, renewable at the discretion of the issuing authority, to such physicians and dentists licensed in a State of the United States other than Delaware, as they shall find qualified to practice as such in the State during

such emergency. The holder of any such temporary certificate shall be privileged during the term specified therein, unless sooner revoked, to practice his profession within this State subject, however, to all laws of this State generally applicable to the practice of such profession and to such regulations, restrictions, and area limitations as the Medical Council of Delaware, the Delaware State Board of Dental Examiners and the State Board of Veterinary Examiners may make or impose as to them or any of them and their practice within this State.

Section 3. This Act shall take effect immediately and shall remain in effect until May 1, 1953.

Approved May 11, 1951.

CHAPTER 96

NEW CASTLE

EXTENDING LIMIT FOR SUPPLYING WATER

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A BOARD OF WATER AND LIGHT COMMISSIONERS FOR THE CITY OF NEW CASTLE" CHAPTER 121, VOLUME 32, LAWS OF DELAWARE, BY EXTENDING TO THREE MILES BEYOND THE CORPORATE BOUNDARIES OF THE CITY OF NEW CASTLE THE TERRITORY IN WHICH THE MAYOR AND COUNCIL OF NEW CASTLE, ACTING THROUGH THE BOARD OF WATER AND LIGHT COMMISSIONERS OF NEW CASTLE MAY SUPPLY WATER.

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

Section 1. The Mayor and Council of New Castle, through the agency of the Board of Water and Light Commissioners, in addition to the power and authority which it now has to supply and distribute water within the corporate limits of the City of New Castle, may, in its discretion supply and distribute water throughout all of that territory included within three miles of the corporate limits of said City.

Section 2. The Board of Water and Light Commissioners for the City of New Castle shall determine the person or persons, firm or firms, corporation or corporations, to which it shall supply and distribute water throughout said territory included within three miles of the boundary of said corporate limits; shall fix the rates therefor; shall regulate the use of said water; and shall supply the same upon such terms and conditions as may be agreed upon by said person or persons, firm or firms, corporation or corporations, and the said Board of Water and Light Commissioners.

Section 3. The Mayor and Council of New Castle, by and through the agency aforesaid, shall have and exercise all the

power and authority necessary to the accomplishment of said supplying and distributing of water throughout the territory included within three miles of the boundary of said corporate limits as it now has and exercises in the installation, operation and maintenance of its systems for supplying and distributing water in the City of New Castle.

Section 4. Whenever the Board of Water and Light Commissioners shall deem it necessary or expedient to obtain private property either within the limits of the City of New Castle or without such limits to a distance not exceeding three miles for the purpose of constructing facilities for the supplying and distributing of water and shall advise the Council of the Mayor and Council of New Castle, in writing, of the location, description and estimated fair value for which such property is deemed necessary or expedient, the said Council shall be empowered to acquire such property by agreement with the owner thereof or if such agreement cannot be reached, the said property or land may be acquired by condemnation proceedings in the same manner and subject to the same conditions and proceedings as prescribed and fully set forth in Section 25 of an Act entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" being Chapter 216 of Volume 27, Laws of Delaware, and all Acts amendatory thereof and supplemental thereto for condemning and taking land for the purpose of laying-out, opening, extending or widening of any street, road, lane or alley in the City of New Castle.

Approved May 11, 1951.

CHAPTER 97

LAUREL

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAUREL AS ESTABLISHED BY CHAPTER 164, VOLUME 29, LAWS OF DELAWARE, IN REFERENCE TO THE MANNER OF NOMINATING CANDIDATES.

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 60 of Chapter 164, Volume 29, Laws of Delaware, be amended by striking out all of said Section, and by substituting the following:

Section 60. The manner of nominating candidates shall be as follows: Every aspirant for the office of Mayor or someone on his behalf, shall, at least ten days before the day of election, file with the Town Clerk, nomination papers for said office in writing, signed by at least thirty of the qualified voters of said Town and no signature shall be counted if it shall be upon the nomination papers of more than one candidate for said office, and if it appears more than once on the same paper it shall be counted but once; and in like manner every aspirant for office of Council or someone on his behalf, shall at least ten days before the day of election, file with the Town Clerk nomination papers for said office, signed by at least fifteen of the qualified voters of the Ward from which he is nominated; or if the nomination be for councilman-at-large, signed by twenty of the said qualified voters of the said Town.

Approved May 11, 1951.

CHAPTER 98

CORPORATIONS

CO-OPERATIVE AGRICULTURAL ASSOCIATIONS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INCORPORATION AND REGULATION OF CO-OPERATIVE AGRICULTURAL ASSOCIATIONS HAVING CAPITAL STOCK AND DEFINING AGRICULTURE SO AS TO INCLUDE PERSONS ENGAGED IN AGRICULTURE, DAIRYING, LIVESTOCK RAISING, POULTRY RAISING, FLORICULTURE, MUSHROOM GROWING, BEEKEEPING, HORTICULTURE, AND OTHER ALLIED OCCUPATIONS; AND PROVIDING PENALTIES," BEING CHAPTER 132, VOLUME 41, LAWS OF DELAWARE, 1937, RELATING TO SELLING, LEASING OR EXCHANGING PROPERTY AND ASSETS.

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

Section 1. That Section 19, Chapter 132, Volume 41, Laws of Delaware, 1937, be and the same hereby is amended by adding the following paragraph to said section:

Any association organized, existing or registered as a co-operative agricultural association under this Act may also sell, lease or exchange all of its property and assets, including its goodwill and its corporate franchises, upon such terms and conditions and for such consideration as its Board of Directors shall deem expedient and for the best interests of the corporation, when authorized by written consent of the holders of a majority of the stock issued and outstanding having voting power or by vote of said stockholders at a meeting duly called for that purpose; provided, however, that no such authorization by vote or written consent shall be required where its Board of Directors determines that the fair value of its property and assets is less than the par value of its outstanding stock and its property and assets are sold to another association organized, existing or doing business

as a co-operative agricultural association in this State and registered as provided under this Act, in exchange for the obligation to purchase or redeem, at the par value, any of its stock offered for sale or redemption by its stockholders and the obligation to assume and pay all its debts.

Approved May 14, 1951.

CHAPTER 99

ALCOHOLIC LIQUOR, WINES AND BEER

AN ACT TO AMEND CHAPTER 176, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "ALCOHOLIC LIQUOR, WINES AND BEER," BY REPEALING ALL OF 6195. SEC. 66. IN RELATION TO SALE OF CIDER IN NORTHWEST FORK, SEAFORD, AND PART OF BROAD CREEK HUNDREDS.

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

Section 1. That 6195. Sec. 66. of Chapter 176, Revised Code of Delaware, 1935, be and the same is hereby repealed.

Approved May 14, 1951.

CHAPTER 100

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 Twenty Thousand Three Hundred Dollars (\$120,300.00) 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-Eight Thousand Nine Hundred Dollars (\$58,900.00) for the year ending June 30, 1952 and Sixty-One Thousand Four Hundred Dollars (\$61,400.00) for the year ending June 30, 1953.

	Year ending June 30	
	1952	1953
Salaries and Wages of Employees.....	\$31,000.00	\$31,000.00
Office Expense	1,100.00	1,100.00
Travel	1,800.00	1,800.00
Operations	20,000.00	20,000.00
Repairs and Replacements.....	4,500.00	7,000.00
Equipment	500.00	500.00
	<hr/>	<hr/>
	\$58,900.00	\$61,400.00

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 May 14, 1951.

CHAPTER 101

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 Eight Thousand Five Hundred Dollars (\$8,500.00) shall be available for the fiscal year beginning July 1, 1951, and ending June 30, 1952, and the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) shall be available for the fiscal year beginning July 1, 1952 and ending June 30, 1953. 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 14, 1951.

CHAPTER 102

LAUREL

AUTHORIZED TO BORROW MONEY

**AN ACT TO AUTHORIZE MAYOR AND COUNCIL OF
LAUREL TO BORROW NOT EXCEEDING \$100,000.00,
AND TO ISSUE BONDS TO SECURE THE PAYMENT
THEREOF, FOR THE PURPOSE OF EXTENDING
SEWER AND WATER LINES, INSTALLATION OF A
NEW WATER WELL AND THE BROADENING OF
SPRUCE STREET 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
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 Thousand (\$100,000.00) Dollars and issue bonds to secure the payment of the amount, for the purpose of providing for the extension of sewer and water lines, the installation of a new water well, and the broadening of Spruce Street in the Town of Laurel.

Section 2. All Bonds issued hereunder shall be known as "Town of Laurel Improvement 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 shall be numbered consecutively beginning with Number One. The Bonds shall bear interest at a rate not exceeding four per centum (4%) 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 the 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. The bonds, or any of them, may be made re-

deemable at the option of the Mayor and Council of Laurel at par and accrued interest at any interest paying date after five (5) years from the date thereof; 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, the maturity or maturities, the date or dates, redemption options, rate of interest, place 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. The bonds may be sold through private negotiation at such time 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 shall then award and sell the bonds to the best responsible bidder; provided, however, that it may reject any or all bids or offers therefor.

Section 6. The 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 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 officials.

Section 7. Mayor and Council of Laurel is authorized and required to levy and raise the taxation, as general municipal taxes are levied and collected, such amount of money in each year as 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 ade-

quate and necessary to establish a sinking fund for the payment of the bonds at maturity, or for their redemption before maturity. All sewer service charges for sewers extended hereunder, shall be devoted to the payment of interest on the bonds or to the sinking fund. 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 8. All money derived from the sale of the bonds authorized hereunder shall be applied to the purposes herein set forth.

Section 9. 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.

Section 10. Before any bonds shall be issued hereunder, a special election shall be held in the same place and in the same manner and under the same conditions and regulations as to voting as other Town Elections. Notice of said Election shall be given by advertisements in a newspaper published in the Town of Laurel, and by posting notices in at least ten public places in said Town at least two weeks before the Election, in which advertisement and notices the time and place of the Election, the amount of bonds proposed to be issued, and the purpose for which the money is to be borrowed shall be stated.

Mayor and Council of Laurel shall prepare the form of ballots to be used at the Election. If at such Election a majority of the votes cast shall be for the bond issue, the bonds to the amount authorized may be issued as provided herein; but if at such Election a majority shall be against the bond issue, then no bonds shall be issued nor money borrowed under this Act.

Approved May 14, 1951.

CHAPTER 103

NEW CASTLE COUNTY LEVY COURT

AUTHORIZING APPROPRIATION TO CLAYMONT FIRE COMPANY,
NO. 1

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE COUNTY MON- EYS TO THE CLAYMONT FIRE COMPANY, NO. 1, FOR THE MAINTENANCE AND OPERATION 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 Claymont Fire Company, No. 1, 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. 1951 and ending on June 30, A. D. 1952, and annually thereafter, such payments to be made within three months after the beginning of any fiscal year.

Approved May 14, 1951.

CHAPTER 104

NEW CASTLE COUNTY LEVY COURT

REGARDING ROAD LIENS IN WILMINGTON MANOR

AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO CANCEL, ADJUST OR ABATE CERTAIN SUBURBAN ROAD LIENS IN WILMINGTON MANOR, NEW CASTLE COUNTY, DELAWARE.

WHEREAS, the Levy Court of New Castle County pursuant to authority granted in Chapter 123, Volume 45, Laws of Delaware, 1944-45, as amended, has the power and authority to establish Suburban Community Projects under certain terms and conditions, and

WHEREAS, the said Levy Court has pursuant to the aforementioned power established such a project in Wilmington Manor, New Castle County, State of Delaware, and

WHEREAS, the following events have taken place:

Certain property owners in the aforementioned Suburban Community petitioned the said Levy Court for suburban road improvements which included the paving of Van Buren Avenue to New Jersey Avenue. The property owners at the corner of Van Buren and New Jersey Avenues were included in the said Suburban Community Project and were entitled to vote at a referendum held pursuant to the statute. The results of the referendum indicated approval by the majority of the property owners.

Subsequent to the referendum but before completion of the road improvements a developer building houses on Van Buren Avenue outside the limits of the aforementioned Suburban Road Project paved part of Van Buren Avenue. This paving by the developer extended approximately 150 feet into the limits of the above mentioned project. This 150 feet was completed by the developer at his own expense in order to comply with a Federal Housing Act requirement that such paving be installed before he could make settlement for the houses which he was building.

Some of the property owners facing on this improvement reimbursed the developer in part for the cost of the work done in front of their property. The work done by the developer was done in accordance with State Highway specifications and accepted by the State Highway Department.

The contractor who performed the work on the aforementioned project was not required to and in fact did not repave the aforementioned 150 foot strip and was not paid for the work done by the developer. Due to the original designation of the limits of the project certain property owners whose property faces on the aforementioned 150 foot strip were included in the Suburban Road Lien District and consequently were assessed a proportionate amount of the cost of the project in the form of a Suburban Road Lien of record against their property.

WHEREAS, it appears to be inequitable and unjust that certain of the property owners along the 150 foot strip should be required to pay twice for the road in front of their property, and

WHEREAS, the Levy Court of New Castle County does not in and of itself have the power to correct this injustice, and

WHEREAS, this unjust situation exists because of a mistake emphasized by the inclusion of the aforementioned properties within the aforesaid Suburban Road Lien District, and

WHEREAS, the properties affected are lots 685, 686 (with respect to its frontage on Van Buren Avenue only) 720, 721 and 722, 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 be and it is hereby authorized to cancel, adjust or abate the Suburban Road Liens or any portion thereof of record against any or all of lots 685, 686 (with respect to its frontage on Van Buren Avenue only) 720, 721 and 722 in Wilmington Manor, New Castle County, State of Delaware, whenever and wherever the said Levy Court shall find that an inequity exists and shall deem it just and proper so to do.

Approved May 14, 1951.

CHAPTER 105

MILTON

RESPECTING CITY LIMITS

AN ACT TO AMEND CHAPTER 194, VOLUME 45, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON," WITH RESPECT TO THE CORPORATE LIMITS THEREOF.

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. of Chapter 194 of Volume 45, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 2. and by substituting in lieu thereof the following Section, to be known as Section 2., which will read as follows:

"Section 2. Corporate Limits:—The corporate limits of the Town hereby are established as follows:

"Beginning at a point on the Southwest prong of Paynter's Mill Pond; thence South sixty-four and one-half ($64\frac{1}{2}$) degrees East two thousand eight hundred and ninety-two (2892) feet; thence North sixty and one-quarter ($60\frac{1}{4}$) degrees East one hundred thirty-nine (139) feet to the run of Round Pole Branch; thence down the same to Broadkiln Creek; thence up the same to Sand Haul; thence North fifteen (15) degrees West to Atlantic Avenue; thence with Atlantic Avenue eastward to the County road; thence with the same northerly to Bay Avenue; thence with Bay Avenue westerly to the old town limits; thence with the same North fifteen (15) degrees West to the public road leading to the Delaware Bay; thence with the same in a westerly direction to the western limits of the present Town; thence South fourteen (14) degrees East three thousand nine hundred fifty-one (3951) feet to a point on the Northwest prong of the Mill Pond, aforesaid; and thence with the same to the place of beginning.

"The Town, by resolution of its Mayor and Council, at any time and from time to time hereafter, may cause a resurvey or any supplemental survey of the Town, or any part thereof, to be made and a plot or plots to be prepared therefrom. When any such resurvey or supplemental survey and any plot prepared therefrom shall have been (1) approved by resolution of the Mayor and Council, (2) signed by the Mayor, who shall affix thereto the municipal corporate seal of the Town, attested by the Secretary of the Mayor and Council, and (3) such plot recorded in the Office of the Recorder of Deeds, aforesaid, then such survey and plot, or the record thereof, or a duly certified copy of such record, shall be evidence in all Courts of Law and Equity of this State."

Section 2. This Act shall go into effect immediately upon its approval, notwithstanding anything to the contrary contained in Chapter 120 of Volume 42, Laws of Delaware.

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

Approved May 14, 1951.

CHAPTER 106

BETHEL

RELATING TO WESTERN BOUNDARY

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
BETHEL AS ESTABLISHED BY CHAPTER 282, VOL-
UME 46, LAWS OF DELAWARE, IN RELATION TO THE
WESTERN BOUNDARY 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 Branch thereof concurring therein):

Section 1. That Section 1 of Chapter 282, Volume 46, Laws of Delaware, establishing the Charter of the Town of Bethel, be amended by adding at the end of the second paragraph of said Section the following words and figures:

“provided that the western boundary or limit of said Town shall begin at a concrete marker located at the southerly edge of a street known as Old Main Street, thence North 31 degrees East, through the lands of William E. Davies and 42 feet westerly from the line of lands now of Vernon Hopkins, 23½ rods to a stake; thence still through the lands of the said William E. Davies North 52 degrees 05 minutes West 37.72 rods to a stake; thence still through the lands of said William E. Davies North 31 degrees East 39.44 rods to a stake located at the southern edge of a street known as Vine Street, and there terminating.”

Section 2. The Town Council of Bethel shall cause to be recorded in the Office of the Recorder of Deeds for Sussex County a plot designating and delineating the said western boundary of said Town as hereinabove described.

Approved May 14, 1951.

CHAPTER 107

APPROPRIATION

AMERICAN LEGION, SUSSEX POST NO. 8

**AN ACT APPROPRIATING MONEY TO AMERICAN LEGION,
SUSSEX POST NUMBER 8, IN SUSSEX COUNTY, WITH
WHICH TO OPERATE AND MAINTAIN AN AMBU-
LANCE.**

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 unto the American Legion, Sussex Post Number 8, in Sussex County, the sum of Five Hundred Dollars (\$500.00) annually for each of the fiscal years beginning July 1, 1951, and beginning July 1, 1952, to be used for the operation and maintenance of its ambulance in the public service.

Section 2. That said sum of Five Hundred Dollars (\$500.00) annually, as aforesaid, shall be paid by the State Treasurer to said American Legion, Sussex Post Number 8, in Sussex County, within three months after the beginning of each of said fiscal years; and a certificate of the Secretary of said American Legion, Sussex Post Number 8, in Sussex County, to the effect that said Post does operate and maintain 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 Post.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 14, 1951.

CHAPTER 108

SELBYVILLE

INCREASING SALARY OF MAYOR, CLERK AND COUNCILMEN

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF SELBYVILLE," BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, BY INCREASING THE AMOUNT OF SALARY THAT MAY BE PAID PER ANNUM TO THE MAYOR, CLERK AND COUNCILMEN OF "THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE."

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 7 of an Act entitled "An Act to re-incorporate the Town of Selbyville," being Chapter 166, Volume 37, Laws of Delaware, as amended, be and the same is hereby amended by striking out all of said Section 7 and inserting in lieu thereof a new Section 7 as follows:

Section 7. There shall be twelve stated meetings of the said The Mayor and Council of the Town of Selbyville, each year, the same to be held on the first Monday evening of each and every month, at which stated meetings it may adopt such ordinances as it may deem necessary for the government of said town, the improvement of the streets, the paving or other improvements of the sidewalks, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the general welfare of said town, provided the same be not inconsistent with the provisions of the Constitution or the laws of the State of Delaware, or of the United States. By such ordinances it may impose fines, penalties or forfeitures and provide for their collection. The Mayor also, at the request of two or more of the Councilmen, may call such special meetings as may be deemed necessary properly to look after the interests and welfare of said town, of which special meetings, members of said Council shall be notified, and at such special meetings it shall have the right to transact any business that it may have the

power to transact at any stated meeting. The Mayor shall preside at the meetings of the Council, but shall have no vote on any question except in case of a tie of the members. He shall have general supervision of the streets of said town, and of the persons who may be employed by the Council, and receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances, which complaints shall be in writing and signed by the complainants, and present the same to the Council at its first meeting thereafter for action, and shall cause anyone who violates the laws and ordinances of the town to be proceeded against before the Alderman. He shall sign all warrants drawn on the Treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town. He may be paid for his service any sum which may be unanimously agreed upon by the other members of the Council, provided such sums shall not exceed Three Hundred Dollars (\$300.00) in any one year. Each of said Councilmen shall receive a sum of Fifty Dollars (\$50.00) per year for their services as members of the Council of "The Mayor and Council of the Town of Selbyville."

Section 2. That Section 13 of an Act entitled "An Act to Re-incorporate the Town of Selbyville," being Chapter 166, Volume 37, Laws of Delaware, as amended, be and the same is hereby amended by striking out all of said Section 13 and inserting in lieu thereof a new Section 13 as follows:

Section 13. The said The Mayor and Council of the Town of Selbyville shall appoint a town clerk whose duties shall be to keep an accurate record of all the transactions of the said The Mayor and Council of the Town of Selbyville and shall perform such other duties as the said The Mayor and Council of the Town of Selbyville may require of him. The said town clerk may be a member of the Council or any other qualified citizen of the town of Selbyville, and shall be paid for his services such sum as the said The Mayor and Council of the Town of Selbyville may fix, provided that said compensation shall not exceed the sum of Eight Hundred and Fifty Dollars (\$850.00) per annum; and provided further, that if said Town Clerk is chosen from among the members of the said The Mayor and Council of the Town of Selbyville, he shall not receive the compensation of Fifty Dollars (\$50.00), herein

provided to be paid to the members of the Council, in addition to the compensation to be paid him for his services as Clerk.

The Treasurer of the said The Mayor and Council of the Town of Selbyville also shall receive for his services as Treasurer such sum as may be determined upon by the said The Mayor and Council of the Town of Selbyville, provided that the compensation to be paid the said Treasurer shall not exceed the sum of Fifty Dollars (\$50.00).

Approved May 14, 1951.

CHAPTER 109

CONSTITUTIONAL AMENDMENT

RELATING TO JUDICIARY AND SUPREME COURT

**AN ACT AGREEING TO THE PROPOSED AMENDMENTS TO
ARTICLE IV OF THE CONSTITUTION OF THE STATE
OF DELAWARE, RELATING TO THE JUDICIARY.**

WHEREAS, Amendments to the Constitution of the State of Delaware were proposed to the Senate in the One Hundred and Fifteenth Session of the General Assembly as follows:

**"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 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 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 crimi-

nal 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' whenever 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 judgments 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 otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any Act of the General Assembly, to the former Court of Errors and Appeals or to the former Supreme Court of this State.

"Section 18. Until the General Assembly shall otherwise provide, the Chancellor 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 accordingly 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 the 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 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."

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 Fifteenth 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 1950, 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 May 14, 1951.

CHAPTER 110

CONSTITUTIONAL AMENDMENT

RELATING TO COMPENSATION OF LIEUTENANT-GOVERNOR

**AN ACT AGREEING TO THE PROPOSED AMENDMENT TO
SECTION 19 OF ARTICLE III OF THE CONSTITUTION
OF THE STATE OF DELAWARE, RELATING TO THE
COMPENSATION OF THE LIEUTENANT-GOVERNOR.**

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

**"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 Members elected to each House thereof agreeing thereto):*

"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."

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 Fifteenth 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 1950, 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 May 14, 1951.

CHAPTER 111

SALARIES OF CERTAIN COUNTY OFFICERS
IN NEW CASTLE COUNTY**AN ACT TO AMEND CHAPTER 53 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO SALARIES OF CERTAIN COUNTY OFFICERS, BY INCREASING THE SALARIES AND CHANGING THE NUMBERS OF DEPUTIES AND CLERKS IN CERTAIN COUNTY OFFICES 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 53 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by striking out and repealing all of the second paragraph of 1598, Sec. 7., thereof and inserting in lieu thereof a new paragraph, as follows:

In New Castle County, the Clerk of the Peace may select and employ one Chief Deputy at an annual salary of Thirty-six Hundred Dollars (\$3,600.00), and four Clerks, each at the annual salary of Twenty-eight Hundred Dollars (\$2,800.00); the Sheriff, one Chief Deputy at the annual salary of Thirty-six Hundred Dollars (\$3,600.00), and one other Deputy at an annual salary of Thirty-two Hundred Dollars (\$3,200.00) and eight additional Deputies, each at an annual salary of Twenty-eight Hundred Dollars (\$2,800.00); the Prothonotary, one Chief Deputy at an annual salary of Thirty-six Hundred Dollars (\$3,600.00), and one other Deputy at an annual salary of Thirty-two Hundred Dollars (\$3,200.00), and five Clerks, each at an annual salary of Twenty-eight Hundred Dollars (\$2,800.00); the Recorder, one Chief Deputy, at an annual salary of Thirty-six Hundred Dollars (\$3,600.00), and two other Deputies or Index Clerks, each at an annual salary of Thirty-two Hundred Dollars (\$3,200.00), and twenty-five clerks, each at an annual salary of Twenty-eight Hundred Dollars (\$2,800.00), and two caretakers, each at an annual salary of Eighteen Hundred Dollars (\$1,800.00); the Register of Wills, one Chief Deputy, at an annual salary of Thirty-six Hundred Dollars (\$3,600.00), and one other Deputy

at an annual salary of Thirty-two Hundred Dollars (\$3,200.00), and one Chief Clerk at an annual salary of Three Thousand Dollars (\$3,000.00), and eight Clerks, each at an annual salary of Twenty-eight Hundred Dollars (\$2,800.00); the Register in Chancery and Clerk of the Orphans' Court, one Chief Deputy, at an annual salary of Thirty-six Hundred Dollars (\$3,600.00), one other Deputy at an annual salary of Thirty-two Hundred Dollars (\$3,200.00), and five Clerks each at an annual salary of Twenty-eight Hundred Dollars (\$2,800.00); the Coroner, one Chief Deputy, at an annual salary of Twenty-two Hundred and Fifty Dollars (\$2,250.00), and one other Deputy at an annual salary of One Thousand Dollars (\$1,000.00).

Section 2. This Act shall become effective on the First day of July, A. D. 1951.

Approved May 15, 1951.

CHAPTER 112

COUNTY TREASURERS AND COLLECTION OF TAXES

INCREASING SALARY OF CERTAIN EMPLOYEES
IN NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 45 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO COUNTY TREASURERS AND COLLECTION OF TAXES, BY INCREASING THE SALARIES OF THE DEPUTIES, CLERKS, DELINQUENT TAX INVESTIGATORS, BOOK-KEEPERS AND STENOGRAPHERS IN THE OFFICE OF THE RECEIVER OF TAXES AND COUNTY TREASURER FOR NEW CASTLE COUNTY.

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

Section 1. That Chapter 45, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of the second paragraph of 1372, Sec. 32., thereof and inserting in lieu thereof a new second paragraph, as follows:

The Chief Deputy shall be paid an annual salary of Thirty-six Hundred Dollars (\$3,600.00); and the other deputies shall each be paid an annual salary of Thirty-two Hundred Dollars (\$3,200.00); and the clerks, delinquent tax investigators, book-keepers and stenographers shall each be paid an annual salary of Twenty-eight Hundred Dollars (\$2,800.00).

Section 2. This Act shall become effective on the first day of July, A. D. 1951.

Approved May 15, 1951.

CHAPTER 113

COUNTY TREASURERS AND COLLECTION OF TAXES

INCREASING PERSONNEL IN NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 45, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO COUNTY TREASURERS AND COLLECTION OF TAXES, INCREASING THE PERSONNEL IN THE OFFICE OF THE RECEIVER OF TAXES AND COUNTY TREASURER FOR NEW CASTLE COUNTY.

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

Section 1. That Chapter 45, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the second sentence of the first paragraph of 1372. Sec. 32., and inserting in lieu thereof a second sentence of the first paragraph of 1372. Sec. 32. as follows:

He may select and employ a chief deputy who shall have power to act in the absence or disability of the said Receiver of Taxes and County Treasurer; and two other deputies who shall assist said Receiver of Taxes and County Treasurer and his chief deputy in performance of their duties; and eight clerks, two delinquent tax investigators, three bookkeepers, and two stenographers.

Approved May 15, 1951.

CHAPTER 114

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE PURCHASE AND PLANTING OF OYSTER SHELLS AND PLANTS IN THE WATERS OF INDIAN RIVER BAY.

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 Five Thousand Dollars (\$5,000.00) for the purchase and planting of oyster shells and plants in the waters of Indian River Bay, Sussex County.

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

Approved May 16, 1951.

CHAPTER 115
MOTOR VEHICLES

PROVIDING FOR TRANSFER OF REGISTRATION PLATES AND
NUMBER PLATES

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
MOTOR VEHICLES BY PROVIDING FOR THE TRANS-
FER OF REGISTRATION PLATES AND NUMBER
PLATES.**

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

Section 1. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of Paragraph (b) of 5550. Sec. 12, as the same appears in Chapter 255 of Volume 47, Laws of Delaware, the following additional sentence:

"Provided, however, the transferor may have such registration plates and number plates transferred and assigned to another vehicle upon proper application in writing to the department and upon payment to the department of a fee of Five Dollars (\$5.00) in addition to all other fees required by law."

Section 2. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of Paragraph (c) of 5553., as the same appears in Chapter 244, Volume 43, Laws of Delaware, and inserting in lieu thereof the following:

"(c) The transferee before operating or permitting the operation of such vehicle upon a highway shall apply for a transfer of title, shall obtain the registration of the vehicle as upon original registration, shall submit the vehicle to inspection and shall obtain new registration plates and new number plates as provided in this article; provided, however, if the transferor has not had the registration plates and number plates transferred and assigned to another vehicle, then the transferee may, before

operating or permitting the operation of such vehicle upon a highway, apply for and obtain, upon the payment of a fee of One Dollar (\$1.00), a transfer of title and registration and upon any such application the department shall issue to the transferee without additional fee or inspection a new certificate of title and a new registration card, which card shall show the same period for which such vehicle was originally registered by the owner, and thereafter the transferee may operate such vehicle for the remainder of the period for which it was originally registered, and the same registration plate or plates shall remain affixed to the number plate or plates of such vehicle.

"The provisions of this paragraph shall not apply to the operation of vehicles, as provided under Sub-paragraph (d) of this section or under temporary or limited permits or certificates as otherwise provided by this article."

Approved May 18, 1951.

CHAPTER 116

STATE BUILDING AND GROUNDS COMMISSION

ENLARGING POWERS AND DUTIES OF COMMISSION

AN ACT TO AMEND CHAPTER 211, VOLUME 14, LAWS OF DELAWARE, 1943, RELATING TO THE STATE BUILDING AND GROUNDS COMMISSION BY ENLARGING THE POWERS AND DUTIES OF SAID COMMISSION.

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

Section 1. That Chapter 211, Volume 44, Laws of Delaware, 1943, be and the same is hereby amended by adding at the end thereof a new Section 7, as follows:

Section 7. The Commission shall have the duty to determine and approve the location of all pipes, conduits, cables, wires and other service media, either above or below the ground, which in the opinion of the Commission may be required for the distribution of utility service to or across those lands within the jurisdiction of the Commission. After such determination and approval of location, the Commission is authorized and empowered to grant, in the name of the State, those rights-of-way or easements across or through said State lands which in its opinion is deemed necessary for adequate utility service.

Approved May 18, 1951.

CHAPTER 117

HOUSING AUTHORITY

ADDING DEFINITIONS OF TERMS

AN ACT TO AMEND CHAPTER 160 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO HOUSING AND KNOWN AS THE "HOUSING AUTHORITY LAW" BY ADDING DEFINITIONS OF THE TERMS "SLUM" AND "PERSONS OF LOW INCOME" AND BY REDEFINING THE TERM "PROJECT."

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

Section 1. That Chapter 160 of the Revised Code of Delaware, 1935, as amended by Chapter 241, Volume 43, Laws of Delaware, 1941, be and the same is hereby further amended by adding to 5454. Sec. 31. the following new subsections:

"(j) 'Slum' means any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

"(k) 'Persons of low income' shall mean persons or families who lack the amount of income which is necessary (as determined by the Authority undertaking a project) to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding."

Section 2. That Chapter 160 of the Revised Code of Delaware, 1935, as amended by Chapter 241, Volume 43, Laws of Delaware, 1941, be and the same is hereby further amended by striking out and repealing Subsection (h) of 5454. Sec. 31. and inserting in lieu thereof the following new subsection:

"(h) 'Housing project' or 'project' shall mean any work or undertaking:

(1) to demolish, clear, or remove buildings from any slum area acquired by the Authority; or (2) to provide decent safe and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare, or other purposes; or (3) to accomplish a combination of the foregoing. The term 'housing project' or 'project' also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith; and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project."

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved May 18, 1951.

CHAPTER 118

GEORGETOWN

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT, AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE TOWN OF GEORGETOWN," BEING CHAPTER 166, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY AUTHORIZING AN ALLOWANCE OF A FIXED SUM OF MONEY FOR ATTENDANCE AT EACH REGULARLY CALLED 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 thereof concurring therein):

Section 1. That Section 3 of Chapter 166, Volume 43, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of Section 3 of said Chapter and by inserting in lieu thereof a new section as follows:

Section 3. The Government of the Town and the exercise of all powers conferred by this Chapter, except as otherwise provided herein, shall be vested in a Mayor and Town Council. The Town Council shall consist of four (4) members. The Mayor and Councilmen shall not receive any salary for their services, but may be allowed a fixed sum of Ten Dollars (\$10.00) for attendance at each duly authorized meeting of the Town Council.

Approved May 22, 1951.

CHAPTER 119

MOTOR VEHICLES

PROVIDING INSURANCE COVERAGE FOR SCHOOL BUSSES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "MOTOR VEHICLES," AS AMENDED, IN REFERENCE TO REGULATION RELATIVE TO SCHOOL BUSES BY PROVIDING FOR INSURANCE COVERAGE.

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 all of 5631. Sec. 93. thereof and inserting and enacting in lieu thereof a new section to be known as 5631. Sec. 93.

5631. Sec. 93. Regulations Relative to School Busses:—

(a) The State Board of Education, by and with the advice of the Motor Vehicle Commissioner, shall adopt and enforce regulations not inconsistent with this Chapter to govern the design and operation of all school busses used for the transportation of school children when owned and operated by any public school district or privately owned and operated under contract with the State Board of Education or any public school district in this State and such regulations shall by reference be made a part of any such contract with a school district, firm or individual. Every school district, its officers and employees, and every person employed under contract by the State Board of Education or a school district shall be subject to said regulations.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by them on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with the State Board of Education or a school district who fails to comply with any said

regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district or the State Board of Education.

(c) All busses operated by the State Board of Education or any public school district or any firm or individual under contract with the State Board of Education or a school district for the purpose of transporting school pupils either to or from school or for any other purpose under jurisdiction of any school authority shall be covered by insurance to at least the following extent:

(1) Bodily Injury Coverage, including passenger hazard of:

(a) \$5,000.00 for the injury or death of any one person, and

(b) Total coverage of either \$100,000.00 or an amount equal to \$5,000.00 plus \$2,500.00 times the rated capacity of the bus for the injury or death of any number of persons in any one accident, and

(2) Medical Payment Coverage of \$1,000.00.

Section 2. This Act shall become effective on July 1, 1951.

Approved May 22, 1951.

CHAPTER 120

RELATING TO TRANSPORTATION OF CERTAIN MEAT SCRAPS

AN ACT MAKING UNLAWFUL THE TRANSPORTATION OF CERTAIN MEAT SCRAP AND ANIMAL WASTE EXCEPT IN ENCLOSED VEHICLES; VIOLATION A MISDEMEANOR; PENALTIES.

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

Section 1. It shall be unlawful and constitute a misdemeanor for any person to transport upon a public highway any meat scrap, waste, bones or waste animal matter, except inside a vehicle having a closed body, the doors of which shall be kept securely fastened while said vehicle is moving on said highway.

Section 2. Any person convicted of a misdemeanor for violation of the provisions of this Act shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved May 22, 1951.

CHAPTER 121

AUTHORIZING STATE TREASURER TO TRANSFER A CERTAIN SUM TO THE COMMISSIONERS OF THE TOWN OF LEWES

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER OF THE STATE OF DELAWARE TO TRANSFER TO THE COMMISSIONERS OF LEWES, A MUNICIPAL CORPORATION OF THE STATE OF DELAWARE, THE SUM OF \$62,046.80 CONSTITUTING THE AMOUNT AWARDED BY THE DISTRICT COURT OF THE UNITED STATES OF AMERICA, IN AND FOR THE DISTRICT OF DELAWARE, FROM THE CONDEMNATION OF 1010.8 ACRES, MORE OR LESS, OF LAND SITUATE IN SUSSEX COUNTY.

WHEREAS, on or about the 7th day of June, 1949, following certain condemnation proceedings theretofore conducted in the United States District Court for the District of Delaware, by means of which proceedings legal title to 1010.8 acres, more or less, of land in the Fort Miles Reservation near Lewes, in Sussex County, Delaware, was taken by the United States of America under eminent domain proceedings by order of the District Judge of the District Court of the United States of America, in and for the District of Delaware, the sum of \$62,046.80 was paid over by the United States of America to the State Treasurer of the State of Delaware who now holds said fund on deposit to the credit of the State of Delaware in a special account; and

WHEREAS, in the written opinion of the District Court Judge dated June 24, 1944, in such proceedings it was determined that the Commissioners of Lewes, a municipal corporation of the State of Delaware, was at the time of the taking of the condemned real property vested with full exclusive authority, control and jurisdiction over the lands of Cape Henlopen, of which the condemned lands were a part, as Trustee or Agent designated by the State of Delaware in and by virtue of the Act of the General Assembly of the State of Delaware approved May 21, 1941, known as Chapter 170, 43 Laws of Delaware, 1941, which said Act authorized the Commissioners of the Town of Lewes to apply the proceeds arising out of certain uses of said land to such improvements of the Town as they deemed proper; and

WHEREAS, from the time of the early history of the State of Delaware until the present time, the authority of the Commissioners of Lewes over such lands, beaches and marshes has been recognized by the State of Delaware in various acts of legislation with respect thereto; 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 the sum of \$62,046.80 paid on or about June 7, 1949 to the State Treasurer of the State of Delaware by order of the United States District Court for the District of Delaware following the condemnation proceedings conducted therein, which said sum is now on deposit to the credit of the State of Delaware in a special account, shall be, and the same hereby is, appropriated to the Commissioners of Lewes as Trustees thereof, to be administered and applied by said Trustees to such use in the improvement and development of the lands, marshes and beaches comprising Cape Henlopen as they may deem proper.

Approved May 22, 1951.

CHAPTER 122

LAUREL

RELATING TO ELECTIONS

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAUREL AS ESTABLISHED BY CHAPTER 164, VOLUME 29, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" IN REFERENCE TO ELECTIONS.

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

Section 1. That Section 59 of Chapter 164, Volume 29, Laws of Delaware, be amended by striking out all of said Section, and by substituting the following:

Section 59. Elections. The Town Election for all municipal officers to be elected under the Charter of the Town of Laurel shall be held biennially on the second Tuesday in March and shall be by ballots to be prepared by Mayor and Council of Laurel. Said Election shall be held by such officers and in such manner as Mayor and Council of Laurel may provide by Ordinance or Resolution. The polls shall be opened between the hours of twelve o'clock noon and six o'clock in the afternoon, when the same shall be closed. The hours of holding the Election shall be in accordance with Eastern Standard Time or Eastern Daylight Saving Time, whichever shall be in force at the time of the Election.

Approved May 22, 1951.

CHAPTER 123

LAUREL

RELATING TO TERMS OF MAYOR AND COUNCILMEN

AN ACT TO AMEND AND CLARIFY THE CHARTER OF THE TOWN OF LAUREL AS ESTABLISHED BY CHAPTER 164, VOLUME 29, LAWS OF DELAWARE, AND AS AMENDED, IN REFERENCE TO THE BEGINNING OF THE TERMS OF OFFICE OF THE MAYOR AND COUNCILMEN.

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 terms of office of the Mayor of the Town of Laurel and the members of the Council of the Town of Laurel shall begin on the first Tuesday in April next succeeding their election; and any provision of the Charter of the Town of Laurel found in Section 8. of Chapter 164, Volume 29, Laws of Delaware, in conflict herewith is hereby repealed.

Approved May 22, 1951.

CHAPTER 124

NEW CASTLE COUNTY LEVY COURT

PROVIDING FOR LIMIT OF TOTAL TAX RATE
IN NEW CASTLE COUNTY**AN ACT TO AMEND CHAPTER 43, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "LEVY COURTS" BY PROVIDING FOR A LIMIT OF THE TOTAL TAX RATE 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 1155. Sec. 9. of Article 1 of Chapter 43, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 1155. Sec. 9. of Article 1 thereof and substituting and enacting in lieu thereof a new section to be known as 1155. Sec. 9. as follows:

1155. Sec. 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-five cents on each one hundred dollars of assessment, provided, however, that beginning July 1, 1953, the said total tax rate shall not exceed the sum of fifty cents on each one hundred dollars of assessment.

Approved May 22, 1951.

CHAPTER 125

STATE REVENUE

RELATING TO INHERITANCE TAX

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

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

Section 1. That Section 105 of said Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 139 of said Code, as amended, be and the same is hereby further amended by adding to paragraph 11 after the sentence ending with the word "payment," the following:

"Interest on such refunds shall be allowed at the rate of four per cent per annum from the date the payment was made."

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

Approved May 24, 1951.

CHAPTER 126

STATE REVENUE

RELATING TO DELAWARE ESTATE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED, RELATING TO DELAWARE ESTATE TAX.

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

Section 1. That Section 109 of said Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 143 of said Code, as amended by Chapter 9, Laws of 1937, Volume 41, be and the same is hereby further amended by adding to paragraph 19, after the sentence ending with the word "litigation," the following:

"Interest on such refunds shall be allowed at the rate of four per cent per annum from the date the payment was made."

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

Approved May 24, 1951.

CHAPTER 127

STATE REVENUE

RELATING TO INHERITANCE TAX

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

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

Section 1. That Section 108A of Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 142A of said Code, as amended, be and the same is hereby further amended by striking out the word "two" in line seventeen of paragraph 1 of Section 1 of Chapter 4, Volume 44, Laws of the State of Delaware, 1943, and substituting in lieu thereof the word "three."

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

Approved May 24, 1951.

CHAPTER 128
APPROPRIATION

REVISED CODE COMMISSION
ENLARGING POWERS AND DUTIES OF COMMISSION

AN ACT TO AMEND AND SUPPLEMENT CHAPTER 377, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO REVISE THE PUBLIC LAWS OF THE STATE OF DELAWARE AND CODIFY AND ARRANGE THE SAME; APPROPRIATION FOR EXPENSE THEREOF" BY ENLARGING THE POWERS AND DUTIES OF THE COMMISSION 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. That Chapter 377 of Volume 47, Laws of Delaware, is hereby amended and supplemented by adding at the end thereof the following new sections:

"Section 9. The Revised Code Commission is authorized and directed to include and give effect to in the code of laws that it is preparing all statutes of a public and general nature which may be enacted at the present session of the General Assembly.

"Section 10. The Commission is authorized and directed, in preparing a code of the public and general statutes of this State, to revise, codify and arrange the laws in such manner, under such titles and in such language as shall seem best and most appropriate to the Commission and as the nature and scope of the work may suggest, but in no case is the Commission authorized to omit, add to, amend, alter, change or vary the meaning of any existing law to be embraced in the work. The Commission is not required to follow the general scheme and plan of the Revised Code of Delaware of 1935. The Commission is authorized to eliminate statutes that are clearly obsolete in the sense that they have no remaining utility and also statutes which have been declared unconstitutional by any court from which no appeal

has been taken, the decision of which is reported in the Delaware Law or Chancery Reports. Incongruities shall be resolved by the Commission in such manner as to effectuate the true legislative intent. Wherever possible, a multiplicity of statutes on the same subject shall be integrated and synthesized by the Commission. To the extent that it is feasible to do so from the standpoint of available time, the Commission is authorized to rewrite statutes in simple, direct and clear language which preserves the original intent of the Legislature.

"Section 11. The Commission is authorized and directed to include or to have included in the code a comprehensive and accurate index thereof, annotations of such decisions of Delaware and Federal Courts as have construed or otherwise considered the statutes to be included in the code, cross-reference tables or notations stating where in the code statutes dealing with related subject matter may be found, distribution tables listing the corresponding citation in the new code of each section of the Code of 1935 and of each statute enacted since 1935 of a public and general nature, repeal tables listing all statutes that will have been repealed or superseded by the new code, and such other matter as in the opinion of the Commission will improve or enhance its utility. The Commission is authorized to enter into a contract or contracts for the performance of the work mentioned in this paragraph with one or more legal publishers or with such other person, firm or corporation as in the opinion of the Commission is competent to do the work.

"Section 12. The work of revising, codifying, arranging, indexing, annotating, cross-referencing and tabulating the statutes shall be completed not later than October 1, 1952, and on or before that date the Commission shall file a copy of its work (which need not be printed) with the Governor and shall simultaneously make a report of its work to the Governor showing the work to be completed except for printing and binding.

"Section 13. The Governor is requested to convene the General Assembly in special session within twenty days after the receipt by him of the Commission's work and report for the purpose of considering and acting upon the same to the end that printed copies of the new code, if enacted at such special session,

may be available to the citizens of this State at the commencement of the next biennial session of the General Assembly, or as soon thereafter as may be practicable.

"Section 14. The Commission is authorized and directed to take entire charge of, provide for and effect the printing and binding of the new code, which term, for the purpose of this chapter, is intended to include the statutes in such form as they may be enacted or approved by the General Assembly, an index thereof, annotations of court decisions, and such tables and other matter as the Commission may, in its discretion, deem appropriate and desirable to be included. The Commission shall have printed and cause to be bound with the new code the Declaration of Independence, the Constitution of the United States and its Amendments, and the Constitution of the State of Delaware, Schedule and Amendments.

"The Commission is authorized and directed to determine the specifications for the printing and binding of the new code, including the selection of the kind and quality of type, paper, binding and cover and the determination of the size of the page, the number of pages per volume, the number of volumes that are to comprise the entire code and whether or not the volumes should be designed to accommodate cumulative pocket-part supplements which may be inserted in the back of each volume.

"The Commission shall, upon such specifications and conditions as it shall determine, duly and sufficiently advertise for bids for said printing and binding, and award the said printing and binding to the lowest and best qualified responsible bidder. Such bids shall be opened in the presence of the bidders or their representatives who may choose to attend. The Commission shall have the right, in the interests of perfection of printing, paper or binding of the code, or in the interests of economy to the State to reject any one or all of such bids and, if occasion shall in the judgment of the Commission require it, may readvertise for bids.

"The Commission shall cause at least 1,000 copies of the code to be printed and bound. The Commission shall ascertain how many copies of the code probably will be required to meet the immediate demand therefor and if, in the judgment of the

Commission, the indicated demand requires a larger edition than 1,000 copies, the Commission is further authorized to cause to be printed and bound such additional number of copies as shall be necessary to provide for the probable immediate demand plus 500 copies to be reserved for future use or future sale.

"The Commission is authorized, in awarding a contract for the printing and binding of the new code, to grant to the printer or publisher such sales rights (exclusive or otherwise) with respect to the new code, as in the judgment of the Commission would be advantageous to the State. The contract for the printing and binding shall state expressly whether or not the printer or publisher is to have any sales rights and, if so, the nature thereof and the price or prices at which all or any copies of the code shall be sold.

"The Commission may proceed to make arrangements for and to award a contract for the printing and binding of the code even before it shall have submitted its report and filed the completed work with the Governor, if in the judgment of the Commission it shall be advisable to do so in order to insure that printed copies of the new code will be available to the citizens of this State as soon as reasonably possible after the enactment thereof by the General Assembly.

"For the purpose of said printing, the Secretary of State shall, immediately after the enactment or approval of the code by the General Assembly, verify and deliver to the Commission a copy of the code as so enacted, which shall be furnished to the Secretary of State by the Commission, and certify the same as a true copy.

"It shall be the duty and responsibility of the Commission to arrange for and to cause the code to be proof-read by comparing the printed matter with the Commission's manuscript copy.

"If the contract for the printing and binding shall not have granted to the printer the exclusive right to sell the code or shall not have fixed the sales price, the Governor shall fix the price per set at which the new code shall be sold.

"The Commission shall deliver or cause to be delivered to the Secretary of State the printed and bound copies of the code, less those, if any, which the printer has retained for sale if he has been granted sales rights.

"Section 15. The cost and expenses of said printing, binding, indexing, annotating, cross-referencing, preparing distribution and repeal tables, proof-reading and delivery to the Secretary of State shall be paid by the State Treasurer out of funds not otherwise appropriated, upon warrants signed by all of the Revised Code Commissioners and approved by the Auditor of Accounts.

"Section 16. There is hereby appropriated to the Commission, in addition to the sum appropriated in Section 8 of Chapter 377 of Volume 47, Laws of Delaware, the sum of Seventy-five Thousand Dollars (\$75,000.00) for defraying the expenses of the Commission and for paying from time to time reasonable compensation to said Commissioners. The 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 up to the limit of its appropriation, 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 herein fixed."

Approved May 24, 1951.

CHAPTER 129

AUTHORIZING RECORDING OF CERTAIN JUDGMENTS, ORDERS
OR DECREES OF THE COURTS**AN ACT AUTHORIZING THE RECORDING, DOCKETING,
INDEXING AND FILING OF CERTAIN JUDGMENTS,
ORDERS OR DECREES OF THE COURTS 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 any State Judge shall have the authority and the power to have recorded, docketed, indexed and/or filed, in any appropriate city, county or state office in the State of Delaware, where legal documents are usually received for recording, docketing, indexing and/or filing, any interlocutory, or final judgment, order or decree or part thereof, entered in any cause pending in any of the state courts. The State Judge shall, in said judgment, order or decree proposed to be recorded, docketed, indexed and/or filed, direct the manner in which said judgment shall be recorded, docketed, indexed and/or filed.

From the time any such judgment is received in any office designated in the judgment, it shall constitute notice to all persons who are charged with notice of matters filed in such office.

Section 2. That when such a judgment, order or decree is received by any city, county or state officer pursuant to paragraph 1 hereof, it shall be the duty of the person in charge of said office to receive said judgment, order or decree and record, docket, index and/or file the same in accordance with the directions set forth in said judgment, order or decree.

Section 3. That the Prothonotary of each county shall, upon the receipt of any judgment, order or decree from the Court of Chancery, calling for the payment of a sum of money, enter the same in accordance with the directions of the Court as provided in said judgment, order or decree. The judgment, order or decree, or part thereof, shall be entered in the same manner and form and in the same books and indexes as judgments en-

tered in the Superior Court. After the entry thereof said judgments, orders or decrees or parts thereof calling for the payment of money shall have the same force and effect as though the judgment had been entered in the Superior Court.

Section 4. That this is a supplementary act and is a grant of additional powers to State Judges and is not intended to limit or detract from any other powers of the Courts of this State or the present or future effect of any judgment, order or decree of the Courts of this State, save and except as herein specifically set forth.

Approved May 24, 1951.

CHAPTER 130

CONVEYANCES

RELATING TO THE EXECUTION AND ACKNOWLEDGMENT OF DEEDS

AN ACT TO AMEND CHAPTER 92 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE EXECUTION AND ACKNOWLEDGMENT OF DEEDS OR ANY OTHER WRITTEN INSTRUMENTS ENTITLED TO BE RE- CORDED, EXECUTED BY A CORPORATION.

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

Section 1. That Chapter 92 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 3666. Section 9. thereof and enacting and inserting in lieu thereof the following:

3666. Sec. 9. Corporations; Deeds by; How Acknowledged: A deed, concerning lands or tenements, or any other written instrument entitled to be recorded, executed by a corporation, may be executed and acknowledged before the Chancellor, or any Judge of this State, or a Judge of the District or Circuit Court of the United States, or a Notary Public, or two Justices of the Peace of the same county, by the president or other presiding officer or a vice-president or an assistant vice-president, duly authorized by resolution of the directors, trustees or other managers, or by the legally constituted attorney, of such corporation.

Approved May 24, 1951.

CHAPTER 131

FISH, OYSTERS AND GAME

PROVIDING FOR SPECIAL DOG TRAINING AREAS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME," BY PROVIDING FOR SPECIAL DOG TRAINING AREAS, MAKING IT UNLAWFUL TO VIOLATE THE SAME AND PROVIDING PENALTIES THEREFOR.

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 an entirely new Section thereto, to be known and designated as 2869A. Sec. 68A., as follows:

2869A. Sec. 68A. SPECIAL DOG TRAINING AREA; PERMIT FOR; STOCKING; NOTICES OF; VIOLATIONS OF; PENALTIES:—Upon application of any club or organization having twenty or more members who are citizens of this State, or upon application of twenty or more citizens of this State, and the payment of an annual registration fee of Ten Dollars (\$10.00), the Commission may issue a permit authorizing the establishment and maintenance by such club, organization or citizens, on land owned by them, or over which they have legal control, of a Special Dog Training Area wherein and whereon dogs may be trained at any time during the entire year. No such Dog Training Area shall be of less than one hundred acres, nor more than two hundred and fifty acres, nor shall permits be issued for more than two Special Dog Training Areas in any one county.

The permittees shall from time to time during each year stock each such Area with twenty-five pieces of game per one hundred acres at their own expense, under supervision of the Commission, unless the Commission shall determine that the Area is already adequately stocked. The permittees may at any

time during the entire year train their own dogs or the dogs of other persons on such Area or permit others so to do under such conditions as shall be mutually agreed upon. Neither the permittees nor any other person shall at any time hunt or trap within the confines of such Area, except that the permittees or any person authorized by them may hunt or trap vermin and predators for the purpose of exterminating vermin and predators on such Area.

The boundary lines of such Special Dog Training Area shall be plainly and conspicuously posted prior to September first of each year with legible notices, at least ten inches by twelve inches in size, placed not more than one hundred yards apart which shall bear the following warning:

SPECIAL DOG TRAINING AREA

HUNTING UNLAWFUL

THIS LAND IS SET ASIDE UNDER SPECIAL PERMIT

FOR THE TRAINING OF DOGS

**ENTERING HEREON FOR THE PURPOSE OF HUNTING OR
DISTURBING GAME OR PERMITTING DOGS TO ENTER
WITHOUT AUTHORIZATION IS PUNISHABLE BY PENALTY
OF TWENTY-FIVE DOLLARS (\$25.00) FOR EACH OFFENSE**

(Name and address of permittee to be printed here)

Any person violating any of the foregoing provisions of any such notice and warning shall, upon conviction, be sentenced to pay a fine of Twenty-five Dollars (\$25.00) for each offense, together with the costs of prosecution, or in default of payment thereof shall be imprisoned for a period of not exceeding ten (10) days.

It shall be unlawful for any person wilfully, negligently or maliciously to cut, remove, cover-up, deface or otherwise mutilate, injure or destroy any Special Dog Training Area boundary

fence, wire or poster placed in accordance with the provisions of this Section. Each person violating any provision of this paragraph shall, upon conviction, be sentenced to pay a fine of Ten Dollars (\$10.00) for each offense, together with costs of prosecution, or in default of payment thereof shall be imprisoned for a term of not exceeding five (5) days.

Approved May 24, 1951.

CHAPTER 132

WILMINGTON

PROVIDING FOR EXERCISE OF EMINENT DOMAIN

AN ACT TO AMEND CHAPTER 269 OF VOLUME 47, LAWS OF DELAWARE, ENTITLED "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" BY PROVIDING A MODE OF PROCEDURE FOR THE TAKING OF ANY LAND, BUILDINGS, FRANCHISE, EASEMENT, OR OTHER PROPERTY BY EXERCISE OF EMINENT DOMAIN.

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 Chapter 269, Volume 47, Laws of Delaware, be amended by adding at the end of Section 4 thereof a new section designated as Section 4 (a), as follows:

Section 4 (a). Eminent Domain; Notice to Property Holders:—Whenever The Mayor and Council of Wilmington, acting by and through the agency of the Street and Sewer Department, cannot agree with the owner or owners for the purchase of any

land, building, franchise, easement, or other property necessary to be taken or used for the construction, reconstruction, improvement, betterment, extension, operation and maintenance of plants, properties, works, systems or facilities for the collection, treatment and disposal of sewage, waste, garbage and storm water, the said The Mayor and Council of Wilmington, acting by and through the agency of the Directors of the Street and Sewer Department, may apply to the Associate Judge of the State of Delaware, resident in New Castle County, for the condemnation of such land, building, franchise, easement, or other property necessary as aforesaid, first giving to the owner or the owners of said property at least five days' notice in writing of the intended application. If such owner or owners are within the State, and if said party or owner is unknown or without the State, or if under legal disability and having no legal representative in the State, then such notice shall be published in some newspaper in New Castle County at least five days prior to the intended application, and such publication shall be sufficient notice; upon application made as aforesaid, the said Associate Judge shall appoint five judicious and impartial freeholders to view the premises or ascertain the easement or franchise, and assess the damages which the owner or owners will sustain by reason of the taking of such land, building, franchise, easement, or other property necessary to be taken or used for the construction, reconstruction, improvement, betterment, extension, operation and maintenance of plants, properties, works, systems or facilities for the collection, treatment and disposal of sewage, waste, garbage and storm water. The freeholders shall be sworn or affirmed before some officer authorized to administer oaths or affirmations, before entering on the premises or before ascertaining the easement or franchise, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner or owners of the premises or property so proposed to be condemned or to their guardian or guardians, duly appointed, if within the State and to the said The Mayor and Council of Wilmington of the time of their meeting to view the premises or ascertain the easement or franchise; if the owner or owners are unknown or are without the State or if under legal disability and having no legal representative in the State, publication of such last mentioned notice shall be made in some newspaper in New Castle County at least ten days prior to the said

meeting, and such publication shall be sufficient notice thereof. The said commissioners shall keep a record of their proceedings with their findings and awards and return the same to the Prothonotary of New Castle County, and shall certify their findings and awards to the owner or owners of the property and to The Mayor and Council of Wilmington; if The Mayor and Council of Wilmington or any party in interest is dissatisfied with such findings or awards, it or he may, on application to said Prothonotary within fifteen days after such findings and awards have been made and filed, sue out a writ of ad quod damnum, requiring the Sheriff of said New Castle County, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages which will be sustained as aforesaid, and their report shall be final. The said commissioners or the said jury shall, in assessing the damages aforesaid, take into consideration the benefits and advantages to the owner or owners resulting from the proposed improvement and set off the value of such benefits or advantages against the loss, detriment and disadvantages, which such owner will suffer, provided that in no case shall the amount estimated as and for benefits and advantages exceed the amount allowed for loss, detriment or disadvantage to such owner. The amount of damages being ascertained, The Mayor and Council of Wilmington may pay or tender the amount thereof within two months after the same shall have been so ascertained, to the person or persons so entitled thereto, or, if the person or persons so entitled refuse to accept or reside out of or are absent from New Castle County during all or any part of said period of two months, the same may be deposited to his credit in the Farmers' Bank of the State of Delaware, within said time, and thereupon said property may be taken and occupied for the use and purpose for which it was condemned, provided that The Mayor and Council of Wilmington, in its discretion, after it has made application as aforesaid for the condemnation of property, may occupy or use such property without delay, and the proceedings for the ascertainment of the damages shall proceed as in this section provided, but in the event of such immediate use or occupation as last aforesaid, The Mayor and Council of Wilmington shall pay to the owner or owners thereof if within the State, or if such owner or owners refuse to accept the amount of damages or are without the County, deposit to his or their credit in the said bank as aforesaid, within twenty days after the damages have been

ascertained, the amount thereof, provided that no application has been made to the said Prothonotary suing out a writ of *ad quod damnum*, as herein above provided. The expenses of the assessment by the said commissioners of the damages aforesaid, of the fees of the said Sheriff and Prothonotary and of all costs incurred in the execution of the writ of *ad quod damnum*, shall in all cases be paid by The Mayor and Council of Wilmington. The said Judge shall have power to fill any vacancy in any commission and thereafter the commission shall proceed as though no vacancy had occurred.

In addition to manner of condemnation of property in this section provided, the said The Mayor and Council of Wilmington, acting by and through the agency of the Directors of the Street and Sewer Department, shall have the right to condemn any property in this Act mentioned for the purposes of this Act, in the same manner as fully as the said The Mayor and Council of Wilmington might or could condemn any property under the provisions of Section 116, Chapter 207, Volume 17, Laws of Delaware. When any property shall be acquired by eminent domain, the title to such property shall be in The Mayor and Council of Wilmington.

After the Directors of the Street and Sewer Department have determined upon the land, buildings, franchise, easement or other property necessary to be taken or used for the construction, reconstruction, improvement, betterment, extension, operation and maintenance of plants, properties, works, systems or facilities for the collection, treatment and disposal of sewage, waste, garbage and storm water, it may cause notice thereof to be sent by mail, a record of which shall be preserved, to all persons owning any land, buildings, franchise, easement or other property necessary to be taken for the purposes aforesaid, and any such owner or the legal representative of any such owner who, after any such notice has been given, shall construct any building or in any manner improve or add to any building on any land, franchise, easement or other property necessary to be taken for the purposes aforesaid, shall be allowed no compensation for such building, improvement or addition, upon the condemnation thereof, or the land upon which it is situated, unless such owner shall serve legal notice upon the Directors of the Street and Sewer

Department within three months from the time he received such notice that he claims damages by the reasons of the provisions of this Paragraph, in which event The Mayor and Council of Wilmington, by the agency aforesaid, may apply, as hereinabove provided, for the ascertainment of such damages so claimed by such owner. Nothing in this section shall be construed to authorize the condemnation of any land, building, franchise, easement, or other property of a public utility used by it in providing its service to the public.

Approved May 24, 1951.

CHAPTER 133

STATE DEPARTMENT OF PUBLIC WELFARE

AN ACT TO CREATE AND ESTABLISH A STATE DEPARTMENT OF PUBLIC WELFARE IN ORDER TO PROVIDE A COORDINATED PROGRAM OF PUBLIC WELFARE SERVICE AND IN SO DOING MERGING CERTAIN OF THE ACTIVITIES OF THE STATE OLD AGE WELFARE COMMISSION AND THE STATE BOARD OF WELFARE INTO A NEW DEPARTMENT TO BE KNOWN AS THE STATE DEPARTMENT OF PUBLIC WELFARE.

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 in the Executive Branch of the State Government, a Department of Welfare. The Department shall be under the control of a Board of Welfare appointed as hereinafter provided.

Section 2. The Department of Welfare shall administer all programs of public assistance for the State and shall conduct all welfare services specifically related to such programs or heretofore administered by any agency administering any such public assistance program: **EXCEPTING AND EXCLUDING HOWEVER,** public assistance programs, services and aids to the blind.

Section 3. The Board of Welfare shall consist of twelve members appointed by the Governor. Of the first members appointed, four shall serve for terms ending February 25, 1954, four for terms ending February 25, 1953, four for terms ending February 25, 1952. Upon the expiration of the term of any member of the Board of Welfare created by this Act, the Governor shall appoint a successor for a term of three years from the date of such expiration. Any vacancy on the Board arising from any cause other than expiration of term shall be filled by appointment of the Governor for the unexpired term. At no time shall more than six members of the Board be members of the same political party.

Section 4. The members of the Board of Welfare shall

receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in attendance at meetings. Such expenses shall be paid on vouchers approved by the Director of Welfare.

Section 5. The Board of Welfare shall appoint a Director of Welfare who shall be the executive head of the Department of Welfare and shall be a full time official of the State. Such Director shall serve at the pleasure of the Board of Welfare and shall receive a salary at the rate fixed by the Board. The Director shall serve as the Secretary of the Board of Welfare. He shall be appointed on the basis of education, ability and experience in the administration of public welfare.

Section 6. The Director of Welfare shall manage and supervise the operations of the Department and shall see that all functions are properly carried out in accordance with the policies, rules, and regulations approved by the Board of Welfare. Said Director shall appoint all employees of the Department and shall fix their salaries subject to any general compensation plan adopted by the Board of Welfare.

Section 7. The Director of Welfare, with the concurrence of the Board of Welfare, shall organize the Department of Welfare into such divisions or other units as will increase the effectiveness and efficiency with which its affairs are conducted. He shall not be limited in such organization by any provisions of law heretofore applicable to internal organization under the State Board of Welfare or the State Old Age Welfare Commission. The organization shall provide for, and the efforts of the Department shall be directed toward, the maximum degree of integration and consolidation consistent with satisfactory service to the citizens of the State.

Section 8. The Director of Welfare, with the concurrence of the Board of Welfare, shall promulgate rules and regulations for the interpretation of statutes or Federal regulations governing programs of public assistance and other programs of the Department and such other rules or regulations as may be necessary for the proper conduct of the business of the Department. The rules and regulations in effect governing the functions trans-

ferred by this Act shall continue in effect until amended or repealed by rules or regulations promulgated in accordance with this section.

Section 9. The Board of Welfare shall hear and determine appeals from administrative actions and decisions of the Director or other officers and employees of the Department, under rules of procedure which said Board shall adopt. The Board and its members shall have authority to compel the attendance of witnesses in conjunction with any such appeal and to administer oaths to such witnesses.

Section 10. The State Board of Welfare created by Chapter 97, Volume 45, Laws of Delaware, 1944-45, is hereby abolished. All functions, powers, authority, duties, and responsibilities heretofore assigned to or vested in the State Board of Welfare, or its predecessors, the State Board of Charities, created by Chapter 41, Revised Code of Delaware, 1935, and the Mothers' Pension Commission, created by Chapter 39, Revised Code of Delaware, 1935, and subsequently renamed the Aid to Dependent Children Commission, are hereby transferred to and vested in the Department of Welfare created by this Act.

Section 11. The State Old Age Welfare Commission, created by Chapter 54 of the Revised Code of Delaware, 1935, is hereby abolished and all of its functions, powers, authority, duties, and responsibilities are hereby transferred to and vested in the Department of Welfare created by this Act.

Section 12. The State Welfare Home, heretofore operated under the jurisdiction and control of the State Old Age Welfare Commission, is hereby transferred to the jurisdiction and control of the Department of Welfare created by this Act. Said Home shall be continued in operation under the jurisdiction and control of said Department of Welfare.

Section 13. All appropriations made in the name of or available to the State Board of Welfare or the State Old Age Welfare Commission are hereby transferred to the Department of Welfare. Such Department may expend moneys under such appropriations without restriction to the specific purposes for which the appropriation was made.

Section 14. All records, files, money, choses in action, and other property, and all employees of the agencies whose functions are transferred by this Act to the Department of Welfare are hereby transferred to said Department of Welfare. The employees so transferred shall continue to perform the duties heretofore assigned until they are reassigned by authority of the Director to other duties.

Section 15. The Department of Welfare shall be the successor in every way to the board and commissions abolished by this Act under any contract or agreement between such agencies of the State and any agency of the Federal Government.

Section 16. Nothing in this Act shall interfere with the continued operation of a merit system of personnel administration for positions heretofore placed under such system by agreement between State and Federal authorities.

Section 17. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Section 18. This Act shall take effect July 1, 1951, or as soon thereafter as the Governor shall appoint the members of the Board of Welfare herein created.

Approved May 28, 1951.

CHAPTER 134

PARENTS AND CHILDREN

RELATING TO ADOPTION PROCEDURE

AN ACT TO AMEND CHAPTER 88, ARTICLE 2, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO PARENTS AND CHILDREN AND EFFECTING ADOPTION PROCEDURE.

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

Section 1. That Paragraph 3550, Section 3 of Chapter 88 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of the said section and enacting in lieu thereof a new section, as follows:

3550. Sec. 3. DEFINITIONS:—As used in this Act, the phrase “abandoned” shall be interpreted as referring to a child who, for a period of one year, has not received any financial help from or any visit from its parent or parents or any person having parental rights or responsibility and on whose behalf no contacts have been initiated by its parent or parents or any person having parental rights or responsibility. As used in this Act, the phrase “authorized agency” shall be interpreted as referring to any agency licensed by the State Board of Welfare of the State of Delaware to place children for adoption. As used in this Act, the phrase “legally separated” shall apply to any person whose marital status has been altered by a decree of divorce a mensa et thoro in accordance with the provisions of Revised Code of Delaware, 1935, Paragraph 3500, Chapter 86, or to any person or persons who, by a decree of the appropriate court of any other state of the United States, other than a decree of absolute divorce, entered in accordance with the laws of that state, has been accorded the right to reside separate and apart from his or her spouse, or is a party to a decree of divorce a mensa et thoro, or its equivalent.

Section 2. That Paragraph 3551, Section 4 of Chapter 88 of the Revised Code of Delaware, 1935, as amended, be and the

same is hereby further amended by striking out all of the said section and enacting in lieu thereof a new section, as follows:

3551. Sec. 4.—WHO MAY ADOPT:—An unmarried resident of this state who is over twenty-one years of age, or jointly, a husband and wife, residents of this state who are not legally separated or who are not living apart from each other, or a divorced or legally separated resident of this state may petition the Orphans' Court of the county in which the petitioner or petitioners reside for an order authorizing the petitioner or petitioners to adopt a minor child or children not, his, hers or theirs, provided, however, that nothing herein shall in any way affect the right of any person or persons to adopt a person or persons upwards of twenty-one years of age as provided in 3553, Section 6 of this Chapter 88.

A natural parent need not join in the petition when a step-parent is adopting a child, whether the child was born in wedlock or out of wedlock.

In any case in which, before the proposed adoption has been finally approved or disapproved, the petitioner or petitioners move into a county other than the county in which the original petition was filed the Orphans' Court of the county in which the petition was originally filed shall continue to exercise jurisdiction over the proceeding until a final decision has been rendered on the petition.

Section 3. That said Chapter 88 be and the same is hereby further amended by adding immediately after 3551. Sec. 4 thereof twenty new paragraphs, designated as 3551A. Sec. 4A, 3551B. Sec. 4B, 3551C. Sec. 4C, 3551D. Sec. 4D, 3551E. Sec. 4E, 3551F. Sec. 4F, 3551G. Sec. 4G, 3551H. Sec. 4H, 3551I. Sec. 4I, 3551J. Sec. 4J, 3551K. Sec. 4K, 3551L. Sec. 4L, 3551M. Sec. 4M, 3551N. Sec. 4N, 3551O, Sec. 4O, 3551P. Sec. 4P, 3551Q. Sec. 4Q, 3551R. Sec. 4R, 3551S. Sec. 4S, 3551T. Sec. 4T, as follows:

3551A. Sec. 4A. PLACEMENT:—No petition for adoption shall be presented unless previous to the filing of the petition the child sought to be adopted has been placed for adoption by an authorized agency or by the State Board of Welfare, provided, however, no such placement shall be necessary in the case of:

(a) A child sought to be adopted by a step-parent.

(b) A child sought to be adopted by a blood relative.

(c) A child received by the proposed adopting parent or parents from an agency without the State of Delaware with the written consent of the State Board of Welfare.

3551B. Sec. 4B. CONTENTS OF PETITION:—The petition shall state the name and place of residence of the petitioner or petitioners, the name, sex and date of birth of the child whose adoption is sought, the name and residence of the person, persons or organization legally qualified to consent to the adoption and the basis for the existence in such person, persons or organization of the legal right to so consent. The actual consent shall be annexed to the petition as an exhibit thereto.

The petition shall contain the name and residence of the natural parents of the child whose adoption is sought; or, in the case of a child born out of wedlock, the name and residence of the natural mother; provided, however, if there has been a legal termination of parental rights with respect to the child, or if the consent of the State Board of Welfare or an authorized agency or an accredited out of state agency is the only consent required, the names and residences of the parent or parents shall not be included. The birth certificate of the child shall be annexed to the petition as an exhibit.

If it is desired to change the name of the child to be adopted, the petition shall so state and shall set forth the name to be assumed upon adoption.

A written consent to such adoption, duly acknowledged, must be given by any child fourteen years of age or over; provided, however, should the court deem it to be in the best interest of the child, such consent may be waived. Such consent, when obtained, shall be annexed to the petition as an exhibit thereto.

3551C. Sec. 4C. CONSENT:—No petition for adoption not containing a consent to the proposed adoption shall be filed. The consent shall be in writing, shall be notarized and shall be

annexed to the petition as an exhibit. If consent is obtained or given outside the State of Delaware, it must be executed in accordance with the provisions of this section and in accordance with the Delaware Law governing the importation of non-resident children. The right to give consent shall be as follows:

(a) If the parental rights of the parent or parents with respect to the child have been terminated through legal termination of parental rights or through legal guardianship, the consent shall be granted by the organization or individual in whom the said parental rights exist at the time of the filing of the petition.

If the child to be adopted has been abandoned, legal termination of parental rights must precede the filing of the petition for adoption. The consent to the adoption shall then be granted by the organization or individual in whom the said parental rights exist.

If a parent or person in whom the parental rights exist is legally incompetent by virtue of insanity or feeble-mindedness, legal termination of parental rights must precede the filing of the petition for adoption. The consent to the adoption shall then be granted by the organization or individual in whom the said parental rights exist.

(b) If the parental rights of the parent or parents with respect to the child have not been legally terminated, the consent shall be given as follows:

1. By the mother only of a child born out of wedlock.
2. By both parents, if living, or the survivor if one is deceased, of a child born in wedlock, regardless of the marital status of the parents at the time the petition is presented; provided, should the parental rights of one parent have been terminated, consent of the remaining parent only will be required.
3. By the mother only if her legal husband at the time of the conception of the child to be adopted was not its father. In the absence of evidence to the contrary, a notarized statement of

the legal husband that he is not the father of the child to be adopted, shall be prima facie proof thereof.

(c) If the individual in whom the right to consent exists is under the age of twenty-one years, this fact shall not be a bar to the giving of consent nor render the consent when given invalid.

3551D. Sec. 4D. WITHDRAWAL OF CONSENT OR PETITION:—In any case in which consent has been given in accordance with the provisions of 3551C. Sec. 4C. (b) 1, 2, 3 and (c) and the person giving the consent desires to withdraw the consent, he shall file, within sixty days from the date of the filing of the adoption petition containing the consent, a petition asking the court to revoke his consent and dismiss the adoption petition. The Orphans' Court shall refer the petition to revoke and dismiss to the State Board of Welfare or an authorized agency, and the said State Board of Welfare or the authorized agency shall, within thirty days of the said reference, make a formal report thereon to the court. Promptly upon receipt of the said report, the court shall rule upon the petition to revoke and dismiss.

In any case in which the petition to adopt is withdrawn the court may order the removal of the child from the proposed adoptive home if, in the opinion of the court, such removal is in the best interest of the child. If such a removal is ordered, the court shall include in the order a grant of authority to the State Board of Welfare, or to an authorized agency, to make the removal and to provide for the future disposition of the child.

3551E. Sec. 4E. RELIGIOUS AFFILIATION:—No child born out of wedlock shall be placed for adoption unless at least one of the prospective adopting parents shall be of the same religion as the natural mother or of the religion in which she has reared the child or allowed it to be reared; provided, however, should the natural mother in a notarized statement made prior to the placement for adoption specify the religion in which she desires the child to be raised, the authorized agency shall make placement in accordance with such statement, and provided further that should the natural mother in a notarized statement prior to placement for adoption declare that she is indifferent to

the religion in which the child shall be reared, or if the religion of the mother is not known, or there is none, then the authorized agency may make placement without regard to religion.

No child born in wedlock whose adoption is sought by anyone other than a step-parent shall be adopted unless at least one adopting parent shall be of the same religion with which the child is affiliated unless the natural parent or parents, if available, in a notarized statement exercised prior to the placement for adoption specify the religion in which the child is to be reared; provided, however, if the natural parent or parents in a notarized statement executed prior to placement for adoption declare indifference to the sect in which the child is to be reared, or, if the religion of the natural parent or parents is not known, or there is none, the authorized agency may make placement without regard to religion.

If the proposed adoptive parent is a step-parent, there shall be no restriction regarding the religious affiliation.

3551F. Sec. 4F. INVESTIGATION AND PROCEDURE:—Upon the filing of a petition for adoption, the Judge of the Orphans' Court in which the petition has been filed, after determining that the petition has been properly filed and that the petitioner or petitioners are eligible to adopt under the terms of this Act, shall order a social study and report by the State Board of Welfare or an authorized agency. If the report is to be made by an authorized agency upon the filing of the order, the Clerk of the Orphans' Court shall forward a copy of the order to the State Board of Welfare and the authorized agency shall forward a copy of the report to the State Board of Welfare. The report shall include:

- (a) Information regarding the child, its background, its eligibility for adoption.
- (b) Information regarding the adoptive parent or parents, and the proposed adoption home.
- (c) Information regarding the physical and mental condition of the child.

- (d) Information regarding the suitability of the placement.
- (e) A statement as to whether all provisions of the adoption law have been complied with.
- (f) A recommendation.

If the report is to be rendered by the State Board of Welfare, it shall be rendered within sixty days from the expiration of the period of supervision. If the report is to be rendered by an authorized agency, it shall be rendered within sixty days from the filing of the petition.

3551G. Sec. 4G. PERIOD OF SUPERVISION:—No decree of adoption shall be handed down unless the child to be adopted has resided in the adoption home continuously for a period of at least one year under the supervision of the State Board of Welfare, or an authorized agency, provided, however, upon the recommendation of the State Board of Welfare, or an authorized agency, and upon due cause being shown, a decree may issue at any time after six months' supervision.

For purposes of this section, when the placement is made by an authorized agency, the period of supervision shall date from the time of placement. In all other cases, the period of supervision shall date from the filing of the petition.

In any case in which placement has not been made by an authorized agency, the State Board of Welfare shall be the agency responsible for supervision and for the report to the court.

3551H. Sec. 4H. FINAL DECREE; WHEN GRANTED; CONTENTS:—Within sixty days from the date of the receipt by the court of the report, the court shall render a decision upon the petition. If the court is of the opinion that petitioner or petitioners are qualified properly to maintain, care for and educate the child, that the child is suitable for adoption and that the best interests of the child will be promoted by the adoption, a decree of adoption shall be entered. If the court is of the opinion that such a decree should not be entered, it shall order a hearing to which

all interested parties shall be duly summoned, and, based upon the report and the evidence adduced at the hearing, the court shall issue its decree granting or refusing the prayer of the petition. At any time after the report has been filed, the court may order the removal of the child from the proposed adoptive home if, in the opinion of the court, such removal is in the best interests of the child. If such a removal is ordered, the court shall include in the order a grant of authority to the State Board of Welfare, or to an authorized agency, to make the removal and to provide for the future disposition of the child.

The decree of adoption shall state the name by which the child is henceforth to be known. The decree shall state the sex and age of the child and shall include the original name of the child unless the adopting parents request that the said original name be omitted.

3551I. Sec. 4I. EFFECT OF ADOPTION, GENERAL:—Upon the issuance of the decree of adoption, the adopted child shall be considered the child of the adopting parent or parents, entitled to the same rights and privileges and subject to the same duties and obligations as if he had been born in wedlock to the said parent or parents.

Upon the issuance of the decree of adoption, the adopted child shall no longer be considered the child of his natural parent or parents and shall no longer be entitled to any of the rights or privileges or subject to any of the duties or obligations of a child with respect to the said natural parent or parents; provided, however, that when a child is adopted by a step-parent his relationship to his natural parent who is married to the step-parent shall in no way be altered by reason of the adoption.

3551J. Sec. 4J. EFFECT OF ADOPTION ON INHERITANCE:—Upon the issuance of a decree of adoption, the adopted child shall lose all rights of inheritance from its natural parent or parents and from their collateral or lineal relatives. The rights of the natural parent or parents or their collateral or lineal relatives to inherit from such child shall cease upon the said adoption.

Upon the issuance of a decree of adoption, the adopted child

shall acquire the right to inherit from its adoptive parent or parents and from the collateral or lineal relatives of such adoptive parent or parents and their collateral or lineal relatives shall at the same time acquire the right to inherit from the adopted child.

Nothing contained in this section shall limit in any way the right of any person to provide for the disposition of his or her property by will; provided, however, that the rights of a child adopted after the making of a will by the adopting parent or parents shall be the same as the rights of an after-born child, as established in Revised Code, 1935, Paragraph 3716. When the adopting parent is a step-parent, married to a natural parent, nothing contained in this section shall affect the rights of inheritance between the child and the said natural parent or their collateral or lineal relatives.

3551K. Sec. 4K. RIGHT OF REVIEW:—In any case where the State Board of Welfare or an authorized agency shall refuse to place a child for adoption when requested by the parent or parents of the child to do so, or shall refuse the request of any person or persons that a child be placed with him or them for adoption, or shall terminate any placement prior to adoption contrary to the wishes of the natural or proposed adoptive parent or parents of the child, the decision of the State Board of Welfare or authorized agency in so refusing or so terminating shall be final unless within ten days after notice of refusal or termination the natural or proposed adoptive parent or parents shall appeal to the Orphans' Court of the county in which the adoption is proposed.

3551L. Sec. 4L. APPEAL; ERRORS CURED:—Appeal from any order or decree entered in any adoption proceedings shall lie to the Superior Court. No appeal shall lie from any order or decree involving proceedings for adoption unless taken within thirty days from the date of such order or decree.

The State Board of Welfare or any person or organization which is a party to the proceedings may file such appeal.

In any case in which the effect of the decision of the Superior Court, on appeal, is to deny the petition for adoption, the Superior

Court shall remand the cause to the Orphans' Court for a determination as to whether or not the child shall remain in the proposed adoptive home. If a removal is ordered, the Court shall include in the order a grant of authority to the State Board of Welfare or an authorized agency to make the removal and to provide for the future disposition of the child.

Upon the expiration of two years from the date of the entry of the decree of adoption, any irregularities in the proceedings shall be deemed cured, and the validity of such decree shall not thereafter be subject to attack either through collateral or direct proceedings.

3551M. Sec. 4M. REPORT TO THE STATE BOARD OF HEALTH:—Upon the entry of a decree of adoption, the Clerk of the Orphans' Court shall forward to the State Board of Health, Bureau of Vital Statistics, a report on the form provided for this purpose, which shall include the following information:

- (a) Original name of child and its sex.
- (b) Date and place of birth of child.
- (c) Name of natural father and his color, if child was born in wedlock.
- (d) Maiden name of mother and her color.
- (e) Child's name after adoption.
- (f) Name and color of adoptive father, place and date of his birth; his occupation.
- (g) Maiden name and color of adoptive mother, place and date of her birth; her occupation.
- (h) Address of adoptive parents.

If the adopted child was born in another state, the Clerk of the Orphans' Court in which the order was entered, shall forward the same information to the Bureau of Vital Statistics, or like agency, in the state of the child's birth.

If a child born in Delaware is adopted in another state, the State Registrar shall file a new certificate of birth upon receipt of a certified copy of the decree of adoption from the proper authorities of the state in which the adoption took place.

If the adopted child was born outside Delaware, and no certificate of birth can be secured from the state of birth, the State Registrar may file and issue a special birth certificate as herein provided, upon receipt from the agency responsible for the adoption of evidence of the birth, considered satisfactory by the Registrar.

All information regarding any adoption which is furnished to any State Registrar shall be confidential and not open to public inspection. The names of the natural parents or the original name of the child shall not be furnished to the adoptive parents, nor shall the name of the adoptive parents be furnished to the natural parents, and after the entry of the decree of adoption, the original record of birth shall be impounded and all birth certificates shall be issued in the adoptive name only, if a new name has been assumed, and shall contain no reference to the original name or background or the fact of adoption.

3551N. Sec. 4N. **CONFIDENTIAL NATURE OF RECORDS:**—All records of any adoption shall be treated as strictly confidential and shall be kept by the Clerk of the Orphans' Court in a sealed container which shall be opened only upon the order of the Judge of the Orphans' Court concerned.

Anyone wishing to inspect any of the papers filed in connection with any adoption shall petition the Judge of the Orphans' Court concerned setting forth the reasons for the inspection. The Judge shall refer the petition to the State Board of Welfare or to an authorized agency for investigation and report. If, in the opinion of the court, the information is necessary, and the interests of the child, the natural parents or the adoptive parents will not be prejudiced by its disclosure, the court shall issue an order permitting the release of the information and setting forth the terms under which it shall be released.

3551O. Sec. 4O **ABATEMENT:**—In the event of the death

of a sole petitioner, or of both petitioners, the proceedings shall abate and the petition shall be dismissed.

When, after a petition for adoption has been filed, one of two petitioners dies, or, as a result of divorce, annulment or separation, legal or otherwise, the petitioners would no longer be qualified to petition jointly, the proceedings shall be stayed. The Orphans' Court in which the petition was originally filed shall then decide on the basis of a report to be obtained by it from the State Board of Welfare, or any authorized agency, whether the proceedings shall continue or whether the petition should be dismissed.

3551P. Sec. 4P. IMPORTATION OF CHILDREN:—No person shall bring into the State of Delaware for the purpose of adoption within the State of Delaware a child born outside the State of Delaware unless such person shall first receive permission from the State Board of Welfare.

A child legally adopted in any other jurisdiction shall be entitled to the same rights and benefits in all respects as a child adopted within the State of Delaware.

3551Q. Sec. 4Q. FEES:—No natural parent of any child whose adoption is proposed shall receive any contribution, fee or emolument of any sort from any person or organization having any connection or association with the placement of the child for adoption or with the adoption.

No person or organization who is in any way connected with an adoption shall receive any remuneration in connection therewith, except for courts costs and legal services.

3551R. Sec. 4R. SEPARABILITY OF PROVISION:—If any provision of this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

3551S. Sec. 4S. REPEALER:—All Acts or parts of Acts inconsistent with any of the provisions of this Act are hereby

repealed to the extent and only to the extent of any such inconsistency.

3551T. Sec. 4T. **EFFECTIVE DATE:**—This Act shall become effective July 1, 1952.

Approved May 28, 1951.

CHAPTER 135

PROVIDING FOR TERMINATION AND TRANSFER OF PARENTAL RIGHTS IN CONNECTION WITH ADOPTION

AN ACT TO PROVIDE FOR THE TERMINATION AND TRANSFER OF PARENTAL RIGHTS IN CONNECTION WITH PROCEEDINGS FOR ADOPTION OR PLACEMENT FOR ADOPTION.

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

Section 1. DEFINITIONS: As used in this Act, the word "abandoned" shall be interpreted as referring to a child who, for a period of one year, has not received any financial help from or any visit from its parent or parents or any person having parental rights or responsibility and on whose behalf no contacts have been initiated by its parent or parents or any person having parental rights or responsibility.

As used in this Act, the phrase "authorized agency" shall be interpreted as referring to any agency licensed by the State Board of Welfare of the State of Delaware to place children for adoption.

As used in this Act, the word "child" shall be interpreted as referring to any male or female who has not attained his or her twenty-first birthday.

Section 2. Whenever it shall appear in connection with the proposed adoption or placement for adoption of any child,

(a) That the parent or parents of such child, or any person or agency having the care, control and custody of such child, is not fitted to continue to exercise parental rights and/or care, control and custody over such child, or

(b) That any such child shall have been abandoned, or

(c) That the parent or parents of any such child, or the person or agency having care, control and custody of any such

child, desires to relinquish such parental rights and/or such care, control and custody in order to facilitate the placement for adoption or adoption of the child, the Orphans' Court having jurisdiction of the proceedings may terminate all existing rights of the parent or parents, person or agency then having such rights with reference to such child, and may grant such rights to such person or authorized agency or the State Board of Welfare as may seek them, or to such person or authorized agency or the State Board of Welfare as may, in the opinion of the court, be best qualified to have them. The procedure shall be referred to as "termination of parental rights."

Section 3. A petition for the termination of parental rights may be filed by any of the following:

- (a) The mother only of a child born out of wedlock;
- (b) Both parents of a child born in wedlock if both parents are living;
- (c) The surviving parent of a child born in wedlock, if one parent is dead;
- (d) The mother only of a child if, at the time of the child's conception the legal husband of the petitioner is not the natural father of the child. In the absence of evidence to the contrary, a notarized statement of the legal husband that he is not the father of the child, shall be prima facie proof thereof;
- (e) Any person or persons or organization who has the actual care or legal custody of the child if the parent or parents or person having parental claim have abandoned the child;
- (f) One parent alone if the other parent is hopelessly insane or feeble-minded or has abandoned a particular child;
- (g) A relative of a child whose parents are deceased or hopelessly insane or feeble-minded or have abandoned the child;

- (h) Any person or persons having legal guardianship of the person of the child;
- (i) An authorized agency or the State Board of Welfare for all other cases.

Section 4. CONTENTS OF PETITION; CONSENTS:—The petition for the termination of parental rights shall state:

- (a) The name and place of residence of the petitioner or petitioners.
- (b) The name, sex and date of birth of the child.
- (c) The relationship of the petitioner or petitioners to the child, or the fact that no such relationship exists.
- (d) The name and address of the natural mother if the child was born out of wedlock, or the names and addresses of the natural or legal parents of the child if born in wedlock.
- (e) The name and last known address of the person or organization having parental rights or holding parental rights over the child.
- (f) A statement of the reason why termination of parental rights is sought.
- (g) The name of the person or of the authorized agency or officer thereof or the State Board of Welfare or officer thereof for whom or for which parental rights are requested, and the address.

The petition shall be accompanied by a formal written consent executed by the person or agency for whom or for which parental rights are requested.

The petition may be accompanied by a notarized consent to the termination executed by the person or organization holding parental rights, waiving their right to any and all notice of hearing or right to appear at such hearing.

Section 5. A petition for termination of parental rights may be filed in the Orphans' Court of any of the following counties:

- (a) The county in which the petitioner or petitioners reside.
- (b) The county in which the agency having legal or physical care, custody or control of the child involved is located.
- (c) The county in which the child involved is located.

Section 6. NOTICE OF HEARING; WAIVER:—Upon the filing of a petition for the termination of parental rights, the court, upon application of the petitioner, shall set a date for a hearing thereon, and shall cause notice of the time, place and purpose of the hearing to be sent by registered mail to the person or organization holding the parental rights at his or its last known address; provided, however, no such notice shall be necessary if the consent and waiver executed by the person or organization holding parental rights has been filed with the petition, in accordance with the provisions of Section 4 of this Act. The court may require notice to be sent to any other person or organization.

In any case in which a petition for termination of parental rights has been filed and an authorized agency or the State Board of Welfare is not a party to the proceedings, the Court shall order a social study and report on the petition by the State Board of Welfare or an authorized agency to be filed within sixty days.

All hearings and trials shall be had before the Court, privately, in Chambers, provided that for reasons appearing sufficient to the Court the hearing and trial in any particular case may be public.

Section 7. ORDER OF TERMINATION:—At the conclusion of the hearing, the Court, should it find the termination of existing parental rights and their transfer to be in the best interests of the child, shall make an order terminating such rights in the person or organization in which they have existed, and

transferring them to some other person, or authorized agency, or the State Board of Welfare. If a child is abandoned by one parent only, the rights of such parent may be terminated without affecting the rights of the other.

Section 8. **APPEAL:**—The petitioner, if the petition is not granted, or any person whose parental rights have been terminated by the order, shall have the right at any time within thirty (30) days after the making and entry of such decree to take an appeal therefrom to the Superior Court.

Section 9. **REPEALER:**—All Acts or parts of Acts inconsistent with any of the provisions of this Act are hereby repealed to the extent and only to the extent of any such inconsistency.

Section 10. **EFFECTIVE DATE:**—This Act shall become effective July 1, 1951.

Approved May 28, 1951.

CHAPTER 136

APPROPRIATION

UNIVERSITY OF DELAWARE

AN ACT APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR CONSTRUCTING AND EQUIPPING TWO OR MORE DORMITORY BUILDINGS ON THE UNIVERSITY CAMPUS.

WHEREAS, there exists a need for increased capacity at the University of Delaware; and

WHEREAS, the need is particularly critical in respect to dormitories due to increased enrollment of students, of whom many must reside away from their homes because of distances involved, and others, because of the nature and schedule of their academic work; and

WHEREAS, the demand for dormitory accommodations over and above the capacity of present facilities is of serious proportions in spite of provisional measures such as undesirable crowding of students into existing permanent dormitories, and the continued use of certain inadequate frame structures of questionable fitness supplemented by the opening of private homes to students in larger numbers in recent years through the generosity of residents of Newark; and

WHEREAS, under present conditions, priority for limited dormitory space must be given to students whose homes are located beyond reasonable commuting distances provoking dissatisfaction and charges of discrimination against the University on the part of other students and their parents; and

WHEREAS, many Delaware high school graduates, often those having high scholastic potentialities, worthy future citizens of the State, are finding it necessary, at an economic disadvantage, to enroll at colleges and universities outside the State of Delaware because of the lack of suitable dormitory facilities at the University; and

WHEREAS, the lack of adequate dormitory facilities, designed for the convenience, comfort and safety of present and prospective students, is of serious import to parents and citizens at large throughout the entire State; 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 Seven Hundred and Fifty Thousand Dollars (\$1,750,000.00), to be expended by the Board of Trustees of the University of Delaware for constructing and equipping two or more dormitory buildings on the University campus located at Newark, Delaware, such buildings to include dormitory rooms, lounges, offices and other customary appointments and appurtenances.

Section 2. That the money hereby appropriated shall be made available by the State Treasurer on July 1, 1951, 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 funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated unless an omnibus bond bill, including the above appropriation, is enacted into law by the 116th General Assembly of the State of Delaware in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said Act.

Approved May 28, 1951.

CHAPTER 137

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 \$125,000.00, 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 a central kitchen with capacity for preparing 700 meals, with an employees' dining room to serve 100 employees, together with furniture and equipment for the same.

Section 2. 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 bonds authorized by an Act of this 116th 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 May 28, 1951.

CHAPTER 138

PROVIDING FOR ADDITIONAL NOTARIES PUBLIC

AN ACT TO AMEND 1136. SEC. 1. OF CHAPTER 42, REVISED CODE OF DELAWARE, 1935, RELATIVE TO NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS; AS AMENDED BY CHAPTER 100, VOLUME 41, LAWS OF DELAWARE, 1937, AND CHAPTER 97, VOLUME 43, LAWS OF DELAWARE, 1941, BY PROVIDING FOR ADDITIONAL NOTARIES PUBLIC.

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

Section 1. Amend 1136. Sec. 1. of Chapter 42, Revised Code of Delaware, 1935, as amended, by striking out the last paragraph thereof and by inserting in lieu thereof the following:

In addition to the Notaries Public, hereinbefore authorized to be appointed, the Governor, in his discretion, is authorized to appoint in New Castle County five hundred Notaries Public, in Kent County one hundred and twenty-five Notaries Public, and in Sussex County one hundred and fifty Notaries Public.

Approved May 28, 1951.

CHAPTER 139

APPROPRIATION

DELAWARE STATE HOSPITAL AT FARNHURST

AN ACT FOR THE COMPLETION, EQUIPPING AND FURNISHING OF TWO PARTIALLY FINISHED BUILDINGS, THE REPAIRS, REMODELING AND REFURNISHING OF ONE EXISTING BUILDING, THE ENLARGEMENT, AND EQUIPPING OF THE PRESENT KITCHEN, ENLARGEMENT OF THE BOILER PLANT AND THE UTILITY SERVICES, AND THE CONSTRUCTION, EQUIPPING AND FURNISHING OF EMPLOYEES RESIDENCES 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.

WHEREAS, the Delaware State Hospital now has a normal bed capacity for nine hundred and forty-nine (949) patients; and

WHEREAS, by the end of October, 1951 there will be additional housing facilities for one hundred and sixty (160) patients; and

WHEREAS, the Delaware State Hospital at the present time has a daily average patient population of one thousand three hundred and sixty-five (1,365); and

WHEREAS, by January, 1952 the Delaware State Hospital will have an average daily patient population of one thousand four hundred and twenty-five (1,425); and

WHEREAS, the Delaware State Hospital has been and still is desperately in need of additional buildings to adequately house the patients as well as the employees; and

WHEREAS, the failure to meet these critical needs, at this time, will not only set us back in the treatment and care of our patients, but will destroy the foundation of the scientific achieve-

ment in the care and treatment of our mentally ill patients, for which the State of Delaware has been the envy of many states; and

WHEREAS, the mental and emotional stability of our people should be considered as one of the most important factors in our ability to maintain our determination, our hope and devotion to our principles and create all the necessary drives for the endurance and the preservation of our courage in the presence of danger; NOW, THEREFORE,

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

Section 1. Within the appropriation under Section 2 of this Act, the State Board of Trustees of the Delaware State Hospital at Farnhurst is hereby authorized, empowered and directed to complete the construction and the furnishing of the new psychiatric unit to accommodate one hundred and thirty-seven (137) male patients, to complete the construction and the furnishing of the Nurses' Home to accommodate eighty-five (85) nurses; to complete the remodeling, repairing and furnishing the existing Annex building for the establishment of a new Receiving ward; to complete the enlargement of the present kitchen, to enable the preparation of daily meals for one thousand eight hundred (1,800) patients and employees; to complete the enlargement of the boiler plant and underground electric system and other utilities; to erect and furnish new residences for the employees on the grounds of the Delaware State Hospital at Farnhurst.

Section 2. There is hereby appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst the sum of One Million One Hundred Thousand Dollars (\$1,100,000.00), 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. 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 State Board of Trustees of the Delaware State Hospital drawn according to law, out of moneys deposited in the Farmers' Bank in the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of this 116th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR CERTAIN SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved May 28, 1951.

CHAPTER 140

APPROPRIATION

STATE BOARD OF WELFARE AND OLD AGE
WELFARE COMMISSION

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF WELFARE AND TO THE OLD AGE WELFARE COMMISSION, JOINTLY, FOR THE PURCHASE, REPAIR AND FURNISHING OF BUILDINGS IN WILMINGTON, FOR THE PURCHASE OF LAND AND THE ERECTION OF A SUITABLE BUILDING IN GEORGETOWN AND FOR THE REPAIR OF THE BUILDING IN DOVER NOW USED BY THE STATE BOARD OF WELFARE FOR THE JOINT USE OF BOTH AGENCIES AS ADMINISTRATIVE OFFICES.

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

Section 1. That the sum of Two Hundred Thousand Dollars (\$200,000.00), or so much thereof as may be necessary, is hereby appropriated to the State Board of Welfare and to the Old Age Welfare Commission for the purchase, repair, renovation of the properties at 905 and 907 West Street in Wilmington, New Castle County, for the purchase of land and the erection of a suitable building in Georgetown, Sussex County, and for the repair, renovation and furnishing of the state-owned building in Dover which is now being used by the State Board of Welfare. All three of these locations are to be used jointly by the said agencies as administrative offices.

Section 2. The money hereby appropriated shall be paid from time to time by warrants signed by the authorized officers of each agency 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 State Board of Welfare and the 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 116th 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 May 28, 1951.

CHAPTER 141

APPROPRIATION

STATE WELFARE HOME

AN ACT MAKING AN APPROPRIATION TO THE STATE WELFARE HOME FOR CERTAIN CAPITAL IMPROVEMENTS.

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 Ninety Thousand and Four Hundred Dollars (\$90,400.00), or so much thereof as may be necessary, is hereby appropriated to the State Welfare Home for the following capital improvements:

- (a) Installation of one built-in place cross drum water tube water cooled wall, oil fired, steam generator capable of output of 300 h.p., including oil heater and pumping unit, combustion control, etc., to be connected to the existing high pressure steam system, at an estimated cost of.....\$30,000.00
- (b) Fuel Tank 7,000.00
- (c) Restoration of entire boiler plant..... 19,900.00
- (d) New Primary electric service and reinstallation of transformer..... 4,000.00
- (e) Elevator for Guest Pavilion #1 for transportation of ambulatory patients physically unable to go up and down steps, such as cardiac, wheel chair cases, etc..... 19,000.00
- (f) New washing machine, 225 lb. capacity, which would increase washing capacity of laundry by 80%..... 3,825.00

- (g) Modernization of the laundry presses, including supervision by factory engineer 1,675.00
- (h) Freezing unit 5,000.00

Section 2. The money hereby appropriated shall be paid from time to time by warrants signed by the authorized officers of the State Welfare Home 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 State Welfare Home 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 116th 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 May 28, 1951.

CHAPTER 142

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, 1952 AND JUNE 30,
1953.**

*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	
		1952	1953
Dues	\$	250.00	\$ 250.00
Travel		250.00	250.00
TOTAL Committee on			
Uniform Laws.....	\$	500.00	\$ 500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE COMMISSION ON INTERSTATE COOPERATION

Office Expense	\$ 50.00	\$ 50.00
Fees	5,000.00	5,000.00
Travel	600.00	600.00

TOTAL Delaware Commission on Interstate Cooperation	\$ 5,650.00	\$ 5,650.00
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REGISTRATIONS AND ELECTIONS

Salaries of Registrars, Assistants and Presidential Electors.....	\$	\$ 52,000.00
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TOTAL Registrations and Elections	\$ 52,000.00
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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

TOTAL Legislative Reference Bureau.....	\$ 10,000.00	\$ 10,000.00
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TOTAL LEGISLATIVE AND ELECTIONS.....	\$ 16,150.00	\$ 68,150.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

EXECUTIVE AND FINANCIAL

GOVERNOR

Salary of Governor.....	\$ 7,500.00	\$ 8,635.77
Salary of Administrative Assistant.....	6,500.00	7,000.00
Salaries of Secretaries.....	4,250.00	4,500.00
Office Expense.....	2,200.00	2,200.00
Governor's Conference.....	200.00	200.00
Contingent Expenses.....	5,000.00	5,000.00
Travel—Administrative Assistant.....	2,000.00	2,000.00
Repairs and Replacements.....	500.00	500.00
Equipment	350.00	350.00
TOTAL Governor.....	\$ 28,500.00	\$ 30,385.77

SECRETARY OF STATE

Salary of Secretary of State.....	\$ 7,000.00	\$ 7,000.00
Salaries and Wages of Employees.....	75,000.00	75,000.00
Printing Laws—General Assembly.....	20,000.00	.....
Office Expense.....	5,000.00	5,000.00
Magistrate Bonds.....	400.00	400.00
Certificate of Origin.....	200.00	200.00
Travel	2,000.00	2,000.00
Dissolution Account.....	6,500.00	7,000.00
Departmental Supplies.....	40,000.00	40,000.00
Repairs and Replacements.....	3,500.00	3,500.00
Assembling and Publishing Election Information and Returns.....	2,500.00	2,500.00
Equipment	2,000.00	2,000.00
TOTAL Secretary of State.....	\$164,100.00	\$144,600.00

STATE TREASURER

Salary of Treasurer.....	\$ 6,000.00	\$ 6,000.00
Salary of Deputy Treasurer.....	2,600.00	2,600.00
Salaries and Wages of Employees.....	14,860.00	14,860.00
Office Expense.....	10,760.00	12,360.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Travel	400.00	400.00
Repairs and Replacements.....	400.00	400.00
Equipment	250.00	250.00
TOTAL State Treasurer.....	\$ 35,270.00	\$ 36,870.00

BUDGET COMMISSION

Salary of Chief Accountant.....	\$ 6,000.00	\$ 6,000.00
Salaries and Wages of Employees.....	39,500.00	39,500.00
Office Expense.....	3,750.00	3,750.00
Travel	5,500.00	5,500.00
Travel-Commission Members.....	300.00	300.00
Repairs and Replacements.....	900.00	900.00
Equipment	750.00	750.00
TOTAL Budget Commission.....	\$ 56,700.00	\$ 56,700.00

AUDITOR OF ACCOUNTS

Salary of Auditor.....	\$ 6,000.00	\$ 6,000.00
Salary of Deputy Auditor.....	3,800.00	3,800.00
Salary of Accountant.....	4,000.00	4,000.00
Salaries and Wages of Employees.....	18,800.00	18,800.00
Office Expense.....	1,200.00	1,200.00
Travel	500.00	500.00
Repairs and Replacements.....	1,000.00	1,000.00
Equipment	200.00	200.00
TOTAL Auditor of Accounts.....	\$ 35,500.00	\$ 35,500.00

STATE REVENUE COLLECTOR

Salary of Collector.....	\$ 2,000.00	\$ 2,000.00
Office Expense.....	40.00	40.00
Travel	600.00	600.00
TOTAL State Revenue Collector.....	\$ 2,640.00	\$ 2,640.00

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.....	7,000.00	7,000.00
Office Expense.....	1,200.00	1,200.00
Travel	1,000.00	1,000.00
Premiums	35,000.00	32,000.00
Repairs and Replacements.....	150.00	100.00
Equipment	200.00	200.00
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TOTAL State Insurance		
Commissioner	\$ 53,550.00	\$ 50,500.00

OYSTER REVENUE COLLECTOR

Salary of Collector.....	\$ 1,800.00	\$ 1,800.00
Salaries and Wages of Employees.....	12,000.00	12,000.00
Office Expense.....	75.00	75.00
Travel	200.00	200.00
Operations	900.00	900.00
Repairs and Replacements.....	1,000.00	1,000.00
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TOTAL Oyster Revenue Collector.....	\$ 15,975.00	\$ 15,975.00

BOAT INSPECTOR

Salary of Inspector.....	\$ 1,150.00	\$ 1,150.00
Office Expense.....	10.00	10.00
Travel	600.00	600.00
Operations	60.00	60.00
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TOTAL Boat Inspector.....	\$ 1,820.00	\$ 1,820.00

STATE TAX DEPARTMENT

Salary of Commissioner.....	\$ 8,000.00	\$ 8,000.00
Salaries and Wages of Employees.....	199,500.00	199,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Office Expense.....	45,000.00	40,000.00
Travel	2,700.00	2,700.00
Annual Audit.....	3,500.00	3,500.00
Repairs and Replacements.....	1,500.00	3,000.00
Equipment	1,000.00	1,000.00
TOTAL State Tax Department.....	\$261,200.00	\$257,700.00

STATE BANK COMMISSIONER

Salary of Commissioner.....	\$ 6,000.00	\$ 6,000.00
Salaries and Wages of Employees.....	34,500.00	34,500.00
Office Expense.....	2,162.00	2,162.00
Travel	6,000.00	6,000.00
Repairs and Replacements.....	400.00	400.00
TOTAL State Bank Commissioner.....	\$ 49,062.00	\$ 49,062.00

DELAWARE LIQUOR COMMISSION

Salaries and Wages of Employees.....	\$ 69,600.00	\$ 69,600.00
Office Expense.....	15,600.00	15,600.00
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	\$ 96,150.00	\$ 96,150.00

DELAWARE RACING COMMISSION

Salary of Commissioners.....	\$ 4.00	\$ 4.00
Salaries and Wages of Employees.....	1,700.00	1,700.00
Office Expense.....	2,000.00	1,200.00
Travel	800.00	800.00
TOTAL Delaware Racing Commission	\$ 4,504.00	\$ 3,704.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE HARNESS RACING COMMISSION

Salaries of Commissioners.....	\$ 3.00	\$ 3.00
Salaries and Wages of Employees.....	5,300.00	5,300.00
Office Expense.....	665.00	665.00
Travel	1,500.00	1,500.00

TOTAL Delaware Harness Racing		
Commission	\$ 7,468.00	\$ 7,468.00

STATE APPLE COMMISSION

Operations	\$ 2,500.00	\$ 2,500.00
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TOTAL State Apple Commission.....	\$ 2,500.00	\$ 2,500.00
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TOTAL EXECUTIVE AND		
FINANCIAL	\$814,939.00	\$791,574.77

JUDICIAL AND LEGAL

COURT OF CHANCERY

Salary of Chancellor.....	\$ 15,500.00	\$ 15,500.00
Salary of Vice-Chancellor.....	15,000.00	15,000.00
Salaries and Wages of Employees.....	15,700.00	15,700.00
Office Expense.....	1,000.00	1,000.00
Chancellor for Reporting.....	200.00	200.00
Chancellor's Report.....	6,700.00	6,700.00
Travel	600.00	600.00
Repairs and Replacements.....	400.00	400.00
William Watson Harrington's Reports.....	8,550.00

TOTAL Court of Chancery.....	\$ 63,650.00	\$ 55,100.00
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DEPARTMENT OF JUSTICE

Salary of Chief Justice.....	\$ 15,500.00	\$ 15,500.00
Salaries of Associate Judges.....	60,000.00	60,000.00
Salary—Clerk of Supreme Court.....	1,000.00	1,000.00
Kent County Judge for Reporting.....	200.00	200.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Reports	3,350.00	3,350.00
Travel	3,500.00	3,500.00

TOTAL Department of Justice.....	\$ 83,550.00	\$ 83,550.00
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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
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STATE LIBRARIAN

Salary of Librarian.....	\$ 2,000.00	\$ 2,000.00
Salary of Clerk.....	1,800.00	\$ 1,800.00
Office Expense.....	200.00	200.00
Repairs and Replacements.....	300.00	300.00
Equipment	2,500.00	2,500.00

TOTAL State Librarian.....	\$ 6,800.00	\$ 6,800.00
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ATTORNEY GENERAL

Salary of Attorney General.....	\$ 7,500.00	\$ 7,500.00
Salary of Chief Deputy.....	6,000.00	6,000.00
Salary of Deputy—New Castle County.....	4,000.00	4,000.00
Salary of Deputy—Kent County.....	3,500.00	3,500.00
Salary of Deputy—Sussex County.....	3,500.00	3,500.00
Salaries and Wages of Employees.....	1,550.00	1,550.00
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

TOTAL Attorney General.....	\$ 43,450.00	\$ 43,450.00
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TOTAL JUDICIAL AND LEGAL	\$202,450.00	\$193,900.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DEBT SERVICE—FIXED OBLIGATIONS

REDEMPTIONS—STATE BONDS

Women's College Bonds—Loan of		
1925—4¼ %	\$ 5,000.00	\$ 5,000.00
Improvement Bonds of 1935—2⅛ %	15,000.00	15,000.00
State Building Bonds of 1937—2 %	15,000.00	15,000.00
State Highway Loan of 1939—1⅝ %	31,000.00	31,000.00
Public Improvement Bonds of 1941—		
1-1/10 %	50,000.00	50,000.00
Public Improvement Bonds of 1946		
(Krebs-Newport)—¾ %	10,000.00	10,000.00
Public Improvement Bonds of 1946—		
Rose Hill-Minquadale—¾ %	6,000.00	6,000.00
Public Improvement Bonds of 1948—		
Delaware State Hospital—1.6 %	12,000.00	12,000.00
Sussex County Negro High School—		
1.6 %	10,000.00	10,000.00
Commission for the Feeble-Minded—		
1.6 %	5,000.00	5,000.00
State Welfare Home, Smyrna—1.6 %	13,000.00	13,000.00
School Building Bonds of 1948—1.7 %	65,000.00	65,000.00
State Highway Improvement Bonds of		
1949—Series "A"—1.4 %	350,000.00	350,000.00
State Highway Improvement Bonds of		
1949—Series "B"—1.3 %	105,000.00	105,000.00
State Highway Refunding Bonds of		
1949—1.4 %	100,000.00	100,000.00
Capital Improvement Bonds of 1949—		
1.4 %	182,000.00	182,000.00
School Bonds of 1949—Series "A"—		
1.4 %	500,000.00	500,000.00
Delaware State Hospital Bonds of 1949—		
Series "A"—1.4 %	22,000.00	22,000.00
Veterans' Military Pay Bonds of 1949—		
Series "A"—1.4 %	300,000.00	300,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

TENTATIVE ISSUES

School Bonds of 1949—Series "B"—		
1.5%	167,000.00	167,000.00
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TOTAL Redemption—		
State Bonds.....	\$1,963,000.00	\$1,963,000.00

COUNTY HIGHWAY BONDS

NEW CASTLE COUNTY

Highway Improvement Bonds,		
Series #2-1909—4%	\$ 15,000.00	\$ 15,000.00
Highway Improvement Bonds,		
Series #3-1911—4%	10,000.00	10,000.00
Highway Improvement Bonds,		
Series #4-1913—4½ %	10,000.00	10,000.00
Highway Improvement Bonds,		
Series #5-1917—4½ %	15,000.00	15,000.00
Highway Improvement Bonds,		
Series #8-1922—4½ %	15,000.00	15,000.00
Highway Improvement Bonds,		
Series #9-1924—4½ %	15,000.00	15,000.00
Highway Improvement Bonds,		
Series #10-1925—4½ %	20,000.00	20,000.00
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TOTAL Redemptions—New Castle		
County Bonds.....	\$100,000.00	\$100,000.00

KENT COUNTY

Highway Improvement Bonds,		
Series #1-1913—5%	\$ 5,000.00	\$
Highway Improvement Bonds,		
Series #2-1917—5%	5,000.00	5,000.00
State Aid Road Bonds,		
Series #3A-1925—4½ %	20,000.00	20,000.00
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TOTAL Redemptions—Kent		
County Bonds.....	\$ 30,000.00	\$ 25,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SUSSEX COUNTY

Highway Improvement Refunding Bonds, Series #1-1941—1½ %	\$ 25,000.00	\$ 25,000.00
Highway Improvement Refunding Bonds, Series #2-1941—1½ %	25,000.00	25,000.00
Highway Improvement Refunding Bonds, Series #3-1926—4½ %	25,000.00	25,000.00
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TOTAL Redemptions—Sussex County Bonds	\$ 75,000.00	\$ 75,000.00
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TOTAL Redemptions—County Highway Bonds	\$205,000.00	\$200,000.00
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TOTAL Redemptions	\$2,168,000.00	\$2,163,000.00

INTEREST—STATE BONDS

Women's College Bonds—Loan of 1925—4¼ %	\$ 4,462.50	\$ 4,250.00
Improvement Bonds of 1935—2½ %	1,583.20	1,264.45
State Building Bonds of 1937—2 %	2,050.00	1,750.00
State Highway Loan of 1939—1½ %	14,015.78	13,512.03
Public Improvement Bonds of 1941— 1-1/10 %	7,590.00	7,040.00
Public Improvement Bonds of 1946 (Krebs-Newport)—¾ %	375.00	300.00
Public Improvement Bonds of 1946— Rose Hill-Minquadale—¾ %	225.00	180.00
Public Improvement Bonds of 1948: Delaware State Hospital—1.6 %	3,264.00	3,072.00
Sussex County Negro High School— 1.6 %	2,720.00	2,560.00
Commission for the Feeble-Minded— 1.6 %	1,520.00	1,440.00
State Welfare Home, Smyrna—1.6 %	3,376.00	3,168.00
Post War Highway Improvement Bonds—1948—1½ %	37,500.00	37,500.00

EXPENSES OF STATE GOVERNMENT

APPROPRIATION

School Building Bonds of 1948—1.7%.....	18,895.50	17,790.50
State Highway Improvement Bonds of 1949—Series "A"—1.4%.....	90,650.00	85,750.00
State Highway Improvement Bonds of 1949—Series "B"—1.3%.....	25,317.50	23,952.50
State Highway Refunding Bonds of 1949—1.4%	17,920.00	16,520.00
Capital Improvement Bonds of 1949— 1.4%	47,124.00	44,576.00
School Bonds of 1949—Series "A"— 1.4%	129,500.00	122,500.00
Delaware State Hospital Bonds of 1949— 1.4%	5,838.00	5,530.00
Veterans' Military Pay Bonds of 1949— Series "A"—1.4%	77,700.00	73,500.00

TENTATIVE ISSUES

Veterans' Military Pay Bonds of 1952— Series "B"—1.5%.....		18,750.00
School Bonds of 1949—Series "B"—1.5%	45,000.00	42,495.00
TOTAL Interest—State Bonds.....	\$536,626.48	\$527,400.48

COUNTY HIGHWAY BONDS

NEW CASTLE COUNTY

Highway Improvement Bonds, Series #2-1909—4%.....	\$ 8,000.00	\$ 7,400.00
Highway Improvement Bonds, Series #3-1911—4%.....	4,200.00	3,800.00
Highway Improvement Bonds, Series #4-1913—4½%.....	4,725.00	4,275.00
Highway Improvement Bonds, Series #5-1917—4½%.....	5,287.50	4,612.50
Highway Improvement Bonds, Series #8-1922—4½%.....	3,600.00	2,925.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Highway Improvement Bonds, Series #9-1924—4½ %.....	4,050.00	3,375.00
Highway Improvement Bonds, Series #10-1925—4½ %.....	3,150.00	2,250.00
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TOTAL Interest—New Castle County Bonds.....	\$ 33,012.50	\$ 28,637.50

KENT COUNTY

Highway Improvement Bonds, Series #1-1913—5 %.....	\$ 250.00	\$
Highway Improvement Bonds, Series #2-1917—5 %.....	1,250.00	1,000.00
State Aid Road Bonds, Series #3A-1925—4½ %	1,350.00	450.00
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TOTAL Interest—Kent County Bonds	\$ 2,850.00	\$ 1,450.00

SUSSEX COUNTY

Highway Improvement Refunding Bonds, Series #1-1941—1½ %.....	\$ 6,937.50	\$ 6,562.50
Highway Improvement Refunding Bonds, Series #2-1941—1½ %.....	8,437.50	8,062.50
Highway Improvement Refunding Bonds, Series #3-1926—4½ %.....	16,312.50	15,187.50
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TOTAL Interest—Sussex County Bonds	\$ 31,687.50	\$ 29,812.50
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TOTAL Interest—County Bonds.....	\$ 67,550.00	\$ 59,900.00
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TOTAL Interest.....	\$604,176.48	\$587,300.48
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TOTAL DEBT SERVICE.....	\$2,772,176.48	\$2,750,300.48

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

REGULATORY BOARDS

MEDICAL COUNCIL OF DELAWARE

Salary of Secretary.....	\$ 200.00	\$ 200.00
Salaries and Wages of Employees.....	800.00	800.00
Office Expense.....	450.00	450.00
Travel	550.00	550.00

TOTAL Medical		
Council of Delaware.....	\$ 2,000.00	\$ 2,000.00

STATE BOARD OF PHARMACY

Salary of Secretary-Treasurer.....	\$ 2,600.00	\$ 2,600.00
Salary of Members.....	600.00	600.00
Office Expense.....	400.00	400.00
Travel	1,000.00	1,000.00
Equipment	600.00	

TOTAL State Board of Pharmacy.....	\$ 5,200.00	\$ 4,600.00
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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.....	140.00	140.00
Travel	290.00	290.00

TOTAL State Board of Dental		
Examiners	\$ 1,000.00	\$ 1,000.00

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.....	150.00	150.00
Travel	150.00	150.00

TOTAL State Board of Examiners		
for Barbers.....	\$ 1,000.00	\$ 1,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

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.....	\$ 240.00	\$ 240.00
Office Expense.....	825.00	955.00
Travel	120.00	120.00

TOTAL State Board of Accountancy	\$ 1,185.00	\$ 1,315.00
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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

TOTAL Board of Examiners in Optometry	\$ 225.00	\$ 225.00
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BOARD OF EXAMINERS FOR REGISTERED NURSES

Salary of Board Members.....	\$ 400.00	\$ 400.00
Salaries and Wages of Employees.....	2,400.00	2,400.00
Office Expense	1,300.00	1,300.00
Travel	300.00	300.00

TOTAL Board of Examiners for Registered Nurses	\$ 4,400.00	\$ 4,400.00
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STATE BOARD OF EXAMINERS IN UNDERTAKING

Salary of Treasurer.....	\$ 50.00	\$ 50.00
Salary of Secretary.....	150.00	150.00
Salaries and Wages of Employees	300.00	300.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Office Expense.....	97.00	97.00
Travel	150.00	150.00

TOTAL State Board of Examiners in Undertaking.....	\$ 747.00	\$ 747.00
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DELAWARE REAL ESTATE COMMISSION

Salary of Commissioners.....	\$ 510.00	\$ 510.00
Salary of Examiner.....	80.00	80.00
Salaries and Wages of Employees.....	600.00	600.00
Office Expense.....	433.00	433.00
Travel	54.00	54.00

TOTAL Delaware Real Estate Commission	\$ 1,677.00	\$ 1,677.00
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STATE BOARD OF EXAMINERS AND REGISTRATION
OF ARCHITECTS

Salaries and Wages of Employees.....	\$ 220.00	\$ 220.00
Office Expense.....	370.00	370.00
Travel	450.00	450.00
Equipment	50.00	50.00

TOTAL State Board of Examiners and Registration of Architects.....	\$ 1,090.00	\$ 1,090.00
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STATE ATHLETIC COMMISSION

Salary of Commissioners.....	\$ 900.00	\$ 900.00
Salaries and Wages of Employees.....	150.00	150.00
Office Expense	400.00	400.00
Travel	50.00	50.00

TOTAL State Athletic Commission.....	\$ 1,500.00	\$ 1,500.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

ATLANTIC STATES MARINE FISHERIES COMMISSION

Dues	\$	700.00	\$	700.00
Travel		200.00		200.00

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TOTAL Atlantic States Marine Fisheries Commission.....	\$	900.00	\$	900.00

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

Salary of Secretary.....	\$	900.00	\$	900.00
Office Expense.....		1,050.00		1,050.00
Travel		500.00		500.00
Equipment		300.00		300.00

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TOTAL Board of Registration for Professional Engineers and Land Surveyors	\$	2,750.00	\$	2,750.00

DELAWARE COMMISSION OF SHELL FISHERIES

Salaries and Wages of Employees.....	\$	3,000.00	\$	3,000.00
Office Expense.....		200.00		200.00
Travel		300.00		300.00
Operations		15,000.00		15,000.00

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TOTAL Delaware Commission of Shell Fisheries.....	\$	18,500.00	\$	18,500.00

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TOTAL REGULATORY BOARDS..	\$	42,374.00	\$	41,904.00

ENFORCEMENT BOARDS

LABOR COMMISSION OF DELAWARE

Salary of Child Labor Inspector.....	\$	2,500.00	\$	2,500.00
Salary of Ten-Hour Law Inspector.....		2,500.00		2,500.00
Salaries and Wages of Employees		2,165.00		2,165.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Office Expense.....	2,035.00	2,035.00
Travel	500.00	500.00
Repairs and Replacements.....	300.00	300.00
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TOTAL Labor Commission of Delaware	\$ 10,000.00	\$ 10,000.00

PAROLE BOARD

Salary of Parole Officer.....	\$ 2,600.00	\$ 2,600.00
Salary 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
Out-of-State Parole Supervision.....	300.00	300.00
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TOTAL Parole Board.....	\$ 4,730.00	\$ 4,730.00

BOARD OF PARDONS

Salary of Lieutenant-Governor.....	\$ 120.00	\$ 120.00
Witness Fees.....	100.00	100.00
Travel	56.00	56.00
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TOTAL Board of Pardons.....	\$ 276.00	\$ 276.00

BOARD OF BOILER RULES

Salary of Chief Inspector.....	\$ 4,700.00	\$ 4,700.00
Salary of Secretary.....	1,700.00	1,700.00
Salaries and Wages of Employees.....	5,100.00	5,600.00
Office Expense.....	1,550.00	1,550.00
Travel	1,500.00	1,500.00
Equipment	393.50	
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TOTAL Board of Boiler Rules.....	\$ 14,943.50	\$ 15,050.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

REGULATORS OF WEIGHTS AND MEASURES

Salaries and Wages of Employees.....	\$ 4,700.00	\$ 4,700.00
Office Expense.....	100.00	100.00
Travel	1,800.00	1,800.00
Operations	250.00	250.00
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TOTAL Regulators of Weights and Measures	\$ 6,850.00	\$ 6,850.00

INDUSTRIAL ACCIDENT BOARD

Salary of Members	\$ 9,600.00	\$ 9,600.00
Salaries and Wages of Employees.....	8,500.00	8,500.00
Office Expense.....	5,585.00	5,060.00
Travel	850.00	850.00
Repairs and Replacements.....	40.00	40.00
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TOTAL Industrial Accident Board.....	\$ 24,575.00	\$ 24,050.00

NATIONAL GUARD—ADJUTANT GENERAL

Salary of Adjutant General.....	\$ 2,700.00	\$ 2,700.00
Salary of Executive Officer.....	3,200.00	3,200.00
Salary of Secretary	2,700.00	2,700.00
Salary of Caretaker—Bethany Beach.....	1,700.00	1,700.00
Salaries and Wages of Employees.....	34,000.00	34,000.00
Office Expense	6,000.00	6,500.00
Travel	2,200.00	2,500.00
Operations	36,000.00	39,500.00
Repairs and Replacements	20,000.00	20,000.00
Equipment	5,000.00	8,000.00
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TOTAL National Guard-Adjutant General	\$113,500.00	\$120,800.00
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PUBLIC SERVICE COMMISSION

Salary of Board Members.....	\$ 13,500.00	\$ 13,500.00
Salaries and Wages of Employees.....	20,200.00	20,200.00
Office Expense	1,500.00	1,800.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Travel	3,300.00	4,500.00
Operations	5,000.00	5,000.00
Equipment	2,000.00	2,000.00

TOTAL Public Service Commission.....	\$ 45,500.00	\$ 47,000.00
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TOTAL ENFORCEMENT

BOARDS	\$220,374.50	\$228,756.00
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PENSIONS

DELAWARE STATE EMPLOYEES PENSIONS

Salaries and Wages of Employees.....	\$ 500.00	\$ 500.00
Office Expense.....	250.00	250.00
Travel	250.00	250.00
Benefits	400,000.00	450,000.00
Retired and Disabled Teachers'		
Pensions	115,000.00	115,000.00

TOTAL PENSIONS.....	\$516,000.00	\$566,000.00
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MISCELLANEOUS

CUSTODIAN

Salary of Custodian.....	\$ 2,600.00	\$ 2,600.00
Salaries and Wages of Employees.....	40,000.00	40,000.00
Office Expense.....	600.00	600.00
Operations	22,000.00	22,000.00
Repairs and Replacements.....	40,000.00	40,000.00
Equipment	2,500.00	2,500.00

TOTAL Custodian.....	\$107,700.00	\$107,700.00
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STATE BUILDING AND GROUNDS COMMISSION

Operations	\$ 1,000.00	\$ 1,000.00
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TOTAL State Building and

Grounds Commission.....	\$ 1,000.00	\$ 1,000.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

FIRE COMPANIES (FROM TAX RECEIPTS)

Insurance Tax.....	\$137,600.00	\$137,700.00
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TOTAL Fire Companies (From

Tax Receipts).....	\$137,600.00	\$137,700.00
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STATE LIBRARY COMMISSION

Salaries and Wages of Employees.....	\$ 10,835.00	\$ 10,835.00
Office Expense.....	550.00	650.00
Travel	550.00	600.00
Operations	1,371.00	1,371.00
Repairs and Replacements.....	2,600.00	650.00
Equipment	4,200.00	4,200.00

TOTAL State Library Commission.....	\$ 20,106.00	\$ 18,306.00
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PUBLIC ARCHIVES COMMISSION

Salaries and Wages of Employees.....	\$ 36,980.00	\$ 39,780.00
Office Expense.....	1,000.00	1,000.00
Travel	1,250.00	1,250.00
Operations	1,700.00	1,700.00
Repairs and Replacements.....	200.00	200.00
Equipment	5,500.00	800.00
Permanent Improvements.....	300.00	300.00

TOTAL Public Archives

Commission	\$ 46,930.00	\$ 45,030.00
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PORTRAIT COMMISSION OF DELAWARE

Office Expense	\$ 1,550.00	\$ 50.00
Travel	50.00	50.00
Repairs and Replacements.....	225.00	225.00
Equipment	400.00	400.00

TOTAL Portrait Commission of

Delaware	\$ 2,225.00	\$ 725.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE MUSEUM COMMISSION

Salaries and Wages of Employees.....	\$ 10,000.00	\$ 11,000.00
Office Expense.....	600.00	600.00
Travel	200.00	200.00
Operations	300.00	300.00
Repairs and Replacements.....	500.00	500.00
Equipment	1,500.00	1,500.00
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TOTAL State Museum Commission.....	\$ 13,100.00	\$ 14,100.00

DELAWARE STATE POULTRY COMMISSION

Salary of Executive Secretary.....	\$ 2,300.00	\$ 2,300.00
Salary of Stenographer.....	1,100.00	1,100.00
Office Expense.....	1,800.00	1,800.00
Travel	1,800.00	1,800.00
Operations	32,800.00	32,800.00
Equipment	200.00	200.00
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TOTAL Delaware State Poultry Commission	\$ 40,000.00	\$ 40,000.00

DELAWARE STATE DEVELOPMENT COMMISSION

Salary of Director	\$ 5,000.00	\$ 5,000.00
Salaries and Wages of Employees.....	2,400.00	2,400.00
Office Expense	1,200.00	1,200.00
Travel	1,000.00	1,000.00
Operations	12,000.00	12,000.00
Repairs and Replacements.....	100.00	100.00
Equipment	1,000.00	500.00
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TOTAL Delaware State Development Commission.....	\$ 22,700.00	\$ 22,200.00
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TOTAL MISCELLANEOUS.....	\$391,361.00	\$386,761.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

ROADS: MAINTENANCE, POLICE, ETC.

STATE HIGHWAY DEPARTMENT ADMINISTRATION

Salaries and Wages of Employees.....	\$ 43,500.00	\$ 43,500.00
Office Expense.....	7,000.00	7,000.00
Travel	1,000.00	1,000.00
Operations	15,000.00	15,000.00
Repairs and Replacements.....	3,500.00	3,500.00
Equipment	1,200.00	1,200.00
TOTAL Administration.....	\$ 71,200.00	\$ 71,200.00

MOTOR VEHICLE DIVISION

Salaries and Wages of Employees.....	\$235,000.00	\$235,000.00
Office Expense.....	22,000.00	22,000.00
Travel	1,500.00	1,500.00
Operations	70,000.00	70,000.00
Repairs and Replacements.....	10,000.00	10,000.00
Equipment	1,500.00	1,500.00
TOTAL Motor Vehicle Division.....	\$340,000.00	\$340,000.00

STATE POLICE DIVISION

Salaries and Wages of Employees.....	\$485,000.00	\$485,000.00
Office Expense.....	20,000.00	20,000.00
Travel	3,000.00	3,000.00
Operations	115,000.00	115,000.00
Repairs and Replacements	55,000.00	55,000.00
Equipment	10,000.00	10,000.00
TOTAL State Police Division.....	\$688,000.00	\$688,000.00

MOTOR FUEL TAX DIVISION

Salaries and Wages of Employees	\$ 16,000.00	\$ 16,000.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Office Expense.....	2,000.00	2,000.00
Travel	1,500.00	1,500.00
Repairs and Replacements.....	1,625.00	300.00
Equipment	150.00	150.00
TOTAL Motor Fuel Tax Division.....	\$ 21,275.00	\$ 19,950.00

OUTDOOR ADVERTISING

Salaries and Wages of Employees.....	\$ 3,200.00	\$ 3,200.00
Office Expense.....	50.00	50.00
Travel	800.00	800.00
Operations	50.00	50.00
TOTAL Outdoor Advertising.....	\$ 4,100.00	\$ 4,100.00

MAINTENANCE

Salaries and Wages of Employees.....	\$1,230,000.00	\$1,240,000.00
Office Expense.....	12,000.00	12,000.00
Operations	400,000.00	400,000.00
Repairs and Replacements.....	650,000.00	650,000.00
Equipment	69,000.00	73,000.00
TOTAL Maintenance.....	\$2,361,000.00	\$2,375,000.00

HIGHWAY CONSTRUCTION

Operations	\$1,050,000.00	\$1,050,000.00
TOTAL Highway Construction.....	\$1,050,000.00	\$1,050,000.00

MOSQUITO CONTROL

Salaries and Wages of Employees.....	\$ 44,500.00	\$ 44,500.00
Office Expense	1,000.00	1,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Travel	600.00	600.00
Operations	38,900.00	38,900.00
Repairs and Replacements.....	4,000.00	4,000.00
Equipment	1,000.00	1,000.00
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TOTAL Mosquito Control.....	\$ 90,000.00	\$ 90,000.00
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TOTAL ROADS:		
MAINTENANCE,		
POLICE, ETC.....	\$4,625,575.00	\$4,638,250.00

HEALTH

STATE BOARD OF HEALTH

Salaries and Wages of Employees.....	\$175,000.00	\$175,000.00
Office Expense.....	15,000.00	15,000.00
Travel	8,500.00	8,500.00
Plumbing—Kent County.....	5,000.00	5,000.00
Operations	12,500.00	12,500.00
Examination Prior to Marriage License..	4,000.00	4,000.00
Repairs and Replacements.....	3,500.00	3,500.00
Cancer Control—Research.....	40,000.00	40,000.00
Equipment	1,300.00	1,000.00
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TOTAL State Board of Health.....	\$264,800.00	\$264,500.00

WATER POLLUTION COMMISSION

Salaries and Wages of Employees.....	\$ 18,500.00	\$ 18,500.00
Office Expense.....	2,500.00	2,500.00
Travel	1,000.00	1,000.00
Operations	2,500.00	2,500.00
Repairs and Replacements.....	500.00	500.00
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TOTAL Water Pollution		
Commission	\$ 25,000.00	\$ 25,000.00
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TOTAL HEALTH	\$289,800.00	\$289,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

AGRICULTURE, FORESTRY, ETC.

STATE BOARD OF AGRICULTURE

Salaries and Wages of Employees.....	\$160,000.00	\$160,000.00
Office Expense.....	8,500.00	8,500.00
Travel	17,000.00	17,000.00
Operations	30,000.00	30,000.00
Repairs and Replacements.....	14,000.00	6,000.00
Equipment	5,000.00	5,000.00

TOTAL State Board of Agriculture	\$234,500.00	\$226,500.00
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PENINSULA HORTICULTURAL SOCIETY

Office Expense.....	\$ 900.00	\$ 900.00
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TOTAL Peninsula Horticultural Society	\$ 900.00	\$ 900.00
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CROP IMPROVEMENT ASSOCIATION

Operations	\$ 450.00	\$ 450.00
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TOTAL Crop Improvement Association	\$ 450.00	\$ 450.00
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SOIL CONSERVATION COMMISSION

Salaries and Wages of Employees.....	\$ 200.00	\$ 200.00
Office Expense.....	250.00	250.00
Travel	250.00	250.00

TOTAL Soil Conservation Commission	\$ 700.00	\$ 700.00
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TOTAL AGRICULTURE	\$236,550.00	\$228,550.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE FORESTRY DEPARTMENT—ADMINISTRATION

Salaries and Wages of Employees.....	\$ 25,000.00	\$ 25,000.00
Office Expense.....	1,200.00	1,200.00
Travel	1,600.00	1,600.00
Operations	2,000.00	2,000.00
Repairs and Replacements.....	2,500.00	2,500.00
Equipment	500.00	500.00
Permanent Improvements.....	1,000.00	1,000.00
TOTAL Administration.....	\$ 33,800.00	\$ 33,800.00

SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages of Employees.....	\$ 10,000.00	\$ 10,000.00
Office Expense.....	1,000.00	1,000.00
Travel	600.00	600.00
Operations	500.00	500.00
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.....** \$ 16,400.00 \$ 16,400.00

TOTAL FORESTRY..... \$ 50,200.00 \$ 50,200.00

GAME AND FISH COMMISSION

Salary of Commissioners.....	\$ 900.00	\$ 900.00
Salary of Chief Warden	3,600.00	3,600.00
Salary of Game Technician	4,500.00	4,500.00
Salaries and Wages of Employees.....	32,197.00	32,197.00
Office Expense	2,500.00	2,500.00
Travel	15,000.00	15,000.00
Operations	30,000.00	30,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Repairs and Replacements.....	2,500.00	2,500.00
Equipment	1,200.00	1,200.00

TOTAL Game and Fish Commission	\$ 92,397.00	\$ 92,397.00
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TOTAL AGRICULTURE, FORESTRY, ETC.	\$379,147.00	\$371,147.00
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PUBLIC WELFARE

GOVERNOR

BLIND AND DEAF WARDS OF THE STATE

Board and Tuition.....	\$ 30,000.00	\$ 30,000.00
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TOTAL Governor—Blind and Deaf Wards of the State.....	\$ 30,000.00	\$ 30,000.00
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DELAWARE COMMISSION FOR THE BLIND

Salaries and Wages of Employees.....	\$ 32,000.00	\$ 32,000.00
Office Expense.....	1,200.00	1,200.00
Travel	2,500.00	2,500.00
Operations	15,000.00	15,000.00
Materials	8,000.00	8,000.00
Repairs and Replacements.....	2,500.00	3,500.00
Assistance Grants.....	40,000.00	40,000.00

TOTAL Delaware Commission for the Blind.....	\$101,200.00	\$102,200.00
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STATE BOARD OF WELFARE

Salaries and Wages of Employees.....	\$ 95,000.00	\$101,000.00
Office Expense.....	12,000.00	12,000.00
Travel	6,000.00	6,000.00
Direct Care	175,000.00	175,000.00
Pension Grants.....	130,000.00	130,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE FORESTRY DEPARTMENT—ADMINISTRATION

Salaries and Wages of Employees.....	\$ 25,000.00	\$ 25,000.00
Office Expense	1,200.00	1,200.00
Travel	1,600.00	1,600.00
Operations	2,000.00	2,000.00
Repairs and Replacements.....	2,500.00	2,500.00
Equipment	500.00	500.00
Permanent Improvements.....	1,000.00	1,000.00
TOTAL Administration.....	\$ 33,800.00	\$ 33,800.00

SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages of Employees.....	\$ 10,000.00	\$ 10,000.00
Office Expense	1,000.00	1,000.00
Travel	600.00	600.00
Operations	500.00	500.00
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.....	\$ 16,400.00	\$ 16,400.00
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TOTAL FORESTRY.....	\$ 50,200.00	\$ 50,200.00
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GAME AND FISH COMMISSION

Salary of Commissioners.....	\$ 900.00	\$ 900.00
Salary of Chief Warden	3,600.00	3,600.00
Salary of Game Technician	4,500.00	4,500.00
Salaries and Wages of Employees.....	32,197.00	32,197.00
Office Expense	2,500.00	2,500.00
Travel	15,000.00	15,000.00
Operations	30,000.00	30,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Repairs and Replacements.....	2,500.00	2,500.00
Equipment	1,200.00	1,200.00
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TOTAL Game and Fish		
Commission	\$ 92,397.00	\$ 92,397.00
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TOTAL AGRICULTURE,		
FORESTRY, ETC.	\$379,147.00	\$371,147.00

PUBLIC WELFARE

GOVERNOR

BLIND AND DEAF WARDS OF THE STATE

Board and Tuition.....	\$ 30,000.00	\$ 30,000.00
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TOTAL Governor—Blind and Deaf		
Wards of the State.....	\$ 30,000.00	\$ 30,000.00

DELAWARE COMMISSION FOR THE BLIND

Salaries and Wages of Employees.....	\$ 32,000.00	\$ 32,000.00
Office Expense.....	1,200.00	1,200.00
Travel	2,500.00	2,500.00
Operations	15,000.00	15,000.00
Materials	8,000.00	8,000.00
Repairs and Replacements.....	2,500.00	3,500.00
Assistance Grants.....	40,000.00	40,000.00
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TOTAL Delaware Commission for		
the Blind.....	\$101,200.00	\$102,200.00

STATE BOARD OF WELFARE

Salaries and Wages of Employees.....	\$ 95,000.00	\$101,000.00
Office Expense.....	12,000.00	12,000.00
Travel	6,000.00	6,000.00
Direct Care.....	175,000.00	175,000.00
Pension Grants.....	130,000.00	130,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Medical	3,500.00	3,500.00
Repairs and Replacements.....	3,000.00	3,000.00
Equipment	800.00	1,000.00

TOTAL State Board of Welfare.....	\$425,300.00	\$431,500.00
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OLD AGE WELFARE COMMISSION—PENSION ACCOUNT

Salaries and Wages of Employees.....	\$ 33,000.00	\$ 34,500.00
Office Expense.....	6,000.00	6,000.00
Travel	3,500.00	3,500.00
Operations	196,500.00	196,500.00
Repairs and Replacements.....	1,000.00	1,000.00

TOTAL Old Age Welfare Commission-Pension Account.....	\$240,000.00	\$241,500.00
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STATE WELFARE HOME

Salaries and Wages of Employees.....	\$ 99,500.00	\$103,500.00
Office Expense.....	2,350.00	2,350.00
Travel	350.00	350.00
Operations	79,000.00	79,000.00
Repairs and Replacements	4,800.00	4,800.00
Equipment	600.00	600.00

TOTAL State Welfare Home	\$186,600.00	\$190,600.00
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DELAWARE STATE HOSPITAL

Salaries and Wages of Employees	\$717,500.00	\$732,500.00
Office Expense	13,000.00	13,000.00
Travel	5,000.00	5,000.00
Operations	375,000.00	385,000.00
Repairs and Replacements	48,000.00	48,000.00

TOTAL Delaware State Hospital	\$1,158,500.00	\$1,183,500.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

GOVERNOR BACON HEALTH CENTER

Salaries and Wages of Employees.....	\$378,875.00	\$379,150.00
Office Expense.....	9,500.00	9,500.00
Travel	4,000.00	4,000.00
Operations	175,000.00	175,000.00
Repairs and Replacements.....	25,000.00	25,000.00
Equipment	20,000.00
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TOTAL Governor Bacon Health Center	\$612,375.00	\$592,650.00

DELAWARE COMMISSION FOR THE FEEBLE-MINDED

Salaries and Wages of Employees.....	\$213,450.92	\$233,053.00
Office Expense.....	4,915.00	4,915.00
Travel	5,000.00	5,000.00
Operations	189,625.00	189,625.00
Repairs and Replacements.....	63,675.00	48,950.00
Equipment	7,900.00	5,700.00
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TOTAL Delaware Commission for the Feeble-Minded.....	\$484,565.92	\$487,243.00

FERRIS SCHOOL FOR BOYS

Salaries and Wages of Employees.....	\$104,000.00	\$104,000.00
Office Expense.....	2,650.00	2,650.00
Travel	5,800.00	5,800.00
Operations	77,000.00	77,000.00
Repairs and Replacements.....	19,000.00	19,000.00
Equipment	5,000.00	5,000.00
Permanent Improvements.....	7,500.00
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TOTAL Ferris School for Boys	\$220,950.00	\$213,450.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

KRUSE SCHOOL

Salaries and Wages of Employees.....	\$ 27,000.00	\$ 27,000.00
Office Expense.....	1,400.00	1,400.00
Travel	730.00	730.00
Operations	21,500.00	21,500.00
Repairs and Replacements.....	4,000.00	3,500.00
Equipment	500.00	500.00
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TOTAL Kruse School.....	\$ 55,130.00	\$ 54,630.00

STATE BOARD OF HEALTH—EDGEWOOD SANITORIUM

Salaries and Wages of Employees.....	\$ 47,000.00	\$ 47,000.00
Office Expense.....	800.00	800.00
Travel	500.00	500.00
Operations	40,000.00	40,000.00
Repairs and Replacements	12,000.00	5,000.00
Equipment	2,000.00	1,000.00
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TOTAL State Board of Health— Edgewood Sanitorium	\$102,300.00	\$ 94,300.00

STATE BOARD OF HEALTH—BRANDYWINE SANITORIUM

Salaries and Wages of Employees.....	\$125,000.00	\$125,000.00
Office Expense	3,500.00	3,500.00
Travel	1,500.00	1,500.00
Operations	118,000.00	118,000.00
Repairs and Replacements	35,000.00	17,000.00
Equipment	5,500.00	1,000.00
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TOTAL State Board of Health— Brandywine Sanitorium	\$288,500.00	\$266,000.00
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TOTAL PUBLIC WELFARE	\$3,905,420.92	\$3,887,573.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

GRANTS-IN-AID

HISTORICAL SOCIETY OF DELAWARE

Office Expense.....	\$ 1,500.00	\$ 500.00
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TOTAL Historical Society of

Delaware	\$ 1,500.00	\$ 500.00
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LEWES MEMORIAL COMMISSION

Salaries and Wages of Employees.....	\$ 2,600.00	\$ 2,600.00
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Office Expense.....	200.00	200.00
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Travel	75.00	75.00
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Operations	800.00	800.00
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Repairs and Replacements.....	400.00	400.00
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TOTAL Lewes Memorial

Commission	\$ 4,075.00	\$ 4,075.00
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DELAWARE DAY COMMISSION

Operations	\$ 200.00	\$ 200.00
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TOTAL Delaware Day Commission..	\$ 200.00	\$ 200.00
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TOTAL GRANTS-IN-AID.....	\$ 5,775.00	\$ 4,775.00
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TOTAL—AGENCIES,

GRANTS, ETC.....	\$14,181,542.90	\$14,218,591.25
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EDUCATION

UNIVERSITY OF DELAWARE

ADMINISTRATION

Salaries and Wages of Employees.....	\$1,056,000.00	\$1,056,000.00
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Office Expense.....	5,000.00	5,000.00
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Operations	79,225.00	79,225.00
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Repairs and Replacements	20,000.00	20,000.00
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Equipment	20,000.00	20,000.00
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TOTAL Administration	\$1,180,225.00	\$1,180,225.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

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.....\$	20,000.00	\$	20,000.00
TOTAL Summer School for Teachers	\$ 20,000.00	\$	20,000.00

SMITH-LEVER AGRICULTURE EXTENSION

Salaries and Wages of Employees.....\$	33,700.00	\$	33,700.00
Office Expense.....\$	800.00		800.00
Travel	7,000.00		7,000.00
TOTAL Smith-Lever Agriculture Extension	\$ 41,500.00	\$	41,500.00

SCHOLARSHIPS

Scholarships	\$ 5,000.00	\$	5,000.00
TOTAL Scholarships.....\$	5,000.00	\$	5,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SCHOOL OF AGRICULTURE-EXTENSION SERVICE

Salaries and Wages of Employees.....\$	100.00	\$	100.00
Operations	950.00		950.00
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TOTAL School of Agriculture- Extension Service.....\$	1,050.00	\$	1,050.00

AGRICULTURE AND FARM EXPERIMENTAL STATION

Salaries and Wages of Employees.....\$	54,250.00	\$	54,250.00
Office Expense.....	875.00		875.00
Travel	400.00		400.00
Operations	8,000.00		8,000.00
Repairs and Replacements.....	1,800.00		1,800.00
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TOTAL Agriculture and Farm Experimental Station.....\$	65,325.00	\$	65,325.00

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
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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
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TOTAL Fowl Typhoid.....\$	5,500.00	\$	5,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DAIRY SPECIALISTS

Salary of Dairy Specialists.....	\$	5,000.00	\$	5,000.00
Office Expense.....		200.00		200.00
Travel		800.00		800.00
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TOTAL Dairy Specialists.....	\$	6,000.00	\$	6,000.00

AGRICULTURAL EXPERIMENTAL SUB-STATIONS

Salaries and Wages of Employees.....	\$	15,600.00	\$	15,600.00
Operations		8,000.00		8,000.00
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TOTAL Agricultural Experimental Sub-Stations.....	\$	23,600.00	\$	23,600.00

NEW EXPERIMENTAL STATION

Salaries and Wages of Employees.....	\$	35,000.00	\$	35,000.00
Office Expense.....		1,000.00		1,000.00
Travel		1,000.00		1,000.00
Operations		3,500.00		3,500.00
Equipment		3,500.00		3,500.00
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TOTAL New Experimental Station	\$	44,000.00	\$	44,000.00

EXTENSION SERVICE

Salaries and Wages of Employees.....	\$	12,000.00	\$	12,000.00
Office Expense		2,000.00		2,000.00
Travel		2,500.00		2,500.00
Operations		1,500.00		1,500.00
Equipment		2,000.00		2,000.00
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TOTAL Extension Service	\$	20,000.00	\$	20,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SHORT COURSE

Salaries and Wages of Employees.....\$	2,700.00	\$ 2,700.00
Office Expense.....	1,500.00	1,500.00
Travel	1,000.00	1,000.00
Operations	200.00	200.00
Equipment	600.00	600.00

TOTAL Short Course.....	\$ 6,000.00	\$ 6,000.00
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TOTAL University of Delaware	\$1,432,200.00	\$1,432,200.00
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DELAWARE STATE COLLEGE

Salaries and Wages of Employees.....\$	180,000.00	\$ 180,000.00
Office Expense.....	4,000.00	4,000.00
Travel	2,000.00	2,000.00
Operations	45,000.00	45,000.00
Repairs and Replacements.....	25,000.00	25,000.00
Scholarships	15,000.00	15,000.00
Equipment	30,000.00	15,000.00
Permanent Improvements.....	10,000.00

TOTAL Delaware State College	\$ 311,000.00	\$ 286,000.00
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STATE BOARD OF EDUCATION

GENERAL OR ADMINISTRATIVE CONTROL

Salaries	\$ 71,050.00	\$ 71,050.00
Office Expense.....	14,500.00	14,500.00
Travel	2,500.00	2,500.00
Telephone and Telegraph.....	3,500.00	3,500.00
Other Costs.....	1,000.00	1,000.00
Special Printing Course of Study.....	2,000.00	2,000.00
Convention Travel.....	400.00	400.00

TOTAL General or Administrative Control.....	\$ 94,950.00	\$ 94,950.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

INSTRUCTIONAL SERVICE

Salaries of Supervisors.....	\$116,422.50	\$116,422.50
Salaries of Teachers.....	13,000.00	13,000.00
Instructional Service Supplies.....	3,600.00	3,600.00
Text Books.....	1,500.00	1,500.00
Other Costs.....	7,500.00	7,500.00
Travel	9,250.00	9,250.00
Visual Education.....	2,500.00	2,500.00

TOTAL Instructional Service.....	\$153,772.50	\$153,772.50
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MAINTENANCE—Repairs and Replacements

Salaries	\$ 3,100.00	\$ 3,100.00
Supplies and Replacements.....	2,000.00	2,000.00
Other Costs.....	6,000.00	6,000.00

TOTAL Maintenance.....	\$ 11,100.00	\$ 11,100.00
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FIXED CHARGES

Fire Insurance.....	\$ 30,000.00	\$ 30,000.00
Other Insurance.....	3,100.00	3,100.00
Rent	4,605.00	4,605.00

TOTAL Fixed Charges.....	\$ 37,705.00	\$ 37,705.00
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AUXILIARY AND COORDINATE ACTIVITIES

Vocational Education (Ag., Home Ec., Trades)

Salaries ..	\$ 26,032.50	\$ 26,032.50
Travel	2,400.00	2,400.00
Other Vocational Costs.....	2,740.00	2,740.00
Training (Ag., Home Ec., Etc.).....	7,550.00	7,550.00

TOTAL Auxiliary and Coordinate Activities	\$ 38,722.50	\$ 38,722.50
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

ADULT EDUCATION

Salaries	\$ 7,275.00	\$ 7,275.00
Adult Education Costs	600.00	600.00
Travel	475.00	475.00
TOTAL Adult Education	\$ 8,350.00	\$ 8,350.00

SCHOOL LUNCH PROGRAM

Secretary's Salary	\$ 800.00	\$ 800.00
Salaries	4,200.00	4,200.00
Travel	800.00	800.00
TOTAL School Lunch Program	\$ 5,800.00	\$ 5,800.00

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
TOTAL Teacher Training	\$ 12,600.00	\$ 12,600.00

SERVICE BUREAU

Salaries	\$ 5,500.00	\$ 5,500.00
Other Costs	200.00	200.00
TOTAL Service Bureau	\$ 5,700.00	\$ 5,700.00

VISITING TEACHERS

Salaries	\$ 13,900.00	\$ 13,900.00
Scholarships	1,500.00	1,500.00
Travel	2,600.00	2,600.00
Other Costs	300.00	300.00
TOTAL Visiting Teachers	\$ 18,300.00	\$ 18,300.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STUDENT DRIVER TRAINING

Salaries	\$ 28,000.00	\$ 28,000.00
Travel	3,000.00	3,000.00
Other Costs	1,800.00	1,800.00
Equipment	2,000.00	2,000.00
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TOTAL Student Driver Training	\$ 34,800.00	\$ 34,800.00

TRANSPORTATION

Salaries	\$ 7,460.00	\$ 7,460.00
Travel	425.00	425.00
Contract Service	444,500.00	444,500.00
Insurance	2,000.00	2,000.00
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TOTAL Transportation	\$454,385.00	\$454,385.00

CAPITAL OUTLAY

Library Books	\$ 500.00	\$ 500.00
Equipment	1,000.00	1,000.00
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TOTAL Capital Outlay	\$ 1,500.00	\$ 1,500.00

JANITORIAL SUPERVISION

Salary of Supervisor	\$ 5,000.00	\$ 5,000.00
Travel	600.00	600.00
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TOTAL Janitorial Supervision	\$ 5,600.00	\$ 5,600.00
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TOTAL State Board of Education	\$883,285.00	\$883,285.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BOARD OF VOCATIONAL EDUCATION

REHABILITATION DIVISION

Operations	\$ 54,500.00	\$ 54,000.00
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TOTAL Board of Vocational Education—Rehabilitation Division	\$ 54,500.00	\$ 54,000.00

SPECIAL SCHOOL DISTRICTS

ALEXIS I. DUPONT

SALARIES

Administrative	\$ 6,100.00	\$ 6,100.00
Clerical	4,458.63	4,666.63
Instructional	119,470.00	120,210.00
Janitorial	8,300.00	8,300.00
Health	3,160.00	3,320.00
ALL OTHER COSTS (29 Units)	15,950.00	15,950.00
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TOTAL	\$157,438.63	\$158,546.63

CAESAR RODNEY

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	5,077.00	5,173.00
Instructional	160,678.00	162,792.00
Janitorial	10,480.00	12,560.00
Health	3,120.00	3,280.00
ALL OTHER COSTS (43 Units)	23,650.00	23,650.00
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TOTAL	\$208,905.00	\$213,355.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

CLAYMONT

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	4,744.00	4,960.00
Instructional	151,020.00	153,740.00
Janitorial	14,725.00	14,725.00
Health	3,600.00	3,600.00
ALL OTHER COSTS (40 Units)	22,000.00	22,000.00
TOTAL	<u>\$201,989.00</u>	<u>\$204,925.00</u>

DOVER

SALARIES

Administrative	\$ 6,300.00	\$ 6,300.00
Clerical	6,060.00	6,300.00
Instructional	268,110.00	271,900.00
Janitorial	18,150.00	18,990.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (73 Units)	40,150.00	40,150.00
TOTAL	<u>\$341,730.00</u>	<u>\$346,760.00</u>

GEORGETOWN

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	4,554.63	4,642.63
Instructional	137,610.00	140,010.00
Janitorial	11,100.00	11,200.00
Health	2,480.00	2,640.00
ALL OTHER COSTS (38 Units)	20,900.00	20,900.00
TOTAL	<u>\$182,544.63</u>	<u>\$185,292.63</u>

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

HARRINGTON

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	4,500.00	4,580.00
Instructional	113,480.00	114,280.00
Janitorial	7,825.00	7,825.00
Health	3,300.00	3,600.00
ALL OTHER COSTS (30 Units)	16,500.00	16,500.00
TOTAL	\$151,305.00	\$152,485.00

LAUREL

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	5,919.00	6,215.00
Instructional	204,430.00	208,910.00
Janitorial	15,585.00	15,600.00
Health	3,840.00	4,000.00
ALL OTHER COSTS (56 Units)	30,800.00	30,800.00
TOTAL	\$266,474.00	\$271,425.00

LEWES

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	3,551.96	3,736.66
Instructional	117,280.30	119,840.00
Janitorial	10,175.00	10,175.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (32 Units)	17,600.00	17,600.00
TOTAL	\$157,267.26	\$160,171.66

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

MILFORD

SALARIES

Administrative	\$ 6,300.00	\$ 6,300.00
Clerical	6,066.60	6,226.60
Instructional	209,986.67	213,186.67
Janitorial	15,050.00	15,050.00
Health	3,120.00	3,280.00
ALL OTHER COSTS (57 Units)	31,350.00	31,350.00
TOTAL	\$271,873.27	\$275,393.27

MT. PLEASANT

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	6,661.00	6,949.00
Instructional	239,200.00	243,680.00
Janitorial	17,050.00	17,050.00
Health	2,640.00	2,800.00
ALL OTHER COSTS (65 Units)	35,750.00	35,750.00
TOTAL	\$307,201.00	\$312,129.00

NEWARK

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	6,500.00	6,587.00
Instructional	261,862.00	267,417.00
Janitorial	20,475.00	20,475.00
Health	3,280.00	3,440.00
ALL OTHER COSTS (71 Units)	39,050.00	39,050.00
TOTAL	\$337,067.00	\$342,869.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

NEW CASTLE

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	6,704.00	6,992.00
Instructional	210,860.00	215,740.00
Janitorial	12,875.00	12,875.00
Health	2,480.00	2,640.00
ALL OTHER COSTS (60 Units)	33,000.00	33,000.00
TOTAL	\$271,819.00	\$277,147.00

REHOBOTH

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	2,560.00	2,560.00
Instructional	58,080.00	58,560.00
Janitorial	5,500.00	5,600.00
Health	2,800.00	2,960.00
ALL OTHER COSTS (14 Units)	7,700.00	7,700.00
TOTAL	\$ 82,340.00	\$ 83,080.00

SEAFORD

SALARIES

Administrative	\$ 5,900.00	\$ 5,900.00
Clerical	5,974.30	6,142.30
Instructional	226,190.00	230,782.00
Janitorial	18,000.00	18,000.00
Health	4,320.00	4,480.00
ALL OTHER COSTS (60 Units)	33,000.00	33,000.00
TOTAL	\$293,384.30	\$298,304.30

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SMYRNA

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	5,080.00	5,176.00
Instructional	139,092.00	141,516.00
Janitorial	11,850.00	11,850.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (38 Units)	20,900.00	20,900.00
TOTAL	\$185,582.00	\$188,262.00
TOTAL SPECIAL SCHOOL DISTRICTS	\$3,416,920.09	\$3,470,145.49

LOCAL SCHOOL DISTRICTS

ARDEN NO. 3

SALARIES

Instructional	\$ 13,100.00	\$ 13,420.00
Janitorial	1,150.00	1,150.00
ALL OTHER COSTS (4 Units)	2,200.00	2,200.00
TOTAL	\$ 16,450.00	\$ 16,770.00

ALFRED I. DUPONT NO. 7

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	1,920.00	2,040.00
Instructional	96,352.00	98,208.00
Janitorial	6,550.00	6,550.00
Health	3,120.00	3,280.00
ALL OTHER COSTS (26 Units)	14,300.00	14,300.00
TOTAL	\$127,942.00	\$130,078.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

RICHARDSON PARK NO. 20

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	2,640.00	2,760.00
Instructional	124,000.00	126,400.00
Janitorial	6,800.00	6,800.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (35 Units)	19,250.00	19,250.00
TOTAL	\$161,350.00	\$164,030.00

NEWPORT NO. 21

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	4,573.30	4,653.30
Instructional	97,360.00	99,760.00
Janitorial	7,850.00	7,850.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (29 Units)	15,950.00	15,950.00
TOTAL	\$134,393.30	\$137,033.30

HOCKESSIN NO. 29

SALARIES

Instructional	\$ 15,100.00	\$ 15,100.00
Janitorial	1,390.00	1,390.00
ALL OTHER COSTS (4 Units)	2,200.00	2,200.00
TOTAL	\$ 18,690.00	\$ 18,690.00

STANTON NO. 38

SALARIES

Instructional	\$ 26,720.00	\$ 27,040.00
Janitorial	2,400.00	2,400.00
ALL OTHER COSTS (7 Units)	3,850.00	3,850.00
TOTAL	\$ 32,970.00	\$ 33,290.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

CHRISTIANA NO. 44

SALARIES

Instructional	\$ 20,780.00	\$ 21,100.00
Janitorial	1,450.00	1,450.00
ALL OTHER COSTS (6 Units)	3,300.00	3,300.00
TOTAL	\$ 25,530.00	\$ 25,850.00

ROSE HILL-MINQUADALE NO. 47

SALARIES

Administrative	\$ 6,100.00	\$ 6,100.00
Clerical	3,000.00	3,000.00
Instructional	85,840.00	88,040.00
Janitorial	6,425.00	6,425.00
Health	2,320.00	2,440.00
ALL OTHER COSTS (27 Units)	14,850.00	14,850.00
TOTAL	\$118,535.00	\$120,855.00

DELAWARE CITY NO. 52

SALARIES

Administrative	\$ 4,900.00	\$ 4,900.00
Clerical	2,080.00	2,176.00
Instructional	36,984.00	37,880.00
Janitorial	3,200.00	3,200.00
Health	1,080.00	1,160.00
ALL OTHER COSTS (11 Units)	6,050.00	6,050.00
TOTAL	\$ 54,294.00	\$ 55,366.00

COMMODORE MacDONOUGH NO. 53

SALARIES

Instructional	\$ 28,456.00	\$ 28,760.00
Janitorial	2,500.00	2,500.00
Health	1,080.00	1,160.00
ALL OTHER COSTS (8 Units)	4,400.00	4,400.00
TOTAL	\$ 36,436.00	\$ 36,820.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

MIDDLETOWN NO. 60

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	2,880.00	3,000.00
Instructional	101,240.00	102,360.00
Janitorial	7,550.00	7,550.00
Health	3,280.00	3,440.00
ALL OTHER COSTS (27 Units)	14,850.00	14,850.00
TOTAL	\$135,500.00	\$136,900.00

MARSHALLTON NO. 77

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	2,880.00	2,880.00
Instructional	99,000.00	100,600.00
Janitorial	6,700.00	6,700.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (28 Units)	15,400.00	15,400.00
TOTAL	\$132,640.00	\$134,400.00

TOWNSEND NO. 81

SALARIES

Instructional	\$ 30,400.00	\$ 31,040.00
Janitorial	2,400.00	2,400.00
Health	600.00	600.00
ALL OTHER COSTS (9 Units)	4,950.00	4,950.00
TOTAL	\$ 38,350.00	\$ 38,990.00

YORKLYN NO. 91

SALARIES

Instructional	\$ 15,700.00	\$ 15,700.00
Janitorial	1,400.00	1,400.00
ALL OTHER COSTS (4 Units)	2,200.00	2,200.00
TOTAL	\$ 19,300.00	\$ 19,300.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

OAK GROVE NO. 130

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	2,760.00	2,880.00
Instructional	78,440.00	80,520.00
Janitorial	12,100.00	12,100.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (25 Units)	13,750.00	13,750.00
TOTAL	\$115,710.00	\$118,070.00

HENRY C. CONRAD NO. 131

SALARIES

Administrative	\$ 5,500.00	\$ 5,500.00
Clerical	3,760.00	3,980.00
Instructional	114,080.00	116,640.00
Janitorial	7,500.00	7,800.00
Health	3,440.00	3,600.00
ALL OTHER COSTS (30 Units)	16,500.00	16,500.00
TOTAL	\$150,780.00	\$154,020.00

NEWPORT NO. 106-C

SALARIES

Administrative	\$ 4,400.00	\$ 4,400.00
Clerical	1,413.30	1,493.30
Instructional	39,372.00	40,336.00
Janitorial	3,075.00	3,075.00
Health	1,200.00	1,280.00
ALL OTHER COSTS (11 Units)	6,050.00	6,050.00
TOTAL	\$ 55,510.30	\$ 56,634.30

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

MIDDLETOWN NO. 120-C

SALARIES

Administrative	\$ 4,900.00	\$ 4,900.00
Clerical	1,653.00	1,733.00
Instructional	48,848.00	49,348.00
Janitorial	3,000.00	3,000.00
Health	1,760.00	1,820.00
ALL OTHER COSTS (13 Units)	7,150.00	7,150.00
TOTAL	\$ 67,311.00	\$ 67,951.00

MILLSIDE NO. 132-C

SALARIES

Administrative	\$ 4,600.00	\$ 4,600.00
Instructional	33,880.00	34,680.00
Janitorial	2,450.00	2,450.00
ALL OTHER COSTS (11 Units)	6,050.00	6,050.00
TOTAL	\$ 46,980.00	\$ 47,780.00

FREDERICA NO. 32

SALARIES

Instructional	\$ 24,040.00	\$ 24,360.00
Janitorial	2,200.00	2,400.00
ALL OTHER COSTS (7 Units)	3,850.00	3,850.00
TOTAL	\$ 30,090.00	\$ 30,610.00

MAGNOLIA NO. 50

SALARIES

Instructional	\$ 15,100.00	\$ 15,100.00
Janitorial	1,425.00	1,425.00
ALL OTHER COSTS (4 Units)	2,200.00	2,200.00
TOTAL	\$ 18,725.00	\$ 18,725.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

FELTON NO. 54

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,560.00	2,560.00
Instructional	57,112.00	58,264.00
Janitorial	4,500.00	4,800.00
Health	2,320.00	2,480.00
ALL OTHER COSTS (16 Units)	8,800.00	8,800.00
TOTAL	\$ 80,592.00	\$ 82,204.00

HARTLY NO. 96

SALARIES

Instructional	\$ 20,700.00	\$ 20,860.00
Janitorial	1,570.00	1,570.00
ALL OTHER COSTS (6 Units)	3,300.00	3,300.00
TOTAL	\$ 25,570.00	\$ 25,730.00

CLAYTON NO. 119

SALARIES

Instructional	\$ 39,640.00	\$ 40,600.00
Janitorial	2,700.00	2,900.00
ALL OTHER COSTS (12 Units)	6,600.00	6,600.00
TOTAL	\$ 48,940.00	\$ 50,100.00

MILTON NO. 8

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	3,000.00	3,000.00
Instructional	68,680.00	69,960.00
Janitorial	6,200.00	6,200.00
Health	2,960.00	3,120.00
ALL OTHER COSTS (19 Units)	10,450.00	10,450.00
TOTAL	\$ 96,590.00	\$ 98,030.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

MILLSBORO NO. 23

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,520.00	2,640.00
Instructional	83,160.00	83,960.00
Janitorial	4,900.00	5,100.00
Health	2,640.00	2,800.00
ALL OTHER COSTS (23 Units)	12,650.00	12,650.00
TOTAL	\$111,170.00	\$112,450.00

LORD BALTIMORE NO. 28

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	1,984.00	2,080.00
Instructional	71,560.00	72,360.00
Janitorial	6,500.00	6,700.00
Health	3,120.00	3,280.00
ALL OTHER COSTS (19 Units)	10,450.00	10,450.00
TOTAL	\$ 98,914.00	\$100,170.00

SELBYVILLE NO. 32

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	1,792.00	1,888.00
Instructional	57,560.00	59,160.00
Janitorial	4,500.00	4,700.00
Health	2,320.00	2,480.00
ALL OTHER COSTS (16 Units)	8,800.00	8,800.00
TOTAL	\$ 80,272.00	\$ 82,328.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

GUMBORO NO. 37

SALARIES

Instructional	\$ 17,700.00	\$ 17,860.00
Janitorial	1,500.00	1,500.00
ALL OTHER COSTS (5 Units)	2,750.00	2,750.00
TOTAL	\$ 21,950.00	\$ 22,110.00

BRIDGEVILLE NO. 90

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	2,760.00	2,880.00
Instructional	97,720.00	98,360.00
Janitorial	7,500.00	7,800.00
Health	2,640.00	2,800.00
ALL OTHER COSTS (25 Units)	13,750.00	13,750.00
TOTAL	\$130,070.00	\$131,290.00

GREENWOOD NO. 91

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,560.00	2,560.00
Instructional	60,968.00	61,480.00
Janitorial	7,150.00	7,150.00
Health	2,640.00	2,800.00
ALL OTHER COSTS (16 Units)	8,800.00	8,800.00
TOTAL	\$ 87,418.00	\$ 88,090.00

JOHN M. CLAYTON NO. 97

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,400.00	2,520.00
Instructional	65,040.00	66,192.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Janitorial	5,300.00	5,400.00
Health	2,160.00	2,320.00
ALL OTHER COSTS (18 Units).....	9,900.00	9,900.00
TOTAL	\$ 90,100.00	\$ 91,632.00

ELLENDALE NO. 125

SALARIES

Instructional	\$ 18,900.00	\$ 18,900.00
Janitorial	1,600.00	1,600.00
ALL OTHER COSTS (5 Units).....	2,750.00	2,750.00
TOTAL	\$ 23,250.00	\$ 23,250.00

DELMAR NO. 163

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,176.00	2,272.00
Instructional	67,920.00	68,592.00
Janitorial	6,500.00	6,700.00
Health	3,120.00	3,280.00
ALL OTHER COSTS (17 Units).....	9,350.00	9,350.00
TOTAL	\$ 94,366.00	\$ 95,494.00

BLADES NO. 172

SALARIES

Instructional	\$ 13,940.00	\$ 14,100.00
Janitorial	1,300.00	1,500.00
ALL OTHER COSTS (4 Units).....	2,200.00	2,200.00
TOTAL	\$ 17,440.00	\$ 17,800.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

GUMBORO NO. 37

SALARIES

Instructional	\$ 17,700.00	\$ 17,860.00
Janitorial	1,500.00	1,500.00
ALL OTHER COSTS (5 Units)	2,750.00	2,750.00
TOTAL	\$ 21,950.00	\$ 22,110.00

BRIDGEVILLE NO. 90

SALARIES

Administrative	\$ 5,700.00	\$ 5,700.00
Clerical	2,760.00	2,880.00
Instructional	97,720.00	98,360.00
Janitorial	7,500.00	7,800.00
Health	2,640.00	2,800.00
ALL OTHER COSTS (25 Units)	13,750.00	13,750.00
TOTAL	\$130,070.00	\$131,290.00

GREENWOOD NO. 91

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,560.00	2,560.00
Instructional	60,968.00	61,480.00
Janitorial	7,150.00	7,150.00
Health	2,640.00	2,800.00
ALL OTHER COSTS (16 Units)	8,800.00	8,800.00
TOTAL	\$ 87,418.00	\$ 88,090.00

JOHN M. CLAYTON NO. 97

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,400.00	2,520.00
Instructional	65,040.00	66,192.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Janitorial	5,300.00	5,400.00
Health	2,160.00	2,320.00
ALL OTHER COSTS (18 Units).....	9,900.00	9,900.00
TOTAL	\$ 90,100.00	\$ 91,632.00

ELLENDALE NO. 125

SALARIES

Instructional	\$ 18,900.00	\$ 18,900.00
Janitorial	1,600.00	1,600.00
ALL OTHER COSTS (5 Units).....	2,750.00	2,750.00
TOTAL	\$ 23,250.00	\$ 23,250.00

DELMAR NO. 163

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	2,176.00	2,272.00
Instructional	67,920.00	68,592.00
Janitorial	6,500.00	6,700.00
Health	3,120.00	3,280.00
ALL OTHER COSTS (17 Units).....	9,350.00	9,350.00
TOTAL	\$ 94,366.00	\$ 95,494.00

BLADES NO. 172

SALARIES

Instructional	\$ 13,940.00	\$ 14,100.00
Janitorial	1,300.00	1,500.00
ALL OTHER COSTS (4 Units).....	2,200.00	2,200.00
TOTAL	\$ 17,440.00	\$ 17,800.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

WILLIAM C. JASON NO. 192-C

SALARIES

Administrative	\$ 4,900.00	\$ 4,900.00
Clerical	1,994.63	2,082.63
Instructional	46,000.00	48,080.00
Janitorial	3,850.00	3,850.00
Health	2,160.00	2,320.00
ALL OTHER COSTS (14 Units)	7,700.00	7,700.00
TOTAL	\$ 66,604.63	\$ 68,932.63

MILLSBORO NO. 204-C

SALARIES

Instructional	\$ 20,180.00	\$ 20,820.00
Janitorial	1,800.00	1,800.00
ALL OTHER COSTS (6 Units)	3,300.00	3,300.00
TOTAL	\$ 25,280.00	\$ 25,920.00

FRANKFORD NO. 206-C

SALARIES

Instructional	\$ 16,820.00	\$ 17,300.00
Janitorial	1,500.00	1,500.00
ALL OTHER COSTS (5 Units)	2,750.00	2,750.00
TOTAL	\$ 21,070.00	\$ 21,550.00

SELBYVILLE NO. 210-C

SALARIES

Instructional	\$ 16,620.00	\$ 17,260.00
Janitorial	1,050.00	1,050.00
ALL OTHER COSTS (5 Units)	2,750.00	2,750.00
TOTAL	\$ 20,420.00	\$ 21,060.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BRIDGEVILLE NO. 220-C

SALARIES

Instructional	\$ 19,340.00	\$ 19,660.00
Janitorial	1,550.00	1,550.00
ALL OTHER COSTS (5 Units)	2,750.00	2,750.00
TOTAL	\$ 23,640.00	\$ 23,960.00

STATE BOARD OF EDUCATION FOR 1, 2 AND 3
TEACHER SCHOOLS OF THE STATE BOARD UNITS

SALARIES

Instructional	\$326,770.00	\$331,590.00
Janitorial	12,400.00	12,400.00
ALL OTHER COSTS (95 Units)	52,250.00	52,250.00
TOTAL	\$391,420.00	\$396,240.00

TOTAL—LOCAL SCHOOL

DISTRICTS	\$3,092,563.23	\$3,140,503.23
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WILMINGTON BOARD OF EDUCATION

SALARIES

Administrative	\$ 63,668.00	\$ 63,668.00
Clerical	126,273.00	129,955.00
Instructional	2,186,615.00	2,201,719.00
Janitorial	189,750.00	189,750.00
Health	43,760.00	44,400.00
ALL OTHER COSTS (529 Units)	290,950.00	290,950.00

TOTAL	\$ 2,901,016.00	\$ 2,920,442.00
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TOTAL EDUCATION	\$12,091,484.32	\$12,186,575.72
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TOTAL AGENCIES,

GRANTS & EDUCATION	\$26,273,027.22	\$26,405,166.97
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Section 2. That if the estimated revenues of the State of Delaware shall prove to be insufficient for the payment of the several appropriations provided for herein, to provide for casual deficiencies of revenue for either of the fiscal years aforesaid, and in order that the appropriations hereinabove enumerated may be promptly paid, the State Treasurer is hereby authorized to issue notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Governor and the Secretary of State, deem necessary to meet and to pay any of said appropriations, or any part of any of said appropriations, as to which the revenues of the State of Delaware for either of the fiscal years aforesaid may prove to be insufficient. The said notes or certificates of indebtedness shall be in such denominations, and have such form as the 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 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; pro-

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

vided, 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 certificates 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 edu-

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

cation 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 the 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, 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 Budget Commission, any appropriation or part thereof may be transferred to any other appropriation of the same Department, Board or Commission with the exception of Schools, in which case the Budget Commission shall be governed by Section 3B, Chapter 364, Volume 47, Laws of Delaware, 1949.

Section 11. For the purpose of this Act the sums appropriated to the Schools for "unit costs" shall be used for all other school costs except salaries, debt service and transportation of pupils.

Section 12. For the purpose of this Act as it relates to appropriations for Schools, 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 therefore shall be made by the State Treasurer on warrant as otherwise provided in this act.

Approved May 28, 1951.

CHAPTER 143

APPROPRIATION

STATE BOARD OF HEALTH FOR PHYSICIAN'S RESIDENCE AT
EDGEWOOD SANATORIUM

AN ACT FOR THE CONSTRUCTION, EQUIPPING AND FURNISHING OF A PHYSICIAN'S RESIDENCE AT EDGEWOOD SANATORIUM AND FOR THE REMODELING AND REFURNISHING OF AND ADDITIONS TO SEVERAL OLD BUILDINGS AT BRANDYWINE AND EDGEWOOD SANITORIA AS WELL AS FOR THE EXTENSION OF THE WATER SUPPLY AND SEWAGE TREATMENT PLANT SERVING BOTH THESE SANITORIA; MAKING AN APPROPRIATION THEREFOR AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY AND ISSUE BONDS FOR 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 Health is hereby authorized, empowered and directed to repair, remodel and construct additions to the present facilities of Brandywine and Edgewood Sanitoria, to construct and equip a resident physician's residence at Edgewood Sanatorium, and to extend the water supply and sewage treatment plant serving both of these facilities.

Section 2. There is hereby appropriated to the State Board of Health of the State of Delaware the sum of Two Million Dollars (\$2,000,000), 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. The money hereby appropriated shall be paid

from time to time by warrants signed by the chairman of the State Board of Health and approved by the Auditor of Accounts.

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 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 bonds authorized by an act of this 116th 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 May 28, 1951.

CHAPTER 144
APPROPRIATION

UNIVERSITY OF DELAWARE

AN ACT APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR CONSTRUCTING AND EQUIPPING A BUILDING FOR THE SCHOOL OF EDUCATION AND THE SCHOOL OF HOME ECONOMICS ON THE UNIVERSITY CAMPUS.

WHEREAS, there exists a need for increased capacity at the University of Delaware; and

WHEREAS, the need is particularly critical in the School of Education and the School of Home Economics due to increased enrollment of students, and the demands for expanded research and extended services to resident students, in-service teachers, and organizations and agencies serving families and individual citizens throughout the State; and

WHEREAS, the need of the School of Education is emphasized by the acute shortage of teachers for the public schools of the State which imposes a responsibility on the University to lend maximum assistance to State and local school authorities in the solution of the problems confronting them; and

WHEREAS, the importance of the field of Home Economics is widely recognized today for its contributions to commercial and industrial progress and the development of enlightened homemakers and teachers as foundations of happy homes and families; and

WHEREAS, the services of the School of Education and Home Economics are of concern to every part of the State and a large proportion of the citizenry; 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 constructing and equipping an education and home economics building on the University campus located at Newark, Delaware, such building to include classrooms, research laboratories, and offices for instruction, research and activities relating thereto.

Section 2. That the money hereby appropriated shall be made available by the State Treasurer on July 1, 1951, 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 funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated unless an omnibus bond bill, including the above appropriation, is enacted into law by the 116th General Assembly of the State of Delaware in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said Act.

Approved May 28, 1951.

CHAPTER 145

APPROPRIATION

STATE BOARD OF EDUCATION FOR CAPITAL REPLACEMENT

AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION FOR CAPITAL REPLACEMENT IN THE SCHOOL BUILDINGS OF THE STATE OF DELAWARE.

WHEREAS, the 115th General Assembly appropriated funds for the delayed and essential repairs and maintenance of school buildings; and

WHEREAS, increased costs of labor and material have reduced the repairs, that could be accomplished under the said appropriation; and

WHEREAS, the total value of the school buildings is steadily increasing; and

WHEREAS, it is economical presently to care for the property and keep it in good repair; 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 funds appropriated to the State Board of Education or other Boards of Education or School Trustees in the State, there is hereby appropriated an amount not to exceed Nine Hundred Thirty-three Thousand Five Hundred Seventeen Dollars (\$933,517.00) to the State Board of Education for the purpose of maintaining public school buildings and grounds in a condition conducive to the health, safety and welfare of the pupils.

Section 2. The amounts appropriated shall be expended by the State Board of Education or allotted to certain school districts according to the rules and regulations of the State Board of Education in this behalf. The State Board of Education is authorized to defray the cost of supervision and administration

of this Act and by so doing to use of the total amount appropriated Fifty-two Thousand Three Hundred Dollars (\$52,300.00) or so much thereof as shall be necessary.

Section 3. In carrying out the purposes of this Act, the State Board of Education shall be governed by the following limitations: there shall be used for the schools indicated herein the amounts not to exceed those stated opposite the names of the schools.

SPECIAL SCHOOL DISTRICTS

Alexis I. duPont Special School District.....		\$ 1,700.00
Caesar Rodney Special School District		
Caesar Rodney Special School.....	\$ 2,350.00	
Star Hill School	4,275.00	
Dunbar School	2,325.00	8,950.00
Claymont Special School District		
Green Street School.....	7,050.00	
Stone School	2,920.00	
State Line School.....	5,400.00	15,370.00
Dover Special School District		
Dover High School & Elemen. Bldgs.	12,500.00	
Booker T. Washington School.....	14,500.00	27,000.00
Georgetown Special School District		
Georgetown Special School.....	15,750.00	
Richard Allen School.....	8,120.00	23,870.00
Harrington Special School District		
Harrington Special School.....	22,340.00	
Harrington Colored School.....	4,195.00	26,535.00
Laurel Special School District		
Laurel Special School.....	8,480.00	
Paul Lawrence Dunbar School.....	9,700.00	18,180.00

Lewes Special School District

Lewes Special School.....	14,125.00	
Lewes Colored School.....	11,095.00	25,220.00

Milford Special School District

Milford Special School.....	7,900.00	
Benjamin Banneker School.....	1,975.00	9,875.00

Mount Pleasant Special School District

Mount Pleasant Special School.....	6,270.00	
Edge Moor Road Building.....	1,100.00	
Silverside Road Building.....	1,010.00	8,380.00

New Castle Special School District

Wm. Penn School.....	12,350.00	
Buttonwood School	2,950.00	
Booker T. Washington.....	1,150.00	16,450.00

Newark Special School District

Main Building (High School).....	35,550.00	
Main Street Building.....	3,100.00	
New London Avenue (Colored).....	300.00	38,950.00

Rehoboth Special School District.....	1,000.00
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Seaford Special School District

Seaford Special School.....	12,200.00	
Frederick Douglass School.....	3,550.00	15,750.00

Smyrna Special School District

Smyrna Special School.....	21,325.00	
Thomas D. Clayton School.....	5,095.00	26,420.00

STATE BOARD UNITS

NEW CASTLE COUNTY

Arden No. 3	\$ 1,210.00
Alfred I. duPont No. 7.....	6,350.00
Richardson Park No. 20.....	21,700.00

of this Act and by so doing to use of the total amount appropriated Fifty-two Thousand Three Hundred Dollars (\$52,300.00) or so much thereof as shall be necessary.

Section 3. In carrying out the purposes of this Act, the State Board of Education shall be governed by the following limitations: there shall be used for the schools indicated herein the amounts not to exceed those stated opposite the names of the schools.

SPECIAL SCHOOL DISTRICTS

Alexis I. duPont Special School District.....		\$ 1,700.00
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Caesar Rodney Special School District

Caesar Rodney Special School.....	\$ 2,350.00	
Star Hill School	4,275.00	
Dunbar School	2,325.00	8,950.00

Claymont Special School District

Green Street School.....	7,050.00	
Stone School	2,920.00	
State Line School.....	5,400.00	15,370.00

Dover Special School District

Dover High School & Elemen. Bldgs.	12,500.00	
Booker T. Washington School.....	14,500.00	27,000.00

Georgetown Special School District

Georgetown Special School.....	15,750.00	
Richard Allen School.....	8,120.00	23,870.00

Harrington Special School District

Harrington Special School.....	22,340.00	
Harrington Colored School.....	4,195.00	26,535.00

Laurel Special School District

Laurel Special School.....	8,480.00	
Paul Lawrence Dunbar School.....	9,700.00	18,180.00

Lewes Special School District

Lewes Special School.....	14,125.00	
Lewes Colored School.....	11,095.00	25,220.00

Milford Special School District

Milford Special School.....	7,900.00	
Benjamin Banneker School.....	1,975.00	9,875.00

Mount Pleasant Special School District

Mount Pleasant Special School.....	6,270.00	
Edge Moor Road Building.....	1,100.00	
Silverside Road Building.....	1,010.00	8,380.00

New Castle Special School District

Wm. Penn School.....	12,350.00	
Buttonwood School	2,950.00	
Booker T. Washington.....	1,150.00	16,450.00

Newark Special School District

Main Building (High School).....	35,550.00	
Main Street Building.....	3,100.00	
New London Avenue (Colored).....	300.00	38,950.00

Rehoboth Special School District.....	1,000.00
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Seaford Special School District

Seaford Special School.....	12,200.00	
Frederick Douglass School.....	3,550.00	15,750.00

Smyrna Special School District

Smyrna Special School.....	21,325.00	
Thomas D. Clayton School.....	5,095.00	26,420.00

STATE BOARD UNITS**NEW CASTLE COUNTY**

Arden No. 3	\$ 1,210.00
Alfred I. duPont No. 7.....	6,350.00
Richardson Park No. 20.....	21,700.00

Newport No. 21.....	18,520.00
Hockessin No. 29.....	3,300.00
Harmony No. 32.....	4,150.00
Stanton No. 38.....	1,875.00
Christiana No. 44.....	3,900.00
Rose Hill - Minquadale No. 47	
Rose Hill School	\$ 8,825.00
Minquadale School	4,950.00
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Delaware City No. 52.....	5,965.00
Commodore MacDonough No. 53.....	1,265.00
Middletown No. 60.....	14,525.00
Odessa No. 61.....	1,500.00
Port Penn No. 63.....	694.00
Marshallton No. 77.....	3,105.00
Townsend No. 81.....	5,400.00
Yorklyn No. 91.....	1,850.00
Eden No. 101.....	3,400.00
Oak Grove No. 130.....	17,650.00
Henry C. Conrad No. 131.....	7,700.00
Newport No. 106-C.....	17,230.00
Hockessin No. 107-C.....	3,600.00
Christiana No. 111-C.....	880.00
Iron Hill No. 112-C.....	5,890.00
Kirkwood - St. Georges No. 117-C.....	3,675.00
Delaware City No. 118-C.....	3,060.00
Mt. Pleasant No. 119-C.....	2,425.00
Lee's Chapel No. 124-C.....	1,835.00
Townsend No. 125-C.....	3,790.00
Ebenezer No. 126-C.....	2,035.00
Millside No. 132-C.....	17,950.00

KENT COUNTY

Kenton No. 9.....	\$ 1,550.00
Leipsic No. 11.....	1,745.00
Oak Point No. 20.....	2,025.00
Frederica No. 32.....	2,510.00
Farmington No. 39.....	1,825.00
Magnolia No. 50.....	1,425.00
Felton No. 54.....	6,340.00

Rose Valley No. 79.....	2,775.00
Wiley's No. 93.....	2,600.00
Hartly No. 96.....	3,450.00
Clayton No. 119.....	21,155.00
Houston No. 125.....	3,110.00
Clayton No. 136-C.....	1,675.00
Kenton No. 140-C.....	2,860.00
Lockwood No. 142-C.....	2,775.00
Cheswold No. 143-C.....	2,550.00
Fork Branch No. 145-C.....	2,035.00
White Oak No. 146-C.....	1,950.00
Woodside No. 154-C.....	2,925.00
Mt. Olive No. 155-C.....	2,720.00
Viola No. 156-C.....	4,275.00
Union No. 158-C.....	3,175.00
Reeve's Crossing No. 159-C.....	1,900.00

SUSSEX COUNTY

Lincoln No. 3.....	\$ 1,510.00
Milton No. 8.....	6,940.00
Millsboro No. 23.....	51,825.00
Lord Baltimore No. 28.....	18,650.00
Williamsville No. 30.....	1,875.00
Roxana No. 31.....	3,200.00
Selbyville No. 32.....	30,800.00
Gumboro No. 37.....	4,050.00
Sycamore No. 44.....	1,040.00
Concord No. 58.....	2,855.00
Bridgeville No. 90.....	39,095.00
Greenwood No. 91.....	18,565.00
John M. Clayton No. 97.....	21,425.00
Bethel No. 99.....	4,460.00
Ellendale No. 125.....	4,650.00
Delmar No. 163.....	11,280.00
Blades No. 172.....	7,500.00
Slaughter Neck No. 193-C.....	4,250.00
Lincoln No. 194-C.....	3,510.00
Ellendale No. 195-C.....	3,950.00
Milton No. 196-C.....	3,555.00
Drawbridge No. 197-C.....	1,775.00

Nassau No. 198-C.....	1,075.00
Rehoboth No. 200-C.....	2,785.00
Rabbit's Ferry No. 201-C.....	1,465.00
Friendship No. 202-C.....	1,725.00
Warwick No. 203-C.....	2,675.00
Millsboro No. 204-C.....	800.00
Frankford No. 206-C.....	3,700.00
Selbyville No. 210-C.....	1,770.00
Delmar No. 212½-C.....	2,225.00
Owens Corner No. 213-C.....	2,475.00
Portsville No. 214-C.....	1,665.00
Ross Point No. 215-C.....	1,977.00
Concord No. 216-C.....	1,120.00
Blocksom's No. 128-C.....	2,325.00
Middleford No. 219-C.....	2,675.00
Bridgeville No. 220-C.....	4,350.00
Trinity No. 221-C.....	1,230.00
Greenwood No. 222-C.....	3,500.00
Hollyville No. 224-C.....	2,476.00
Warwick No. 225-C.....	4,300.00
Williamsville No. 226-C.....	2,740.00
Nanticoke Indian	1,650.00

BOARD OF PUBLIC EDUCATION

WILMINGTON, DELAWARE

Administration Building	\$ 3,000.00
No. 19	400.00
No. 20	550.00
No. 21	600.00
No. 28	5,000.00
Harlan	6,000.00
Williams	2,000.00
Wilmington High School.....	23,000.00

STATE BOARD OF EDUCATION

To Defray All Costs of Supervision and Administration of This Act.....	52,300.00
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GRAND TOTAL\$933,517.00

Section 4. The sums hereby appropriated shall not revert to the General Fund of the State at the end of any fiscal year, but shall be available to the State Board of Education for carrying out the purposes of this Act.

Section 5. Any balances left in any account which is appropriated for the benefit of a school shall, in the event that the school is closed in conformity with the law, be placed in a special account to be used by the State Board of Education as a contingency fund for maintenance purposes.

Section 6. All contracts let in respect to the carrying out of the purposes of this Act shall be accompanied by proof of possession of workmen's compensation and public liability insurance.

Section 7. 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 116th 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 May 28, 1951.

CHAPTER 146

ALTERING PRINTING REQUIREMENTS OF
LEGISLATIVE JOURNALS**AN ACT TO AMEND CHAPTER 10 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 181, VOLUME 47, LAWS OF DELAWARE, 1949, WITH REFERENCE TO THE LEGISLATIVE JOURNALS, BY ALTERING THE PRINTING REQUIREMENTS.**

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 by substituting and enacting in lieu thereof a new section as follows:

344. Sec. 8. LEGISLATIVE JOURNALS; COMPILING; PRINTING AND DISPOSAL OF:—The Legislative Journals shall be printed in octavo, in ten 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-five picas wide. All paragraph headings shall be in capital letters, bold face type.

The full title of any Bill, Joint Resolution, or Concurrent Resolution shall be printed not more than five times in either Journal; once when introduced or presented in either House, once when voted upon in either House, and once in the Index. In the event, however, a Substitute Bill should change the wording of the title of any Bill, then the full title of the Substitute Bill shall be printed three times only in the same manner as an original Bill. The full title of a Resolution, not hereinbefore mentioned, shall be printed in its respective Journal only twice; once when introduced and once in the Index.

All Bills and Resolutions shall elsewhere be designated by initial letters and number only and set forth in bold face type.

The Journal text of the House of Representatives shall be

prepared by the Clerk of the House, and the Journal text of the Senate shall be prepared by the Secretary of the Senate. The Index for the House Journal shall be prepared by the Chief Clerk of the House of Representatives and the Index for the Senate Journal shall be prepared by the Secretary of the Senate.

The Journal of the General Assembly shall be in two volumes; one volume of the proceedings of the House, and one volume of the proceedings of the Senate.

Committee action on Bills and Resolutions shall show the title to the Bill or Resolution by initial and number only and action taken without naming the members of the Committee.

The rules of the Senate and the House shall be printed in its respective Journal in full.

The yeas and nays which are required to be published in the Journal 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 were 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 oath shall be printed in full. A brief record that all other oaths were administered shall suffice.

Three hundred copies of each Journal shall be printed; one hundred and fifty shall be paper bound and one hundred and fifty shall be buckram bound. The printing shall be done in accordance with contract made by the Secretary of State, 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.

Approved May 28, 1951.

CHAPTER 147

AUTHORIZING THE STATE OF DELAWARE TO BORROW
\$3,500,000 AND ISSUE BONDS THEREFOR

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) 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 Three Million Five Hundred Thousand Dollars (\$3,500,000.00), which shall be used for the purpose of construction and reconstruction of roads, highways and bridges 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, dams, locks, sewers, water mains and underpasses, 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 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). 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' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Such bonds may provide for such privileges of registration,

conversion, reconversion, redemption, exchange and 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 facsimile 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 1951."

Section 6. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the "Issuing Officers" may adopt.

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 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." 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. 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 Three Million Five Hundred Thousand Dollars (\$3,500,000.00), 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, 1953, and the Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 117th 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 May 28, 1951.

CHAPTER 148

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; AND CREATING A STATE SCHOOL BUILDING PROGRAM BOARD AND LOCAL SCHOOL BUILDING COMMISSIONS.

WHEREAS, there is continued and pressing need for certain construction for public school purposes in certain School Districts within the State of Delaware; and

WHEREAS, increased construction costs prohibited the completion of the program approved by the 115th General Assembly for certain School Districts; and

WHEREAS, there are additional critical needs for school facilities that have been brought about by the phenomenal growth of enrollments in the public schools of 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/or from the proceeds of local school bond issues; and

WHEREAS, certain other School Districts hereinafter men-

tioned will provide funds for school construction purposes from local sources; and

WHEREAS, there is precedent of both partial and full state support for school construction programs as an element which places Delaware as a leader in education; 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 Kent County Comprehensive High School for Negroes, and the school

unit or area served by the Sussex County Comprehensive High School for Negroes (W. C. Jason).

(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 Ten Million Five Hundred Eighty Thousand Three Hundred Thirteen Dollars (\$10,580,313), 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 Ten Million Five Hundred Eighty Thousand Three Hundred Thirteen Dollars (\$10,580,313) may be paid, the Governor, the State Treasurer, and the Secretary of State of the State of Delaware, herein sometimes referred to as "Issuing Officers," are hereby authorized and fully empowered to issue bonds of the State of Delaware in an aggregate principal amount not exceeding Ten Million Five Hundred Eighty Thousand Three Hundred Thirteen Dollars (\$10,580,313).

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 cent 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, con-

ditions 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 cent 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, 1953. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed Ten Million Five Hundred Eighty Thousand Three Hundred Thirteen Dollars (\$10,580,313). 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 necessary during the biennium beginning July 1, 1951, and ending June 30, 1953, 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 Seventeenth 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-five Thousand Dollars (\$25,000.00), 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 Ten Million Five Hundred Eighty Thousand Three Hundred Thirteen Dollars (\$10,580,313) 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:

<u>Name of District</u>	<u>Maximum Total Cost</u>	<u>Maximum State Share</u>	<u>Maximum Local Share</u>
Alexis I. duPont.....\$	610,660	\$ 311,436	\$ 299,224
Alfred I. duPont.....	1,266,520	791,575	474,945
Bethel	30,000	25,000	5,000
Caesar Rodney	222,359	133,415	88,944
Claymont	560,000	336,000	224,000
Clayton	123,000	73,800	49,200
Conrad	336,000	336,000	.....
Dover White	101,920	61,152	40,768
Dover Colored	4,500	4,500	.....
Felton	217,500	126,150	91,350
Frankford Colored	224,000	224,000	.....
Georgetown	792,792	301,261	491,531
Harrington	336,000	201,600	134,400
Hartly	10,000	10,000	.....
W. C. Jason Comp.			
High School	100,000	100,000	.....
Kent County Comp.			
High School	100,000	100,000	.....
Marshallton	201,600	102,816	98,784
Middletown	226,400	135,840	90,560
Milford Colored	200,000	200,000	.....

<u>Name of District</u>	<u>Maximum Total Cost</u>	<u>Maximum State Share</u>	<u>Maximum Local Share</u>
Millsboro	371,913	223,148	148,765
Mt. Pleasant	966,400	579,840	386,560
Newark White	1,817,600	1,136,000	681,600
New Castle	2,608,000	1,678,334	929,666
Newport (Krebs)	636,000	368,880	267,120
Newport Colored	291,536	291,536	.....
Oak Grove	621,600	456,876	164,724
Rose Hill - Minquadales	1,206,240	753,900	452,340
Seaford	754,078	452,447	301,631
Seaford Colored	24,900	24,900	.....
Selbyville	380,800	135,407	245,393
Smyrna	100,000	60,000	40,000
Smyrna Colored	25,000	25,000	.....
Wilmington Colored	707,000	707,000	.....
Wilmington White	250,000	112,500	137,500
<hr/>			
TOTAL STATE PROGRAM	\$16,424,318	\$10,580,313	\$5,844,005

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, 1953.

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 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 the local share shall be reduced in the proportion they bear to the total maximum cost set forth in said section.

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 districts, 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 (William C. Jason), 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 ap-

pointed by the State Board of Education. 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 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 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 the cost.

Section 28. The carrying out of school construction program 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 of 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; but such condemnation proceedings shall not be instituted against any land, building, franchise, easement or other property of a public utility used by it in providing its service to the public.

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. Notwithstanding anything heretofore contained in this Act, in case any School District shall have deposited with the State Treasurer on or before June 30, 1951, its local share pursuant to the provisions of Chapter 285, Volume 47, Laws of Delaware, and the final plans and specifications for the School Construction Program of such School District shall have been approved pursuant to the provisions of said Act, no Certificate of Necessity of the School Building Program Board under Section 14 hereof, no Certificate to the State Treasurer or notice by the State Treasurer under the provisions of Section 15 of this Act, no Certificate of Approval of Final Plans, Costs and Specifications under Section 16 of this Act and no Approval of

Final Plans, Specifications and Estimates of Cost as provided in Section 22 of this Act shall be required. In the case of any such District no further School Building Commission shall be created but the School Building Commission of each such School District appointed pursuant to Chapter 285, Volume 47, Laws of Delaware, shall continue with all of the powers and duties conferred upon such Commission by the Act aforesaid. This Section shall be applicable only with respect to School Districts in which the final plans and specifications heretofore approved by the School Building Program Board and the State Board of Education have not been substantially altered. The certificate of the Secretary of the School Building Commission for any such School District that no substantial change or alteration has been made in the plans or specifications of the Construction Program of the District shall be conclusive evidence of such fact.

Section 31. 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 32. This Act shall be known as the School Building Program Act of 1951.

Approved May 28, 1951.

CHAPTER 149

AUTHORIZING STATE OF DELAWARE TO BORROW \$10,000,000
AND ISSUE BONDS THEREFOR TO PROVIDE HIGHWAY
IMPROVEMENT PROGRAM

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW TEN MILLION DOLLARS (\$10,000,000.00) 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 Ten Million Dollars (\$10,000,000.00), which shall be used for the purpose of construction and reconstruction of roads, highways, and bridges 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, dams, locks, sewers, water mains and underpasses 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 Ten Million Dollars (\$10,000,000.00). 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' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Such bonds may provide for such privileges of registration,

CHAPTER 149

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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 Ten Million Dollars (\$10,000,000.00), which shall be used for the purpose of construction and reconstruction of roads, highways, and bridges 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, dams, locks, sewers, water mains and underpasses 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 Ten Million Dollars (\$10,000,000.00). 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' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Such bonds may provide for such privileges of registration,

conversion, reconversion, redemption, exchange and 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 facsimile 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 1951."

Section 6. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the "Issuing Officers" may adopt.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in this 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 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." 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. 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.

In additon to any monies appropriated by any other Act, there is hereby appropriated to the State Highway Department of the State of Delaware the sum of Ten Million Dollars (\$10,000,000.00), 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, 1953, and the Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 117th 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 May 28, 1951.

CHAPTER 150

SALARIES OF STATE OFFICERS

ESTABLISHING SALARY SCHEDULE FOR CERTAIN
STATE EMPLOYEES**AN ACT TO AMEND CHAPTER 12, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, RELATING TO THE
SALARIES OF STATE OFFICERS BY ESTABLISHING
A SALARY SCHEDULE FOR CERTAIN STATE EM-
PLOYEES.**

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

Section 1. That Chapter 12, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end thereof a new paragraph 373A. Sec. 11A. to be entitled "Salary Schedule of Certain State Employees," as follows:

Governor	\$12,000.00
Secretary of State	8,000.00
Deputy State Treasurer	4,000.00
Deputy State Auditor of Accounts	4,000.00
Deputy Insurance Commissioner	4,000.00
Chief Clerk of Insurance Commission	3,000.00
Clerk of Insurance Commission	2,200.00
Actuary of Insurance Commission	3,500.00
Bank Commissioner	7,000.00
Chief Accountant of Budget Commission	7,500.00
Chief Engineer of State Highway Department...	12,500.00
Secretary of State Highway Department	8,000.00
Director of Legislative Reference Bureau	6,000.00
Boat Inspector	1,500.00
Regulator of Weights and Measures (New Castle County)	3,000.00
Regulator of Weights and Measures (Kent County)	2,000.00
Regulator of Weights and Measures (Sussex County)	2,000.00

Collector of State Revenue	2,500.00
State Librarian	2,500.00
Parole Officer of Board of Parole	3,600.00
Collector of Oyster Revenue	2,400.00
State Detective (New Castle County)	3,000.00
State Detective (Kent County)	3,000.00
State Detective (Sussex County)	3,000.00
Adjutant General	3,000.00
Members of Industrial Accident Board, each.....	3,600.00
Secretary of Industrial Accident Board	3,100.00
Custodian	3,000.00
Child Labor Inspector	3,000.00
10 Hour Law Inspector	2,500.00

Section 2. **EFFECTIVE DATE:**—This Act shall become effective immediately, except that the Governor's salary shall not become effective until the third Tuesday in January, 1953.

Section 3. The monies required to effect the salary increases provided under this Act, being in addition to those monies appropriated therefor by an Act entitled "An Act Making Appropriation for the Expenses of the State Government for Each of the Two Fiscal Years Ending June 30, 1952 and June 30, 1953," are hereby appropriated out of the General Fund of the State Treasury from monies not otherwise appropriated and beginning with the 117th Session of the General Assembly the salaries herein established shall be included in said General Appropriation Bill.

Section 4. All Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Approved June 1, 1951.

CHAPTER 151

APPROPRIATION

STATE SOIL CONSERVATION COMMISSION
AND ESTABLISHING UNIFORM DRAINAGE LAW

AN ACT ESTABLISHING A UNIFORM DRAINAGE LAW FOR THE STATE OF DELAWARE BY PROVIDING THE PROCEDURE FOR THE ESTABLISHMENT OF AND DEFINING THE POWERS, DUTIES AND ORGANIZATION OF COUNTY BOARDS OF DITCH COMMISSIONERS AND TAX DITCHES, BY PROVIDING FOR THE LEVY AND COLLECTION OF DITCH TAXES, THE TRANSFER OF DITCHES IN KENT COUNTY BY THE STATE HIGHWAY DEPARTMENT TO TAX DITCHES, THE EMPLOYMENT OF A STATE DRAINAGE ENGINEER BY THE STATE SOIL CONSERVATION COMMISSION AND FOR THE ELECTION OF DITCH MANAGERS, BY ENUMERATING THE POWERS, DUTIES AND OBLIGATIONS OF THE STATE SOIL CONSERVATION COMMISSION, THE COUNTY SOIL CONSERVATION DISTRICTS IN EACH COUNTY, THE RESIDENT ASSOCIATE JUDGE OF EACH COUNTY, THE SUPERIOR COURT IN EACH COUNTY, THE COUNTY ASSESSORS, THE COUNTY TREASURER AND RECEIVER OF TAXES OF EACH COUNTY, THE STATE HIGHWAY DEPARTMENT, THE STATE DRAINAGE ENGINEER, AND LAND OWNERS IN RESPECT THERETO AND BY PROVIDING AN ANNUAL APPROPRIATION THEREFOR.

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

Section 1. LEGISLATIVE POLICY:—It is hereby declared that the drainage of low, wet, swampy or overflowed lands or lands subject to overflow shall be considered a public benefit and conducive to the public health, safety and welfare.

Section 2. PURPOSE:—It is the purpose of this Act in carrying out the policy declared in Section 1 to provide a basis for a uniform system for establishing, financing, administering,

maintaining and dissolving drainage organizations in the State under the supervision of the State Soil Conservation Commission to the end that the conservation of the soil, water, wildlife, forest and other resources of the State may be accomplished in a workable and practicable manner.

Section 3. DEFINITIONS:—The following words and phrases when used in this Act shall have for the purposes of this Act, the meanings respectively ascribed to them in this Section, unless a different meaning appears from the context.

“Landowner” or “owner” shall mean that person or group of persons in whom the entire title to a certain tract of land is vested.

“Taxable” shall mean any person entitled to vote under the provisions of this Act.

“Benefits” shall include, but shall not be limited to, the privilege of draining one’s lands into a Tax Ditch formed under this Act.

Section 4. BOARD OF DITCH COMMISSIONERS AND ALTERNATE DITCH COMMISSIONERS; APPOINTMENT, TERMS OF OFFICE, REIMBURSEMENT:—A Board of Ditch Commissioners is hereby created for each county within the State. Within sixty days after the effective date of this Act the Governor shall appoint a Board of three Ditch Commissioners and three Alternate Ditch Commissioners. These men may be appointed from lists of ten or more names submitted by the Supervisors of the Soil Conservation District within the county. All men appointed to these positions must be those who are interested, willing and competent. Each Ditch Commissioner and Alternate Ditch Commissioner shall be a resident landowner of the county from which he is appointed, and shall be familiar with farming and with land values within such county. The term of office for each Ditch Commissioner shall be three years, except that in the case of the Ditch Commissioners first appointed to each Board one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. The term of office for the Alternate Ditch Commissioners shall be one

year each. At the expiration of the term of office of each Ditch Commissioners, the vacancy so created shall be filled in the same manner as the original appointment was made. In the case of the death, resignation, or removal from office of a Ditch Commissioner, the vacancy shall be filled by one of the Alternate Ditch Commissioners to serve for the remainder of the term as prescribed herein for the original appointment of the vacating Ditch Commissioner. Except in the case of death or removal from office, a Ditch Commissioner shall hold office until his successor has been appointed. In those cases where any member of the Board of Ditch Commissioners owns lands within the area to be drained by a proposed Tax Ditch, such member may not serve as a member of said Board on that particular Tax Ditch and an Alternate Ditch Commissioner shall serve in his stead.

A Chairman of each Board of Ditch Commissioners shall be designated by the members thereof and such designation may be changed from time to time. A majority of the Ditch Commissioners of each Board shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. The Ditch Commissioners shall be entitled to receive reimbursement for their expenses, including traveling expenses necessarily incurred in the discharge of their duties, at a rate not to exceed Ten Dollars (\$10.00) per day as determined by the State Soil Conservation Commission. The Ditch Commissioners shall be reimbursed for said expenses by the landowners petitioning to have a Tax Ditch formed. Such reimbursement will come from funds deposited in advance by the petitioners at the time the petition is filed or from the first monies collected by the Tax Ditch after it is organized, the manner to be decided by the County Soil Conservation District pursuant to the provisions of Section 14.

Section 5. REIMBURSEMENT OF DITCH COMMISSIONERS:—Ditch Commissioners will be reimbursed for their expenses incurred in the discharge of their duties in connection with the formation of a Tax Ditch after a Tax Ditch Order has been confirmed and after the thirty-day appeal period has expired, or at such time as the Superior Court shall issue an order denying the petition for the formation of a Tax Ditch.

Section 6. EMPLOYMENT OF STATE DRAINAGE ENGINEER AND ASSISTANTS:—The State Soil Conservation Commission shall employ a competent engineer, to be known as the State Drainage Engineer, in order to assist it in carrying out its functions under this Act. Such Engineer shall have an engineering degree from a college or university of recognized standing and shall have had substantial experience in drainage work for a period of at least five (5) years. The Commission may employ such other personnel and obtain by purchase or otherwise such supplies and equipment as may be necessary to carry out the provisions of this Act. The State Drainage Engineer shall be cooperatively employed by the State Soil Conservation Commission and by the Delaware Agricultural Extension Service.

Section 7. PETITION FOR FORMATION OF TAX DITCH:—Whenever one or more of the owners of any lands desire said lands to be drained, they may present a petition for the formation of a Tax Ditch to the Superior Court of the County in which all or the major portion of the area to be drained is located, through the Board of Supervisors of the Soil Conservation District of said County.

Section 8. FORM OF PETITION:—A petition for the formation of a Tax Ditch shall be in the following form:

PETITION

To the Superior Court of _____ County through the Board of Supervisors of the Soil Conservation District of _____ County:

Whereas the undersigned (is) (are) the owner(s) of certain low, wet, swampy or overflowed lands or lands subject to overflow situated in _____ Hundred(s) _____ County (Counties), and the State of Delaware, said lands being more particularly described as follows _____

_____;

and

Whereas the undersigned desire that a Tax Ditch be formed under the provisions of _____, said Tax Ditch to be known as _____ Tax Ditch;

Dated this _____ day of _____, _____
at _____, Delaware.
date month year

Section 9. DUTIES OF COUNTY SOIL CONSERVATION DISTRICT:—The Board of Supervisors of the County Soil Conservation District shall, upon a receipt of a petition for the formation of a Tax Ditch, determine whether the petition is in the form set forth in Section 8 and has been properly executed. If the petition is in the prescribed form and has been properly executed, the Board shall immediately notify the State Soil Conservation Commission, and by virtue of such action shall have made available to it the services of the State Drainage Engineer to assist it with the investigation concerning the possible formation of said Tax Ditch.

Section 10. INVESTIGATION BY COUNTY SOIL CONSERVATION DISTRICT AND STATE DRAINAGE ENGINEER:—The County Soil Conservation District shall cause an investigation to be made by the State Drainage Engineer in order to ascertain the boundaries of the proposed Tax Ditch, and to obtain such other information as may be necessary to enable said

District to determine whether the formation of said Tax Ditch is practicable and feasible and is in the interest of the public health, safety and welfare. The District may hold such hearings as it deems necessary in order to assist it in making such determination.

Section 11. REPORT OF STATE DRAINAGE ENGINEER:—The State Drainage Engineer shall make a formal report of his investigation to the County Soil Conservation District together with his recommendations. A copy of said report shall be filed with the State Soil Conservation Commission.

Section 12. DETERMINATION OF COUNTY SOIL CONSERVATION DISTRICT:—The County Soil Conservation District shall, upon the basis of the information obtained under the provisions hereof, determine whether the formation of the proposed Tax Ditch is practicable and feasible and is in the interest of the public health, safety and welfare.

Section 13. FILING OF PETITION BY COUNTY SOIL CONSERVATION DISTRICT:—If the County Soil Conservation District determines that the formation of the proposed Tax Ditch is practicable and feasible and is in the interest of the public health, safety and welfare, it shall file the petition in the Office of the Prothonotary of the County in which all or the major portion of the land to be drained is located, together with the report of the State Drainage Engineer and such other relevant information as the District deems to be appropriate.

Section 14. CASH DEPOSIT:—The County Soil Conservation District shall require that a specified sum be deposited with it by the petitioners before the petition is filed in the Office of the Prothonotary to cover filing fees, mailing and other necessary expenses. The amount of the deposit shall be determined by the County Soil Conservation District and may vary according to the size of the area involved, the complexity of the problem, and other pertinent factors. If the original deposit is not sufficient, the District shall require an additional deposit as soon as the need for such becomes evident. The District shall keep an account of such funds and shall return any unused portion thereof to the petitioners upon completion of final action by the Superior Court. When such action is favorable, the petitioners shall be repaid, out of the first monies collected by the Tax Ditch, all expenses of

formation as may have been charged to them by the County Soil Conservation District.

Section 15. PAYMENT OF FILING FEES AND OTHER EXPENSES:—From the funds deposited with it pursuant to Section 14, the County Soil Conservation District shall pay filing fees, mailing and other necessary expenses incurred in the investigation and formation of a Tax Ditch.

Section 16. ACTION BY BOARD OF DITCH COMMISSIONERS AND RESIDENT ASSOCIATE JUDGE:—Upon the filing of a petition in the Office of the Prothonotary of a County the Board of Ditch Commissioners of such County shall, at the direction of the Resident Associate Judge thereof, go upon the lands to be drained and determine the location and extent of needed permanent rights-of-way; the approximate sizes, grades and locations of the required drainage ditches; the estimated cost of construction of the proposed drainage system; the estimated cost of annual maintenance of the drainage system; the amount of benefits and damages to the lands; and the amount of the assessments against the lands. The Board of Ditch Commissioners shall obtain from the County Soil Conservation District such assistance and information as may be needed in making the required determinations.

Section 17. COMPENSATION FOR DRAINAGE WORK PREVIOUSLY PERFORMED:—The Board of Ditch Commissioners may deem adequate any ditch or ditches already constructed as the whole or as a part of the proposed drainage system and may allow a fair compensation to landowners for work previously done by them on any such ditch or ditches.

Section 18. DETERMINATION OF COST:—In determining the cost of construction of the proposed drainage system, the Board of Ditch Commissioners shall include, among other things, the cost of financing said construction, the total amount of damages to the lands to be drained, and the total amount of compensation, if any, to be paid to each landowner for any ditch or ditches previously constructed and deemed adequate under Section 17. The cost of annual maintenance of the proposed drainage system shall be determined separately from the cost of construction of such system.

Section 19. **ASSESSMENT LIST:**—After determining the amount of benefits to each owner's land, the Board of Ditch Commissioners shall prepare an assessment list. Said assessment list shall show the names and addresses of the owners of all lands which will be benefited by the proposed drainage system, and shall also show opposite the name of each such owner the acreage assessed and the total amount of the benefits thereto. Said assessment list, as modified by the Ditch Order, hereinafter mentioned, shall be the basis for all taxes levied under this Act.

Section 20. **REPORT OF BOARD OF DITCH COMMISSIONERS:**—The Board of Ditch Commissioners with the assistance of the State Drainage Engineer shall prepare a report containing the following determinations and information:

- a. The name of the proposed Tax Ditch.
- b. The Hundred and the County in which all or a part of the proposed Tax Ditch is situated.
- c. An aerial photograph, map or drawing to a scale large enough to permit the following to be shown:
 - (1) The main ditch, all prongs, all sub-prongs and other divisions of the proposed Tax Ditch.
 - (2) All public roads and railroads, and all public utility installations near the points where they reach, cross, or pass close to any part of the proposed Tax Ditch.
 - (3) The exterior boundaries of the area proposed to be drained.
 - (4) The acreage and approximate boundaries of each farm, parcel or piece of land proposed to be drained, together with the identification of each farm, parcel, or piece of land by name or code number.
- d. Profiles and cross sections, together with the necessary capacities expressed in cubic feet of discharge per second, of the main ditch, all prongs, all sub-prongs and other divisions of the proposed Tax Ditch; and the required capacity of structures such as culverts and bridges under roads and railroads which cross or serve any part of the system.

e. The basis upon which all assessments and awards for damages and other compensation have been made, an explanation of damages and other compensation allowed, and other pertinent information.

f. The estimated cost of constructing the proposed Tax Ditch.

g. The estimated cost of annual maintenance of the proposed Tax Ditch.

h. The value of the total benefits to all lands by virtue of the proposed Tax Ditch.

i. The assessment list required under Section 19.

j. The names and addresses of all landowners entitled to damages or compensation for any ditch or ditches previously constructed and deemed adequate under Section 17, and the amount of damages or compensation to which each such landowner is entitled.

k. The number of Ditch Managers, not less than two nor more than five, which are required to conduct the business affairs of the proposed Tax Ditch.

l. The location and extent of needed rights-of-way including overhead and underground clearances where necessary.

Section 21. NOTICE TO LANDOWNERS OF HEARING AND REFERENDUM:—Upon completion of the above report, the Board of Ditch Commissioners shall notify the owners of all lands to be benefited or damaged by the proposed Tax Ditch of a hearing concerning the establishment of said Tax Ditch to be held in the County in which all or the major portion of the lands to be drained is located. Said notice shall be given by mail at least fifteen (15) days prior to the hearing and shall designate the time and place thereof. It shall also state that the purpose of the hearing is to consider the formation of a Tax Ditch which will affect the lands of the person notified and to hold a referendum among the affected landowners concerning the establishment of said Tax Ditch. In addition, the notice shall state the

place or places where a copy of the above report of the Board of Ditch Commissioners shall be available for inspection at least ten (10) days prior to the hearing.

Section 22. HEARING AND REFERENDUM:—At the time and place designated in the above notice the Board of Ditch Commissioners, with the assistance of the State Drainage Engineer, shall hold a hearing at which all persons interested shall have an opportunity to express their opinions on and objections to the report of the Board of Ditch Commissioners. At the conclusion of said hearing a referendum shall be held under the supervision of the Board of Ditch Commissioners and the State Drainage Engineer. Said referendum shall afford each landowner the opportunity to cast his ballot for or against the formation of the proposed Tax Ditch in accordance with the report of the Board of Ditch Commissioners. Each landowner shall be entitled to the same number of votes as the number of dollars assessed against his lands by the Board of Ditch Commissioners. If, however, as a result of said hearing the Board of Ditch Commissioners deems it advisable, it may adjourn said hearing to a fixed future date in order to enable it to re-examine and modify its report in the light of the opinions and objections expressed at the hearing.

Section 23. REPORT AND RECOMMENDATIONS OF BOARD OF DITCH COMMISSIONERS:—After holding and hearing and supervising the referendum provided for in Section 22, the Board of Ditch Commissioners shall file the original and one copy of its report in the Office of the Prothonotary of the County in which all or the major portion of the lands to be drained is located, and shall attach to said report a certificate stating the results of the referendum and the place where and the time when it was held. The Board of Ditch Commissioners shall also prepare and attach to the report a statement showing:

a. Whether the Board of Ditch Commissioners has fully discharged the duties assigned to it as prescribed by law.

b. Whether the proposed Tax Ditch is practicable and feasible and in the interest of the public health, safety and welfare.

c. Whether in laying out the Tax Ditch, the lands of every landowner assessed are provided with a direct drainage outlet into some part of the proposed drainage system.

d. Any objections made to the report of the Board of Ditch Commissioners which did not warrant further changes in the report and the reasons therefor.

e. Whether the total benefits that will result from the construction of the proposed Tax Ditch will exceed the total cost.

f. Any other recommendation or information which the Board of Ditch Commissioners may deem advisable.

Section 24. SIGNING OF REPORT; DISSENT THEREFROM:—The report of the Board of Ditch Commissioners, including the statement required by Section 23, shall be signed by all of the Commissioners concurring therein. Any Ditch Commissioner who dissents therefrom shall attach to said report the reasons for his dissent.

Section 25. DISTRIBUTION OF COPIES OF COMMISSIONERS' REPORT; CERTIFICATION:—Immediately after filing in the Office of the Prothonotary its report and the statement required by Section 23, the Board of Ditch Commissioners shall forward one copy of the report to the State Drainage Engineer who shall make any changes therein required by the Ditch Order when it becomes final and thereafter have said copy certified by the Prothonotary. Said certified copy shall remain as a permanent record in the office of the State Soil Conservation Commission.

Section 26. ACTION BY SUPERIOR COURT:—After the report and statement of the Board of Ditch Commissioners have been filed in the Office of the Prothonotary of the appropriate County, they shall be carefully reviewed by the Superior Court of said County.

If the report of a majority of the Board of Ditch Commissioners is opposed to the formation of the proposed Tax Ditch, or if the certificate stating the results of the referendum shows that a majority of all votes cast were opposed to the formation

of the Tax Ditch, or if such report shows that the total cost of the construction of the Tax Ditch will exceed the benefits that will result therefrom, then the Superior Court of said County shall issue an order denying the petition for the formation of the Tax Ditch.

If the report of a majority of the Board of Ditch Commissioners is in favor of the formation of the proposed Tax Ditch, and if the certificate stating the results of the referendum shows that a majority of all votes cast were in favor of the formation of the Tax Ditch, and if such report shows that the total benefits that will result from the Tax Ditch will exceed the cost of construction, then the Superior Court of said County shall set a date for the final hearing on the petition and shall direct the Prothonotary to give notice of said hearing by publication in a newspaper of general circulation in each County in which any of the lands to be drained are located and by posting a written or printed notice on the door of the court house of each such County and at five (5) conspicuous places in or near the area of the proposed Tax Ditch, such publication and posting to be made for at least fifteen (15) days prior to the final hearing. From the time the report of the Board of Ditch Commissioners is filed in the Office of the Prothonotary of the appropriate County it shall be open to inspection by any interested person.

Section 27. FINAL HEARING; DITCH ORDER:—On the date set for the final hearing before the Superior Court any interested person may appear in person or by counsel and file his objection in writing to the report of the Board of Ditch Commissioners, and it shall be the duty of the Superior Court to review the report of the Board of Ditch Commissioners and any objections filed thereto, and make, in consultation with the Ditch Commissioners, such changes as are necessary to render substantial and equal justice to all interested persons. If the conditions set forth in the third paragraph of Section 26 still exist after said objections have been considered and the necessary changes have been made in the report of the Board of Ditch Commissioners, the Superior Court shall confirm said report and issue an order granting the petition for the formation of the proposed Tax Ditch. The confirmed report shall be considered a part of the order establishing the Tax Ditch and said order shall be known as the Ditch Order.

Section 28. RIGHT TO A JURY'S VERDICT:—Within 30 days after the issuance of the Ditch Order any interested person who feels aggrieved by the report of the Board of Ditch Commissioners shall apply to the Superior Court for an order in the nature of a Writ of Inquiry to ascertain by the verdict of a jury at the bar of said court, the full and true value of the benefits, damages, injury or loss which will result to the lands of such person from the construction of the proposed Tax Ditch. The verdict rendered shall be final and conclusive as to such lands unless set aside by the court for legal cause or an appeal is taken therefrom. The Ditch Order shall be amended in accordance with the final determination of all issues. If, however, after the Ditch Order has been so amended, the conditions set forth in the third paragraph of Section 26 no longer exist, the Superior Court shall issue an order denying the petition for the formation of a Tax Ditch. If any landowner shall fail to make such application within such period, the Ditch Order shall be final and binding as to the lands of such owner and no appeal therefrom shall be allowed.

Section 29. DEFENSE OF CONTESTED DITCH ORDERS:—In the event that the Ditch Order is contested, it shall be the duty of the Board of Ditch Commissioners to defend said Order, and in conducting its defense, the Board shall be represented by the Attorney General of the State of Delaware.

Section 30. NOTICE OF FINAL ACTION ON DITCH ORDER:—When the Ditch Order has been confirmed or denied and the right to appeal therefrom has expired, the Prothonotary shall notify the appropriate County Soil Conservation District accordingly, and shall forward a certified copy of the Court's order to the State Drainage Engineer.

Section 31. DITCH ORDER A PERMANENT COURT RECORD:—The Ditch Order, together with any amendment thereto, shall be a permanent court record and shall be kept in the Office of the Prothonotary of the County wherein it was issued. It shall not be removed from said office except in cases where an emergency so requires. The Prothonotary shall also transcribe the petition, court order, and all proceedings in connection therewith in a docket appropriately labeled and set aside for that purpose.

of the Tax Ditch, or if such report shows that the total cost of the construction of the Tax Ditch will exceed the benefits that will result therefrom, then the Superior Court of said County shall issue an order denying the petition for the formation of the Tax Ditch.

If the report of a majority of the Board of Ditch Commissioners is in favor of the formation of the proposed Tax Ditch, and if the certificate stating the results of the referendum shows that a majority of all votes cast were in favor of the formation of the Tax Ditch, and if such report shows that the total benefits that will result from the Tax Ditch will exceed the cost of construction, then the Superior Court of said County shall set a date for the final hearing on the petition and shall direct the Prothonotary to give notice of said hearing by publication in a newspaper of general circulation in each County in which any of the lands to be drained are located and by posting a written or printed notice on the door of the court house of each such County and at five (5) conspicuous places in or near the area of the proposed Tax Ditch, such publication and posting to be made for at least fifteen (15) days prior to the final hearing. From the time the report of the Board of Ditch Commissioners is filed in the Office of the Prothonotary of the appropriate County it shall be open to inspection by any interested person.

Section 27. FINAL HEARING; DITCH ORDER:—On the date set for the final hearing before the Superior Court any interested person may appear in person or by counsel and file his objection in writing to the report of the Board of Ditch Commissioners, and it shall be the duty of the Superior Court to review the report of the Board of Ditch Commissioners and any objections filed thereto, and make, in consultation with the Ditch Commissioners, such changes as are necessary to render substantial and equal justice to all interested persons. If the conditions set forth in the third paragraph of Section 26 still exist after said objections have been considered and the necessary changes have been made in the report of the Board of Ditch Commissioners, the Superior Court shall confirm said report and issue an order granting the petition for the formation of the proposed Tax Ditch. The confirmed report shall be considered a part of the order establishing the Tax Ditch and said order shall be known as the Ditch Order.

Section 28. RIGHT TO A JURY'S VERDICT:—Within 30 days after the issuance of the Ditch Order any interested person who feels aggrieved by the report of the Board of Ditch Commissioners shall apply to the Superior Court for an order in the nature of a Writ of Inquiry to ascertain by the verdict of a jury at the bar of said court, the full and true value of the benefits, damages, injury or loss which will result to the lands of such person from the construction of the proposed Tax Ditch. The verdict rendered shall be final and conclusive as to such lands unless set aside by the court for legal cause or an appeal is taken therefrom. The Ditch Order shall be amended in accordance with the final determination of all issues. If, however, after the Ditch Order has been so amended, the conditions set forth in the third paragraph of Section 26 no longer exist, the Superior Court shall issue an order denying the petition for the formation of a Tax Ditch. If any landowner shall fail to make such application within such period, the Ditch Order shall be final and binding as to the lands of such owner and no appeal therefrom shall be allowed.

Section 29. DEFENSE OF CONTESTED DITCH ORDERS:—In the event that the Ditch Order is contested, it shall be the duty of the Board of Ditch Commissioners to defend said Order, and in conducting its defense, the Board shall be represented by the Attorney General of the State of Delaware.

Section 30. NOTICE OF FINAL ACTION ON DITCH ORDER:—When the Ditch Order has been confirmed or denied and the right to appeal therefrom has expired, the Prothonotary shall notify the appropriate County Soil Conservation District accordingly, and shall forward a certified copy of the Court's order to the State Drainage Engineer.

Section 31. DITCH ORDER A PERMANENT COURT RECORD:—The Ditch Order, together with any amendment thereto, shall be a permanent court record and shall be kept in the Office of the Prothonotary of the County wherein it was issued. It shall not be removed from said office except in cases where an emergency so requires. The Prothonotary shall also transcribe the petition, court order, and all proceedings in connection therewith in a docket appropriately labeled and set aside for that purpose.

Section 32. EMPLOYMENT OF PRIVATE ENGINEER:

—In the event that the Board of Supervisors of the County Soil Conservation District in which all or the major portion of the area to be drained is located determines that the formation of a Tax Ditch is practicable and feasible and is in the interest of the public health, safety and welfare, the interested landowner or owners may at any time thereafter employ at their expense engineering personnel of their selection to assist the State Drainage Engineer.

Section 33. ORGANIZATION OF TAX DITCH; NOTICE OF FIRST MEETING:—

The State Drainage Engineer at his earliest convenience after the Ditch Order becomes final, shall call a meeting of the taxables for the purpose of organizing the proposed Tax Ditch, including the election of Ditch Managers, as called for in the Ditch Order, and a Secretary-Treasurer; the formulation of a plan for constructing, financing, administering and maintaining the proposed Tax Ditch; and for levying taxes to cover the costs of construction and maintenance. The State Drainage Engineer shall give at least ten (10) days' notice of the meeting by posting a notice thereof at five (5) conspicuous places in or near the area of the Tax Ditch stating the time, place and object of the meeting. A notice of said meeting shall be sent to the Chairman of the Board of Supervisors of the County Soil Conservation District.

Section 34. DELIVERY OF COPIES OF DITCH ORDER AND OF THIS ACT:—At such meeting the State Drainage Engineer shall deliver to the Ditch Managers, when elected, a certified copy of the Ditch Order and a copy of this Act.

Section 35. MEETING TO BE ATTENDED BY REPRESENTATIVE OF STATE SOIL CONSERVATION COMMISSION:—In addition to the State Drainage Engineer, the County Soil Conservation District may be represented at such meeting by one member of the Board of District Supervisors.

Section 36. VOTING RIGHTS:—At all meetings each landowner shall be entitled to the same number of votes as the number of dollars assessed against the land of such owner in the Ditch Order. In the event that any lands are held by tenants in

common or joint tenants, each such tenant in common or joint tenant shall be entitled to the same number of votes as his fractional share of the total number of dollars assessed against said lands. However, in the case of lands held by a husband and wife as tenants by the entirety, either the husband or wife may vote all the dollars assessed against their lands.

Section 37. VOTING BY PROXY:—Any person or persons entitled to vote pursuant to Section 36 of this Act may authorize another landowner within the Tax Ditch to cast his votes in his stead by executing a proxy. Said proxy shall be signed, dated and notarized.

Section 38. ELECTION OF OFFICERS; TERMS OF OFFICE:—At the first meeting the taxables shall elect from their group the number of Ditch Managers as specified in the Ditch Order and a Secretary-Treasurer. The term of office of each Ditch Manager and of the Secretary-Treasurer shall be one (1) year. If the Ditch Managers and Secretary-Treasurer first elected are elected prior to July 1st of any year, the time elapsing between said election and the first annual January meeting provided for in Section 41 shall be deemed to constitute the first year of their terms of office. However, if the Ditch Managers and Secretary-Treasurer first elected are elected on or after July 1st of any year, their terms of office shall not be deemed to begin until the said first annual January meeting, although they shall assume the duties and responsibilities of their respective offices immediately upon election.

In the event that any Tax Ditch officer dies, resigns, ceases to be one of the taxables, or is removed from office, it shall be the duty of the Ditch Managers to call a special meeting of the taxables within 60 days for the purpose of electing a taxable to serve the remainder of the term of such officer. However, except in the case of death or removal from office, each Tax Ditch officer shall continue to serve until his successor has been elected. In the event that a vacancy is so created in the office of Secretary-Treasurer, the Chairman of the Ditch Managers shall immediately notify the appropriate County Treasurer and Receiver of Taxes of said vacancy and furnish him with the name of the newly elected Secretary-Treasurer.

Section 39. CHAIRMAN OF DITCH MANAGERS:—Immediately after they are elected the Ditch Managers shall designate one of their number to serve as Chairman. It shall be the duty of the Chairman to call meetings of the Ditch Managers and taxables and to preside thereat.

Section 40. COMPENSATION FOR TAX DITCH MANAGERS AND SECRETARY-TREASURER:—Tax Ditch Managers and the Secretary-Treasurer may be entitled to receive compensation at a rate to be determined by a majority of the eligible votes of those taxables present at the first meeting provided for in Section 41. The rate of compensation for the Tax Ditch Managers and Secretary-Treasurer may be revised only at a regular annual meeting of the taxables.

Section 41. ANNUAL AND OTHER MEETINGS OF TAXABLES:—At the first meeting, and at each annual meeting thereafter, the Ditch Managers shall set a date for the next annual meeting. All annual meetings shall be held in January. The Chairman of the Ditch Managers may also call special meetings at such times as the circumstances warrant. At least ten (10) days' notice of all meetings shall be given by posting a notice thereof at five (5) conspicuous places in or near the area of the Tax Ditch stating the time, place and object of the meeting.

Section 42. MEETINGS OF DITCH MANAGERS; QUORUM:—The Ditch Managers shall meet as often as necessary to properly conduct the business of the Tax Ditch. At such meetings a majority of the Ditch Managers shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination.

Section 43. POWERS OF TAX DITCH:—A Tax Ditch organized under the provisions of this Act shall constitute a governmental subdivision of this State and a public body, corporate and politic, exercising public powers, and shall have the following powers, in addition to such other powers as usually pertain to corporations:

- a. To levy taxes.
- b. To sue and be sued in the name of the Tax Ditch.

c. To make and execute contracts and other instruments, necessary or convenient to the exercise of its powers.

d. To borrow money for the purpose of constructing, maintaining and administering the Tax Ditch.

e. To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or any rights or interests therein.

f. To cooperate, or enter into agreements with the State or Federal governments or any agency or subdivision thereof.

g. To exercise the power of eminent domain, substantially in accordance with the procedure provided for the condemnation of right-of-way for railroads, with respect to lands outside the boundaries of the Tax Ditch which are needed for right-of-way or outlet purposes.

Section 44. SIGNATURES ON INSTRUMENTS ISSUED BY TAX DITCH:—Any note, bond, warrant or other instrument issued by a Tax Ditch pursuant to this Act shall be signed by the Chairman of the Ditch Managers and his signature shall be attested by the Secretary-Treasurer of said Tax Ditch.

Section 45. LIABILITY OF TAX DITCH OFFICERS:—No Ditch Manager or other officer of a Tax Ditch shall be held personally liable for the obligations of the Tax Ditch.

Section 46. LIMITATION ON BORROWING POWER OF TAX DITCH:—A Tax Ditch may borrow money pursuant to this Act with the consent of a majority of the votes cast at a meeting duly called under the provisions of Section 41, and in no event shall a Tax Ditch borrow money in excess of ninety per centum (90%) of the total benefits assessed against the lands benefited in the Ditch Order.

Section 47. DUTIES OF DITCH MANAGERS:—In addition to the duties specified in other sections of this Act the Ditch Managers shall have the following duties:

- a. To determine from the taxables the desired program of operations.
- b. To determine the amount of taxes to be levied to carry out such desired program.
- c. At the first meeting or within thirty (30) days thereafter to prepare, with the assistance of the State Drainage Engineer, a comprehensive plan for carrying out the desired program, which plan shall include provisions for levying taxes and for financing said program.
- d. To deliver a copy of the assessment list prepared under Section 19, as modified by the Ditch Order, to the County Assessor, making such changes in the names of the owners shown thereon as are warranted by transfers of the lands assessed to new owners.
- e. To execute warrants to the County Treasurer and Receiver of Taxes authorizing and requesting the collection of all Tax Ditches taxes other than maintenance taxes.
- f. To execute a warrant to the County Treasurer and Receiver of Taxes authorizing and requesting the collection of annual maintenance taxes.
- g. To make a report of their activities during the year preceding each annual meeting which shall be given at that annual meeting.
- h. To provide for construction work on the Tax Ditch.
- i. To provide for adequate maintenance of the Tax Ditch.

Section 48. DUTIES OF COUNTY ASSESSOR:—For Tax Ditches formed under this Act, the County Assessor shall transcribe the information shown on the assessment list delivered to him pursuant to Section 47d into a special assessment book, and shall keep the same as part of the permanent records of his office. He shall also change the names of the owner shown therein from time to time as such changes are warranted by transfers, of the lands assessed, to new owners.

Section 49. DETERMINATION OF TAXES:—In determining the amount of any taxes to be levied against each owner's lands under this Act, the Ditch Managers shall determine the same in accordance with the ratio which exists between the value of the benefits to each owner's lands and the total value of the benefits to all lands to be drained.

Section 50. WARRANTS FOR COLLECTION OF TAXES:
—For Tax Ditches formed under this Act, warrants authorizing and requesting the collection of ditch taxes executed to the County Treasurer and Receiver of Taxes shall be signed by the Chairman of the Ditch Managers and the Secretary-Treasurer of the Tax Ditch and shall contain the following information:

- a. The name of Tax Ditch.
- b. The location by County and Hundred/s.
- c. The date said warrant is delivered to County Treasurer and Receiver of Taxes.
- d. The date that Tax Ditch assessment list was filed with County Assessor.
- e. Total of that assessment list.
- f. Tax rate based on that assessment list.
- g. Total tax to be collected.
- h. Method of payment, if by installments.
- i. Statement as to whether said warrant is for construction, special or maintenance taxes.
- j. Amount and terms of loans, if any, secured by said tax warrant.
- k. Person/s, firm or corporation to be paid directly by Receiver of Taxes and amounts to be paid to him/them.

When Tax Ditch includes two (2) or more counties, separate tax warrants shall be executed by the Ditch Managers to each County Treasurer and Receiver of Taxes thereof.

Section 51. DUTIES OF COUNTY TREASURER AND RECEIVER OF TAXES:—All taxes levied by any Tax Ditch organized under the provision of this Act shall be collected by the County Treasurer and Receiver of Taxes in the County or Counties wherein the lands taxed are located. The County Treasurer and Receiver of Taxes shall accept tax warrants in proper form from such Tax Ditches, shall refer to Tax Ditch assessment lists on file with the County Assessor and shall collect such taxes warranted annually, pursuant to the terms of the warrants in the same manner as provided by law for the collection of County Taxes, and money so collected shall be paid monthly to the person/s, firm or corporation designated in the tax warrant to receive such money. Warrants received not later than May first of each year, by the County Treasurer and Receiver of Taxes, shall be processed to be collected during that same year. Tax warrants marked plainly as being for annual maintenance taxes shall be transcribed by the County Treasurer and Receiver of Taxes into a special tax book and the same shall be maintained as part of the permanent records of that office. Such annual maintenance taxes shall be deemed to have been levied by the Tax Ditch as of April 30th of each year except the year in which the regular or revised maintenance tax warrant is delivered to the County Treasurer and Receiver of Taxes, in which case the levy shall be effective from and after the date of the delivery of such tax warrant. Annual maintenance taxes, once warranted, shall be collected yearly by the County Treasurer and Receiver of Taxes on the basis of the original maintenance tax warrant until such time as the taxes for the cost of annual maintenance are changed and the County Treasurer and Receiver of Taxes is so notified by the delivery to him of a new maintenance tax warrant. The records of the County Treasurer and Receiver of Taxes shall be corrected whenever new maintenance tax warrants are so received.

Section 52. DUTIES OF SECRETARY-TREASURER:—In addition to any powers and duties set forth elsewhere in this Act, the Secretary-Treasurer of the Tax Ditch shall have the following powers and duties:

a. To keep accurate minutes of all meetings of the Ditch Managers and taxables, said minutes to be a part of the permanent records of the Tax Ditch.

b. To prepare a complete financial statement at the end of each calendar year, including therein an itemized report of all funds received, all funds expended, all funds due from taxes not yet collected, and all sums due and owing by the Tax Ditch. This statement and the records of the Secretary-Treasurer shall be audited annually by two qualified persons and they shall become part of the permanent records of the Tax Ditch.

c. To provide for the safe-keeping of any funds of the Tax Ditch which are placed in his custody.

d. To attend all meetings of the Ditch Managers and taxables.

Section 53. BOND OF SECRETARY-TREASURER:—The Secretary-Treasurer shall, before assuming the duties of his office and within fifteen (15) days after his election, furnish a bond in favor of the Tax Ditch, in an amount satisfactory to the Ditch Managers and with a surety or sureties to be approved by the Ditch Managers, conditioned for the faithful performance of his duties and for the payment to his successor of all Tax Ditch funds. To said bond and condition there shall be annexed a warrant or power of attorney to confess judgment thereon in the usual form. If any person elected Secretary-Treasurer shall neglect or refuse to give bond as aforesaid within the time specified, his right to hold such office shall be terminated, and the Ditch Managers shall call a special meeting of the taxables to elect a new Secretary-Treasurer who shall give bond and security as hereinbefore provided.

Section 54. INSTALLMENT PAYMENT OF TAXES:—The Ditch Managers may order the tax levied for the cost of construction to be paid in annual installments and shall designate the method of payment on the tax warrant when it is forwarded to the appropriate County Treasurer and Receiver of Taxes.

In the event that the Ditch Managers so order the tax levied for the cost of construction to be paid in annual installments, the

entire tax shall, nevertheless, constitute a present lien on the lands against which it is levied, and the amount of the first installment shall not be less than the sum of all payments for damages and compensation as set forth in the Ditch Order, plus the costs and expenses incurred in the formation of a Tax Ditch.

Section 55. **SECURITY FOR LOANS:**—A Tax Ditch may secure the payment of any loan made to it by entering on the tax warrant provided for in Section 47e, a statement setting forth the fact that the taxes shown on the tax warrants have been pledged to secure the payment of a certain designated loan and, if a loan is so secured, by reciting the amount and terms of the loan from whom it is being obtained, and by directing the County Treasurer and Receiver of Taxes to pay any such taxes collected by him directly to the creditor until the loan is repaid. Such warrant may not be withdrawn and may not be altered or cancelled without the written consent of the creditor until the loan is repaid.

Section 56. **SPECIAL TAX:**—A special tax to raise the funds necessary to carry into effect any of the provisions of this Act and not otherwise provided for herein, may be levied by the Ditch Managers in the same manner as herein provided for levying taxes for original construction.

Section 57. **TAXES, LIEN, ENFORCEMENT:**—All taxes levied under this Act shall constitute a first and paramount lien against the lands to which they apply from and after the date of such levy, subject only to the lien for State and County taxes, which lien may be enforced by sale or otherwise in the same manner as the lien for the County taxes; and all such taxes shall be collected by the appropriate County Treasurer and Receiver of Taxes as provided in Section 51. Penalties for failure to make payment by the due date shall apply to taxes levied under this Act in the same manner and amount as in the case of County taxes, and funds so received shall be credited to the Tax Ditch.

Section 58. **ADJUSTMENT OF MAINTENANCE TAX:**—When in the opinion of the Ditch Managers the amount of the tax levied to defray the cost of annual maintenance is either insufficient or excessive, they may raise or lower the same for the current and succeeding years with the consent of the County Soil

Conservation District, acting upon the advice of the State Drainage Engineer. If the annual maintenance tax is so raised or lowered, it will be apportioned to each landowner in accordance with the provisions of Section 49 and a new maintenance tax warrant shall be delivered to the appropriate County Treasurer and Receiver of Taxes.

Section 59. **LIABILITY OF LANDOWNER:**—No landowner shall be liable in any manner for any taxes levied by the Tax Ditch against the lands of another owner.

Section 60. **PAYMENT OF DAMAGES AND COMPENSATION:**—The damages and compensation awarded by the terms of the Ditch Order shall be paid to the person or persons entitled thereto out of the first funds available to the Tax Ditch under this Act, and no construction shall be begun until said damages and compensation have been paid.

Section 61. **WILFUL OR NEGLIGENT OBSTRUCTION OF OR DAMAGES TO TAX DITCH; MISDEMEANOR; CIVIL LIABILITY:**—If any person shall wilfully or negligently obstruct or damage any part of a drainage system, and upon request of the Ditch Managers shall fail to remove said obstruction or to repair said damage at his own expense, it shall be the duty of the Ditch Managers to see that said obstruction is removed and that said damage is repaired. The person so obstructing or damaging the drainage system shall be liable for all loss or injury caused thereby and the expenses or charges for remedying the same, and said loss or injury, expenses or charges may be sued for and recovered by the Ditch Managers in the name of the Tax Ditch before any justice of the peace in the County where said obstruction or damage occurred.

Such wilful obstruction of or damage to any part of a Tax Ditch shall be a misdemeanor and punishable by a fine of not more than fifty dollars.

Section 62. **RIGHT OF INGRESS AND EGRESS:**—It shall be lawful for the State Drainage Engineer, engineering personnel hired under the provisions of Section 32, the Soil Conservation District Supervisors, the State Soil Conservation Com-

mission, the Ditch Commissioners, the Ditch Managers, or any of their employees or agents, to enter upon any lands within the area to be drained at all reasonable times in order to carry out the purpose of this Act.

Section 63. FAILURE OF DITCH OFFICERS TO PERFORM DUTIES IMPOSED BY THIS ACT:—In the event that any officer of a Tax Ditch shall fail to perform the duties imposed on him by this Act, it shall be the right of any taxable to petition the Superior Court from which the Ditch Order was issued and to request an order directing said officer to carry out his duties, and upon his failure to comply with said Order within the time stated therein to further petition the Superior Court for the removal of said officer.

Section 64. ADDITIONAL TERRITORY INCLUDED IN TAX DITCH:—Whenever one or more landowners desire their lands to be included within a Tax Ditch, they may so request the Supervisors of the Soil Conservation District within which the Tax Ditch is situated, and the procedure shall be the same as when a new Tax Ditch is formed.

Section 65. ALTERATION OF TAX DITCH:—In the event that it becomes necessary to change any part of a Tax Ditch because of errors in the report of the Ditch Commissioners, the Ditch Managers shall, in the name of the Tax Ditch, forward a petition requesting corrections to the appropriate County Soil Conservation District and the procedure shall be the same as when a new Tax Ditch is formed, insofar as said procedure may be applicable. However, when all land owners affected consent to any such change of any part of a Tax Ditch, they shall enter into a written agreement authorizing such change. Said agreement shall be subject to the approval of the State Drainage Engineer who shall file the original in the Office of the Prothonotary of the proper County. One copy thereof shall be retained by the Tax Ditch and one copy thereof shall be forwarded immediately to the State Soil Conservation Commission. Whenever changes are made which affect the Tax Ditch assessment list, it shall be the duty of the Tax Ditch Managers to notify the County Assessors immediately of such changes.

Section 66. BRIDGES AND CULVERTS; WHEN CONSTRUCTED AND MAINTAINED BY PUBLIC:—If any public road crossed by any part of a Tax Ditch will be benefited so that the public ought to construct and maintain a bridge or culvert at said cross, the Board of Ditch Commissioners shall so state in their report and upon establishment of said Tax Ditch such bridges or culverts shall be constructed and maintained at the public charge from funds provided for that purpose.

Section 67. DITCHES NEAR HIGHWAYS:—It shall be the duty of the State Highway Department to maintain the highway drainage system insofar as is possible in such manner as to prevent silt from such system from obstructing any part of a Tax Ditch. In the event that silt does enter from the highway system and obstructs a Tax Ditch, it shall be the duty of the State Highway Department to remove the same within a reasonable time after being given notice of said obstruction by the Ditch Managers.

Section 68. DISSOLUTION OF TAX DITCH:—After a duly called meeting of the taxables at which a majority of all eligible votes have been cast in favor of dissolving a Tax Ditch, created under the provisions of this Act, the Ditch Managers shall prepare a petition requesting such dissolution to the Superior Court through the appropriate County Soil Conservation District. If said Tax Ditch shall have operated for at least ten years, and if said District is of the opinion that the dissolution of such Tax Ditch is in the public interest, it shall file the petition therefor, together with the recommendations of said District in the Office of the Prothonotary of the County in which the original Ditch Order was issued. After a petition for dissolution has been so filed, it shall be the duty of the Superior Court to issue an order dissolving said Tax Ditch; provided, however, that no such order of dissolution shall be issued unless and until all obligations of the Tax Ditch have been paid in full and all commitments of the Tax Ditch have been fulfilled.

Section 69. EXISTING DRAINAGE ORGANIZATIONS:—Any landowner or owners in an area drained by a drainage system previously established under any other law of this State at any time may petition for the establishment of a Tax Ditch under the provisions of this Act.

Section 70. DITCHES IN KENT COUNTY; TRANSFER BY STATE HIGHWAY DEPARTMENT TO TAX DITCH:—In the event that any landowners in Kent County establish a Tax Ditch under this Act, the State Highway Department is hereby authorized to and shall transfer to said Tax Ditch all its right, title and interest in and to any existing ditch or ditches, within the boundaries of the new Tax Ditch, which may have previously been transferred to said Department under the provisions of Section 28 of Chapter 105, Revised Code of Delaware, 1935, and said Department is also hereby authorized to and shall delegate to the new Tax Ditch all its powers and duties in connection with said existing ditch or ditches.

Section 71. NAME OF TAX DITCH:—The name of any Tax Ditch established under this Act shall not be the same as the name of any existing drainage organization within the same County.

Section 72. INCONSISTENCY WITH OTHER ACTS:—Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Section 73. SEPARABILITY CLAUSE:—If any provision of this Act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 74. APPROPRIATION:—There is hereby appropriated to the State Soil Conservation Commission the sum of Ten Thousand Dollars (\$10,000.00) annually which for the biennium beginning July 1, 1951 and ending June 30, 1953, is hereby appropriated out of any moneys of the State Treasury not otherwise appropriated and which appropriation shall be included in the Budget Appropriation Bill beginning with the 117th Session of the General Assembly and for each biennial session thereafter.

Section 75. EFFECT OF THIS ACT ON ARTICLE 1, CHAPTER 105 OF REVISED CODE OF DELAWARE, 1935:—After the effective date of this Act no drainage organization shall

be established under the provisions of Article 1, Chapter 105 of the Revised Code of Delaware, 1935. Said Article and Chapter shall remain in effect, however, and shall apply to drainage organizations established thereunder prior to the effective date of this Act, unless said existing drainage organizations reform under the provisions of this Act.

Section 76. **EFFECTIVE DATE:**—This Act shall take effect on June 1, 1951.

Approved June 1, 1951.

CHAPTER 152

NEWARK

AN ACT CHANGING THE NAME OF THE "TOWN OF NEWARK" TO THE "CITY OF NEWARK" 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 Members elected to each House concurring therein):

Section 1. INCORPORATION:—The municipal corporation of the State of Delaware, now known as "The Council of Newark," shall hereafter be known as the "City of Newark" and the inhabitants thereof within the corporate limits as defined in Section 2 of this Act or subsequently altered by annexation procedures shall, under the name of the "City of Newark," continue to be a municipal body politic and corporate in perpetuity.

Section 2. BOUNDARIES:—The Boundaries of the City of Newark are hereby established and declared to be as follows:

Beginning at the intersection of the northerly side of White Clay Creek and the center line of Capital Trail (Delaware Route 2); thence due south, 2,115 feet more or less to the center line of the Baltimore and Ohio Railroad; thence westerly along the said center line of the Baltimore and Ohio Railroad 1,200 feet more or less to the westerly line of property now or formerly of Frank Stafford; thence due south, 225 feet more or less to the center line of the Newark-Ogletown Road (Delaware Route 273); thence westerly along the said center line of the Newark-Ogletown Road, 2,960 feet more or less to the point of intersection of the said center line of the Newark-Ogletown Road and the easterly line of property, extended, of Etta J. Wilson; thence S 1 degree—53 minutes W, 2,275 feet more or less to the northerly line of property now or formerly of the Manor Real Estate and Trust Co.; thence easterly along the said northerly line of property now or formerly of the Manor Real Estate and Trust Co., 2,025 feet more or less to the point of intersection of said northerly line of property now or formerly of the Manor Real Estate

and Trust Co. and the center line of Marrow's Road; thence southeasterly along the said center line of Marrow's Road, 1,010 feet more or less to the point of intersection of the said center line of Marrow's Road and the Pennsylvania Railroad main line southerly right-of-way line and the northerly line of property now or formerly of W. C. Carter; thence S 68 degrees—30 minutes W along the said southerly right-of-way line of the Pennsylvania Railroad, 2,681 feet more or less to the westerly line of property now or formerly of W. C. Carter; thence S 37 degrees—50 minutes E along the said westerly line of property now or formerly of W. C. Carter, 949 feet more or less to the southerly line of property now or formerly of W. C. Carter; thence N 78 degrees—35 minutes E along the said southerly line of property now or formerly of W. C. Carter, 1,280 feet more or less; thence S 22 degrees—15 minutes W, crossing S. Chapel Street, extended, 4,930 feet more or less to the point of intersection of the center line of the Delaware City Branch of the Pennsylvania Railroad and the northerly side of the Chestnut Hill-Ogletown Road; thence westerly along the said northerly side of the said Chestnut Hill-Ogletown Road, crossing the Newark-Glasgow Road (Delaware Route 896), 5,422 feet more or less to the southwesterly side of the Christiana Creek; thence northwesterly by the various courses of the said southwesterly side of said Christiana Creek, crossing the Pennsylvania Railroad main line, to the point of intersection of said southwesterly side of said Christiana Creek and the center line of the Newark-Elkton Road (Delaware Route 2); thence northeasterly along the center line of the said Newark-Elkton Road, 878 feet more or less to the point of intersection of the northeasterly line of property now or formerly of A. Hallier Johnson and the said center line of the said center line of the said Newark-Elkton Road; thence N 42 degrees—55 minutes W, 1,380 feet more or less to the point of intersection of the center line of Casho Mill Road and the northeasterly line of property now or formerly of Edward Wilson; thence N 39 degrees—05 minutes E, 1,500 feet more or less to the center line of the Baltimore and Ohio Railroad; thence southwesterly along the said center line of the Baltimore and Ohio Railroad, 1,300 feet more or less to the point of intersection of the said center line of the Baltimore and Ohio Railroad and the easterly side of Casho Mill Road; thence northerly along the said easterly side of Casho Mill Road, 5,340 feet more or less to the point of intersection of the said

easterly side of Casho Mill Road and the center line of Nottingham Road; thence N 42 degrees—10 minutes E, 3,850 feet more or less to the easterly side of New London Road (Delaware Route 896); thence 376 degrees—05 minutes E, 4,240 feet more or less to the southerly line of property now or formerly of Herman Cook; thence easterly along the said southerly line of property now or formerly of Herman Cook, 250 feet more or less to the center line of Paper Mill Road (Delaware Route 72); thence northerly along the said center line of Paper Mill Road, 600 feet more or less to the point of intersection of the said center line of Paper Mill Road and the northerly line of property now or formerly of Samuel Stradley; thence S 63 degrees—35 minutes E, 1,080 feet more or less to the point of intersection of the said northerly line of property now or formerly of Samuel Stradley and the westerly line of property now or formerly of Oliver J. Koelig; thence southwesterly along the said westerly line of property now or formerly of Oliver J. Koelig, 2,410 feet more or less to the point of intersection of said westerly line of property now or formerly of Oliver J. Koelig and the northerly side of said White Clay Creek; and thence by said northerly side of White Clay Creek in an easterly direction by the various courses and distances thereof, 8,260 feet more or less to the point and place of beginning.

The Council of the City of Newark may, at any time hereafter, cause a survey and plot to be made of the said City and the said plot, when made and approved by the Council, shall be recorded in the office of the Recorder of Deeds in and for New Castle County, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of Law and Equity in this State.

Section 3. ANNEXATION:—If and when a majority of the property owners in territory contiguous to the City of Newark shall sign a petition seeking to have the area in which said property owners reside annexed to the City of Newark and submit the petition together with a survey of the area proposed for annexation to the Council of the City of Newark, the said Council shall submit the question of annexation to the voters of the City of Newark.

Section 4. **DISTRICTS:**—The City of Newark shall be divided into three or more districts, as follows:

The Western district of said City shall consist of all that part of said City lying and being west of the center of North and South College Avenues, extended to the Northern and Southern boundaries respectively of said City.

The Middle district shall consist of all that part of said City lying and being between the Eastern boundary of said Western district and the center of Choate Street extended to the Northern and Southern boundaries respectively of said City.

The Eastern district of said City shall consist of all that part of said City lying and being East of said Eastern boundary of said Middle district.

Boundaries of districts within the City of Newark may be altered from time to time by the Council of the City of Newark. If changed the districts shall be three or more in number, contiguous and compact and approximately equal in population.

Section 5. **STRUCTURE OF GOVERNMENT:**—The Government of the City and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Mayor and City Council.

Section 6. **POWERS AND CONSTITUTION:**—All the powers of the City of Newark shall be vested in an elected Mayor and the City Council. The Mayor shall be elected at large and shall be ex-officio a member and presiding officer of the Council. The City Council shall be composed of two Councilmen elected from each District, provided that at all times at least one Councilman from each District shall be a freeholder of the City of Newark, or the husband or wife of a freeholder of the City of Newark.

At the regular municipal election to be held on the second Tuesday in April, 1952, one Councilman shall be chosen from each of the Districts in the City of Newark to succeed to the positions of the Councilmen whose terms expire in April, 1952, and a Mayor

shall also be elected. The terms of the Mayor and Councilmen shall be two years, or until their successors have been elected and qualified, provided, however, that whenever the Council shall increase the number of Districts pursuant to the power contained in Section 4 hereof, then at the next regular municipal election after such increase one of the Councilmen elected from said new District or Districts shall be elected for a term of one year and the other Councilman elected from said new District or Districts shall be elected for a term of two years.

The President of Council and the Councilmen in office on the effective date of this Charter shall hold office until the expiration of their terms, and shall from the effective date of this Charter be known and designated respectively as the Mayor and the City Council of the City of Newark.

Section 7. POWERS OF THE CITY:—The City of Newark shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The City of Newark shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by the enactment of this Charter. The City of Newark, as a body politic and corporate, shall succeed to, own or possess all property whether real, personal, or mixed, and all the rights, privileges, franchises, powers and immunities now belonging to, possessed by, or enjoyed by the former corporation known as "The Council of Newark."

The City of Newark may have and use a corporate seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise, lease or condemnation, for the purpose of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas or electric system, or other municipal purposes, but not for a gas or electric manufacturing or generating plant, and may sell, lease, mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware or restricted by this Charter, the City of Newark shall and may exercise all municipal powers,

functions, rights, privileges and immunities of every name and nature whatsoever.

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, it is intended that the City of Newark 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 City, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Council.

Section 8. QUALIFICATIONS—MAYOR AND COUNCIL:
—Any qualified voter of the City of Newark, who has not been convicted of a crime involving moral turpitude and who has resided in the City of Newark for at least two years next preceding his election shall be eligible for the offices of Mayor or Councilman; provided, any person elected to Council must at the time of his election reside in the district from which elected. In addition to the foregoing qualifications, the Mayor and at least one Councilman from each district shall be a freeholder of the City of Newark or the husband or wife of a freeholder of the City of Newark.

Residence in any area annexed to the City of Newark by virtue of the adoption of this Charter or pursuant to Section 3, shall constitute, for the purposes of this Section, residence in the City of Newark.

Loss of residence in the City or in the District from which elected, or loss of the freeholder qualification when required, or conviction for a crime, as above, during the term for which elected shall create a vacancy. In case of vacancy for any cause, either in Mayor or a member of Council, the Council shall have power to fill such vacancy until the next regular municipal election at which time the vacancy shall be filled by election for the unexpired term, if any.

Section 9. COMPENSATION:—The Mayor shall receive

an annual salary of Five Hundred Dollars (\$500.00) and each Councilman shall receive an annual salary of Two Hundred Fifty Dollars (\$250.00), or proportionate amounts for periods less than one year. The Mayor and the Councilmen shall receive reimbursement for actual and necessary expenses incurred in traveling when on official business.

Section 10. MEETINGS OF COUNCIL:—The Council of the City of Newark shall hold an organization meeting in the evening of the first Tuesday following the regular municipal election and shall meet regularly at least once a month thereafter. Special meetings may be called by the Mayor or by written request of any three members of the Council. All meetings except organization meetings shall be open to attendance by the public.

Section 11. MAYOR'S RELATIONSHIP TO COUNCIL:—The Mayor shall be the executive of the City. He shall preside at meetings of the Council, and shall have vote therein. He shall execute on behalf of the City, when authorized by Council, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed. He shall appoint all committees. He shall countersign all orders, checks or warrants authorized by Council and drawn on the Treasurer for payment of money; and shall have all and every power conferred and perform all duties imposed upon him by this Charter and the ordinances of the City.

In case of the temporary absence or inability to act of the Mayor, the City Council shall appoint a President pro tempore from the members of the City Council to act during such temporary absence or inability of the Mayor.

Section 12. POWERS OF COUNCIL:—The Mayor and the City Council shall constitute the legislative body of the City of Newark and together shall be designated as the Council.

The Council shall have power to adopt ordinances relating to the health of the population of the City, or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the City, which power shall extend to the area outside the City limits and within one mile from said limits. The Council may also pass ordinances to ascertain and fix bound-

aries of streets, squares, lanes and alleys; or repair and amend the same, and provide for the paving thereof, or to alter, extend, or widen any street, square, lane, or alley, or open and lay out new ones subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes and alleys; to fix the building lines upon the same; to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors, and other inlets to yards and buildings; to provide police and the lighting of streets at the expense of the City, and generally to prescribe and regulate the use of the streets, lanes and alleys of the City and to have and exercise control over the same; subject to the provisions in that behalf hereinafter contained, and to the general supervision and control of the general assembly, to provide for the regulations of auctions and auctioneers, also to regulate public amusements, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the heights, thickness of walls and materials of buildings and the mode of erecting the same within said City; and for providing for and securing the safety of the inmates thereof, and make provisions for the enforcement of such regulations; to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets and sidewalks within the City of Newark, and fix the license fee thereof and the penalty for not paying said fee or the breach of any other provision of such ordinance or regulation in all other respects regulate the markets within the said City of Newark. Provided, that no licensee fee shall be charged the producer who vends meats, fruits, vegetables or other farm products; to provide against the adulteration of milk and cream sold or sought to be sold in the said City, and to provide for the proper inspection of the same; and in its discretion to provide for the payment of the expenses thereof; to provide for the measuring or weighing of coal, lime, grain, or other matter sold in the said City; to regulate the storage of gunpowder or any other dangerous matter. They shall have power to lay and collect fines on the owners of any horse, cow, dog, or other animal which may be found at large in any of the streets, squares, lanes or alleys aforesaid, and in general shall have power to do all those matters and things for the well-being of the said City, which shall not be in contravention of any exist-

ting laws of this State or the Constitution thereof. The Council shall not have power to exempt any individual from the operation of any general ordinance or municipal regulations. The Council shall have power to require all persons owning or keeping any male or female dog or dogs within the limits of the said City to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have power to fix the time and manner of registering, the amount of the annual fee thereof, and the penalty for not registering by ordinance.

The Council shall have all other powers requisite to and appropriate for the government of the City of Newark, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well-being of its population, and for the protection and preservation of public and private property.

Section 13. JUDGE OF QUALIFICATIONS OF MEMBERS:—The Council shall be the judge of the election and the qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the Council shall be subject to review by the Courts.

Section 14. RULES OF PROCEDURE; RECORD:—The Council shall determine its own rules of procedure and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection. Elections for officers shall be by a majority vote of the members elected to Council and the results shall be entered on the record of the Council.

Section 15. QUORUM AND MAJORITY REQUIREMENT:—A majority of the members elected to the Council shall constitute a quorum to do business but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. No ordinance shall be valid unless it shall have the affirmative vote of a majority of the members elected to the Council. Resolutions, orders and motions shall be valid upon the affirmative vote of a majority of the members of

the Council present. No member shall be excused from voting on ordinances, resolutions, orders or motions.

Section 16. **ORDINANCES:**—In addition to such acts of the Council as are required by this Charter or by other State Law to be by ordinance, every act of the Council establishing a fine or other penalty shall be by ordinance. The enacting clause of all ordinances shall be "The Council of the City of Newark hereby ordains."

Section 17. **PROCEDURE FOR ENACTING ORDINANCES:**—Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have the concurrence of a majority of the members elected to the Council and unless it shall have had at least one reading at a previous stated meeting. After passage on first reading notice shall be published in at least one paper of general circulation in the City of Newark, at least ten (10) days prior to the established hearing date, stating the time and place where said ordinance will be given public hearing and be considered for final passage. At the time of the stated meeting and public hearing, the proposed ordinance shall be read in full or abstract and considered for passage. After the public hearing and consideration, the Council may finally pass the proposed ordinance. Amendments of existing ordinances making substantive changes and ordinances enacted to repeal existing ordinances are subject to the same procedural requirements as herein prescribed for the enactment of a new ordinance. Vote on any ordinance shall be taken by yeas and nays, and shall be entered upon the record of Council.

Section 18. **ORGANIZATION CHANGES BY COUNCIL:**—The enumeration of certain officials in this Charter to be appointed by the Council is not to be construed as a limitation on the power of the Council to create such new positions or offices as may be deemed essential to accomplish the objectives of the City's government, and to provide for the selection of suitable persons to fill any positions or offices.

Section 19. **THE SECRETARY:**—The Secretary shall record all the proceedings of the Council and keep a correct record of the same in a book to be provided for the purpose and shall

file and keep in a safe place the Seal of the City and all papers and documents relative to the affairs of the City; and deliver the same to his successor in office. The Secretary shall attest the Seal of the City when authorized by Council and shall perform such duties and have such other powers as may be prescribed by Council. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of the Council and the public under such regulations as Council may prescribe. The Secretary may be a member of the Council. He shall be elected by ballot at the annual organization meeting for a period of one year or until his successor is duly elected and qualified.

Section 20. THE SOLICITOR:—At the annual organization meeting the Council shall elect by ballot a City Solicitor for a term of one year or until his successor shall have been duly elected and qualified. The City Solicitor shall be a member of the Bar of the State of Delaware. It shall be his duty to give legal advice to the Council and other officers of the City, and to perform other legal services as may be required of him by the Council.

Section 21. THE ALDERMAN:—At the annual organization meeting or as soon thereafter as practicable, the Council shall elect by ballot some suitable person to be Alderman of the City of Newark to serve as such for the term of one year, or until his successor shall be duly elected; subject, however, to be removed from office at any time by a vote of two-thirds of all the members comprising the Council. He may or may not be a Justice of the Peace but he shall not be a member of the Council. Before entering upon the duties of his office he shall be sworn or affirmed by the Mayor or by any one of the Councilmen, or by any Justice of the Peace, to perform the duties honestly, faithfully, and diligently. He shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said City so far as to arrest and hold for bail, or fine and imprison offenders, and he shall also have jurisdiction and cognizance of forfeitures, and penalties which may be prescribed by any law of this State, or by any ordinance of the City Council regularly passed and established for the government of the City. Provided, that in the case of a 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 30 days in default of the payment of a fine imposed by him. He shall keep a book to be called "Alderman's Docket," in which shall be entered at large all his official acts. His fees for any service under this section shall be established by ordinance. If any vacancy shall occur in the office of the Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by Council at any meeting thereafter for the residue of the term. If any Alderman shall be removed from his office by the Council as herein provided, he shall deliver to his successor in office within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the Treasurer of the City all moneys in his hand belonging to the said City within five days after his removal; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon neglect or failure to pay over to the Treasurer of the City, within the time aforesaid, all moneys belonging to the City, 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.

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

Section 22. THE TREASURER:—At the annual organization meeting the Council shall elect by ballot a Treasurer for a term of one year, or until his successor shall have been duly elected and qualified. He shall be custodian of all funds of the City of Newark and shall deposit them, daily, in banking institutions located in the City as designated by the Council.

He shall not pay out any money except upon check or war-

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penalty in excess of that fixed by the ordinance, and shall not commit to prison for a longer term than 30 days in default of the payment of a fine imposed by him. He shall keep a book to be called "Alderman's Docket," in which shall be entered at large all his official acts. His fees for any service under this section shall be established by ordinance. If any vacancy shall occur in the office of the Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by Council at any meeting thereafter for the residue of the term. If any Alderman shall be removed from his office by the Council as herein provided, he shall deliver to his successor in office within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the Treasurer of the City all moneys in his hand belonging to the said City within five days after his removal; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon neglect or failure to pay over to the Treasurer of the City, within the time aforesaid, all moneys belonging to the City, 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.

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He shall not pay out any money except upon check or war-

rant countersigned by the Mayor and authorized by the Council, shall keep a true, accurate and detailed account of all monies received and of all monies paid out by him; shall preserve all vouchers for monies paid by him; and his books and accounts shall at all times be open to inspection by the Mayor or the members of City Council; and he shall make such reports and at such times as the Council may direct. He may be a member of the Council.

Section 23. THE ASSESSOR:—The Assessor shall be elected by ballot, at the regular meeting in June, for a period of one year or until his successor has been duly elected and qualified. His duties shall be as hereinafter provided.

Section 24. POLICE:—It shall be the duty of the Council to appoint a Police Force consisting of a Chief and such number of subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the Police Force. The members of the Force shall be subject to the directions of the Council, and may be removed by the Council, subject to the provisions of Section 26. They shall preserve peace and order, and shall compel obedience, within the City limits, to the ordinances of the City and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police Force shall be vested, within the City limits and within three miles outside of said limit with all the powers and authority of a Constable of New Castle County, and may carry firearms, and in case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware. The Chief of Police, the Mayor, or the Council may appoint special members of the Police Force with the same powers and duties as regular members of the Police Force.

Section 25. BOARD OF HEALTH:—At the annual organization meeting the Council shall appoint a Board of Health consisting of four members, one of whom shall be a practicing physician in the City of Newark. The Board shall serve for one year; shall have cognizance of the interests of life and health of

the people of the City and of the people residing within one mile of the boundaries of the City; shall report to the Council monthly in writing whatever is deemed by the Board to be injurious to the health of the people of the City, and shall also make recommendations to Council of whatever may contribute to useful sanitary information. The Board shall also have all powers and duties enumerated by the Laws of the State of Delaware for local Boards of Health.

Section 26. COMPENSATION OF OFFICERS AND EMPLOYEES:—The Council shall have power to fix the compensation of all officers elected by ballot at the annual organization meeting, and such other officers, employees and agents of the City, which by it may be deemed proper and necessary for the proper conduct and management of the City. Any officer or employee may be removed by the Council for sufficient cause; however, after five years' service removal may not be made without a public hearing.

Section 27. BONDING OF CITY OFFICIALS AND EMPLOYEES:—The Mayor, the City Treasurer, and such other officers and employees of the City of Newark as the Council may require shall give bonds for the faithful performance of their duties in such amounts and with such surety as may be approved by the Council. The premiums on such bonds shall be paid by the City of Newark.

Section 28. OATH OF OFFICE:—Every member of the Council, the City Treasurer, the heads of all city departments, and such other officials or employees as Council may by ordinance require, shall, before entering upon the duties of their office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Secretary:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

The Mayor, Members of Council, Alderman, and Secretary

of the Council shall have the power to administer oaths required by this Charter.

Section 29. PLANNING COMMISSION:—The Council of the City of Newark shall appoint a Planning Commission to consist of six members. Three of the members shall be appointed for one year and three for a two year term, thereafter all appointments shall be for a period of two years. The Planning Commission shall serve without compensation other than necessary expenses. The powers, duties and scope of activities of the Planning Commission shall be determined by ordinance. The Commission shall make an annual report and shall include in such report recommendations as may seem desirable to it for the welfare of the City. Public notice shall be given of the meeting when this annual report is to be made to Council.

Section 30. FISCAL YEAR:—The fiscal year of the City of Newark shall begin on the first day of March of each year and shall end on the last day of February. Such fiscal year shall also constitute the budget and accounting year.

Section 31. BUDGET:—Annually each year, and not later than the first Tuesday in February, the Council shall cause to be submitted a budget containing the financial plan for conducting the affairs of the City for the ensuing fiscal year.

The budget shall contain the following information:

1. A detailed estimate of the expense of conducting each department and office of the City for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the City, together with a schedule of maturities of bond issues.
4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, the amount required for the sinking fund.

5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the City from any source or sources.

6. Council shall allow adequate reserve for depreciation.

The budget shall be used as a guide in determining City expenditures but shall not be a limitation upon the power of the Council to appropriate funds in excess of the amounts set forth in the budget, if in its discretion it seems advisable to do so.

Section 32. INDEPENDENT ANNUAL AUDIT:—Each year in the month of February the Council shall designate a certified public accountant or firm of certified public accountants, who as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of fiscal transaction of the City government and shall submit their report to the Council. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. They shall not maintain any accounts of the City business, but shall, within specifications approved by the Council, audit the books and documents of the Treasurer or other appropriate officer and any separate or subordinate accounts kept by any other office, department, or an agency of the City government. When received, the report of the auditors shall become part of the minutes of the Council.

Section 33. FINANCIAL STATEMENT:—Each year in the month of March the Council shall make out a statement setting forth the whole amount of the existing debt of the City of Newark in an itemized form, the rate and amount of interest paid and when payable, the purpose for which each loan was created, the date of the loan under which each bond was issued, the amount issued and the amount outstanding at the time of publication, also the whole receipts of the treasury for the same year, the source from which derived and the amount received from each source, and the total payments made during the year on account of the several appropriations and expenses; the statement shall be open for public inspection, and not less than 500 copies shall be published in pamphlet form for free distribution among the residents of the City of Newark.

Section 34. POWER TO RAISE REVENUE:—The Council shall have the power to levy and collect taxes on real property within the limits of the City, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than \$100,000 in any one year clear of all delinquencies and expenses of collection. The Council shall have the right to grant or refuse, and to charge fees for licenses, or permits for traveling shows, and other businesses of any description within the limits of the City, to control their use of any property within the City. The Council shall also have the power to levy and collect franchise fees and to impose sewer rentals on sanitary sewers.

All manufacturing plants employing ten or more employees hereafter established within the City of Newark or brought within the boundaries of the City of Newark by virtue of the adoption of this Charter, or by virtue of any future extension of said boundaries shall be exempt from City taxation for a term of ten years from the time said plants are established or brought within the boundaries of the City of Newark.

The Council shall have the power by ordinance to allow discounts for early payment of taxes, to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

The Council shall have the power to fix the rates for general utility services operated by the City and to collect and utilize revenues from such utility services for the benefit of the City.

Section 35. THE CITY MAY ENGAGE IN BUSINESS:—The City of Newark shall have the right to engage in any business or enterprise in which a person, firm or corporation might engage by virtue of a franchise, except the generation of electric light and power; and shall have the right and power to acquire, own and maintain, within or without the corporate limits of such City, all real estate for municipal purposes for sites and rights-of-ways for public utility and general welfare purposes and for the location, erection and maintenance thereon of municipal utility plants and public facilities.

In any case where the Council may deem it to be to the best

interests of the people of the City of Newark to acquire the properties of any privately owned utility within the present or future boundaries of the City, the question shall be submitted to a vote of the freeholders of the City of Newark. The Council may at any time call a special election for such purposes upon thirty (30) days' notice. In acquiring said utility property, the City of Newark shall respect the franchise rights of the owners and shall in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility properties by municipalities. The City Council shall be authorized to negotiate the aforementioned purchase only upon the approval of a majority of the freeholders of the City of Newark. Provided, however, that in the event Council shall deem it advantageous to acquire the poles, wires, guys, cables and other appurtenances to the electric power lines in the area annexed to the City of Newark by virtue of the adoption of this Charter, the Council may acquire such lines from the owner or owners thereof without submitting the question to a vote of the freeholders of the City of Newark; and provided further that nothing in this section contained shall authorize the acquisition by the City of Newark of any through electric transmission lines.

Section 36. POWER TO BORROW MONEY:—The City of Newark may incur indebtedness by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the City of Newark or revenue bonds, either in whole or in part of the total amount necessary to provide funds for the erection, extension, enlargement or repair of any plant, machinery, appliances or equipment for the supply and distribution, but not for the manufacture or generation, of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvement of highways, streets or lanes, or the paving, curbing, or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost of the share of the City of Newark in the cost of any permanent municipal improvement. If general obligation bonds are issued, the total outstanding debt secured by such bonds shall not exceed \$800,000 at any one time.

If revenue bonds are issued, 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 City of Newark within the meaning of the bonded indebtedness limitation; provided, however, that in the event of some emergency, the City of Newark may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the City of Newark out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Council shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said 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.

Before the City of Newark may incur indebtedness by the issuance of bonds as aforesaid, the borrowing of money shall have been authorized by the Council and shall have been approved in the following manner:

1. The Council shall by resolution propose to the freeholders of the City of Newark the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in the City at least one week prior to the hearing date.

2. A public hearing shall be held at which time all persons of interest wishing to be heard shall be given an opportunity to

express their views. Their testimony shall be considered in evidence by the Council.

3. If Council desires to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than 30 days nor more than 60 days after the date of such resolution.

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 City once a week for 3 successive weeks prior to the election. The special election shall be conducted by the Election Board as herein provided for annual elections.

5. The Council shall cause the Election Board to prepare, print and have available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said referendum all freeholders of the City of Newark shall be entitled to one vote. Each corporation owning property in the City of Newark shall be entitled to one vote under this section.

6. The Election Board shall count the votes for and against the proposed loan and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan; and shall deliver the same to the Council, which certificates shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council. Provided, however, no bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.

7. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Council. The bonds shall be sold to the highest bidder after at least one month's notice published at least twice in a newspaper of general circulation in the City and at least once in a publication carrying municipal bond notices and devoted primarily to financial news. The Council shall provide, in its budget, for revenues sufficient to pay the interest and princi-

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 City of Newark within the meaning of the bonded indebtedness limitation; provided, however, that in the event of some emergency, the City of Newark may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the City of Newark out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Council shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said 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.

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pal on the said bonds or certificates of indebtedness at the maturity or maturities therefor. The faith and credit of the City of Newark shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.

Section 37. BORROWING, FOR CURRENT EXPENSES:—Whenever the needs of the City shall require more money than is, at the time, in the City Treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed. Provided, however, the amount of such indebtedness shall not at any time exceed the sum of \$100,000.00.

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 Mayor. The indebtedness created under this provision shall be evidenced by notes of the City, and the faith and credit of the City shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the bonded debt of the City when limitations under indebtedness, as set forth elsewhere in this Charter, are computed.

Section 38. VOTING QUALIFICATIONS:—Every person domiciled in the City of Newark who shall have reached the age necessary to vote in the State of Delaware election, who is a citizen of the United States, and who has been domiciled in the State of Delaware for at least one year and in the City of Newark for at least 3 months next preceding the day of the election and whose name is recorded in the registration book of the City of Newark shall be entitled to vote at the annual municipal elections and special elections and referenda except as otherwise provided in this Charter. Domicile in any area annexed to the City of Newark by virtue of the adoption of this Charter or pursuant to Section 3 shall constitute, for the purposes of this Section, domicile in the City of Newark.

The Council shall by ordinance provide for the registration of voters and may prescribe separate registration and voting

places in each of the respective districts, provided there be at least three registration days per year, the last one not more than thirty (30) days prior to any election or referendum. The hours of registration shall be the same as herein provided for voting at any election or referendum. The ordinance may provide for permanent registration lists.

Section 39. NOMINATIONS:—All nominations for Mayor and City Council shall be by petition, and there shall be no party designation on any such petitions or beside the name of any candidate for office. Each nominating petition shall bear the names of ten qualified voters in the City of Newark and petitions for candidates for City Council shall each contain the signatures of ten qualified voters residing in the district from which the candidate seeks election. The nominating petition for each candidate must be filed with the Secretary at least 10 days before the municipal election is held and checked by him forthwith.

Section 40. ABSENTEE VOTING:—The Council may prescribe by ordinance absentee ballots for persons who may be absent from the City during the time of an annual municipal election, special election or referendum or who because of sickness or because of physical disability cannot appear at the polling place on the day of the holding of an annual municipal election, special election or referendum.

Section 41. ANNUAL ELECTIONS:—A regular municipal election shall be held on the second Tuesday in April 1952 and on the second Tuesday of April in each year thereafter. All other municipal elections that may be held shall be known as special municipal elections. In each election, the polls shall be opened at 7:30 a.m. and shall be closed at 7:00 p.m. The Council shall designate the place or places of election and make all necessary rules and regulations, not inconsistent with this Charter or with the General Laws of the State of Delaware, for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

Section 42. BALLOTS:—The ballots provided for purpose of the municipal election shall bear no party designation and shall contain a list of all candidates in alphabetical order under the

offices to which they seek election. Official ballots shall not be used as sample ballots but shall be used only at the election. The Election Board shall not supply any ballots to any person except one ballot to each voter, proper to his district, as he enters the polls to vote. In the event of spoilage of a ballot, the spoiled ballot must be returned by the voter to entitle him to a new ballot. No ballot other than those supplied by the Election Board shall be used at the municipal election and the ballots shall contain only the names of candidates duly nominated by petition as hereinbefore described. Council may by ordinance provide for the use of voting machines in municipal elections.

Section 43. ELECTION OFFICERS:—All elections shall be held by an Election Board consisting of three or more citizens, not Councilmen, appointed by the Mayor with the approval of City Council. The Election Board may appoint official representative subordinates in each of the districts to supervise election administration. Should the members of the Election Board or their representatives be absent from any designated place of election at 7:30 a.m. of the day of the election, or fail or neglect to act in the conduct of such election, during all the time the polls are open, the voters present shall choose such number of persons as shall be necessary to fill the places vacant due to absence of the proper officials.

When the polls shall have been closed, the election officers shall publicly count the ballots and shall certify the result of the election to each of the persons elected and to the Council.

Section 44. CONTRACTS:—All contracts of whatever character involving an expenditure above an amount determined by resolution of the Council shall be written and shall be let and made by the Council and shall be based on specifications provided by the appropriate person designated by the Council.

Pending advertisement for bids, any plans, specifications, and profiles to be used in the proposed work or contract shall remain on file in the office of the Council and shall be subject to the inspection of any interested person. All contracts and purchases above an amount determined by resolution of the Council shall be entered into and made only after advertising not

less than two times in a newspaper of general circulation in the City, inviting competitive bids. Each such bid shall be sealed and filed with the person designated by the Council. All bids shall be opened in the presence of the Council or a duly authorized committee of the Council and shall remain on file.

The Council shall consider all bids which have been properly filed and may enter into a contract with the party offering the lowest and/or best bid, or they may reject all bids and re-advertise for bids, or they may have the work done under the supervision of the proper department of the City. The awarding of a contract to the successful bidder shall give no right of action or claim against the City upon such bid or contract until the same shall be reduced to writing and duly signed by the contracting parties. The Council shall have the power to require all bidders to post bonds to secure the performance of the contract and all claims for labor and material used in the work. The Council may reject any supplies as well as any other public work and buy supplies on the open market at a price less than the lowest bid received, or, if no bids are received, the Council may direct the purchase of supplies in the open market.

Section 45. FEES:—All fees and moneys received by any officer or employee shall belong to the City of Newark and shall be paid weekly to the office of the Treasurer unless herein or otherwise provided.

Section 46. ASSESSMENT PROCEDURE:—The Assessor shall annually make a true, just and impartial valuation and assessment of all real estate within the City except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware and also of such personal property as is subject to County assessment and taxation; provided, however, that in no event shall household furnishings, bank accounts, stocks, bonds, or automobiles be assessed or taxed. He shall prepare and submit to the Council on or before May 1 two or more copies of the assessment showing the location of each parcel of real and personal property, by street and number or other suitable description. When Council approves the roll as prepared or as modified by Council it shall cause a full and complete transcript thereof to be posted in said City on or before

the 2nd Monday in May at that place designated by the Council; the said transcript to remain posted up to but not including the appeal day. Notice shall be advertised in a newspaper of general circulation in the City of Newark at least once and notice shall be given by posting such announcement in at least ten public places throughout the City. Such notice shall show the time and place where the assessment list may be viewed and the time and place of hearing appeals.

On the fourth Monday of May, the Council shall hold a court of appeals, which shall continue open from one o'clock p.m. to eight o'clock p.m. during which time the Council shall hear and determine appeals from the said assessment and shall make such corrections or additions as may be deemed necessary and proper. If the said appeal day shall fall on a holiday, the appeals shall be heard on the next day. The decision of a majority of the Council sitting on appeals shall be final and conclusive in respect to all appeals.

No member of Council shall sit on his own appeal, but the same shall be heard and determined by the other members of Council. After the said valuation and assessment shall be examined and adjusted by the Council all property taxes shall be levied on real and personal property thus assessed in just and equal proportions.

Section 47. COLLECTION OF TAXES AND SPECIAL ASSESSMENTS:—As soon as practicable after the beginning of the new fiscal year, the Council shall deliver to the Treasurer a list containing the names of the taxables and opposite the name of each the amount of his real and personal property assessment, the rate of taxation per hundred dollars of assessed valuation and the total amount of the tax. The list shall be certified by the Secretary of Council. All taxes shall be paid to the Treasurer, subject to such discounts and penalties and rules as Council may direct.

It shall be the duty of the Treasurer to proceed forthwith to collect all taxes in the calendar year in which assessed and in the collection of said taxes he shall have all the powers conferred upon or vested in the Receiver of Taxes and the County Treasurer for New Castle County.

The provisions of Article VI, Chapter 79 of the Revised Code for the State of Delaware of 1935, as amended, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter, except that the lien for taxes imposed by the Council shall continue for a period of ten years from date such lien commences.

In addition to all existing methods and authority for the collection of taxes or special assessments due to the City of Newark, the following methods and authority are hereby established:

The City of Newark may file, or cause to be filed, a Praecipe in the office of the Prothonotary of the Superior Court in and for New Castle County, which Praecipe shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessments due and the property against which the assessment was laid; and the statement of the lot number or numbers of the particular section in which said property is located or the street number or numbers shall be sufficient identification and description of the said property. The Prothonotary shall make a record of same on the judgment records of said Superior Court against the property mentioned or described in said Praecipe. Thereafter upon a Praecipe for Monition filed in the office of said Prothonotary by the City of Newark through any person authorized on its behalf to collect taxes or assessments due to the City of Newark, a Monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which Monition shall briefly state the amount of the judgment for the taxes or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien; and a description of such property by street and number or by lot number or numbers of the particular section in which said property is located shall be a sufficient description. Said Monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessments stated herein

is paid within twenty days after the date hereof, or within such period of twenty days evidence of the payment of taxes herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for New Castle County, the City of Newark may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated:

Name of Person in whose name property is assessed	Description of property	Year or Years	Amount of Judgment
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Said Monition, or copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for the taxes or assessments is a lien. The Sheriff shall make due and proper return of his proceedings under said Monition to said Prothonotary within ten days after the posting of said copy of Monition as aforesaid. Alias or Pluries Monition may issue upon like Praecept. The posting of said Monition shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty days following the return of the Sheriff upon such Monition, unless before the expiration of said twenty days the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date therefor prior to the filing of said lien for record in the office of the Prothonotary as aforesaid, upon Praecept filed by the City of Newark, through its attorney, or any other person authorized on its behalf to collect taxes or assessments due to the City of Newark, a writ of Venditioni Exponas shall issue out of the office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writs of Venditioni Exponas issued out of the said Superior Court.

Said writ shall be substantially in the following form:

New Castle County }
The State of Delaware } SS

TO THE SHERIFF OF NEW CASTLE COUNTY

GREETINGS

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington, the _____ day of _____ A.D. 19____, IT WAS COMMANDED, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said posting. That on the _____ day of _____ A.D. 19____, you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the _____ day of _____ A.D. 19____.

We therefore now command you to expose to public sale real estate mentioned and described in said Monition as follows:

And that you should cause to be made as well a certain debt of _____ Dollars (\$) lawful money of the United States, which to the said City of Newark, a municipal corporation of the State of Delaware, is due and owing, as also the sum of _____ Dollars (\$) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said _____ was convicted as it appears of record and against which said property it is a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday the _____ day of _____, next, to render to the said City of Newark, a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ;

WITNESSETH, the Honorable _____
at Wilmington the _____ day of _____ A. D.
19____.

Prothonotary

Upon the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person or persons who are the owner or owners thereof, and likewise freed and discharged from any dower or curtesy or statutory right, in the nature of a dower or curtesy, whether absolute or inchoate, in or to said real estate, and from all equity of redemption and liens and encumbrances held by persons and corporation against said property.

The owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within one year from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen per cent in addition thereto, together with all costs incurred in the cause; or if the purchaser or his legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the City of Newark, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns.

In the event that the owner of said property or his legal representatives shall fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a Petition to the Superior Court setting forth the appropriate facts in conformity with this Act and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to said property to the Petitioner; and thereupon the said Superior Court shall have power, after a hearing upon said Petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said Petition, and a description of said property by street number or by lot number or numbers of the particular section in which said property is located, together with a description of said property by metes and bounds.

If the owner of any real estate sold under an order of sale or his legal representative shall redeem said real estate, he may prefer to said Superior Court a petition setting forth that fact and thereupon the said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the Judgment, under which said real estate was sold, a memorandum that the real estate described in the proceeding upon which said Judgment was entered has been redeemed and thereafter the said owner shall hold such redeemed real estate subject to the same liens, and the same order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

No Monition proceedings shall be brought under this Act unless the tax or assessment sought to be collected hereunder shall at the time of the filing of said Petition in the Office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for City purposes which may hereafter be lawfully assessed on real estate in the City of Newark shall constitute a prior lien thereon for a period of ten years from the first day of July succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until the tax is collected, and may, with all incidental costs and expenses, to be levied by sale thereof as hereinbefore provided. The said tax lien and costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may be charged with or liable to. The City of Newark shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Act and in the event that such person or persons is the highest and best bidder or bidders therefor the title thereto shall be taken in the name of the City of Newark, a municipal corporation of the State of Delaware. The City of Newark, by resolution duly adopted, is authorized and empowered to sell and convey any real estate purchased under the provisions of this Act.

Whenever the Superior Court is mentioned in this Statute, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this Act may be done by the said Superior Court or any Judge thereof in vacation thereof, as well as in term time.

The fees and costs to be fixed in all Monition proceedings under this Act, where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

Filing Praecept	\$1.10
Issuing Monition and copy	2.75
Issuing Alias or Pluries Monition and copy	2.75
Writ of Venditioni Exponas	2.25
Filing any Petition in Superior Court under this Act	1.00
Cost of paying money into Superior Court	1.00
Cost of paying money out of Superior Court for each check drawn	1.00

The following fees shall be charged by the Sheriff:

Posting Monition	\$.75
Posting each Alias or Pluries Monition or copy thereof	.75

All other charges not covered by this Act shall be the same as are now provided by law.

Section 48. ACQUISITION OF PROPERTY:—The City of Newark is hereby authorized and empowered, whenever it shall deem it necessary or expedient for any municipal purpose, to obtain or acquire property either within the boundaries of said City or outside said boundaries and to acquire title to such property by agreements with the owner or owners thereof. If the City of Newark fails to reach an agreement with the owner or

owners of such property, it shall have the power to take such property by condemnation proceedings in the same way and under the same rules and procedures as hereinafter provided in case of streets; provided, however, that the right of condemnation shall not extend to property owned by the State of Delaware or any agency thereof.

Title to condemned property shall pass to the City either in fee simple or in such lesser estate as shall have been condemned as of the date when the City pays to the owner or owners thereof or deposits in a bank as hereinafter provided, the amount of the condemnation award plus interest, as finally determined by a Court of competent jurisdiction or by the expiration of a required period within which further administrative or judicial proceedings may be instituted.

Section 49. LEVYING OF SPECIAL ASSESSMENTS:—The City of Newark is hereby authorized and empowered to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement; and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the proceeds of such special assessments.

Section 50. DEFINITION OF OWNER:—The term owner (or owners) shall be deemed to mean the person (or persons) who owned the property in question at the time of the enactment of the assessment ordinance, and any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this article.

Section 51. POWER OF CITY OF NEWARK OVER STREETS:—The several posts and mark stones now set and fixed on which may hereafter be established in the middle of the streets of said City of Newark, as well as all such other posts and mark stones as shall from time to time be set and fixed in the earth by the City of Newark shall in all cases and in all courts of law within the State be deemed, taken and allowed as land marks. The said City of Newark by itself or by its servants or agents shall have the right to enter upon any land within the

limits of the City and thereon set and fix such posts and mark stones as in the judgment of the Council is necessary; and if any person shall wilfully tamper with or remove any of said post or mark stones such person shall, for each such offense, forfeit and pay a fine of one hundred dollars; and the City of Newark may reward the informer of such offense by allowing him a portion of said penalty not exceeding a one-half thereof.

The Council shall have the power and authority to lay out, locate and open new streets and to widen or to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interests of the City; provided, however, that this power shall not be exercised with respect to property owned by the State of Delaware or any agency thereof without the approval of the State or State Agency. The procedure shall be as follows:

The Council shall, by a majority vote, adopt a resolution for the opening of a new street, or the widening or altering of a street, or the vacating or abandoning of a street, or any part thereof, as the case may be, the resolution giving a general description of the street to be opened, widened, altered, vacated or abandoned. The resolution shall also state the day, hour and place where and when the Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five (5) or more public places in the City at least five (5) days before the day fixed for the hearing aforesaid and shall be published in a newspaper of general circulation in the City of Newark at least five (5) days before said day. A copy of such resolution shall be sent to all persons who would be deprived of property in consequence thereof, and to all person or persons having or claiming any interest or lien therein, at least five (5) days before the day fixed for the hearing, by personal service or by registered mail addressed to their last known post office address. At the time and place fixed in said resolution, said Council shall hear such residents of the City, or owners of the property affected, as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem for the best interests of the City, the opening of a new street or the widening,

altering, vacating or abandoning of an existing street, or part thereof, as the case may be, as contemplated in their prior resolution. In case the determination of the Council shall be to proceed with the plan contemplated by said first resolution, they shall also award just and reasonable compensation to any who will be deprived of property in consequence thereof.

Such compensation as may be awarded shall be paid by the Treasurer of the City on a warrant drawn on him by the authority of the Council. Any land owner, or person having or claiming any interest or lien therein, who may be dissatisfied with the compensation awarded by the Council, may, within five (5) days after notice of the award of the Council, appeal therefrom by serving written notice to that effect on the Mayor. In order to prosecute said appeal, such appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal apply to the Resident Judge of the Superior Court of the State, in New Castle County, for the appointment of the freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge shall issue a commission under his hand, directed to five (5) impartial freeholders of the County, two of whom shall be residents in the City of Newark, commanding them to determine and fix the damages which the appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantages which will inure to the appellant, and to make return of their findings to the said Judge at the time therein appointed. The freeholders shall give notice of the day, hour and place when and where they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or sent by registered mail to his last known address, and if not served personally by posting a copy on the premises affected at least fifteen (15) days before the day when the freeholders are to view the premises, and a copy of such notice should also be served on the Mayor at least fifteen (15) days before the day of such meeting. The freeholders named in such commission, being first sworn or affirmed on the day and at the hour and place stated in the notice shall view the premises and hear the witnesses, and shall without delay, determine and fix the damages, if any, which said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon the said free-

holders shall make return in writing of their proceedings to the said Resident Judge, who shall cause a copy of said return to be delivered to the Mayor, and such return shall be final and conclusive. The said Judge shall have the power to fill any vacancies among the freeholders. On application within twenty (20) days after the award the said Judge may set aside a grossly improper award and appoint a new Commission. The amount of damages being ascertained, the City may pay or tender the same to the person entitled thereto within one (1) month after the same shall be finally ascertained, or may deposit the same in any Bank in the City to the credit of the person entitled thereto, within the said period of one (1) month, and thereupon the City may carry into effect the plan contemplated in the resolution aforesaid. The return of freeholders shall be filed in the Office of the Prothonotary of New Castle County.

In the ascertainment and assessment of damages by the freeholders, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the City of Newark, but if said damages shall not be increased, the said costs shall be paid by the appellant. The fees to the freeholders shall be Five Dollars (\$5.00) per day to each, which shall be taxed as a part of the costs.

Section 52. SEWER AND WATER MAIN IMPROVEMENTS:—The Council shall have the entire jurisdiction and control within the limits of said City of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of said City, and may pass ordinances for the construction of water mains and the opening of gutters, drains and sewers within the limits thereof. And the regulating and maintaining, cleansing and keeping the same and the natural water courses, runs and rivulets within the said limits open, clean, and unobstructed; and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same way and under the same rules and procedure as hereinbefore provided in case of streets, etc., and by general regulations prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, and kept open and unobstructed, and shall bear the expenses thereof and may in its discretion assess the costs of sanitary sewers upon the property particularly benefited thereby,

except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware, and prescribe the mode of collection thereof; PROVIDED, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Whenever the Council of the City of Newark shall determine, either on petition by a majority in numbers or in interest of the property holders abutting a proposed sanitary sewer construction, improvement, alteration, or repair or on its own initiative, that such construction, improvement, alteration, or repair of sanitary sewers is required, it shall order the City Engineer to proceed in accordance with law to undertake work and surveys necessary to make a report estimating cost and apportioning assessments. The Council shall then proceed as hereinbefore described for street improvements. The Council may perform such construction, improvement, alteration, or repair by contract or municipal agency. Provided, that assessment for the construction, improvement, alteration, repair and operation of sanitary sewers may be made upon the property abutting upon that portion of the street in which any sanitary sewer may be constructed under the provisions of this Charter, and shall be based upon the lineal feet of such property abutting on such street, each such lineal foot being assessed alike. In the case of property situated at the corner of two such streets or otherwise so situated as to be assessed for the cost of building a sanitary sewer in one of such streets, only the front of such property shall be liable for such assessments. The Council on individual appeals according to rules established by them, shall in all cases decide what portion of the corner property shall be considered frontage and what portion side frontage. Provided that in all corner properties the side frontage shall not exceed one hundred and twenty-five (125) feet and side frontage thus determined shall be exempt from the payment of any sanitary sewer assessment, unless the owner thereof should, after the side frontage is fixed as aforesaid, decide to make such side frontage the front of said property, in which case the owner shall pay such additional assessment as the Council may determine. No property shall be assessed for the cost of constructing the sanitary sewer and connecting the same with the disposal plant, unless such property shall abut and be bounded by that portion of the street in which a sanitary sewer

has been built, or unless such property has the right of access to such street or desires to use such sanitary sewer and the sanitary sewer is constructed upon the street upon which the property abuts, in either of which cases such property shall be liable for the same assessment as though a sanitary sewer was constructed in the portion of the street on which such property abuts, and the property shall not be liable for any further assessment for sanitary sewer purposes. Where any such assessments shall be made upon any land for the cost of constructing a sanitary sewer and connecting it with the disposal plant, the Council shall have the right to compel the owner to connect any building or structure erected as may be prescribed by the Council from time to time. The word street shall be deemed and held to comprehend and include highways, lanes and alleys.

Section 53. SIDEWALKS AND GUTTERS:—Whenever the City of Newark shall have determined that any paving, graveling or guttering of the sidewalks or any or either or all of them, shall be done it shall notify the owner or owners of land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of said owner or owners, to cause such paving, graveling or guttering to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the Council may proceed to have the same done, and when done the Treasurer of the City of Newark shall as soon as convenient thereafter present to the said owner or owners of such lands, a bill showing the expense of paving, graveling or guttering. If such owner or owners be not resident in the City of Newark, such bill may be presented to the occupier or tenant of said land or if there be no occupier or tenant resident in the City of Newark, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of the Council to issue an order in the name of "City of Newark" under the hand of the Mayor, and the seal of the said corporation, directed to the Treasurer of the City of Newark, commanding him to proceed to collect said delinquent assessment as levied in accordance with the authority granted under Section 47 "Collection of Taxes and Special Assessments"

of this Act. The claim for paving, graveling or guttering shall be a lien on the premises in front of which the said work was done, and shall have the same priority and be collectible in the same manner as municipal property taxes. If any new paving is ordered by the Council as aforesaid, in front of lot or lots held or owned by a widow or widows as and for her or their dower, such expense incurred as aforesaid shall be paid by the owner or owners of the reversion in fee simple. All subsequent repairs named in this Act are to be kept up at the expense of such tenant in dower. Any notice required by this section to one co-owner, shall be notice to all; and in case no owner shall reside in the City, notice may be served upon the occupier or tenant of said premises resident in the City, and if there be no such occupier or tenant, it shall be sufficient to send said notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her residence. The provisions hereinbefore contained in this section, shall apply to any order made by the Council in respect to any such paving, graveling, or guttering heretofore done, which the Council may deem insufficient or to need repairing. The Council in addition to the provisions of this section hereinbefore shall have power and authority to enforce by ordinance, all the requirements of this section by imposing such fines and penalties as shall be in the judgment of the Council necessary and proper.

The paving, curbing and guttering outside of said curbing shall be done by the Council at the expense of the City, except in case of property exempt from taxation, in which case the owner or owners of said exempt property shall pay for the paving, curbing and guttering outside of said curbing, and in case said owners refuse so to pave, curb and gutter, the Council may proceed to have the same done and collect the expense thereof in the same manner and by the same proceedings as are hereinbefore provided, in case of paving, graveling and guttering sidewalks, footways, etc., where the owners of property refuse to pave, gravel and gutter sidewalks and footways in front of their property.

Section 54. PROCEEDINGS MAY BE ABANDONED:—
The Council may by resolution, abandon in whole or in part at any time during the pendency thereof or within sixty days after

the final order of any court upon appeal from an award or assessment. When proceedings are abandoned by resolution of the Council, as provided by this Section, the Council may not begin new proceedings involving the same work, service, improvement, or action within six months after abandonment. If prior to the resolution of abandonment, possession of condemned property has been taken, the owner shall have a right of action to recover damages for the use and occupation with interest thereon from the date when possession was taken.

Section 55. ASSESSMENTS PAYABLE IN INSTALLMENTS:—The Council may provide for the payment of special assessments, for whatever purpose levied, by installments, but assessments for permanent improvements shall be within ten years in annual or more frequent installments, and assessments for current services shall be payable within one year.

Section 56. ASSESSMENTS NOT TO EXCEED VALUE OF BENEFIT:—The amount assessed against any property for any work or improvement shall not exceed the value of the benefits accruing to the property therefrom.

Section 57. NEW DEVELOPMENTS AND SUBDIVISIONS:—Whenever it is contemplated that a new real estate development shall be undertaken, the Council shall require the developer to submit plans and supporting documents to the Council or Planning Commission for approval prior to the actual construction and/or installation of improvements and utilities.

Whenever the installation of new facilities is contemplated in a partially developed area, the Council shall make a careful determination of the ability of the area to support the cost of the projected improvement before approving it.

Section 58. RETIREMENT PLAN:—The Council may provide, by ordinance, a Retirement Plan for any or all groups of employees in the service of the City of Newark.

Section 59. SEVERABILITY OF CHARTER PROVISIONS:—If any provision of this Charter or the application thereof to any person or circumstance is held invalid, such in-

validity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or applications, and to this end the provisions of this Charter are declared to be severable.

Section 60. FORMER GOVERNMENT IN FORCE:—All ordinances, resolutions, orders, rules, or regulations in force in the City of Newark at the time this Charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Council otherwise provides by ordinance, notwithstanding any change in organization effected by this Charter.

Section 61. CONTINUANCE IN OFFICE:—All persons holding any non-elective office or employment under the Town of Newark at the time this Charter goes into effect shall continue in such office or employment and shall draw the same rate of compensation as during the month preceding the adoption of this Charter until removed or until the compensation is changed.

The President of The Council of Newark shall continue as the Mayor of the City and the Councilmen of the Town shall continue as City Councilmen until their successors are elected and qualify as previously provided for in this Charter.

Section 62. APPOINTMENT AND REMOVAL OF A CITY MANAGER:—The Council may by ordinance provide for and establish a City Manager. It may state his qualifications and duties and shall fix his salary. The City Manager shall be responsible to the Council and may be removed by the Council upon a vote of two-thirds of the members thereof. The duties of other officers may be eliminated and combined with the duties of the City Manager if the ordinance so provides. Neither the Mayor nor any member of City Council may be appointed City Manager during his term of office or within one year thereafter, except in the event of a national emergency.

Section 63. EFFECTIVE DATE:—This Charter of the City of Newark or any section or provision thereof shall not take effect or be deemed to have changed or altered in any respect whatever any existing law or laws of the State of Delaware until

it shall have been accepted by the electors residing within the metes and bounds of the City of Newark, as described in Section 2 hereof.

The Council of The Council of Newark shall be and it is hereby authorized and empowered to call and provide for a special election, whenever it shall deem it expedient so to do, provided that such special election shall not be held within thirty (30) days after the approval of this Act by the Governor.

This election shall be held by an Election Board consisting of three citizens, not Councilmen, appointed by the President of Council and approved by Council. Every citizen residing within the limits of the City of Newark as described in Section 2 who was eligible to vote at the regular municipal election in April, 1951, shall be entitled to vote at such special election. In addition, a special registration day shall be designated by the Council of The Council of Newark not less than ten (10) days prior to the date of the special election at which every citizen residing within the limits of the City of Newark, as described in Section 2, who is not on the voting list may register to vote at the special election, provided such citizen has resided within the State of Delaware for one year and the City of Newark as described in Section 2 for a period of at least three (3) months prior to the date designated for such special election. Notice of said special registration day shall be posted in five of the public places within the corporate limits of The Council of Newark and in five of the public places outside the corporate limits of The Council of Newark but within the boundaries of the City of Newark as described in Section 2 at least one week before said special registration day. Notice of said special registration day shall also be published in the Newark Post at least one week before said special registration day. The polls for such special registration day and such special election shall be open between the hours of 7:30 a.m. and 7 p.m.

Such special election shall be called for the purpose of voting for the acceptance or the rejection of this Charter as adopted and approved by the General Assembly of the State of Delaware. Notice of said special election shall be posted and published at least one week before said special election in the same manner as

the notice of the special registration day provided for above. The Council of Newark shall provide ballots, at least as many in number as the number of qualified electors entitled to vote at such special election. The ballots shall be in such form as the Council of Newark shall deem fit and proper. If the majority of the votes cast by the electors within the corporate limits of The Council of Newark and a majority of the votes cast by the electors outside the corporate limits of The Council of Newark but within the boundaries of the City of Newark as described in Section 2 shall be in favor of the acceptance of this Charter, the Election Board shall declare this Charter to be in full force and effect; if less than a majority of the votes cast either within or without the corporate limits of The Council of Newark shall be in favor of the acceptance of this Charter, the Election Board shall certify that the Charter is rejected.

The expenses of holding said special election as set forth in this section shall be borne by The Council of Newark.

Approved June 2, 1951.

CHAPTER 153

COUNTY COMPTROLLERS

INCREASING SALARY OF NEW CASTLE COUNTY COMPTROLLER
AND HIS DEPUTY**AN ACT TO AMEND CHAPTER 46 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
COUNTY COMPTROLLERS, BY INCREASING THE
SALARIES OF THE COUNTY COMPTROLLER AND HIS
DEPUTY 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 46, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of the third paragraph of 1478. Sec. 3. thereof and inserting in lieu thereof a new third paragraph, as follows:

The salary of the Comptroller of New Castle County shall be Four Thousand Two Hundred Dollars (\$4,200.00) per annum, payable in semi-monthly installments by warrants duly drawn upon the County Treasurer of New Castle County. The Comptroller of New Castle County may select and employ one Deputy, at a salary of Thirty-six Hundred Dollars (\$3,600.00) per annum, to be paid in semi-monthly installments by warrants drawn upon the County Treasurer of New Castle County. Such Deputy Comptroller shall be under the control of said Comptroller, who shall have the right to discharge him at any time. Such Deputy Comptroller shall have the authority to sign or execute, in the name of the Comptroller, all checks, books, reports, bills or papers that the Comptroller is now or hereafter may be authorized, empowered or directed to sign or execute.

Section 2. This Act shall become effective on the First day of July, A. D. 1951.

Approved June 4, 1951.

CHAPTER 154

ELECTIONS

INCREASING SALARY OF SECRETARY OF BUREAU OF
REGISTRATION OF NEW CASTLE COUNTY**AN ACT TO AMEND CHAPTER 144, VOLUME 45, LAWS OF
DELAWARE, RELATING TO THE BUREAU OF REGIS-
TRATION OF NEW CASTLE COUNTY, BY INCREASING
THE SALARY OF THE SECRETARY OF THE BUREAU
OF REGISTRATION.**

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

Section 1. That Chapter 144, Volume 45, Laws of Delaware, be and the same hereby is amended by striking out the words "Three Thousand Dollars per annum" as they appear in the fourth and fifth lines of the second paragraph of Section 5 thereof, and inserting in lieu thereof the words "Four Thousand Dollars per annum."

Section 2. This Act shall become effective on the First day of July, A. D. 1951.

Approved June 4, 1951.

CHAPTER 155

FISH, OYSTERS AND GAME

RESPECTING LICENSES FOR RESIDENTS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "FISH, OYSTERS AND GAME," WITH RESPECT TO HUNTING, FISHING AND TRAPPING LICENSES ISSUED BY THE BOARD OF GAME AND FISH COMMISSIONERS FOR 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 adding a new paragraph at the end of 2885. Sec. 84. of said Chapter, as amended, which new paragraph shall read as follows:

Any member of the Armed Forces of the United States of America while actually stationed within the State of Delaware shall be deemed a resident of this State for the purpose of obtaining a license to hunt, trap and fish in this State. All applications by any such member of the Armed Forces for a resident license shall be acted upon, and all such licenses issued, at the offices of the Board, at Dover, Delaware. Each such application must be supported by a written statement signed by the applicant's commanding officer certifying to the applicant's place of station within this State.

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

Approved June 4, 1951.

CHAPTER 156

BETHANY BEACH

PROVIDING FOR INCREASE IN AMOUNT RAISED BY TAXATION

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 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 Ten Thousand Dollars (\$10,000.00) in any one year on all assessable real estate within the limits of said Town.

Approved June 4, 1951.

CHAPTER 157

ROADS AND BRIDGES

GRANTING POWER TO STATE HIGHWAY DEPARTMENT TO
CLOSE CERTAIN PUBLIC ROADS

**AN ACT TO AMEND CHAPTER 55 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO ROADS AND
BRIDGES BY GRANTING POWER TO THE STATE
HIGHWAY DEPARTMENT TO CLOSE CERTAIN PUBLIC
ROADS 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 55 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 1654. Sec. 10. thereof and by substituting in lieu thereof the following:

"1654. Sec. 10. The State Highway Department shall have full power and authority to close any public road in the State of Delaware running parallel with any improved highway in the State of Delaware, provided, that all the abutting property owners along said public road consent to the vacating of such public road and signify such consent in writing.

"Where any such public road is vacated and closed, the abutting property owners on either side thereof shall be permitted to extend the boundaries of their respective properties to the middle of such vacated and closed public road and shall own all of that land up to said middle of said vacated and closed public road."

Approved June 4, 1951.

CHAPTER 158

PERTAINING TO FUNDS OF STATE HIGHWAY DEPARTMENT

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, 1953, SHALL NOT REVERT TO THE GENERAL FUNDS 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, 1952, and June 30, 1953, 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 June 4, 1951.

CHAPTER 159

AUTHORIZING TRANSFER OF LANDS TO REHOBOTH JUNIORS'
SWIMMING AND SAILING CLUB, INC.**AN ACT AUTHORIZING THE STATE OF DELAWARE TO
TRANSFER CERTAIN PUBLIC LANDS IN THE VICIN-
ITY OF DEWEY BEACH TO THE REHOBOTH JUNIORS'
SWIMMING AND SAILING CLUB, INC.**

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

Section 1. That the Governor and the Secretary of State of the State of Delaware are hereby authorized and directed to execute in the name of and under the Great Seal of the State of Delaware a deed conveying unto Rehoboth Juniors' Swimming and Sailing Club, Inc., in consideration of the payment of Three Hundred Dollars by the said Rehoboth Juniors' Swimming and Sailing Club, Inc. to the State of Delaware, all that certain lot, piece or parcel of land situated in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, more particularly bounded and described as follows, to wit:

Beginning at a stone marker located in the westerly side of King Charles Avenue at the intersection of King Charles Avenue and Collins Avenue with the northeasterly corner of land of the Rehoboth Juniors' Swimming and Sailing Club, Inc.; thence North 2 degrees 0 minutes East along King Charles Avenue 30 feet to a newly established point on King Charles Avenue; thence along Collins Avenue North 88 degrees 0 minutes West 273 feet more or less to a point in the shore line of Rehoboth Bay at high water mark; thence along the aforesaid shore line as it meanders in a southerly direction 32 feet more or less to a newly established point, the said point being the division line extended between the lands of Rehoboth Juniors' Swimming and Sailing Club, Inc. and the lands of the State of Delaware (Collins Avenue); thence along the said division line extended South 88 degrees 0 minutes East 302 feet to the place of Beginning, be the contents thereof what they may.

Approved June 4, 1951.

CHAPTER 160

CLAIM

BEULAH MOORE

AN ACT TO APPROPRIATE MONEY TO BEULAH MOORE AS COMPENSATION FOR INJURIES SUFFERED, EXPENSES INCURRED AND TO BE INCURRED, AS THE RESULT OF AN ATTACK BY A DEER IN THE CONTROL AND CUSTODY OF THE DELAWARE GAME AND FISH COMMISSION.

WHEREAS, on February 4, 1949, the Delaware Game and Fish Commission seized a young deer; and

WHEREAS, the said Delaware Game and Fish Commission caused the deer to be confined within an enclosure at the residence of the Petersburg Refuge, which residence was occupied by James S. Moore and Beulah Moore, his wife; and

WHEREAS, on the late afternoon of September 19, 1949, the said deer escaped from its enclosure, attacking Beulah Moore, who suffered a fractured spine, crushed vertebrae and other internal injuries, from which she narrowly escaped death, and for which she was hospitalized for a long period of time; and

WHEREAS, the said Beulah Moore has not fully recovered from the effects of the injuries she received as aforesaid, nor has she been able to carry on her usual activities at certain times for which she received compensation; and

WHEREAS, until the said Beulah Moore is fully recovered from the effects of her injuries, it will be necessary to make further expenditures for care and attention; NOW, THEREFORE,

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

Section 1. That the sum of Twenty-five Hundred Dollars (\$2500.00) is hereby appropriated to Beulah Moore to reimburse

her for injuries sustained, expenses incurred and expenses to be incurred as result of attack by deer of the Delaware Game and Fish Commission as aforesaid.

Section 2. 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. The State Auditor and State Treasurer are hereby authorized and directed to draw and deliver to Beulah Moore a warrant for the payment of the said sum of Twenty-five Hundred Dollars (\$2500.00).

Approved June 4, 1951.

CHAPTER 161

STATE REAL ESTATE COMMISSION

INCREASING ANNUAL LICENSE FEE OF REAL ESTATE BROKERS
AND SALESMEN

**AN ACT TO AMEND CHAPTER 161, REVISED CODE OF
DELAWARE, 1935, RELATING TO "STATE REAL ES-
TATE COMMISSION," BY INCREASING THE ANNUAL
LICENSE FEE OF REAL ESTATE BROKERS AND
SALESMEN.**

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

Section 1. That Paragraph 5485. Sec. 13. of Chapter 161, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and deleting the first sentence of said paragraph and by inserting and enacting in lieu thereof the following:

"The Commission shall charge for the certificate provided for in this Chapter an annual fee of Twenty-five Dollars (\$25.00) to each real estate broker, and Five Dollars (\$5.00) to each real estate salesman."

Approved June 4, 1951.

CHAPTER 162

MOTOR VEHICLES

RELATING TO TRAFFIC CONTROL LIGHTS

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES
IN REFERENCE TO TRAFFIC CONTROL LIGHTS.**

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the words "at any intersection" as the same appear in Paragraph (c) of 5638. Sec. 100.

Approved June 4, 1951.

CHAPTER 163

APPROPRIATION

TO CERTAIN FIRE COMPANIES

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

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all 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. 1951, and is now duly organized and equipped for the fighting of fires, there is hereby appropriated the sum of One Thousand Two Hundred and Fifty Dollars (\$1,250.00) annually for each of the fiscal years beginning July 1, 1951, and beginning July 1, 1952, 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 Two Hundred and Fifty Dollars (\$1,250.00) 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. 1950, 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 Two Hundred and Fifty Dollars (\$1,250.00) 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 June 4, 1951.

CHAPTER 164

FEES OF PUBLIC OFFICERS

AN ACT TO AMEND CHAPTER 156 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "FEES OF PUBLIC OFFICERS," AS AMENDED, BY MAKING CERTAIN CHANGES IN THE AMOUNT OF FEES CHARGED BY THE PROTHONOTARIES OF THE SEVERAL COUNTIES AND BY THE RECORDERS IN KENT AND SUSSEX COUNTIES.

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

Section 1. That Paragraph 5349. Sec. 6. of Chapter 156 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the twenty-sixth sub-paragraph thereof, as found on page 1083, and by inserting in lieu thereof a new twenty-sixth sub-paragraph, as follows:

Entering judgment upon bond with warrant of attorney to Prothonotary or attorney for confession of judgment..... 1.25

Section 2. That Paragraph 5349. Sec. 6. of Chapter 156, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the sixty-ninth sub-paragraph thereof, being the third sub-paragraph under "Other Services" as found on page 1084, and by inserting in lieu thereof a new sixty-ninth sub-paragraph, as follows:

Entering satisfaction of a judgment, assignment of judgment or marking a judgment to the use of 0.00

Section 3. That Paragraph 5349. Sec. 6. of Chapter 156, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the seventieth sub-paragraph thereof, being the fourth sub-paragraph under "Other Services" as found on page 1084, and by inserting in lieu thereof a new seventieth sub-paragraph, as follows:

Search upon application of a person, not an attorney of the Court..... 2.50

Section 4. That Paragraph 5356. Sec. 13. of Chapter 156, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the ninth sub-paragraph thereof, as found on page 1090, and by inserting in lieu thereof a new ninth sub-paragraph, as follows:

Conveyance and lien searches, time consumed in making same, two dollars and fifty cents for first hour and one dollar additional for every additional hour.

Approved June 4, 1951.

CHAPTER 165

DELAWARE WORKMEN'S COMPENSATION LAW

ELSMERE

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917, AS AMENDED, BY PROVIDING FOR THE APPLICATION THEREOF TO OFFICERS AND EMPLOYEES OF THE TOWN OF ELSMERE.

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

Section 1. That 6118. Sec. 48. of Chapter 175, Revised Code of Delaware, 1935, as amended, be further amended by adding at the end of the first paragraph thereof the following words, to wit:

"and excepting officers and employees of THE COMMISSIONERS OF ELSMERE, a municipal corporation of the State of Delaware."

Section 2. That 6118. Sec. 48. of Chapter 175, Revised Code of Delaware, 1935, as amended, be further amended by adding at the end of the second paragraph thereof the following words, to wit:

"and the said election by THE COMMISSIONERS OF ELSMERE shall be by and under the control of THE COMMISSIONERS OF ELSMERE."

Approved June 4, 1951.

CHAPTER 166

EMPLOYEES AND EMPLOYERS

REQUIRING EMPLOYERS TO KEEP CERTIFICATES OF AGE

AN ACT TO AMEND CHAPTER 90, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "EMPLOYERS AND EMPLOYEES" BY REQUIRING EMPLOYERS TO KEEP CERTIFICATES OF AGE FOR CERTAIN MINOR EMPLOYEES.

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

Section 1. That Chapter 90, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 3603. Sec. 13. thereof and inserting in lieu thereof a new 3603. Sec. 13:

3603. Sec. 13. Employer Shall Keep Employment Certificate and Certificate of Age:—No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or in any occupation, except as hereinafter provided, unless the person, firm or corporation employing such child procures and keeps on file, and accessible to the State Child Labor Inspector, the employment certificate or permit issued to said child.

No child between sixteen and eighteen years of age inclusive shall be employed, permitted or suffered to work in, about or in connection with any establishment or in any occupation, unless the person, firm or corporation employing such child procures and keeps on file, and accessible the certificate of age issued to said child.

Approved June 4, 1951.

CHAPTER 167

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

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

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

Section 2. That the State Treasurer be and is hereby authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Four Thousand One Hundred Five Dollars and Eight Cents (\$4,105.08) representing deposits for repayment of State Income tax and State War Emergency Gross Income tax which sum is now on deposit at the Farmers' Bank at Wilmington to the credit of an account known as State Tax Commissioner, Special in the amount of Ten Dollars and Eighty-six Cents (\$10.86), and to the credit of an account known as State Tax Department, Refund Special Account in the amount of Four Thousand Ninety-four Dollars and Twenty-two Cents (\$4,094.22).

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 4, 1951.

CHAPTER 168

GENERAL PROVISION CONCERNING COURTS

INCREASING SALARY OF COURT CRIER
IN NEW CASTLE 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 NEW CASTLE COUNTY.**

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

Section 1. That Chapter 108 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out of the first sentence of 4245. Sec. 11. thereof the following words:

"and in New Castle County, Two Thousand and Four Hundred Dollars (\$2,400.00) per year,"

and inserting in lieu thereof the following:

"and in New Castle County, Three Thousand and Two Hundred Dollars (\$3,200.00) per year."

Section 2. This Act shall become effective on the First day of July, A. D. 1951.

Section 3. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistencies.

Approved June 4, 1951.

CHAPTER 169

COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY

INCREASING SALARY OF CLERK

AN ACT TO AMEND CHAPTER 169, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY INCREASING THE SALARY OF THE CLERK OF COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

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

Section 1. That 5819. Sec. 13. of Chapter 169, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the words "Twenty-seven Hundred (\$2,700.00) Dollars," as they appear in the first paragraph and inserting in lieu thereof the words "Thirty-six Hundred (\$3,600.00) Dollars."

Section 2. This Act shall become effective on the First day of July, A. D. 1951.

Section 3. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistencies.

Approved June 4, 1951.

CHAPTER 170

INCREASING COMPENSATION OF BAILIFFS IN
NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "GENERAL PROVISIONS CONCERNING COURTS," AND CHAPTER 156 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FEES OF PUBLIC OFFICERS," BY INCREASING THE COMPENSATION OF THE BAILIFFS 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 4244. Sec. 10. of Chapter 108 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the words "Twelve Hundred Dollars (\$1,200.00), per annum," as they appear in the second sentence of the first paragraph and inserting in lieu thereof the words "Two Thousand Four Hundred Dollars (\$2,400.00), per annum."

Section 2. That 5361. Sec. 18. of Chapter 156 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the third sentence thereof and inserting in lieu thereof a new third sentence to read as follows:

"In New Castle County each bailiff shall receive a salary of Two Thousand Four Hundred Dollars (\$2,400.00), per annum, payable semi-monthly, in the same manner as the salaries of other county officers are paid."

Section 3. This Act shall become effective on the First day of July, A. D. 1951.

Section 4. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistencies.

Approved June 4, 1951.

CHAPTER 171

MILFORD

AN ACT TO AMEND CHAPTER 162, VOLUME 37, LAWS OF DELAWARE, 1931, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF MILFORD' TO 'THE CITY OF MILFORD' 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 of each Branch thereof concurring therein):

Section 1. That Section 5 of Chapter 162, Laws of Delaware, 1931, be and the same is hereby amended by striking out all of paragraph (C) of Section 5 of said Chapter 162 and substituting in lieu thereof the following new paragraph:

(C) The Mayor and Members of Council shall be citizens of the State of Delaware and residents and non-delinquent taxables of the City of Milford and shall be above the age of 21 years. A Member of Council shall be a resident of the ward from which he is elected.

Section 2. That Section 10 of Chapter 162, Volume 37, Laws of Delaware, 1931, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Section 10. Removal from a ward by a Councilman elected therefrom shall create a vacancy in the Council from said ward. In case of vacancy created in the Office of Mayor or Member of Council either by death, resignation, loss of residence in the City of Milford, or in the case of a Councilman by removal from the ward from which he was elected, or otherwise, the Council shall fill such vacancy for the residue of the whole term; provided, however, if a vacancy shall be created in the office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person from the ward in which said vacancy occurs to serve until the next annual

election, at which time there shall be elected a suitable person from the ward in which said vacancy occurs to fill the unexpired term of said office.

Approved June 4, 1951.

CHAPTER 172

FISH, OYSTERS AND GAME

RELATING TO OPEN SEASON ON SQUIRRELS IN NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 74, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME," BY CHANGING THE DATES OF THE OPEN SEASON ON SQUIRRELS 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, as amended, be and the same is hereby further amended by striking out and repealing the last paragraph of 2821. Sec. 20. thereof which relates to the open season on squirrels in New Castle County.

Section 2. That Chapter 74, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the words, "Squirrel from September 15th to November 1st, next following," as they appear in the second paragraph of 2821. Sec. 20. thereof and inserting in lieu thereof the following:

"Squirrel from September 15th to November 1st, next following, except in that portion of New Castle County lying north of the Chesapeake and Delaware Canal, where the open season shall be from October 1st to November 15th, next following."

Approved June 4, 1951.

CHAPTER 173

APPROPRIATION

UNIVERSITY OF DELAWARE GEOLOGICAL SURVEY FUND

AN ACT PROVIDING FOR THE CREATION OF A GEOLOGICAL SURVEY FOR THE STATE OF DELAWARE; 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 GEOLOGICAL SURVEY; ITS POWERS AND DUTIES:—There is hereby created within the State of Delaware the Delaware Geological Survey, consisting of five (5) members, to be appointed by the Governor, and to serve during the pleasure of the Governor. The members shall not receive any salary but shall receive their actual expenses incurred in carrying out their obligations as members of said Commission. The President of the University of Delaware shall be one of the members named to the Commission.

Section 2. ORGANIZATION OF DELAWARE GEOLOGICAL SURVEY:—The Delaware Geological Survey shall be under the direction of the University of Delaware. The University shall have general charge of the Survey and shall appoint as superintendent of the same a State Geologist and such assistants and employees as is deemed necessary, determining the compensation of all persons employed by the said Survey. The State Geologist shall be a member of the technical or professional staff of the University of Delaware, and one-half of the salary of the said State Geologist shall be paid from monies appropriated in this Act with the understanding that the other one-half shall be paid by the University of Delaware out of its instructional budget. In matters of general, as opposed to administrative, direction of the Survey's activities in the fields of investigation, technical research, and publication, the University shall work in collaboration with the State Geological Commission.

Section 3. PURPOSE OF SURVEY:—The Survey shall have as its object and purpose the following:

(a) The systematic investigation of the geologic structure of the State, the nature and composition of the igneous, sedimentary and metamorphic rocks, their areal extent and thickness, and other features that may lead to a better understanding of the geology of the State.

(b) The systematic exploration and examination of all minerals, rock materials, water and other earth resources which are, or may become in the foreseeable future, of importance to the economic development of the State, or to the defense of the State or the United States.

(c) The examination of the physiographic features of the State, with special reference to their practical bearing upon the State's economic life.

(d) The preparation of reports, with necessary illustrations and maps, which shall embrace both a general and detailed description of the geology and earth resources of the State.

(e) The preparation of special geologic maps to illustrate the earth resources of the State.

(f) The consideration of such other scientific questions in the field of geology, as shall be deemed of value to the people of the State.

(g) The recommendation and preliminary drafting of such new State laws as shall be deemed advisable or necessary for regulating the optimum utilization and equitable administration of the State's geological resources.

Section 4. REPORTS OF SURVEY:—The Geological Survey shall prepare reports to the Legislature showing the progress and conditions of the Survey together with such other information as it may deem necessary and useful. Any reports, maps or other literature prepared and printed by the Survey shall be distributed or sold as the interest of the State and of science

demand. All material collected after having served the purposes of the Survey, shall be distributed to the educational institutions of the State; or the whole or part of such material shall be put on public exhibition.

Section 5. APPROPRIATION:—There is appropriated to the Delaware Geological Survey Fund of the University of Delaware the sum of Fifteen Thousand Dollars (\$15,000) for the fiscal year beginning July 1, 1951 and ending June 30, 1952, and a like sum is hereby appropriated for the fiscal year beginning July 1, 1952 and ending June 30, 1953.

Approved June 4, 1951.

CHAPTER 174

AUTHORIZING THE SALE OF CERTAIN REAL ESTATE
IN WILMINGTON**AN ACT TO AUTHORIZE THE SALE OF CERTAIN REAL
ESTATE IN THE CITY OF WILMINGTON.**

WHEREAS, by a legislative act, duly approved March 6, 1929, and entitled "An Act relating to the Board of Public Education in Wilmington" (36 Laws of Delaware 426), the Board of Public Education in Wilmington was authorized and directed to convey to The Mayor and Council of Wilmington, upon the latter's request, any land or building owned by the said Board which shall cease to be used for school purposes in the same manner and to the same extent as they were formerly used; and the said Mayor and Council were further empowered and authorized to sell any land or building so conveyed; and

WHEREAS, The Mayor and Council of Wilmington, by a resolution duly adopted in regular session on September 29, 1932, requested the Board of Public Education in Wilmington to convey to the said Mayor and Council the land and building at Ninth and Scott Streets, formerly used by said Board for school purposes under the designation of School Number 11; and

WHEREAS, the Board of Public Education in Wilmington, by a motion duly carried in regular session on October 10, 1932, resolved to comply with the aforementioned request of The Mayor and Council of Wilmington and ordered the conveyance of the said land and building formerly used as Number 11 School; and

WHEREAS, the Board of Public Education in Wilmington by deed dated July 6, 1933, and recorded in the office of the Recorder of Deeds, etc., of New Castle County, Delaware, in Deed Record T, Volume 38, Page 277, etc., conveyed to The Mayor and Council of Wilmington only a part of the said lands and premises formerly used as Number 11 School, although intending so to convey all of the said lands and premises; and

WHEREAS, the remaining parts of the said lands and premises formerly used as Number 11 School were respectively con-

veyed to The Mayor and Council of Wilmington on February 26, 1862, and December 27, 1862, which conveyances are recorded in the aforesaid office of the Recorder of Deeds in Deed Record P, Volume 7, Page 412, etc., and Deed Record A, Volume 7, Page 69, etc., and have ever since remained the property of the said Mayor and Council and have never been conveyed to nor owned by the Board of Education in Wilmington, although intended so to be when first used for school purposes; and

WHEREAS, an Act of the General Assembly is necessary for the conveyance of good and sufficient title to the said lands and premises formerly used for school purposes; 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. The Mayor and Council of the City of Wilmington shall have power and authority under an ordinance of Council to be passed with the concurrence of two-thirds of all the members thereof, to sell and convey, in fee simple, all that portion of the real estate with the buildings thereon erected, belonging to The Mayor and Council of the City of Wilmington and formerly used for public school purposes, lying and being between Howland Street, Scott Street, Ninth Street and DuPont Street in said City. Such sale may be either public or private. Upon such sale, the said Mayor is hereby authorized and empowered to execute and deliver to the purchaser, or purchasers, thereof a good and sufficient deed conveying the title thereto in fee simple.

Section 2. The proceeds of the said real estate shall be paid to the Commissioners of the Sinking Fund of the City of Wilmington, to be by them expended in the purchase or redemption of the bonds of said City, or such proceeds may be expended in making a payment on account of any debt of said City, which will reduce the amount of any loan authorized by law, and such authorized loan shall be reduced accordingly.

Section 3. All Acts and parts of Acts inconsistent with this Act be, and the same are hereby repealed.

Approved June 4, 1951.

CHAPTER 175

FREE PUBLIC SCHOOLS

RAISING THE LIMITATION RESPECTING BONDS WITH REGARD
TO ASSESSED VALUATION

**AN ACT TO AMEND CHAPTER 71, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, RELATING TO FREE
PUBLIC SCHOOLS BY RAISING THE LIMITATION RE-
SPECTING BONDS WITH REGARD TO ASSESSED
VALUATION.**

*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, as amended by Chapter 1, Volume 47, Laws of Delaware, 1949, at the Special Session of the 115th General Assembly, as found on page 1070, be and the same is hereby further amended by striking out the words "seven per centum (7%)" where they occur in the eighth line thereon and by inserting in lieu thereof the words "ten per centum (10%)."

Approved June 4, 1951.

CHAPTER 176

RELATING TO NOTARIES PUBLIC FOR
FINANCIAL INSTITUTIONS**AN ACT TO AMEND CHAPTER 42, REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY DELETING THE RESTRICTION UPON THE DUTIES OF NOTARIES PUBLIC APPOINTED FOR FINANCIAL INSTITUTIONS.**

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

Section 1. That Chapter 42, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the second sentence of the second paragraph of 1136. Sec. 1. thereof.

Approved June 4, 1951.

CHAPTER 175

FREE PUBLIC SCHOOLS

RAISING THE LIMITATION RESPECTING BONDS WITH REGARD
TO ASSESSED VALUATION

**AN ACT TO AMEND CHAPTER 71, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, RELATING TO FREE
PUBLIC SCHOOLS BY RAISING THE LIMITATION RE-
SPECTING BONDS WITH REGARD TO ASSESSED
VALUATION.**

*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, as amended by Chapter 1, Volume 47, Laws of Delaware, 1949, at the Special Session of the 115th General Assembly, as found on page 1070, be and the same is hereby further amended by striking out the words "seven per centum (7%)" where they occur in the eighth line thereon and by inserting in lieu thereof the words "ten per centum (10%)."

Approved June 4, 1951.

CHAPTER 176

RELATING TO NOTARIES PUBLIC FOR
FINANCIAL INSTITUTIONS**AN ACT TO AMEND CHAPTER 42, REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY DELETING THE RESTRICTION UPON THE DUTIES OF NOTARIES PUBLIC APPOINTED FOR FINANCIAL INSTITUTIONS.**

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

Section 1. That Chapter 42, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the second sentence of the second paragraph of 1136. Sec. 1. thereof.

Approved June 4, 1951.

CHAPTER 177

REHOBOTH BEACH

RELATING TO SCRAP SEWER ASSESSMENT

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, RELATING TO THE SCRAP SEWER ASSESSMENT OF THE 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 of the Legislature concurring therein):

Section 1. That Section 26 of Chapter 161, Volume 41, Laws of Delaware, bearing the heading "Scrap Assessment for Sewers," be amended by striking out the words "Board of Assessment" where they appear in said Section, and substituting therefor the words "City Manager."

Approved June 4, 1951.

CHAPTER 178

REHOBOTH BEACH

RELATING TO THE TIME OF LEVYING ANNUAL TAXES

AN ACT TO AMEND THE CHARTER OF THE CITY OF REHOBOTH BEACH AS ESTABLISHED BY CHAPTER 161, VOLUME 41, LAWS OF DELAWARE, IN RELATION TO THE TIME OF LEVYING ANNUAL TAXES.

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 24 of Chapter 161, Volume 41, Laws of Delaware be amended by striking out the word "July" where it appears in said Section, and substituting therefor the word "June."

Approved June 4, 1951.

CHAPTER 179

UNEMPLOYMENT COMPENSATION LAW

AN ACT TO AMEND CHAPTER 258, VOLUME 41, LAWS OF DELAWARE, 1937, AS AMENDED, KNOWN AS THE "UNEMPLOYMENT COMPENSATION LAW."

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

Section 1. That Section 2 of Chapter 258, Volume 41, Laws of Delaware, 1937, as amended, be and the same is hereby amended by adding thereto a new and additional subsection, entitled Section 2 (q), and reading as follows:

"Section 2 (q). DAY OF NOTICE OR DAY OF FILING:—When any notice, report, or other document is required to be filed under the provisions of this Act, and the same is forwarded by mail to the Commission, the day of mailing shall be deemed and taken to be the day of filing. When the day, or the last day, for doing any act required to be done falls on Saturday, Sunday, or a holiday, the act may be done on the first ensuing day that is not a Saturday, Sunday or holiday."

Section 2. That Section 6 (b) of Chapter 258, Volume 41, Laws of Delaware, 1937, as amended, be and the same is hereby amended by striking out the third sentence thereof, which now reads: "Unless the claimant or any such interested party, within five calendar days after the delivery of the deputy's notification, or within seven calendar days after such notification was mailed to his last-known address, files an appeal from decision, such decision shall be final and benefits shall be paid or denied in accordance therewith," and by substituting in lieu thereof a new sentence, reading as follows: "Unless the claimant or any such interested party, within seven calendar days after the delivery of the deputy's notification, or within ten calendar days after such notification was mailed to his last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. "

Section 3. That Section 7 (c) of Chapter 258, Volume 41, Laws of Delaware, 1937, as amended, be and the same is hereby amended by adding thereto a new and additional paragraph, entitled Section 7 (c) (8), and reading as follows:

"Section 7 (c) (8). CONTRIBUTION RATES AFTER TERMINATION OF MILITARY SERVICE:—If the Commission finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners, or the majority stockholder into the Armed Forces of the United States, after January 1, 1950, such employer's experience-rating record shall not be terminated; and, if the business is resumed within 2 years after the discharge or release from active duty in the Armed Forces of such person or persons, the employer's experience shall be deemed to have been continuous throughout such period. The benefit-wage ratio of any such employer for the calendar year in which he resumes business and the three calendar years immediately following shall be a percentage equal to the total of his benefit wages (including any benefit wages resulting from the payment of benefits to any individual during the period the employer was in the Armed Forces based upon wages paid by him prior to his entrance into such Forces) for the three most recently completed calendar years divided by that part of his total payroll, with respect to which contributions have been paid to the Commission, for the three most recent calendar years during the whole of which, respectively, such employer has been in business."

Section 4. That Section 10 (a) of Chapter 258, Volume 41, Laws of Delaware, 1937, as amended, be and the same is hereby further amended by deleting the following language in the sixth sentence thereof: "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)"; and by inserting in lieu thereof the following language: "The Chairman of the Commission shall receive an annual salary of Eight Thousand Dollars (\$8,000) while the annual salary of each associate member shall be Three Thousand Six Hundred Dollars (\$3,600)."

Provided, however, that all such salaries shall be paid from the unemployment compensation administration fund and shall not be paid from any funds appropriated by the General Assembly.

Approved June 4, 1951.

CHAPTER 180

UNEMPLOYMENT COMPENSATION LAW

RELATING TO BENEFIT PAYMENTS TO SEASONAL WORKERS

AN ACT TO AMEND CHAPTER 258, VOLUME 41, LAWS OF DELAWARE, AS AMENDED, (KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW"), BY CHANGING THE PROVISIONS RELATIVE TO BENEFIT PAYMENTS TO SEASONAL WORKERS 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 19 of Chapter 258, Volume 41, Laws of Delaware, as amended, be further amended by striking out all of the said Section 19 and inserting in lieu thereof a new Section 19, reading as follows:

Sec. 19 (a). In the case of a claimant more than seventy-five per cent of whose base period earnings were received for seasonal employment, benefits shall be payable in any benefit year in any given calendar month only if the claimant had been employed in the corresponding calendar month of his base period.

Sec. 19 (b). The term "seasonal employment" means employment in a seasonal industry by a person who has been engaged in such industry during his base period and who during the portion or portions of the year when such industry was not in operation, was not engaged in any other work. Provided, however, that no occupation or industry shall be deemed to provide seasonal employment that is not part of the first processing of agricultural products and/or seafood products. For the purposes of this section, the canning of chicken and allied products shall be considered part of such processing of agricultural products.

Sec. 19 (c). For the purposes of this section a week shall be considered to fall within a month if four or more days of the week fall within said month. The limitations of this section shall not apply to the payment of benefits for partial employment.

Section 2. That this Act shall take effect July 1, 1951.

Approved June 4, 1951.

CHAPTER 181

APPROPRIATION

STATE BOARD OF EDUCATION
FOR ADDITIONAL COSTS OF TRANSPORTATION OF
SCHOOL PUPILS**AN ACT MAKING APPROPRIATION TO THE STATE BOARD OF EDUCATION TO PROVIDE FOR THE PAYMENT OF COSTS AND EXPENSES OVER AND ABOVE THE PRESENT APPROPRIATIONS AVAILABLE TO THE STATE BOARD OF EDUCATION TO PAY FOR ADDITIONAL COSTS OF TRANSPORTATION OF SCHOOL PUPILS.**

WHEREAS, the number of pupils at present transported is 14,353, an increase of 10.5 percent above the number transported last year, thus making it necessary to establish twenty-six (26) additional bus routes; and

WHEREAS, it has been necessary to make adjustments in a number of contracts because of the purchase of new equipment by the contractors; and

WHEREAS, the opening of the William C. Jason School in Georgetown has added approximately Ten Thousand Eight Hundred Dollars (\$10,800.00) to the cost of transporting pupils within the State; and

WHEREAS, present appropriations available to the State Board of Education are inadequate to meet the necessary and extraordinary expenses for the transportation of pupils for the remainder of the fiscal year ending June 30, 1951; NOW, THEREFORE,

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

Section 1. There is hereby appropriated to the State Board of Education the sum of Forty-six Thousand Dollars (\$46,000.00) to be used only for the payment of school transportation costs for the present school year.

Section 2. Funds hereby appropriated shall be available to the State Board of Education immediately and shall be used only for the payment of transportation of pupils in accordance with the rules and regulations of the State Board of Education in this behalf.

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 4, 1951.

CHAPTER 182

RELATING TO STATE OLD AGE WELFARE COMMISSION

AN ACT TO AMEND CHAPTER 54, REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE OLD AGE WELFARE COMMISSION, BY PLACING THE DUTY OF ADMINISTERING THE GENERAL RELIEF PROGRAM AND THE PROGRAM OF AID TO THE TOTALLY AND PERMANENTLY DISABLED IN SAID COMMISSION AND BY INCREASING THE AMOUNT OF ASSISTANCE PAYABLE TO OLD AGE PERSONS.

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

Section 1. That Paragraph 1607. Sec. 4. of Chapter 54, Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end thereof a new paragraph as follows:

"It shall be the duty of the said Commission, and it is hereby authorized and empowered, to administer the General Relief Program of the State of Delaware and the Program of Aid to the Totally and Permanently Disabled of the State of Delaware and for this purpose the said Commission shall adopt such rules and regulations as may be deemed advisable or necessary."

Section 2. That Paragraph 1610. Sec. 7. of Chapter 54, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of said 1610. Sec. 7., as amended and by enacting and inserting in lieu thereof a new Paragraph 1610. Sec. 7. as follows:

"1610. Sec. 7. Amount of Assistance Limited; Appeals:—The amount of assistance allowed in each case of an old age person shall be limited by the circumstances of such case as ascertained, after full and complete investigation, by the said Commission. The amount of assistance allowed in each case shall be determined by the Commission with due regard to the circumstances, but will not exceed Six Hundred Dollars (\$600.00)

annually. In no case shall the amount of assistance allowed exceed Fifty Dollars (\$50.00) monthly. Any applicant or recipient of assistance who is dissatisfied with the action of the Commission regarding his or her claim for assistance under this Article may appeal to the President of the Commission, and upon such appeal must be granted an opportunity for a fair hearing."

Approved June 4, 1951.

CHAPTER 183

APPROPRIATION

FOR INCREASE IN COMPENSATION OF REPORTERS AND
STENOGRAPHERS AND OFFICE SUPPLIES AND EQUIPMENT
OF LAW COURTS

**AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, BY INCREASING
THE ANNUAL APPROPRIATION FOR THE COMPEN-
SATION OF REPORTERS AND STENOGRAPHERS AND
FOR OFFICE SUPPLIES AND EQUIPMENT OF THE
LAW COURTS OF THIS STATE.**

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

Section 1. That 4246. Sec. 12. of Chapter 108 of the Revised Code of Delaware, 1935, as amended by Chapter 221, Volume 43, Laws of Delaware, 1941, and as further amended by Chapter 196, Volume 47, Laws of Delaware, 1949, 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 196, Volume 47, Laws of Delaware, 1949, aforesaid, and substituting in lieu thereof the following new paragraph:

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, 1951, there is hereby appropriated the sum of Twenty-four Thousand Five Hundred Dollars (\$24,500.00) annually.

Approved June 4, 1951.

CHAPTER 184

RELATING TO THE CONSTRUCTION OF THE WORD WRITTEN
AND THE WORDS IN WRITING

**AN ACT TO AMEND CHAPTER 1 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO THE CONSTRUCTION
OF THE WORD WRITTEN AND THE WORDS IN
WRITING.**

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

Section 1. That the fifteenth paragraph of Section 1 of Chapter 1 of the Revised Code of Delaware, 1935, being Section 1 thereof, be and the same is hereby amended by inserting the words "photographing, microphotographing and photostating" after the word "typewriting," and before the word "and" in the third line thereof.

Approved June 4, 1951.

CHAPTER 185

RELATING TO PHOTOGRAPHIC, MICROPHOTOGRAPHIC AND
PHOTOSTATIC COPIES OF BOOKS OF ORIGINAL ENTRIES

AN ACT TO AMEND SECTION 16, ARTICLE 4, OF CHAPTER 129 OF THE REVISED CODE OF DELAWARE, 1935, BEING SECTION 4701 THEREOF, WITH REFERENCE TO PHOTOGRAPHIC, MICROPHOTOGRAPHIC AND PHOTOSTATIC COPIES OF BOOKS OF ORIGINAL ENTRIES.

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

Section 1. That Section 16, Article 4, of Chapter 129 of the Revised Code of Delaware, 1935, being Section 4701. thereof, be and the same is hereby amended by adding at the end of the last paragraph thereof, a new sentence as follows:

"A sufficient and competent copy hereunder includes a photographic, microphotographic and/or photostatic copy of said book of original entries."

Approved June 4, 1951.

CHAPTER 186

STATE REVENUE

RELATING TO MOTOR FUEL TAXES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, IN RELATION TO MOTOR FUEL TAXES BY LIMITING THE TIME WITHIN WHICH CLAIMS FOR REFUNDS CAN BE MADE.

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

Section 1. That 222. Sec. 188. of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding to said section the following new paragraph:

"All applications for refunds must be filed with the State Highway Department within one (1) year from the date of the purchase or invoice of the motor fuel with respect to which a tax refund is claimed."

Approved June 4, 1951.

CHAPTER 187

APPROPRIATION

DISTRICT LIBRARY COMMISSIONS

**AN ACT APPROPRIATING CERTAIN MONIES FOR THE
SUPPORT AND MAINTENANCE OF THE DISTRICT
LIBRARY COMMISSIONS 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 for each of the two fiscal years beginning July 1, 1951, and ending June 30, 1952, and beginning July 1, 1952, and ending June 30, 1953, 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,	
	1952	1953
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

DISTRICT LIBRARY COMMISSION	Year Ending June 30,	
	1952	1953
Odessa Free Library	300.00	300.00
Rehoboth Free Library	200.00	200.00
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	\$6,350.00	\$6,350.00

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 4, 1951.

CHAPTER 188

APPROPRIATION

UNIVERSITY OF DELAWARE FOR 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, 1951 and ending June 30, 1952, and a like sum beginning July 1, 1952 and ending June 30, 1953.

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 4, 1951.

CHAPTER 189

APPROPRIATION

DEPARTMENT OF CIVIL DEFENSE

AN ACT RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF CIVIL DEFENSE AND OTHER ORGANIZATIONS FOR CIVIL DEFENSE WITHIN THIS STATE; GRANTING CERTAIN EXECUTIVE POWERS WITH RESPECT THERETO AND FOR RELATED PURPOSES.

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

Section 1. SHORT TITLE. This Act may be cited as the "Delaware Civil Defense Act of 1951."

Section 2. POLICY AND PURPOSE. (a) Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, and in order to insure that preparations of this State will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the State, it is hereby found and declared to be necessary: (1) to create a Department of Civil Defense, and to authorize the creation of local organizations for civil defense in the political subdivisions of the State; (2) to confer upon the Governor and upon the executive heads or governing bodies of the political subdivisions of the State the emergency powers provided herein; and (3) to provide for the rendering of mutual aid among the political subdivisions of the State, and with other States, and with the Federal Government with respect to the carrying out of civil defense functions; and (4) to authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this Act.

(b) It is further declared to be the purpose of this Act and the policy of the State that all civil defense functions of this State be coordinated to the maximum extent with the comparable

functions of the Federal Government including its various departments and agencies, of other States and localities, and of private agencies of every type; to the end that the most effective preparation and use may be made of the Nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Section 3. DEFINITION. As used in this Act the term "Civil Defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other Federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

Section 4. STATE CIVIL DEFENSE AGENCY. (a) There is hereby created within the executive branch of the State Government a Department of Civil Defense with a Director of Civil Defense (hereinafter called the "Director") who shall be the head thereof. The Director shall be appointed by the Governor with the advice and consent of the Senate; he shall not hold any other State office; he shall hold office at the pleasure of the Governor and the Director shall be compensated at the rate of Six Thousand Dollars (\$6,000.00) per annum.

(b) The Director may employ such technical, clerical, stenographic and other personnel, and may make such other expenditures within the appropriation therefor, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this Act.

(c) The Director and other personnel of the Department of Civil Defense shall be provided with appropriate office space,

furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other State agencies.

(d) The Director, subject to the direction and control of the Governor, shall be the executive head of the Department of Civil Defense and shall be responsible to the Governor for carrying out the program for civil defense of this State. He shall coordinate the activities of all organizations for civil defense within the State, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other States and of the Federal Government, and shall have such additional authority, duties and responsibilities authorized by this Act as may be prescribed by the Governor.

Section 5. CIVIL DEFENSE ADVISORY COUNCIL. There is hereby created a Civil Defense Advisory Council (hereinafter called the "Council") which shall consist of the Governor and at least six (6) more suitable persons, not to exceed twenty-three (23), appointed by and holding office during the pleasure of the Governor. The Governor shall serve as Chairman of the Council. He shall designate one of the members of the Council as vice-chairman; appointment of the members shall be made without reference to political affiliations and with reference to their special knowledge of industry, agriculture, consumer protection, labor, education, health, welfare, or other subjects relating to National or State defense. The Council shall advise the Governor and Director on all matters and shall serve without compensation, but may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

Section 6. CIVIL DEFENSE POWERS OF THE GOVERNOR. (a) The Governor shall have general direction and control of the Department of Civil Defense, and shall be responsible for the carrying out of the provisions of this Act, and in the event of a disaster or emergency beyond local control, may assume direct operational control over all or any part of the civil defense functions within this State.

(b) In performing his duties under this Act, the Governor is further authorized and empowered:

(1) To make, amend, and rescind the necessary orders,

rules and regulations to carry out the provisions of this Act with due consideration of the plans of the Federal Government.

(2) To prepare a comprehensive plan and program for the civil defense of this State, such plan and program to be integrated into and coordinated with the civil defense plans of the Federal Government and of other States to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this State, such plans to be integrated into and coordinated with the civil defense plan and program of this State to the fullest possible extent.

(3) In accordance with such plan and program for the civil defense of this State, to ascertain the requirements of the State or the political subdivisions thereof for food or clothing or other necessities of life in the event of attack and to plan for and procure supplies, medicines, materials, and equipment, and to use and employ from time to time any of the property, services, and resources within the State, for the purposes set forth in this Act; to make surveys of the industries, resources, and facilities within the State as are necessary to carry out the purposes of this Act; to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

(4) To cooperate with the President and the heads of the Armed Forces, and the civil defense agency of the United States, and with the officers and agencies of other States in matters pertaining to the civil defense of the State and Nation and the incidents thereof; and in connection therewith, to take any measure which he may deem proper, to carry into effect any request of the President and the appropriate Federal officers and agencies, for any action looking to civil defense, including the direction or control of (a) black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces, and other tests and exercises, (b) warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith, (c) the effective screening or extinguishing of all lights and lighting

devices and appliances, (d) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services, (e) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack, (f) public meetings or gatherings; and (g) the evacuation and reception of the civilian population.

(5) To take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Act and with the orders, rules and regulations made pursuant thereto.

(6) To employ such measures and make such recommendations to the State or local boards of health as may be reasonably necessary for the purpose of securing compliance with the provisions of this Act or with the findings or recommendations of such boards of health by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise.

(7) To utilize the services and facilities of existing officers, and agencies of the State and of the political subdivisions thereof; and all such officers and agencies shall cooperate with and extend their services and facilities to the Governor as he may request.

(8) To delegate any authority vested in him under this Act, and to provide for the subdelegation of any such authority.

(9) On behalf of this State to enter into reciprocal aid agreements or compacts with other States and the Federal Government, either on a State-wide basis or local political subdivision basis or with a neighboring State or province of a foreign country. Such mutual aid arrangements shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies, engineering services; emergency housing; police services; National or State Guards while under the control of the State; health, medical and related services; fire fighting, rescue, transportation, and construction services and equipment; personnel necessary to provide or conduct these services; and such other supplies, equipment, facilities, personnel, and services as may be needed; the reimbursement of costs and expenses for

equipment, supplies, personnel, and similar items for mobile support units, fire fighting, and police units and health units; and on such terms and conditions as are deemed necessary.

(10) To sponsor and develop mutual aid plans and agreements between the political subdivisions of the State, similar to the mutual aid agreements with other States referred to above.

Section 7. MUTUAL-AID ARRANGEMENTS. The Director of each local organization for civil defense may develop or cause to be developed mutual-aid arrangements with other public and private agencies within this State for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the State civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual-aid arrangements.

The Director of each local organization for civil defense may assist in negotiation of reciprocal mutual-aid arrangements between the Governor and the adjoining states or political subdivisions thereof, and shall carry out arrangements or any such agreement relating to the local and political subdivision.

Section 8. LOCAL ORGANIZATION FOR CIVIL DEFENSE. (a) Each political subdivision of this State is hereby authorized and directed to establish a local organization for civil defense in accordance with the State civil defense plan and program. (The term "political subdivision" shall be defined to mean each town or city and each county within the State.) The executive officer or governing body of the political subdivision is authorized to appoint a Director who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such executive officer or governing body. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this Act.

(b) Each political subdivision shall have the power and authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster resulting from enemy attack; and to direct and coordinate the development of civil defense plans and programs in accordance with the policies and plans set by the Federal and State Department of Civil Defense;

(2) To appoint, employ, remove, or provide, with or without compensation, air-raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian defense workers;

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency;

(4) Subject to the order of the Governor, or the chief executive of the political subdivision, to assign and make available for duty, the employees, property, or equipment of the subdivision relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction and similar items or services, for civil defense purposes and within or outside of the physical limits of the subdivision; and

(5) In the event of enemy attack, to waive procedures and formalities otherwise required by law pertaining to: the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 9. LOCAL SERVICES. (a) Whenever the employees of any political subdivision are rendering outside aid pursuant to the authority contained in Section 8 hereof such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

(b) The political subdivision in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the chief fiscal officer of such political subdivision where the equipment was used. The political subdivision which is aided pursuant to this section shall also pay and reimburse the political subdivision furnishing such aid for the compensation paid to employees furnished under this section during the time of the rendition of such aid and shall defray the actual traveling and maintenance expenses of such employees while they are rendering such aid. Such reimbursement shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. The term "employee" as used in this section shall mean, and the provisions of this section shall apply with equal effect to, paid, volunteer, auxiliary employees, and civil defense workers.

(c) The foregoing rights, privileges, and obligations shall also apply in the event such aid is rendered outside the State, provided that payment or reimbursement in such case shall or may be made by the State or political subdivision receiving such aid pursuant to a reciprocal mutual-aid agreement or compact with such State or by the Federal Government.

Section 10. MOBILE SUPPORT UNITS. (a) The Governor, or the Director at the request of the Governor, is authorized to create and establish such number of mobile support units as may be necessary to reinforce civil defense organizations in stricken areas and with due consideration of the plans of the Federal Government and of other States. He shall appoint a commander for each such unit who shall have primary responsibility for the organization, administration, and operation of such unit. Mobile support units shall be called to duty upon orders of the Governor or the Director and shall perform their functions in any part of the State or, upon the conditions specified in this section, in other States.

(b) Personnel of mobile support units while on duty, whether within or without the State, shall: (1) if they are employees of the State, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment; (2) If they are employees of a political subdivision of the State, and whether serving within or without such political subdivision have the powers, rights, duties, privileges, and immunities and receive the compensation incidental to their employment; and (3) if they are not employees of the State or a political subdivision thereof, be entitled to compensation by the State at \$6.00 per day, and to the same rights and immunities as are provided by law for the employees of this State. All personnel of mobile support units shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

(c) The State shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employees of such political subdivisions while serving as members of a mobile support unit, and for all payments for death, disability, or injury of such employees incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such mobile support unit.

(d) Whenever a mobile support unit of another State shall render aid in this State pursuant to the orders of the Governor of its home state and upon the request of the Governor of this State, this State shall reimburse such other State for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability, or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid; *Provided*, that the laws of such other State contain provisions substantially similar to this section or that provisions to the foregoing effect are embodied in a reciprocal mutual-aid agreement or compact or that the Federal Government has authorized or agreed to make reimbursement for such mutual-aid as above provided.

(e) No personnel of mobile support units of this State shall be ordered by the Governor to operate in any other State unless the laws of such other State contain provisions substantially similar to this section or unless the reciprocal mutual-aid agreements or compacts include provisions providing for such reimbursement or unless such reimbursement will be made by the Federal Government by law or agreements.

Section 11. INVESTIGATIONS AND SURVEYS. For the purpose of making surveys and investigations and obtaining information, except the investigation of subversive activities that are the responsibility of the Federal Bureau of Investigation, the Governor may compel by subpoena the attendance of witnesses, and the production of books, papers, records, and documents of individuals, firms, associations, and corporations; and all officers, boards, commissions, and departments of the State, and the political subdivisions thereof, having information with respect thereto, shall cooperate with and assist him in making such investigations and surveys.

Section 12. TRAFFIC CONTROL. The Governor may formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the State and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

Section 13. LEASE OR LOAN OF STATE PROPERTY; TRANSFER OF STATE PERSONNEL. Notwithstanding any inconsistent provision of law;

(a) Whenever the Governor deems it to be in the public interest, he may:

(1) Authorize any department or agency of the State to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the State, any real or personal property of the State govern-

ment to the President, the heads of the Armed Forces, or to the civil defense agency of the United States.

(2) Enter into a contract on behalf of the State for the lease or loan to any political subdivision of the State on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the State, or any real or personal property of the State government, or the temporary transfer or employment of personnel of the State Government to or by any political subdivision of the State.

(b) The Chief Executive of each town or city and the Levy Court of each county may:

(1) Enter into such contract or lease with the State, or accept any such loan, or employ such personnel, and such political subdivision may equip, maintain, utilize, and operate any such property and employ necessary personnel therefor in accordance with the purposes for which such contract is executed;

(2) Do all things and perform any and all acts which he may deem necessary to effectuate the purpose for which such contract was entered into.

Section 14. ORDERS, RULES, AND REGULATIONS.

(a) The political subdivisions of the State (as herein defined) and other agencies designated or appointed by the Governor are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary for civil defense purposes and to supplement the carrying out of the provisions of this Act, but not inconsistent with any orders, rules, or regulations promulgated by the Governor or by any State agency exercising a power delegated to do it by him.

(b) All orders, rules, and regulations promulgated by the Governor, or by any political subdivision or other agency authorized by this Act to make orders, rules, and regulations, shall have the full force and effect of the law, when, in the event of issuance by the Governor, or any State agency, a copy thereof is filed in the office of the Secretary of State, or, if promulgated by a political subdivision of the State or agency thereof, when filed

in the office of the clerk of the political subdivision or agency promulgating the same. All existing laws, ordinances, rules, and regulations inconsistent with the provisions of this Act, shall be suspended during the period of time and to the extent that such conflict exists.

(c) In order to attain uniformity so far as practicable throughout the country in measures taken to aid civil defense, all action taken under this Act and all orders, rules and regulations made pursuant thereto, shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations, and requests of Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations and requests.

Section 15. ENFORCEMENT. The law enforcing authorities of the State and of the political subdivisions thereof shall enforce the orders, rules and regulations issued pursuant to this Act.

Section 16. IMMUNITY. (a) Neither the State nor any political subdivision of the State, nor the agents or representatives of the State or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or Section 9 hereof or any pension law or any Act of Congress.

(b) Neither the State nor any political subdivision of the State nor, except in cases of wilful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the State or any political subdivision thereof, nor any volunteer or auxiliary civilian defense worker or member of any agency engaged in any civilian defense activity, complying with or reasonably attempting to comply with this Act, or any order, rule, or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to black-out or other precautionary measures enacted by any political subdivision of the

State, shall be liable for the death or of injury to persons, or for damage to property, as a result of any such activity.

Section 17. AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS, AND LOANS. (a) Whenever the Federal Government or any agency or officer thereof shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(b) Whenever any person, firm, or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purpose of civil defense, the State, acting through the Governor, or such political subdivision, acting through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision, may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer.

Section 18. POLITICAL ACTIVITY PROHIBITED. No organization for civil defense established under the authority of this Act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 19. CIVIL DEFENSE PERSONNEL. No person shall be employed or associated in any capacity in any civil defense organization established under this Act who advocates a change by force or violence in the constitutional form of the

Government of the United States or in this State or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Delaware, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties about which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I member of any political party or organization that advocates, the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the Department of Civil Defense I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

Section 20. **PENALTIES.** Any person violating any provision of this Act or any rule, order, or regulation made pursuant to this Act shall, upon conviction thereof, be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for not exceeding 120 days or both.

Section 21. **LIBERALITY OF CONSTRUCTION.** This Act shall be construed liberally in order to effectuate its purposes.

Section 22. **SEVERABILITY.** If any provision of this Act or the application thereof to any person or circumstance 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 23. APPROPRIATION. There is hereby appropriated to the Department of Civil Defense out of the funds of the State Treasury, not otherwise appropriated, the sum of One Hundred Twenty-two Thousand Five Hundred Dollars (\$122,500.00), or so much thereof as may be necessary, Twelve Thousand Five Hundred Dollars (\$12,500.00) of which sum may be expended by the Department prior to July 1, 1951, Fifty-five Thousand Dollars (\$55,000.00) of which shall become available on the first day of July, 1951 and the balance of Fifty-five Thousand Dollars (\$55,000.00) shall become available on July 1, 1952 for the fiscal year beginning July 1, 1952. All expenditures for said appropriations shall be made by the State Treasurer on the vouchers approved by the Director of the Department and by the Governor of the State for the purpose of enabling the said Department to undertake the duties set forth above.

Section 25. EFFECTIVE DATE. This Act shall take effect immediately upon its approval by the Governor.

Approved June 4, 1951.

CHAPTER 190

DELAWARE WORKMEN'S COMPENSATION LAW

INCREASING PAYMENTS OF COMPENSATION

AN ACT TO AMEND CHAPTER 175, 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, 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 Thirty Dollars (\$30.00) per week nor less than Fifteen Dollars (\$15.00) per week; provided that if at the time of injury the employee receives wages of less than Fifteen Dollars (\$15.00) per week, then he shall receive the full amount of such wages per week as compensation. Nothing in this Subsection (a) shall require the payment of compensation after disability shall cease.

Section 2. That 6080. Sec. 10. Subsection (b) of Chapter 175, 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 Thirty Dollars (\$30.00) 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, 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 Thirty Dollars (\$30.00) per week, nor less than Fifteen Dollars (\$15.00) per week; provided, that if at the time of injury the employee receives wages of less than Fifteen Dollars (\$15.00) 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.

Approved June 4, 1951.

CHAPTER 191

STATE BOARD OF EDUCATION

INCREASING PAYMENTS OF PENSIONS FOR
DISABLED SCHOOL TEACHERS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT APPROPRIATING CERTAIN MONIES TO PROVIDE A PENSION FUND FOR RETIRED AND DISABLED PUBLIC SCHOOL TEACHERS OF DELAWARE," BEING CHAPTER 106, VOLUME 45, LAWS OF DELAWARE, 1944-45, AS AMENDED, BY INCREASING THE PAYMENTS.

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

Section 1. That Section 2 of said Chapter 106, Volume 45, Laws of Delaware, 1944-45, as amended, be and the same is hereby amended by striking out and repealing all of Section 2 thereof and substituting in lieu thereof a new Section 2 to read as follows:

Section 2. The fund so created shall be used and expended for the benefit of:

(a) Teachers, now inactive in their profession, who have taught in the public schools of the State of Delaware for twenty-five (25) years or more, and are no longer capable of teaching; such former teachers upon making application for such pensions or allowances to the State Board of Education shall be entitled to receive the sum of Sixty Dollars (\$60.00) per month;

(b) Teachers who, because of failing or lost eyesight, loss of limb or other physical disability, have been required to abandon the teaching profession and by reason of such disability, are incapable of securing employment producing a living wage, and who have taught as many as three school years in the State of Delaware, upon making application for such pensions or allowances to the State Board of Education shall be entitled to receive the sum of Sixty Dollars (\$60.00) per month.

Approved June 4, 1951.

CHAPTER 192

STATE BOARD OF WELFARE

REVISING MAXIMUM AMOUNTS PAYABLE TO DEPENDENT
CHILDREN

AN ACT TO AMEND CHAPTER 226 OF VOLUME 46, LAWS OF DELAWARE, 1947, ENTITLED "AN ACT TO AMEND CHAPTER 39 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE AMOUNT OF ASSISTANCE PAID TO DEPENDENT CHILDREN BY THE STATE BOARD OF WELFARE," BY REVISING THE MAXIMUM AMOUNTS PAYABLE TO DEPENDENT CHILDREN BY THE STATE BOARD OF WELFARE.

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

Section 1. That Chapter 39 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of Paragraph 1107, Section 4, as the same appears in Chapter 226, Volume 46, Laws of Delaware, 1947, and inserting in lieu thereof a new paragraph to be known as 1107. Section 4:

1107. Sec. 4. AMOUNT OF ASSISTANCE:—The amount of assistance or supplementary services granted for any dependent child shall be determined by the State Department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and in accordance with the rules and regulations made by the State Department, and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health. In no event, however, shall the total amount paid to the mother or guardian of or other persons standing in loco parentis to such dependent child, for any calendar month, exceed Seventy-five Dollars (\$75.00) for the first dependent and only child; if there are two dependent children in the same home or in the same family the amount paid shall not exceed Eighty-seven Dollars (\$87.00) for any calendar month; if there are three dependent children in the

same home or in the same family the amount paid shall not exceed Ninety-nine Dollars (\$99.00) for any calendar month; if there are four dependent children in the same home or in the same family the amount paid shall not exceed One Hundred Eleven Dollars (\$111.00) for any calendar month; if there are five dependent children in the same home or in the same family the amount paid shall not exceed One Hundred Twenty-one Dollars (\$121.00) for any calendar month; if there are six dependent children in the same home or in the same family the amount paid shall not exceed One Hundred Thirty-one Dollars (\$131.00) for any calendar month; if there are seven dependent children in the same home or in the same family the amount paid shall not exceed One Hundred Forty-one Dollars (\$141.00) for any calendar month; if there are eight dependent children in the same home or in the same family the amount paid shall not exceed One Hundred Fifty Dollars (\$150.00) for any calendar month; provided, that in no event shall the total amount paid for aid to dependent children in the same home or in the same family exceed One Hundred Fifty Dollars (\$150.00) for any calendar month.

Approved June 4, 1951.

CHAPTER 193

APPROPRIATION

STATE HIGHWAY DEPARTMENT TO INSTALL DRAINAGE DITCH
ADJACENT TO GREENWOOD SCHOOL NO. 91

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT
TO INSTALL A DRAINAGE DITCH LINE ADJACENT
TO THE SCHOOL GROUNDS OF THE GREENWOOD
SCHOOL #91 AND APPROPRIATING MONEY THERE-
FOR.**

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

Section 1. That the State Highway Department is hereby authorized, empowered and directed to install a drainage ditch line consisting of approximately 380 feet of 18 inch concrete sewer pipe and 360 feet of 36 inch concrete sewer pipe along and adjacent to the school grounds of Greenwood School #91 for the purpose of relieving the water which has backed up on the property, thereby causing an unsanitary condition.

Section 2. A sum not in excess of Eight Thousand Dollars (\$8,000.00) is hereby appropriated for such purpose 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. That the said State Highway Department shall without delay proceed promptly to carry into effect the purposes of this Act and the said sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This Bill 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 sums not otherwise appropriated.

Approved June 4, 1951.

CHAPTER 194

APPROPRIATION

STATE BOARD OF EDUCATION FOR TRAINING AND EDUCATION
OF HANDICAPPED CHILDREN**AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD
OF EDUCATION FOR THE EDUCATION AND/OR
TRAINING OF AND TRANSPORTATION FOR HANDI-
CAPPED CHILDREN IN THE STATE OF DELAWARE.**

WHEREAS, it is the obligation of the State Board of Education of the State of Delaware to provide educational opportunities for all of its children in accordance with aptitudes, interests, abilities, or disabilities; and

WHEREAS, it is sound economically, socially advantageous, and humane to provide for these handicapped children of Delaware; and

WHEREAS, Chapter 125, Volume 42, Laws of Delaware, 1939, expressly requires the State Board of Education to provide and maintain special classes and special facilities to meet the needs of all children recommended for special training; and

WHEREAS, the current budgets of the various boards of education are inadequate to support a satisfactory educational program adapted to the needs of handicapped children; NOW, THEREFORE,

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

Section 1. There is hereby appropriated, in addition to any amounts already or otherwise made available for the purposes hereinafter described, to the State Board of Education the sum of One Hundred Forty-nine Thousand Three Hundred Two Dollars (\$149,302.00) for the school year 1951-1952, and a further sum of One Hundred Fifty-one Thousand Forty-six Dollars (\$151,046.00) for the school year 1952-1953 to carry out the provisions of said Chapter 125, Volume 42, Laws of Delaware.

Section 2. The State Board of Education is hereby authorized and directed to make and adopt rules and regulations for the education and/or training of and transportation for handicapped children. Such children shall be described as follows:

A. Physically handicapped children for the purposes of this Act shall mean children of sound mind between the ages of six and sixteen years who suffer from any physical disability making it impracticable or impossible for them to benefit from or participate in the regular classroom program of the public schools and whose proper education requires a modification of the regular classroom program.

B. Maladjusted children for the purposes of this Act means children between the ages of six and sixteen years of age who are truant, incorrigible, delinquent, or in need of a special educational program designed to prevent them from becoming truant, incorrigible or delinquent, or children who, upon the recommendation and approval of the superintendent of schools or other head administrative officer of the regular constituted school districts and upon the recommendation and approval of the Director of Child Development and Guidance, are assigned to such classes or schools by courts of competent jurisdiction.

C. Educatable mentally handicapped children for the purposes of this Act means children between the ages of six and sixteen years of age, who because of retarded intellectual development as determined by individual psychological examination, are incapable of being educated profitably and efficiently through the regular classroom program, but who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted.

Section 3. The State Board of Education is further authorized and directed to use the funds appropriated in Section 1 for the following purposes: (1) the employment of the necessary professional and clerical personnel to carry out the program specified in Section 2; (2) necessary travel of persons employed; (3) transportation for handicapped children; (4) the purchase of necessary equipment; (5) allocation of funds to school districts which establish and maintain special classes for handicapped

children, costs in excess of the funds necessary for the classes of the normal children.

Section 4. This Act shall be known as a Supplementary Appropriation Act and funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 4, 1951.

CHAPTER 195

MOTOR VEHICLES

RESPECTING MAKING ARRESTS UPON VIEW AND
WITHOUT WARRANT

**AN ACT TO AMEND CHAPTER 165, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, IN RESPECT OF
OFFICERS AUTHORIZED TO MAKE ARRESTS FOR
VIOLATIONS OF THE MOTOR VEHICLE AND TRAFFIC
LAWS UPON VIEW AND WITHOUT A WARRANT.**

*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 all of sub-paragraph (a) of 5683. Sec. 145. and inserting in lieu thereof a new sub-paragraph (a) as follows:

(a) The Commissioner, his deputies, motor vehicle inspectors, state highway police, state detectives, sheriffs and other police officers, now authorized by law to make arrests for violation of the motor vehicle and traffic laws of this State, are hereby empowered to arrest upon view and without warrant any person or persons violating any of the provisions of this Chapter. Any person failing to answer any summons to appear in any court of competent jurisdiction to answer for any violation of the motor vehicle laws of this State, after notice thereof served personally or securely fastened to the motor vehicle of which such person is the owner or operator, and any person holding an operator's or chauffeur's license issued to him or her, under the laws of this State, or having a motor vehicle or tractor registered in his or her name, under the laws of this State, and shall fail or neglect, within one week after any change of his or her address, to notify the Department of any such change of address, shall be deemed guilty of a misdemeanor and, upon conviction thereof in any Court of competent jurisdiction, shall be punished in accordance with Section 141.

Approved June 4, 1951.

CHAPTER 196

LANDLORD AND TENANT

RELATING TO TIME OF NOTICE TO QUIT FARM LAND IN
KENT COUNTY

**AN ACT TO AMEND CHAPTER 142, REVISED CODE OF
DELAWARE, 1935, ENTITLED "LANDLORD AND TEN-
ANT" IN RELATION TO THE TIME OF NOTICE TO
QUIT FARM LAND IN KENT AND SUSSEX COUNTIES.**

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

Section 1. That Article 1 of Chapter 142, Revised Code of Delaware, 1935, as amended, be and same is hereby further amended by enacting and adding a new section after 4989. Sec. 4. thereof, said new section to be styled 4989A. Sec. 4A. as follows:

4989A. Sec. 4A. If there be a demise of farm lands in Kent County used by the tenants for the purpose of maintaining a livelihood from said lands or what is commonly known as a crop share tenant for a term of one or more years, and six months, or upwards, before the end of the term, either the landlord do not give notice in writing to the tenant in possession to remove, or the tenant do not give like notice to the landlord of his intention to remove from the demised premises, the lease shall be extended for a further term of one year, unless the lease provides otherwise, and all the stipulations of the lease shall continue in force.

Approved June 4, 1951.

CHAPTER 197

SATURDAY A LEGAL HOLIDAY

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 AND ITS EMPLOYEES (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 striking out and repealing all of the matter added to 3321. Sec. 197. thereof by an Act approved June 8, 1949, Chapter 247, Volume 47, Laws of Delaware, and inserting and enacting in lieu thereof the following paragraph:

"The day of the week known as Saturday shall be a legal holiday 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 and shift-work schedules) throughout each year; and, for employees of the Motor Vehicle Department, from July 1st to September 15th, inclusive, of each year. 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 4, 1951.

CHAPTER 198

THE LIBRARY COMMISSION
FOR THE STATE OF DELAWAREESTABLISHING FREE PUBLIC LIBRARIES AND DISTRICT
LIBRARY COMMISSION

AN ACT TO AMEND CHAPTER 34, REVISED CODE OF DELAWARE, 1935, ENTITLED "THE LIBRARY COMMISSION FOR THE STATE OF DELAWARE," IN RELATION TO ESTABLISHMENT AND APPOINTMENT OF COMMISSION, ORGANIZATION, DUTIES AND POWERS; PROVIDING FOR ESTABLISHMENT OF FREE PUBLIC LIBRARIES AND DISTRICT LIBRARY COMMISSION.

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

Section 1. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 1044. Sec. 1. thereof and inserting in lieu thereof a new section to be styled 1044. Sec. 1. as follows:

1044. Sec. 1. Commission Established; Appointment; Terms of Office; Qualifications; Vacancies, How Filled:—A Board to be known as "The Library Commission for the State of Delaware" is established. Said Commission shall be composed of nine persons to be appointed by the Governor, who shall respectively hold office for the term of five years or until their successors are duly chosen; provided that for the first Commission three members are appointed for the term of one year, three members for the term of three years, and three members for the term of five years. All vacancies on said Commission, whether occurring by expiration of term, or otherwise, shall be filled by the Governor for the unexpired term and until a successor shall be appointed. No person shall be ineligible by reason of sex to serve on the Commission.

Section 2. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out

and repealing all of 1045. Sec. 2. thereof and inserting in lieu thereof a new section to be styled 1045. Sec. 2., as follows:

1045. Sec. 2. Organization; Compensation of Members; Expenditures, How Paid:—The said Commission shall organize by the selecting from its members of a President and by the selection of a qualified librarian who shall serve as Secretary of said Commission, but shall have no vote or voice in the acts and proceedings of said Commission.

Said Commission may also employ such other assistants as shall be required for the performance of the Commission's work, who shall serve under such conditions as the Commission shall determine.

No member shall receive any salary or compensation for his services as such Commissioner.

On or before the fifteenth day of September, The Library Commission for the State of Delaware shall transmit biennially to the Governor and to the General Assembly a Library Commission budget which shall be reported on the official estimate blanks furnished for such purposes, an estimate in itemized form showing the amount needed for each fiscal year of the ensuing biennial period beginning with the first day of July next, thereafter.

Section 3. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1046. Sec. 3. thereof and inserting in lieu thereof a new section to be styled 1046. Sec. 3., as follows:

1046. Sec. 3. Duties; Powers; By-Laws; Biennial Report to General Assembly:—The said Commission shall have general supervision over all libraries in this State established or maintained under the provisions of this Chapter, and shall have the supervision and control of all circulating libraries now or hereafter to be established under the provisions of Section 20 of this Chapter; shall have power to require of any and all District Library Commissions created as hereinafter provided such reports as are or may be deemed proper; shall make certificate to

the State Treasurer when any library is entitled to State aid, as hereinafter provided; and shall have all further and other powers necessary and proper for the general supervision of the libraries aforesaid. The said Commission is further authorized to provide libraries to such extent as they shall deem advisable and funds shall permit, to control the circulation of the same, to provide for the distribution of books and other reading matter, and to do such other acts tending to the encouragement of reading as it shall deem expedient. The said State Library Commission shall have power to make all rules and by-laws for its own government. The said Commission shall, in the month of January in each year in which there is a regular biennial session of the General Assembly of this State, make report to said General Assembly of its doings and of any recommendations deemed advisable.

Section 4. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1047. Sec. 4. thereof and inserting in lieu thereof a new section to be styled 1047. Sec. 4., as follows:

1047. Sec. 4. School Districts May Receive and Hold Donations for Library Purposes:—Any School District in this State may receive and hold any devise, bequest or donation for the foundation and establishment or for the maintenance, support and increase of a free public library within the same.

Section 5. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1048. Sec. 5. thereof and inserting in lieu thereof a new section to be styled 1048. Sec. 5., as follows:

1048. Sec. 5. Free Public Libraries for School Districts; How Established and Maintained:—Any School District in this State is authorized and empowered to establish and maintain a free public library, with or without reading room, provided either, that such establishment be approved at an election as hereinafter provided, or that funds for the maintenance and support of the library be donated or guaranteed as provided in Section 11 of this Chapter.

Section 6. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1049. Sec. 6. thereof and inserting in lieu thereof a new section to be styled 1049. Sec. 6., as follows:

1049. Sec. 6. Classification of School Districts:—For the purposes of this Chapter, all the School Districts in this State are classified as follows:

Every District with a population of four thousand (4,000) or more shall be deemed a District of the First Class; every District with a population less than four thousand (4,000) but not less than three thousand (3,000), shall be deemed a District of the Second Class; every District with a population less than three thousand (3,000), but not less than twelve hundred (1,200), shall be deemed a District of the Third Class; every District with a population less than twelve hundred (1,200) shall be deemed a District of the Fourth Class.

Section 7. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1050. Sec. 7. thereof and inserting in lieu thereof a new section to be styled 1050. Sec. 7., as follows:

1050. Sec. 7. District Free Library; Electors to Decide upon Establishment of; Election, When Held; Notice of; How Petitioned for:—Every Board of Education or Board of School Trustees shall submit the question as to the establishment of a free public library in the School District under the jurisdiction of the Board to the qualified Electors of such District, at a special election to be called by said Board whenever petitioned so to do by twenty or more Electors of the District. Such special election shall be called by the Board for a day not later than sixty days after such petition. The said Board shall give notice of the day or place and purpose of such special election by printed or written advertisements posted in at least five public places in the District at least ten days prior to the day of such election. In case the Board shall neglect or refuse to give such notice, any qualified elector of the District may do so and the notice so given shall be as effectual as though given by said Board.

Section 8. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1051. Sec. 8. thereof and inserting in lieu thereof a new section to be styled 1051. Sec. 8., as follows:

1051. Sec. 8. Election, Conduct of; Voting; Qualification of voters; Certified Results:—The Board of Education or Board of School Trustees shall appoint the persons to conduct the election, but if the Board shall neglect or refuse to make such appointment, the Electors assembled at the polls may do so. All persons in the School District entitled to vote at a school election in the School District shall be entitled to vote at such election. The voting shall be by ballot, on which shall be written or printed the words "for a free library," or the words "against a free library." A majority of the votes cast at such election shall determine the question. The persons conducting the said election shall certify the result of said election to the Board of Education or the Board of School Trustees of the District.

Section 9. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1052. Sec. 9. thereof and inserting in lieu thereof a new section to be styled 1052. Sec. 9., as follows:

1052. Sec. 9. Subsequent Elections:—If a majority of the ballots cast as aforesaid shall be against the establishment of a free library, the question as to such establishment may again be submitted at special elections to be called as hereinbefore provided whenever such special election shall be petitioned for as aforesaid, provided that not more than one special election for such purpose shall be called in any one District in any one year.

Section 10. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1053. Sec. 10. thereof and inserting in lieu thereof a new section to be styled 1053. Sec. 10., as follows:

1053. Sec. 10. Taxation to Establish and Maintain Library When; By Whom; Amount in Each Class or District; Limit of; Taxes, How Levied and Collected:—If at any election, the qualified Electors shall, in the manner aforesaid, declare in favor of

the establishment of a free public library in the District, the Board of Education or Board of School Trustees of the School District in which the election was held is hereby authorized, empowered and required to levy and raise by taxation, in each year, for the purpose of the establishment of such a library therein, and/or for the maintenance, increase and support of said library, such sum of money as the District Library Commission of the District shall certify to the Board of Education or Board of School Trustees as proper or necessary for the expenses of the library for the year in which such sum is to be levied and raised as aforesaid, provided that the sum so certified shall be not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00) if the District be a District of the First Class, or not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), if the District be a District of the Second Class, or not less than Two Hundred Dollars (\$200.00) nor more than Twenty-five Hundred Dollars (\$2,500.00), if the District be a District of the Third Class, or not less than One Hundred Dollars (\$100.00) nor more than Fifteen Hundred Dollars (\$1,500.00), if the District be a District of the Fourth Class; the class to which the District belongs being determined by the classification as set forth in Section 6 of this Chapter.

All sums authorized to be levied and raised by taxation under this Chapter shall be levied, raised and collected as follows:

The Board of Education or Board of School Trustees shall cause to be made from the assessment records of the county in which the District is located a list of all the taxables of the District showing the property assessed against such taxables and the assessment of such property. There may also be added a poll tax on all persons twenty-one (21) years of age and upwards, residing in the District, of such amount as shall be determined by the Board.

A copy of the assessment list shall be posted in such public place of the District for inspection and the Board shall advertise such posting in at least five public places of the District, giving notice that such list is posted and where, and the day, hour and place (not less than five days thereafter) of their sit-

ting to hear objections. Upon such hearing the said Board shall make such correction and additions as shall be right and proper.

Upon the completion of the assessment, the Board shall fix the rate sufficient to raise the amount determined to be raised at the time with an addition of ten per cent added thereto for delinquencies and costs of collection. The Board shall then execute and deliver its warrant with a duplicate of the assessment list to the collector specially appointed by the Board. Such collector shall be appointed by the Board and shall be required to give such bond as shall be required by the Board. The Board may appoint as such collector the official whose duty it is to collect County taxes in the County wherein the District is situated, and in such case, it shall be a duty of such official to act as the collector for the District. In collecting the said tax, the collector shall proceed in the manner and have all the powers of the collector of County taxes. He shall pay over all monies collected by him to the Board, as collected and shall finally account to said Board when required to do so. Said Board shall in such final accounting allow such delinquencies and errors as are right and proper to be allowed and shall pay such collector a proper compensation for his services. The monies raised by such levy shall be paid over to the Treasurer of the District Library Commission of the District.

If a collector appointed by any Board of School Trustees or Board of Education, or any member or members of any Board of School Trustees or Board of Education shall fail, neglect or refuse to perform all or any of the duties imposed upon him or them by this Act, he or they shall be deemed guilty of a misdemeanor and upon conviction thereof before a Justice of the Peace shall be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00).

Section 11. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1054. Sec. 11. thereof and inserting in lieu thereof a new section to be styled 1054. Sec. 11., as follows:

1054. Sec. 11. District Free Public Library; How Created; Upon Donation or Guarantee:—Whenever the Board of Education or Board of School Trustees of any School District in this

State shall be guaranteed, for the maintenance and support of a free public library in such District, a sum equal to the minimum amount required to be raised by a District of its class under Section 10 of this Chapter, for one year, the Board of Education or Board of School Trustees of such District shall declare a free public library to be established therein, and shall proceed to name a District Library Commission as provided in Section 12 of this Chapter. Such guarantee may be by gift or devise of money or securities, or other valuable property, or by subscription lists, or by other plan approved by the State Library Commission, provided that said guarantee has the sanction of the said State Library Commission.

Section 12. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1055. Sec. 12. thereof and inserting in lieu thereof a new section to be styled 1055. Sec. 12., as follows:

1055. Sec. 12. District Library Commission; How Created; When; Number of; Terms of Office of; First Commission; Eligibility to serve on Commission:—That the general administration and supervision of each free public library established under the provisions of this Chapter shall be vested in a District Library Commission which shall be composed of five members appointed from the residents of the School District wherein such library is established by the Resident Judge of the Superior Court of the State of Delaware of the County in which the School District is located. In case a District is located partly in each of two Counties the appointments shall be made alternately by the Resident Judges of the two Counties, the first appointment being made by the Resident Judge of the County in which the greater number of residents of the School District live. Upon the establishment of a new library, the said Judge shall appoint one member for the term of one year, one member for the term of two years and three members for the term of three years. Annually thereafter the said Judge shall fill vacancies in District Library Commissions caused by the expiration of the term of office of its members. The term of office of a member of a District Library Commission shall be three years. A vacancy occurring from any cause other than expiration of the term of office shall be filled by the Resident Judge for the unexpired term.

Section 13. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1056. Sec. 13. thereof and inserting in lieu thereof a new section to be styled 1056. Sec. 13., as follows:

1056. Sec. 13. District Library Commission; Organization; Officers; Librarian; Meetings:—A District Library Commission shall organize by electing from its members a President, Secretary and Treasurer. The Secretary and Treasurer may be one and the same person.

The Commission shall elect a Librarian and other employees necessary for the proper conduct of the library. The Commission shall have power to fix the compensation of its employees.

The Commission shall meet at least quarterly in each year. The Commission shall have power to adopt a rule that the failure of any member to attend a specified number of meetings of the Commission shall create a vacancy in the office of such member.

Section 14. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1057. Sec. 14. thereof and inserting in lieu thereof a new section to be styled 1057. Sec. 14., as follows:

1057. Sec. 14. District Library Commission; Powers; Reports; Rules and Enforcement Thereof; Fines; How Collected and How Disposed of:—The District Library Commission so elected as aforesaid shall have the entire custody and management of the library and all property owned or leased, or donated, relating thereto, and all money raised by the District or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission to be expended or retained by said Commission for and in behalf of the District for the foundation and establishment and for the maintenance and increase of its Free Public Library.

The Commission shall make an explicit report to the District at each annual school meeting of all its receipts and expenditures, and of all the property of the District in its care and custody,

including a statement of any unexpended balance of money and of any bequests or donations in behalf of the District, and of any sum or sums received from the State as hereinafter provided, with such recommendations with reference to same as is deemed necessary for the District to consider.

The said Commission shall also make such reports and recommendations to the Board of Education or School Committee of the District, as it shall deem proper or advisable. The said District Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Chapter as the said State Library Commission shall order and direct.

The said District Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish the same for a library, or a library and reading room; to provide for the heat and light in the same, and the care thereof; and may, with the consent of the Board of Education or the School Committee use any school room or rooms for this purpose; to purchase or accept donations or gifts of books, magazines, newspapers and reviews; to employ a librarian or librarians and a custodian, and caretaker, and shall have such further and additional powers in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance of a library, or a library and reading room.

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or reading room, as said Commission shall or may from time to time deem proper and advisable; provided, the use of said library and reading room or the contents thereof shall be free to said District, or to any person outside the District who owns real estate assessable for the school of the District. The rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is authorized to impose.

Such penalty shall consist either of a suspension from the privileges of said library or library and reading room and the contents thereof, or by a money fine. All money fines imposed as aforesaid may be collected by proceedings instituted in the name of the District before any Justice of the Peace of the County, and jurisdiction to hear and finally determine all such proceedings is conferred upon any and all Justices of the Peace. The process mode of proceeding and rendering of judgment shall be as now is, or hereafter may be provided by law for the collection of fines before Justices of the Peace.

All fines so collected shall be paid to the District and by it paid over to the District Library Commission to be used as other money of which it has the custody and care as hereinbefore provided.

Section 15. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1058. Sec. 15. thereof and inserting in lieu thereof a new section to be styled 1058. Sec. 15., as follows:

1058. Sec. 15. Non-residents of District; Use of Library By; On What Terms:—In addition to its other powers, the District Library Commission may, if it deem proper, permit persons living without the corporate limits of said District, to enjoy and use said library or library and reading room exactly as though residents of said District, upon the payment to said Commission for the use of the library such fee or fees as said Commission shall deem proper.

Section 16. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1059. Sec. 16. thereof and inserting in lieu thereof a new section to be styled 1059. Sec. 16., as follows:

1059. Sec. 16. Consolidation of two or more Districts for Library; How Effected:—Any two or more School Districts may unite for the purpose of obtaining the benefit of this Chapter. Whenever any School Committee of any such Districts shall be petitioned therefor by at least five qualified electors thereof, said Committee shall arrange with the School Committee of any

other of said Districts for the holding of a special election to determine the question. At such election, any qualified elector in any one of said Districts shall be entitled to vote at said special election. If a majority of the votes then cast shall be in favor of uniting and establishing a free library for said Districts, the same shall be deemed and taken to be effected. The Districts so united shall be taken to be one District for the purpose of this Chapter, and shall be considered as belonging to the class which any one of said Districts would have belonged to if there had been no union.

Section 17. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1060. Sec. 17. thereof and inserting in lieu thereof a new section to be styled 1060. Sec. 17., as follows:

1060. Sec. 17. State Funds Payable to School Districts for Library Purposes; When:—Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any School District in this State has established a free public library therein, and has raised by taxation, subscription, gift or otherwise, a sum not less than the minimum sum prescribed by Section 10 of this Chapter for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing such establishment, said State Treasurer shall pay to the District Library Commission of any such School District a sum equal to one-half of the sum certified by the State Library Commission as aforesaid; and each year thereafter, the said State Treasurer shall pay to said District Library Commission a sum equal to one-half of the sum certified to the said State Treasurer by the State Library Commission as having been raised by taxation subscription, gift, or otherwise during the year, in which the State Treasurer is to make such payment for the maintenance and increase of the District Library for such year. Provided, however, that the State Treasurer shall not in any one year pay to any District Library Commission any sum in excess of \$1,000.00 if the District belongs to the First or Second Classes, nor in excess of \$500.00 for a District of the Third Class, nor in excess of \$300.00 for a District of the Fourth Class. All such sums, paid to any District Library Commission by the State Treasurer as aforesaid, shall be expended by such District Li-

library Commission for books. A list of such books must be submitted before purchase to the State Library Commission for approval. If any District Library Commission shall neglect or refuse to expend all monies received by such District Library Commission from the State Treasurer as aforesaid for books approved by the State Library Commission, then and in such event the State Library Commission is authorized and empowered to refuse to issue a certificate to the State Treasurer for any further or other payment to the District Library Commission so neglecting or refusing as aforesaid.

The payments shall be made quarterly in four equal installments. Each payment shall be made on certification of the State Library Commission.

Section 18. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1061. Sec. 18. thereof and inserting in lieu thereof a new section to be styled 1061. Sec. 18., as follows:

1061. Sec. 18. School District and District Defined:—The words "School District" and the word "District" shall be deemed and held to mean all kinds of School Districts in this State, those that are Special School Districts and those that are not Special School Districts.

Section 19. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1062. Sec. 19. thereof and inserting in lieu thereof a new section to be styled 1062. Sec. 19., as follows:

1062. Sec. 19. Dover Library Vested in Dover Special School District; Corbit Library Entitled to Benefits of Section 17:—The Free Public Library heretofore established in the Town of Dover is transferred to and made the Free Public Library of the Dover Special School District; and all the rights, powers, privileges and duties prescribed by this Chapter for free libraries to be established under its provisions, shall immediately vest in the library so transferred, and in the said Dover Special School District, and in the Board of Education thereof, and in the local library commission having control thereof, precisely as if said

free library had been established in said Dover Special School District in the first instance.

The free library known as the "Corbit Library" provided for under Chapter CCCCXVI of Volume 11 of the Laws of Delaware is made a School District Library for the purpose of receiving all benefits provided in Section 17 of this Chapter. For the purpose of ascertaining what appropriation said Library shall receive under said Section from the State Treasurer, said Corbit Library shall be deemed and taken to be a library established under the provisions of this Chapter in a School District of the Third Class; but in all other respects said Corbit Library shall remain and continue as though this Chapter had not been passed.

Section 20. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1063. Sec. 20. thereof and inserting in lieu thereof a new section to be styled 1063. Sec. 20., as follows:

1063. Sec. 20. District Library Commissioners; Borrowing of Money by; Method of; Election for; Resubmission of Question Form or Bonds; Limit of Amount; Bonds, How Executed; Security for Loan; Taxation for Payment of Interest and Principal; Sinking Fund:—Under the circumstances and conditions herein-after set forth, money may be borrowed in aid of any Free Public Library in this State now or hereafter established.

(1) The District Library Commission or other governing board of a Free Public Library in aid of which money is desired to be borrowed shall adopt a resolution to the effect that it deems it advisable that a specified sum of money be borrowed for some specified purpose or purposes.

(2). The said Commission or Board shall submit the question of the approval or rejection of said resolution to the qualified voters of said District at any annual meeting at which members of the District Library Commission are elected or at a special meeting called for the purpose.

(3) The said Commission or Board shall give notice that the said resolution will be submitted to the voters as aforesaid.

Such notice shall be given by publication in two issues of a newspaper published in the Library District (or if no newspaper is published in the said District, then in some newspaper published in the County) and by printed advertisements posted in at least five public places in the District at least ten days prior to the date of the annual meeting or special meeting at which the resolution will be submitted to the voters as aforesaid. The said notice shall state the substance of the resolution aforesaid, and the day, hour, and place that it will be submitted to the voters aforesaid.

(4) The said Commission or Board shall appoint the persons to conduct the election. The polls shall remain open at least two hours. All persons in the School District entitled to vote at a school election in the School District shall be entitled to vote at such election. The voting shall be by ballot on which shall be written or printed the words "for the resolution in aid of the library" or "against the resolution in aid of the library."

(5) If a majority of the votes cast be for the resolution in aid of the library, authority to borrow the amount of money specified in the resolution aforesaid shall be deemed to be thereby conferred. If a majority of the votes cast be against the resolution in aid of the library, the money shall not be borrowed, and the question shall not be submitted again to the voters during that same school year.

(6) The said Commission or Board shall certify the result of said election of the Board of Education having the management of the public schools of the District.

(7) If the results of the said election be for the resolution in aid of the library as aforesaid, the said Board of Education is hereby authorized and required to borrow the amount specified in the resolution aforesaid, and for this purpose may issue a bond or bonds for said amount. Such bond or bonds shall be in such form and denomination and shall bear such date and be at such rate of interest, not exceeding six per centum per annum, and shall mature at such time or times as said Board of Education shall determine; provided always, however, that the amount of any sums borrowed under the provisions of this Section shall not exceed the sum of One Hundred Thousand Dollars for any one

District. Any bond issued as aforesaid shall be signed by the President of the Board of Education aforesaid and attested by its Secretary or Clerk, and in case said Board of Education shall have or use a common seal, shall be sealed with the same, but in the absence of such common seal, the word "SEAL" with a scroll around the same shall be deemed and taken to be the seal of the District. The faith and credit of the School District wherein the library aforesaid is situated shall be deemed to be pledged by every bond issued under the provisions of this Section.

(8) Whenever any bond or bonds shall have been issued under the provisions of this Section, the Board of Education having the management of the public schools of the District shall annually raise by levy and taxation a sum sufficient for the payment of the interest on the amount or amounts so borrowed and shall likewise raise from time to time by levy and taxation such sum or sums as shall be necessary to establish a sinking fund for the payment of the debt secured by said bond or bonds at or before the maturity thereof. The sums authorized to be raised for interest and for a sinking fund as aforesaid shall be raised in the same manner as school taxes in said District are raised, and shall be in addition to all sums authorized to be raised by said District by any other statute.

(9) All monies borrowed as aforesaid shall be paid by the Board of Education aforesaid to the District Library Commission or governing Board of the said Free Public Library. The purpose or purposes, for which the money aforesaid shall be by the said District Library Commission or governing Board directed to be paid as aforesaid, may be for the purchase of a building for the library and for the alterations or repair thereof, or of a site for such building and for the erection of a building thereon, or for the improvement and repair of any library building owned by such District, and/or for the purchase of library furniture and equipment and/or for the purchase of books for the library. In case any corporation, club, society, organization, or association shall desire to have the use of some part or portion of the library building not required for the library purposes and will agree in consideration for permission to use such part or portion of said building to pay a rental or to contribute a reasonable amount toward the purchase of the library building or toward cost of

erection of a library building and/or toward the cost of the maintenance of the library, the District Library Commission or governing Board shall have the right and power to make or enter into a lease, contract, or other agreement accordingly.

Section 21. That Chapter 34, Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1064. Sec. 21. thereof.

Approved June 4. 1951.

CHAPTER 199

STATE EMPLOYEES

RELATING TO COMPUTATION OF NUMBER OF YEARS' SERVICE
OF CERTAIN EMPLOYEES

AN ACT TO AMEND AN ACT 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 PAYMENTS 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 NONASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," BEING CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, 1944-45, AS AMENDED, WITH REFERENCE TO COMPUTING THE NUMBER OF YEARS' SERVICE OF THOSE WHO WERE EMPLOYED BY THE RESPECTIVE LEVY COURTS IN THIS STATE IN THE CARE AND MANAGEMENT AND CONTROL OF COUNTY ROADS AND BRIDGES.

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, 1944-45, be and the same is hereby further amended by adding at the end of Section 3 thereof, a new paragraph as follows:

Any former or present employee of the State Highway Department who was employed by the Levy Courts of the respective Counties in this State in the care and management and control of the County Roads and Bridges of the respective Counties and were so employed at the time all the care and management and control of said County Roads and Bridges was transferred to the State Highway Department, shall receive full credit for the time

they were employed by the respective Levy Courts in this State in computing the number of years' service required to receive pension benefits within the meaning of this Act.

Approved June 4, 1951.

CHAPTER 200

STATE EMPLOYEES

RELATING TO AMOUNT OF PENSION BENEFITS PAYMENT

AN ACT TO AMEND AN ACT 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 PAYMENTS 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 NONASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," BEING CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, 1944-45, AS AMENDED, WITH RESPECT TO AMOUNT OF PENSION BENEFITS PAYMENT.

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, 1944-45, be and the same is hereby further amended by striking out and repealing the first paragraph of Section 4 thereof and by inserting and enacting a new first paragraph in lieu of the part so stricken out, as follows:—

The pension shall be payable monthly and, subject to the limitation that the monthly pension payment shall not exceed One Hundred and Fifty Dollars (\$150.00) nor be less than Sixty Dollars (\$60.00), the monthly pension payment shall be one-seventieth of the monthly retiring base salary multiplied by number of years (taken to the nearest twelfth part of a year) which the employee shall have served in covered employment during the period that ends on the date of retirement and that includes no interruptions from continuous covered employment except allowable interruptions aggregating not over five years.

Approved June 4, 1951.

CHAPTER 201

AUTHORIZING SATISFACTION OF LIEN ON LANDS OF
THE LIONS CLUB OF SMYRNA**AN ACT AUTHORIZING AND DIRECTING THE LEVY
COURT COMMISSIONERS OF KENT COUNTY TO SAT-
ISFY A MORTGAGE UPON THE LANDS OF THE LIONS
CLUB OF SMYRNA, DELAWARE.**

WHEREAS, Benton V. Weldon and wife, executed a mortgage in the sum of One Hundred Fifty Dollars (\$150.00) on certain lands on Frazier Street, in the Town of Smyrna, on December 17, 1886 and which is of record in the Office of the Recorder of Deeds in and for Kent County, in Mortgage Record Y, Volume 1, Page 477, to John Anthony, and

WHEREAS, John Anthony assigned said mortgage to Julia H. Weldon by an assignment which is of record in the Recorder of Deeds aforesaid in Mortgage Record B, Volume 2, Page 118, and

WHEREAS, Julia H. Weldon assigned said mortgage to the State of Delaware for the use of Kent County, by an assignment which is of record in the Recorder of Deeds aforesaid, in Assignment Record A, Volume 1, Page 270, and

WHEREAS, the lands covered by said mortgage are now owned by the Lions Club of Smyrna, Delaware, a corporation of the State of Delaware, and said lands are devoted to the use of The Public as a Youth Center, and

WHEREAS, more than fifty years have passed since said mortgage was assigned to the State of Delaware for the use of Kent County, and it is impossible to determine whether the mortgage has been paid or if there is anything still due thereon, and said mortgage constitutes a lien on said land, 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 Kent County be and hereby are authorized and directed to cause the mortgage executed by Benton V. Weldon and wife, of record in the Office of the Recorder of Deeds in and for Kent County in Mortgage Record Y, Volume 1, Page 477, to be cancelled and satisfied of record.

Approved June 4, 1951.

CHAPTER 202

NEW CASTLE COUNTY WORKHOUSE

AN ACT TO AMEND SECTION 4145, REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE NEW CASTLE COUNTY WORKHOUSE.

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

Section 1. That 4145. Sec. 28. Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out Section 28b. thereof and substituting in lieu thereof a new Section 28b. as follows:

Section 28b. The Levy Court shall, after consultation with the Trustees of the New Castle County Workhouse, annually appropriate from the General Fund of New Castle County an amount estimated by it to be necessary for the following year for the operation of the New Castle County Workhouse and for the maintenance of prisoners committed thereto from New Castle County. The said amount shall be paid to the Trustees of the New Castle County Workhouse in installments as in the joint judgment of the Trustees, and the Levy Court, the same is required and needed by the said Trustees for the operation and maintenance of the said New Castle County Workhouse. From the money so appropriated by and received from the Levy Court of New Castle County the Trustees shall provide for the payment of the expenses of the operation of the Workhouse, the maintenance of prisoners committed from New Castle County, as well as payments of interest and principal upon outstanding bonds of the said New Castle County Workhouse. Any unexpended balance of such appropriation for any year shall be noted in the budget for the following year and shall be credited against the appropriation for the following year.

Approved June 4, 1951.

CHAPTER 203

CONSTABLES

PROVIDING FOR ADDITIONAL POLICE FOR
NEW CASTLE HUNDRED**AN ACT TO AMEND CHAPTER 51, 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, 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 from Brandywine Hundred and four police from Christiana Hundred and four police from New Castle Hundred. They shall be appointed in the month of May, A. D. 1951, 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 or may be hereafter conferred by law upon Constables in New Castle County and all of such police may exercise such police powers in any of the aforesaid Hundreds 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 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 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.

Approved June 4, 1951.

CHAPTER 204

NEW CASTLE COUNTY LEVY COURT

AUTHORIZING REFUND OF 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.

John Brand	\$91.40
Virginia Williams	83.81
Severe E. Hybinette	77.28
Fred J. Johnston.....	76.80
John B. Logan	76.80
Betty A. Kirk	92.32

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

Approved June 4, 1951.

CHAPTER 205

FISH, OYSTERS AND GAME

AUTHORIZING BOARD OF GAME AND FISH COMMISSIONERS
TO ENGAGE IN FISH RESTORATION

AN ACT ASSENTING TO THE PROVISIONS OF THE ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATE IN FISH-RESTORATION AND MANAGEMENT PROJECTS, AND FOR OTHER PURPOSES," APPROVED AUGUST 9, 1950, BY AUTHORIZING THE BOARD OF GAME AND FISH COMMISSIONERS TO ENGAGE IN FISH-RESTORATION AND MANAGEMENT PROJECTS AS OUTLINED IN SAID ACT.

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

Section 1. The State of Delaware hereby assents to the provisions of the Act of Congress entitled "An Act to Provide that the United States Shall Aid the States in Fish-Restoration and Management Projects, and for Other Purposes," approved August 9, 1950 (Public Law 681, 81st Congress) and the Board of Game and Fish Commissioners is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative Fish-Restoration and Management Projects, as defined in said Act of Congress, in compliance with said Acts and with rules and regulations promulgated by the Secretary of the Interior thereunder. Said Board of Game and Fish Commissioners is further hereby authorized and empowered to receive and disburse any and all funds now or which may hereafter be allocated to this State under the provisions of said Act of Congress and any amendment or amendments thereto.

Approved June 4, 1951.

CHAPTER 206

FISH, OYSTERS AND GAME

RESPECTING LENGTH OF ROCKFISH LAWFUL TO CATCH
AND TAKE

**AN ACT TO AMEND CHAPTER 74, REVISED CODE OF DEL-
AWARE, 1935, AS AMENDED, ENTITLED "FISH, OY-
STERS AND GAME," WITH RESPECT TO THE LENGTH
OF ROCK FISH LAWFUL TO CATCH AND TAKE.**

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

Section 1. That Chapter 74, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the word "ten" where it appears in the 2nd paragraph of 2993. Sec. 192. thereof and by substituting and enacting in lieu thereof the word "twelve."

Approved June 4, 1951.

CHAPTER 207

STATE TREASURER

RESPECTING FUNDS COLLECTED BY BOARD OF GAME AND
FISH COMMISSIONERS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE THAT THE RECEIPTS AND MONEYS OF THE STATE BE DEPOSITED IN AND DISBURSED FROM ONE GENERAL FUND ON AND AFTER JULY 1, 1941 AND MAKING EXCEPTIONS OF CERTAIN RECEIPTS AND MONEYS THEREFROM," BEING CHAPTER 77, VOLUME 42, LAWS OF DELAWARE, 1939, AS AMENDED, WITH RESPECT TO THE USE OF FUNDS COLLECTED BY THE BOARD OF GAME AND FISH COMMISSIONERS OF THE STATE OF DELAWARE FROM HUNTING, FISHING AND TRAPPING LICENSE FEES.

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

Section 1. That Chapter 77, Volume 42, Laws of Delaware, 1939, as amended, be and the same is hereby further amended by adding at the end of Section 1. thereof a new paragraph to read as follows:

All funds derived from the issuance of yearly licenses issued by the Board of Game and Fish Commissioners for fishing shall be deposited by said Board with the State Treasurer of Delaware, and One Dollar (\$1.00) of each fishing license shall be specifically earmarked for the purpose of matching and securing money allotted to Delaware under the Dingell-Johnson Act, and any balance remaining in such earmarked fund after full provision is effected to insure coverage for Dingell-Johnson grants, shall be expended for the purpose of propagation purposes in the State.

Approved June 4, 1951.

CHAPTER 208

NEW CASTLE COUNTY LEVY COURT

RELIEF OF INDIGENT SICK

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE MONEYS FOR THE RELIEF OF THE INDIGENT SICK RESIDENT IN NEW CASTLE COUNTY.

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

Section 1. The Levy Court of New Castle County is authorized and empowered, in its discretion, annually to appropriate for the relief of the indigent sick resident in said County, in addition to any other sum heretofore authorized or directed to be appropriated for such purpose, the sum of Two Hundred and Thirty-five Thousand Dollars (\$235,000.00). Said sum, or such portion thereof as the said Levy Court may from time to time appropriate, shall be expended in accordance with the provisions of Section 22 of Chapter 43, Revised Code of Delaware, 1935, as amended.

Approved June 4, 1951.

CHAPTER 209

ENABLING SUPREME COURT TO ADOPT CRIMINAL RULES
OF PROCEDURE**AN ACT TO ENABLE THE SUPREME COURT OF THE
STATE OF DELAWARE TO DEVISE AND ADOPT
CRIMINAL RULES OF PROCEDURE FOR THE COURTS
OF OYER AND TERMINER AND THE COURTS OF
GENERAL SESSIONS OF THE STATE OF DELAWARE.**

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

That the Supreme Court of the State of Delaware shall have the power to prescribe by general rule to the Courts of Oyer and Terminer and the Courts of General Sessions of this State the forms of process, writs, pleadings, motions, discovery, practice and procedure in criminal actions. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant. They shall take effect six months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect.

Approved June 4, 1951.

CHAPTER 210

STATE EMPLOYEES

ADDING LIBRARIAN OF JUDGES' LIBRARY OF NEW CASTLE COUNTY AND SECRETARIES OF STATE JUDGES TO DEFINITION OF "COVERED EMPLOYMENT"

AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, KNOWN AS "THE DELAWARE STATE EMPLOYEES BENEFIT ACT," BY ADDING TO THE DEFINITION OF "COVERED EMPLOYMENT" THE POSITIONS OF LIBRARIAN OF THE JUDGES' LIBRARY OF NEW CASTLE COUNTY AND OF THE SECRETARIES OF THE STATE JUDGES.

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, reading as follows:

Any other provisions of this Act notwithstanding, the librarian of the Judges' Library of New Castle County and the Secretaries of the State Judges, if otherwise qualified under this Act (and regardless of the source from which their respective salaries were heretofore paid) shall be considered in Covered Employment under this Act and the time from which the period of service of said Librarian and Secretaries shall be deemed to have commenced shall be the time when they began their respective services as Librarian or Judges' Secretary.

Approved June 4, 1951.

CHAPTER 211

JURIES

RESPECTING DEFICIENCY IN NUMBER OF JURORS

AN ACT TO AMEND CHAPTER 131 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, WITH RESPECT TO DEFICIENCY IN THE NUMBER OF JURORS.

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

That Chapter 131 of the Revised Code of Delaware, 1935, as amended, be and the same is further amended by striking out and repealing 4753. Section 33. of the said Chapter and inserting in lieu thereof a new Section to be known as 4753. Section 33. as follows:

4753. Sec. 33. DEFICIENCY IN THE NUMBER OF GRAND OR PETIT JURORS, HOW SUPPLIED:—If either before or after the first day of any term of Court it shall appear that the number of grand or petit jurors summoned to appear at the said Term of Court is insufficient, then the Resident Judge of the county in which said Term of Court is to be held, or in his absence then any other Judge of the Superior Court, may enter an order for filling up the requisite number of jurors to serve at said Court. If the deficiency is in the number of Grand Jurors then said Judge may himself select a qualified person or persons to fill the requisite number of Grand Jurors and, in the discretion of said Judge, the vacancy or vacancies in said Grand Jurors may be filled for the balance of the year.

Approved June 4, 1951.

CHAPTER 212

JURIES

RESPECTING PAYMENT OF JURORS

AN ACT TO AMEND CHAPTER 131 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, WITH RESPECT TO PAYMENT OF JURORS.

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

Section 1. That Chapter 131 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 4752. Sec. 32. and by enacting in lieu thereof a new Section to be known as 4752. Sec. 32., as follows:

4752. Sec. 32. JURORS; WHEN AND HOW PAID; LIST TO BE SIGNED BY PROTHONOTARY OR CLERK OF THE PEACE; AFTER JURORS PAID, LIST TRANSMITTED TO LEVY COURT:—The Prothonotary, or Clerk of the Peace, shall, at each Court, make a list of the jurors in attendance, showing the amount due to each juror for his service at such Court; and the said list after being signed by the Prothonotary or Clerk of the Peace shall serve as an order, payable to each individual shown thereon for the sum so allowed for his service, upon the Treasurer of the County who shall be required to pay same.

After the drawing of such orders, the said lists shall be transmitted by the Prothonotary, or Clerk to the Levy Court.

Approved June 4, 1951.

CHAPTER 213

JURIES

CONCERNING DEFICIENCY IN NUMBER OF JURORS

AN ACT TO AMEND CHAPTER 131 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, CONCERNING THE DEFICIENCY IN NUMBER OF JURORS.

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

Section 1. That Chapter 131 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by repealing all of 4737., Section 17. of the said Chapter.

Approved June 4, 1951.

CHAPTER 214
APPROPRIATION

UNITED PETROLEUM CORP.

AN ACT TO APPROPRIATE THE SUM OF ONE THOUSAND NINE HUNDRED SIXTY DOLLARS AND THIRTY-NINE CENTS TO UNITED PETROLEUM CORP., A CORPORATION OF THE STATE OF DELAWARE, TO REIMBURSE IT FOR PENALTY AND INTEREST PAID TO THE STATE OF DELAWARE ON MOTOR FUEL TAX.

WHEREAS, United Petroleum Corp., a corporation of the State of Delaware, owed to the State of Delaware the sum of Seven Thousand Six Hundred Thirteen Dollars and Fifteen Cents (\$7,613.15) for motor fuel taxes for the month ending October 31, 1950, which sum became due and payable not later than the 30th day of November, 1950; and

WHEREAS, the necessary tax report was placed upon the desk of the President of the company for approval and authorization of issuance and transmittal to the State of Delaware of a check in payment therefor a reasonable length of time prior to the above-mentioned deadline in accordance with the custom of the company; and

WHEREAS, after said report was put upon the desk of the President, and before the issuance of a check was authorized by him, the said President, Joseph J. Gabel, suffered a heart attack requiring his removal to a hospital, and in the confusion resulting therefrom the matter was overlooked until the deadline was upon the company, at which time and until December 2, 1950, no authorized person could be reached to sign the said check and have it in the hands of the State Tax Department at the proper time; and

WHEREAS, as promptly as a person authorized to sign checks of said company could be reached in the absence of Mr. Joseph J. Gabel, on December 2, 1950, the company moved with such speed as it could and did transmit for payment the principal

amount of said tax debt on the 2nd day of December, 1950, two days too late; and

WHEREAS, by reason of the said delay, a penalty in the sum of One Thousand Nine Hundred Three Dollars and Twenty-nine Cents (\$1,903.29), together with interest thereon in the sum of Fifty-seven Dollars and Ten Cents (\$57.10), has been duly assessed by the State Highway Department and paid by the company; and

WHEREAS, under all the circumstances of the case, as above recited, it seems fair in this instance to remit the said penalty; 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 of the Members elected to each Branch of the Legislature concurring therein):

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay to United Petroleum Corp., a corporation of the State of Delaware, the sum of One Thousand Nine Hundred Sixty Dollars and Thirty-nine Cents (\$1,960.39) to reimburse said company for the penalty and interest thereon as mentioned in the preamble to this Act.

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 4, 1951.

CHAPTER 215

LAUREL

RELATING TO THE LAYING OUT AND VACATION OF STREETS

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
LAUREL AS ESTABLISHED BY CHAPTER 164, VOL-
UME 29, LAWS OF DELAWARE, AND AS AMENDED,
IN REFERENCE TO THE LAYING OUT AND VACATION
OF STREETS, AND THE CONDEMNATION OF LANDS
THEREFOR.**

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

Section 1. That Chapter 164, Volume 29, Laws of Delaware, be amended by striking out Sections 19 and 20 of said Chapter, and by substituting therefor the following Sections to be known as Sections 19 and 20:

Section 19. Mayor and Council of Laurel shall have the power and authority to locate, lay-out and open any new street or streets, re-open any old street or streets, widen streets or parts thereof, and to vacate such street or streets or parts thereof as may be necessary, allowing to the persons respectively interested therein or affected thereby such compensation or damages as shall be deemed just and reasonable for the best interest of the Town of Laurel, under all the circumstances having regard for the benefit or advantage which may accrue to the owner of the lands affected, which compensation, if any be allowed, shall be paid by the Treasurer of the Town on warrant drawn on him by Mayor and Council of Laurel.

Section 20. The procedure shall be as follows: Mayor and Council of Laurel shall, by a majority vote, adopt a resolution favorable to the opening of the new street or streets, or to the widening or altering of a street, or to the vacation or abandonment of a street, or any portion thereof as the case may be, and

shall give a general description of the streets to be opened or widened, or altered or vacated.

The resolution shall also state the day, hour and place when Mayor and Council will sit to hear objections and to award just and reasonable compensation to any owner of land or property who will be deprived of property or affected adversely. A copy of such resolution shall be posted in five (5) or more public places in the Town of Laurel at least five (5) days before the day fixed for the hearing as aforesaid, and also a copy of the resolution shall be sent by mail to each of the persons whose lands will be affected, addressed to the last known postoffice address of such person at least five (5) days before the day fixed for the hearing aforesaid.

At the time and place fixed in the resolution Mayor and Council shall hear such residents of the Town, or owners of the property affected as shall attend, and it shall at said meeting, or at a subsequent day as it shall deem proper, adopt a resolution by a majority vote, to proceed with or abandon the proposal as it shall deem for the best interest of the Town. In case the determination shall be to proceed with the plan contemplated by the resolution, Mayor and Council of Laurel shall award just and reasonable compensation to anyone who will be deprived of property, or affected adversely, in consequence thereof. Such compensation, if any be awarded, shall be paid upon delivery of a deed in fee simple in favor of the Town of Laurel, clear of all liens and incumbrances, or upon delivery of the proper release or other proper and necessary writing as shall be deemed necessary. If any person who will be deprived of property or whose interest therein shall be affected adversely shall be dissatisfied with the compensation awarded, he may, within five (5) days after the award appeal therefrom by serving written notice to that effect upon the Town Clerk or Mayor of Laurel. To prosecute the appeal the appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal aforesaid, apply to the Judge of the Superior Court of the State of Delaware, resident in Sussex County, or in his absence at that time to the Chief Justice of the said Court for the appointment of freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge or Chief Justice,

as the case may be, shall issue a commission under his hand directed to five (5) impartial freeholders in Sussex County commanding them to determine and fix the damages which the appellant will sustain, taking into consideration the benefits or advantages that will inure to the appellant, and to make return of their findings to the said Judge or Chief Justice at the time appointed in said commission.

The freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five (5) days before the day when they are to view the premises aforesaid, and a copy of such notice shall also be served on the Town Clerk or the Mayor at least five (5) days before the day of such meeting.

The freeholders, being first sworn or affirmed, on the day and at the hour and place stated in the notice shall view the premises, and shall hear the appellant and his witnesses and Mayor and Council of Laurel and its witnesses and shall, without delay, determine the damages, if any, which the appellant will sustain by reason of the execution of the plan as aforesaid. Thereupon and without delay the freeholders shall make return of their proceedings to the said Judge or Chief Justice, as the case may be, who shall cause the return to be delivered to the Town Clerk, or Mayor of Laurel, and such return shall be final and conclusive. The Judge or Chief Justice shall have power to fill any vacancy among the freeholders.

The amount of damages being ascertained as aforesaid, Mayor and Council of Laurel may pay or tender the same to the person or persons entitled thereto within one month after ascertainment thereof, or may deposit the same to the credit of the person entitled thereto in any Bank in the Town of Laurel, within the said period of one month, and thereupon Mayor and Council of Laurel may carry into effect the plan contemplated in the resolution aforesaid.

In the ascertainment and assessment of the damages by the freeholders, if the damages shall be increased, or if the Council

shall decide not to proceed with the accomplishment of the plan as aforesaid the cost of the appeal shall be paid by the Mayor and Council of Laurel; but if said damages shall not be increased the cost of the appeal shall be paid by the appellant.

The fee of the freeholders shall be Five Dollars (\$5.00) per day to each of them, which shall be taxed as a part of the costs. After the damages shall be ascertained as aforesaid, Mayor and Council of Laurel shall have the option of paying the damages assessed within the term aforesaid and proceed with the execution of the plan, or upon the payment of the costs only may abandon the proposed plan and improvement.

Whenever the land comprehended or included in any street, or part thereof, vacated or abandoned under this Section, if owned by the Town of Laurel, Mayor and Council of Laurel may, in its discretion, sell such land at public sale and for such consideration as may be deemed proper, and it shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the Town of Laurel may have therein.

The word "street" shall be deemed to comprehend and include sidewalks, lanes and alleys for all the purposes of this Section.

Approved June 4, 1951.

CHAPTER 216

CORONERS

RESPECTING BURIAL OF BODIES

AN ACT TO AMEND CHAPTER 49 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "CORONERS," IN THE RESPECT OF BURIAL OF BODIES.

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

Section 1. That Chapter 49 of the Revised Code of Delaware, 1935, be, and the same is hereby amended by striking out and repealing all of 1538. Sec. 20. thereof and inserting in lieu thereof a new Section to be known as 1538. Sec. 20. as follows:

1538. Sec. 20. Burial of Body; When and How:—In any case within the Jurisdiction of the Coroner, where it shall be incumbent on the County to bury the person found dead, the Coroner shall procure an undertaker to bury the body, who upon presenting a bill to the Levy Court of the County having jurisdiction, approved by the Coroner of the said County, shall be allowed and paid by the said Levy Court, the sum of Seventy-five Dollars for the burial of an adult person and the sum of Fifty Dollars for the burial of a child.

Section 2. That all Acts, or parts of Acts, inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Approved June 5, 1951.

CHAPTER 217

FISH, OYSTERS AND GAME

RESPECTING SHORT TERM NON-RESIDENT FISHING LICENSE

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME" BY REPEALING A CERTAIN PROVISION CONCERNING SHORT TERM NON-RESIDENT FISHING LICENSE.

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

Section 1. That 2883. Sec. 82. of 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 "4th" thereof.

Approved June 5, 1951.

CHAPTER 216

CORONERS

RESPECTING BURIAL OF BODIES

AN ACT TO AMEND CHAPTER 49 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "CORONERS," IN THE RESPECT OF BURIAL OF BODIES.

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

Section 1. That Chapter 49 of the Revised Code of Delaware, 1935, be, and the same is hereby amended by striking out and repealing all of 1538. Sec. 20. thereof and inserting in lieu thereof a new Section to be known as 1538. Sec. 20. as follows:

1538. Sec. 20. Burial of Body; When and How:—In any case within the Jurisdiction of the Coroner, where it shall be incumbent on the County to bury the person found dead, the Coroner shall procure an undertaker to bury the body, who upon presenting a bill to the Levy Court of the County having jurisdiction, approved by the Coroner of the said County, shall be allowed and paid by the said Levy Court, the sum of Seventy-five Dollars for the burial of an adult person and the sum of Fifty Dollars for the burial of a child.

Section 2. That all Acts, or parts of Acts, inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Approved June 5, 1951.

CHAPTER 217

FISH, OYSTERS AND GAME

RESPECTING SHORT TERM NON-RESIDENT FISHING LICENSE

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME" BY REPEALING A CERTAIN PROVISION CONCERNING SHORT TERM NON-RESIDENT FISHING LICENSE.

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

Section 1. That 2883. Sec. 82. of 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 "4th" thereof.

Approved June 5, 1951.

CHAPTER 218

STATE BOARD OF AGRICULTURE

RELATING TO SALE OF LIMING MATERIALS

AN ACT TO AMEND CHAPTER 21, ARTICLE 10 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE BOARD OF AGRICULTURE IN REFERENCE TO THE SALE OF LIMING MATERIALS.

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

Section 1. That Chapter 21, Article 10 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting in 667. Sec. 100. under Paragraph 1, a new paragraph to be styled Paragraph 1(a).

"Paragraph 1(a). All shipments of liming materials in bulk must be accompanied by a statement giving the net weight and the information required in 667. Sec. 100. Paragraph 2, 3 and 4, said statement to be delivered to the purchaser or with the invoice therefor.

"The State Board of Agriculture or its authorized agents are hereby empowered to stop any or all vehicles delivering liming materials and have such vehicles weighed at approved weigh stations. If the bulk shipment is found to be short in weight, the registrant of said liming material shall within fifteen (15) days after official notice from the State Board of Agriculture pay to the consumer a penalty equal to five (5) times the value of the actual shortage. The State Board of Agriculture may in its discretion allow reasonable tolerance for short weight due to loss through transporting.

"If the analysis of any agricultural liming materials, obtained by official methods of the Association of Official Agricultural Chemists, shall fall as much as or more than five (5) per cent (five per cent of the guarantee) below the guaranteed analysis of the total oxides, the State Board of Agriculture shall assess a

penalty equal to three (3) times the value of such deficiency against the manufacturer, dealer or agent selling such liming material.

"The assessment shall be based upon the selling price of such agricultural liming material. All penalties assessed under this section shall be paid to the consumer of the lot of agricultural liming material represented by the same analyzed within sixty (60) days after the date of notice from the State Board of Agriculture to the manufacturer, dealer or agent, receipts taken therefore and promptly forwarded to the State Board of Agriculture. If said consumers cannot be found, the amount of the penalty shall be paid to the State Board of Agriculture, who shall deposit same in the General Fund of the State of Delaware."

Approved June 5, 1951.

CHAPTER 219

PUBLIC ARCHIVES COMMISSION

RELATING TO THE PROTECTION OF ABORIGINAL SITES

AN ACT TO AMEND CHAPTER 11 OF VOLUME 39 OF THE LAWS OF DELAWARE, 1934, AS AMENDED, RELATING TO THE PROTECTION OF ABORIGINAL SITES AND THE PRESERVATION OF ARCHAEOLOGICAL AND SCIENTIFIC INFORMATION, MATTERS AND OBJECTS.

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

Section 1. That Chapter 11 of Volume 39 of the Laws of Delaware, 1934, as amended, be and the same is hereby further amended by adding the following new sentence at the end of Section 2. thereof:

"The Delaware State Museum created by Chapter 261 of Volume 46 of the Laws of Delaware, 1947, is hereby designated as a properly qualified Museum or scientific institution."

Section 2. That Chapter 11 of Volume 39, Laws of Delaware, 1934, as amended, by Chapter 194 of Volume 43 of the Laws of Delaware, 1941, be, and the same is hereby amended by striking out all of Section 3. of said Act, as amended, and by inserting in lieu thereof a new section to be known as Section 3. as follows:

"Section 3. All objects of historical or archaeological value or interest found on Aboriginal sites owned or controlled by the State of Delaware must be deposited for permanent preservation in either the Archaeological Museum of the University of Delaware or the Delaware State Museum created by Chapter 261 of Volume 46 of the Laws of Delaware, 1947, except when contrary to the provisions of Section 2. of this Act."

Section 3. That Chapter 11 of Volume 39, Laws of Delaware, 1934, as amended by Chapter 194 of Volume 43 of the Laws

of Delaware, 1941, be, and the same is hereby further amended by striking out the period at the end of Section 4. thereof and adding the following clause to the last sentence of said Section 4., as amended:

"or to the Delaware State Archivist."

Section 4. All Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of any such inconsistency.

Approved June 5, 1951.

CHAPTER 220

LEVY COURTS

INCREASING AMOUNT FOR CARE OF INDIGENT SICK IN
KENT COUNTY

**AN ACT TO AMEND CHAPTER 43, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, ENTITLED "LEVY
COURTS," BY INCREASING THE AMOUNT CHARGED
IN THE TREATMENT AND CARE OF INDIGENT SICK
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, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the words "Four Dollars per diem" where they appear together in 1251. Sec. 105. thereof, and by substituting and enacting in lieu thereof the words "Eight Dollars per diem."

Approved June 5, 1951.

CHAPTER 221

STATE HIGHWAY DEPARTMENT

REIMBURSEMENT FOR MONEY 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 1949 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 Eighty Thousand Dollars (\$80,000) to make possible the payment of State Police Pensions during the biennium ending on the thirtieth day of June, A. D. 1951; 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 Eighty Thousand Dollars (\$80,000) 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 5, 1951.

CHAPTER 222

GUARDIANS AND WARDS

RELATING TO GUARDIAN APPOINTED IN A POSSESSION OR TERRITORY OF THE UNITED STATES OR FOREIGN COUNTRY

AN ACT TO AMEND CHAPTER 89 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO GUARDIANS AND WARDS BY PROVIDING THAT A GUARDIAN DULY APPOINTED IN A POSSESSION OR TERRITORY OF THE UNITED STATES OR IN A FOREIGN COUNTRY SHALL HAVE ALL THE RIGHTS AND POWERS OF A GUARDIAN DULY APPOINTED BY THE ORPHANS' COURT.

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

Section 1. That Chapter 89 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 3579. Section 1. thereof and inserting in lieu thereof the following new section to be known and styled as 3579., Section 1.

3579. Sec. 1. GUARDIANS, HOW APPOINTED; GUARDIANS AD LITEM; HOW QUALIFIED; FOREIGN GUARDIANS; HOW QUALIFIED IN THIS STATE:—

Guardians shall be appointed and removed, or dismissed, by the Orphans' Court, as is provided in Chapter 118.

No person shall have any right or authority, as guardian, unless he shall have been duly appointed by said Court, or admitted by a court of law, or equity, to defend a suit as guardian ad litem.

But when a minor in any other one of the United States, any possession or territory of the United States, or in any foreign country, having property here, and a guardian there, duly appointed, such foreign guardian shall have all the rights and powers of a guardian duly appointed by the Orphans' Court, up-

on his recording in the office of the clerk of said Court, in either County, a certificate of his appointment, under the seal of the Court, or officer making such appointment, therein setting forth that such appointment was duly made according to the laws of such State, possession, territory or country; that such guardian has given security in due form, and the amount thereof; and that he is by the laws of such State, possession, territory or country, invested with the care and management of the estate of such minor, with authority to receive and liability as guardian to account for the same; provided, that such foreign guardian shall not be entitled to recover, or receive, any property, or things in action, of his ward, unless it appear by said certificate that he has given security in a sum at least equal to the amount of the property so demanded.

Approved June 5, 1951.

CHAPTER 223

COURTS

TERMS OF SUPERIOR COURT IN KENT COUNTY

AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE TERMS OF THE SUPERIOR COURT 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 the words "third Monday," as the same appear in the eighth line of the second paragraph of 4236., Section 2. thereof, and inserting in lieu thereof the words "second Monday."

Approved June 5, 1951.

CHAPTER 224

RELATING TO PHOTOGRAPHING, MICROPHOTOGRAPHING AND
PHOTOSTATING AS WRITING

AN ACT TO AMEND CHAPTER 77, ARTICLE 2, OF THE REVISED CODE OF DELAWARE, 1935, WITH REFER- ENCE TO PHOTOGRAPHING, MICROPHOTOGRAPHING AND PHOTOSTATING AS WRITING.

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

Section 1. That Section 6, Article 2, of Chapter 77 of the Revised Code of Delaware, 1935, being Section 3106. thereof, be and the same is hereby amended by adding a new paragraph at the end thereof, as follows:

"For the purposes of this section, writing includes microphotography, photography and photostating, and a microphotographic, photographic and/or photostatic copy of any agreement covered by this section, such copy or copies having been regularly made and kept in the course of business, shall be equally competent as evidence as the original of such agreement, where the original is inaccessible or has been destroyed or otherwise disposed of in good faith in the regular course of business and where the mode of making such microphotograph, photograph and/or photostat was such as to justify its admission as a true copy of the original."

Approved June 5, 1951.

CHAPTER 225

RELATING TO THE STATE BANK COMMISSIONER AND
HIS ASSISTANTS

**AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
THE OFFICE OF STATE BANK COMMISSIONER AND
HIS ASSISTANTS.**

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

Section 1. That Chapter 66 of the Revised Code of Delaware, 1935, as amended by Chapter 135, Volume 43, Laws of Delaware, 1941, be and the same is hereby further amended by striking out of the second paragraph of 2275. Sec. 18. thereof the word "three" where it appears between the words "deputies and examiners" in the first part of said paragraph and by substituting in lieu of the word so stricken out the word "four."

Approved June 5, 1951.

CHAPTER 226

COURT OF CHANCERY

RELATING TO INVESTMENTS OF TRUSTEES, GUARDIANS AND
OTHER FIDUCIARIES

**AN ACT IN RELATION TO INVESTMENTS OF TRUSTEES,
GUARDIANS AND OTHER FIDUCIARIES AND TO
PROPERTY TAKEN OVER BY THEM, BEING AN
AMENDMENT TO CHAPTER 117 OF THE REVISED
CODE OF THE STATE OF DELAWARE, AS AMENDED.**

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

Section 1. That Section 35 of Chapter 117 of the Revised Code of Delaware (1935), being Section 4401. of said Code, as amended by Chapter 171, Volume 44, Laws of Delaware, be and the same is hereby further amended by adding a new subdivision at the end of 4401. Section 35. of said Chapter, as follows:

“(f) A bank or trust company shall not purchase with funds held by it as fiduciary any property held by its commercial or banking department, but this prohibition shall not apply to mortgages and their accompanying bonds designated by its commercial or banking department for future trust investment at the time of acquisition by the commercial or banking department and purchased within one year from such time of acquisition with funds held by it in its trust department, provided the interest and taxes are current at the time of purchase by the trust department and an appraisal certificate on the real estate covered by the mortgages being purchased from at least one person competent and qualified to appraise real estate is obtained by the trust department at any time within ten days prior to the purchase by and transfer to the trust department. This exception shall apply to all types of mortgages held by the commercial or banking department, including mortgages covering properties constructed during the one year period from the time the mortgages were acquired by the commercial or banking department, provided with respect to the latter type of mortgages, that an appraisal certificate on the completed property from at least

one person competent and qualified to appraise such property, and a certificate from the owner of the property and/or the registered architect who planned the construction of the property, certifying that the construction is complete and satisfactory in every respect, are obtained by the trust department at any time within ten days prior to the purchase by and transfer to said department. The commercial or banking department shall make a report monthly to the Board of Directors of the bank or trust company listing all mortgages designated for trust investment and covering all transactions relating thereto, and such report shall be noted in the minutes of the meeting of the Board. The purchase of mortgages and their accompanying bonds permitted by this subdivision (f) of 4401. Section 35. shall be made subject to the limitations of the standard set forth in the foregoing subdivision (b) of 4401. Section 35."

Approved June 5, 1951.

CHAPTER 227

PROVIDING FOR PAYMENT OF UNCLAIMED WITNESS FEES INTO
GENERAL FUNDS OF NEW CASTLE COUNTY

**AN ACT TO AMEND CHAPTER 156 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
WITNESS FEES, BY PROVIDING FOR THE PAYMENT
OF UNCLAIMED WITNESS FEES INTO THE GENERAL
FUNDS OF NEW CASTLE COUNTY.**

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

That Chapter 156 of the Revised Code of Delaware, as amended by Chapter 78, Volume 46, Laws of Delaware, 1947, be and the same hereby is amended by adding at the end of 5362. Sec. 19. thereof, a new paragraph, to be designated 5362A. Section 19A. and reading as follows:

5362A. Sec. 19A. Where witness fees in any civil action instituted in New Castle County have been taxed and paid as part of the costs, and remain unclaimed for a period of six months from the date of payment thereof, the Prothonotary shall notify the witness at his last known address by registered mail, return receipt requested, of the fact that the witness fee is being held for him, and must be claimed within a period of six months from the date of such notice. When any of said witness fees shall have remained unclaimed for a period of one year from the date of payment, it shall be the duty of the Prothonotary to pay said unclaimed witness fees to the County Treasurer of New Castle County to be deposited to the credit of the general funds of the County. *Provided*, however, the Prothonotary's Office may retain fifteen per cent of such unclaimed witness fees to defray the costs incident to carrying out the provisions of this Act.

Approved June 5, 1951.

CHAPTER 228

LEVY COURTS

RELATING TO HOSPITAL CARE AND TREATMENT OF INDIGENT
SICK IN SUSSEX COUNTY

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO LEVY COURTS, AS AMENDED, RELATING TO THE AUTHORIZED AMOUNT THAT THE LEVY COURT OF SUSSEX COUNTY IS DIRECTED TO APPROPRIATE TO PROVIDE HOSPITAL TREATMENT AND CARE OF THE INDIGENT SICK.

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

Section 1. That 1249. Section 103. of Chapter 43, Revised Code of Delaware, 1935, as amended by Chapter 108, Volume 42, Laws of Delaware, 1939, be and the same is hereby further amended by striking out the words and numerals "the sum of Twenty-five Thousand (\$25,000.00) Dollars" as the same appears in lines 5 and 6 thereof, and by inserting in lieu thereof the words and numerals "such sums of money as shall be necessary not exceeding Fifty Thousand (\$50,000.00) Dollars."

Section 2. That 1216A. Section 70A. as found in Chapter 108, Volume 42, Laws of Delaware, 1939, be and the same is hereby amended by striking out the words and numerals "Four Dollars (\$4.00)" as the same appears in lines 15 and 16 of said section, and by inserting in lieu thereof the words and numerals "Eight Dollars (\$8.00)."

Approved June 5, 1951.

CHAPTER 229

DELAWARE WORKMEN'S COMPENSATION LAW

EXTENDING THE 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 EXTENDING THE PROVISIONS FOR PAYMENTS THEREUNDER, IN RELATION TO SURGICAL, MEDICAL, DENTAL AND HOSPITAL SERVICES AND SUPPLIES.

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

Section 1. That 6078. Sec. 8. of Chapter 175 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by striking out and repealing all of subsection (b) thereof and enacting and substituting in lieu thereof a new subsection (b) as follows:

(b) During the first thirty (30) days of the injury the employer shall furnish reasonable surgical, medical, dental, optometric and hospital services, medicine, and supplies, including repairing or replacing damage to false dentures, false eyes or eye glasses, as and when needed, unless the employee refuses to allow them to be furnished by the employer. The costs of such services, medicines, and supplies shall not exceed the regular costs for such services, medicines and supplies, and in case of controversy the costs shall be subject to the approval of the Industrial Accident Board. If the employer shall, upon application made to him, refuse to furnish reasonable surgical, medical, and hospital services, medicines, and supplies, the employee may procure the same and shall receive from the employer the reasonable cost thereof within the above limitations.

Approved June 5, 1951.

CHAPTER 230

MOTOR VEHICLES

AUTHORIZING DISCONTINUANCE OF ENGINE NUMBERS ON
COMMERCIAL MOTOR VEHICLES**AN ACT AUTHORIZING, EMPOWERING AND DIRECTING
THE MOTOR VEHICLE COMMISSIONER OF THE STATE
OF DELAWARE TO DISCONTINUE REQUIRING THE
USE OF ENGINE NUMBERS ON THE ENGINES OF
COMMERCIAL MOTOR VEHICLES FOR IDENTIFICA-
TION PURPOSES.**

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

Section 1. That the Motor Vehicle Commissioner of the State of Delaware be and the same is hereby empowered and directed to discontinue requiring the use of engine numbers on the engines of commercial vehicles for identification purposes, thus eliminating unnecessary expense, confusion and inconvenience now resulting from frequent replacement and substitution of motors. In lieu of requiring the use of engine numbers on the engines of commercial vehicles for identification purposes, as aforesaid, the Motor Vehicle Commissioner shall assign a separate frame number to each such commercial vehicle for identification purposes; which frame number shall be permanently cut into the frame of each such vehicle, at such location upon the frame thereof and under such regulations as said Motor Vehicle Commissioner shall provide.

Section 2. Nothing in this Act shall in any way alter or affect the necessity for requiring the use of serial numbers on any and all such vehicles.

Section 3. Any Act or part of an Act inconsistent with the provisions of this Act are hereby repealed insofar as such inconsistency might exist.

Approved June 5, 1951.

CHAPTER 231

APPROPRIATION

DELAWARE STATE COLLEGE

AN ACT APPROPRIATING CERTAIN MONEY TO DELAWARE STATE COLLEGE FOR CONSTRUCTING, EQUIPPING AND FURNISHING CERTAIN BUILDINGS ON THE COLLEGE CAMPUS THEREOF.

WHEREAS, by Chapter 408, Volume 47, Laws of Delaware, 1949, the sum of Five Hundred Thousand Dollars (\$500,000.00), or so much thereof as may be necessary, was appropriated to Delaware State College for the erection, construction and equipment of certain buildings needed at such said institution located near Dover, Delaware; and

WHEREAS, the buildings and improvements thereby contemplated, consisting of a new gymnasium and a new dormitory for women, are not as yet completed and the estimated additional amount presently required to complete the same is the further sum of One Hundred and Seventy-five Thousand Dollars (\$175,000.00); 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 Delaware State College the additional sum of One Hundred and Seventy-five Thousand Dollars (\$175,000.00), or so much thereof as may be necessary, to be expended by the Board of Trustees of Delaware State College for completing the construction, equipping and furnishing of a new gymnasium, and a new dormitory for women at Delaware State College. Both of said buildings shall be located and constructed upon the campus of Delaware State College located near Dover, Delaware.

Section 2. That said sum of One Hundred and Seventy-five Thousand Dollars (\$175,000.00) hereby appropriated shall be made available by the State Treasurer on July 1, 1951, to Delaware State College and shall remain available to Delaware State

College, together with the additional sum of Five Hundred Thousand Dollars (\$500,000.00) heretofore appropriated thereto by Chapter 408, of Volume 47, Laws of Delaware, 1949, until warrants covering the full amount thereof, or so much thereof as may be necessary, have been issued by the proper officials of Delaware State College and its Board of Trustees.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 5, 1951.

CHAPTER 232

ORPHANS' COURT

RELATING TO MAKING AFFIDAVIT FOR PROBATE OF DEBTS

AN ACT TO AMEND CHAPTER 98 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO THE ORPHANS' COURT BY PROVIDING THAT EITHER THE PRESIDENT, VICE-PRESIDENT, SECRETARY OR CASHIER OR TREASURER OF A CORPORATION; OR ANY ONE PARTNER OF A PARTNERSHIP SHALL MAKE THE AFFIDAVIT FOR THE PROBATE OF DEBTS.

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

Section 1. That Chapter 98 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the second paragraph of 3841. Section 43. thereof and inserting in lieu thereof a new second paragraph of said 3841. Section 43. as follows:

In case of a debt due to a corporation, either the president, any vice-president, secretary or cashier or treasurer shall make the affidavit; if the debt be due to a partnership any one of the partners shall make the affidavit; if the debt be due to two or more individuals not strictly partners, all the individuals shall make the affidavit.

Approved June 5, 1951.

CHAPTER 233

STATE EMPLOYEES

RELATING TO COVERED EMPLOYMENT

AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, 1944-45, AS AMENDED, KNOWN AS "DELAWARE STATE EMPLOYEES' PENSION ACT," BY PROVIDING THAT AN EMPLOYEE SHALL BE CONSIDERED TO HAVE BEEN IN "COVERED EMPLOYMENT" FOR ANY PERIOD OR PERIODS DURING WHICH HE WAS EMPLOYED BY ANY COUNTY OR MUNICIPALITY OF THIS STATE UNDER CERTAIN CONDITIONS.

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

Section 1. That Chapter 104, Volume 45, Laws of Delaware, be and the same is hereby amended by adding a new section to be entitled Section 15. as follows:

"Section 15. **ELIGIBILITY:**—In determining an employee's eligibility under this Act, such employee shall be considered to have been in 'covered employment' for any period or periods during which he was employed by any county or municipality of this State, if such county or municipal employment is covered under a pension system established by Act of the General Assembly; provided, that the pension to be paid under this Act shall be based exclusively upon service under this Act. Any payment shall be limited to an amount that would make the aggregate amount of pensions payable to an individual eligible under this and other Acts not more than the pension that would be paid to an individual whose service was exclusively under this Act."

Approved June 5, 1951.

CHAPTER 234

ORPHANS' COURT

DISEMPOWERING VICE-CHANCELLOR TO APPOINT A GUARDIAN

AN ACT TO AMEND CHAPTER 118 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO THE ORPHANS' COURT BY DISEMPOWERING THE VICE-CHANCELLOR TO APPOINT A GUARDIAN FOR MINORS, IN VACATION, AT CHAMBERS.

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

Section 1. That Chapter 118 of the Revised Code of Delaware, 1935, as amended by 43 Delaware Laws, Chapter 228, Section 1, be and the same is hereby further amended by striking out of the first sentence of 4423. Section 8. thereof the word "Vice-Chancellor."

Approved June 5, 1951.

CHAPTER 235

PROVIDING FOR UNIFORM MILEAGE RATE

AN ACT TO PROVIDE FOR A UNIFORM MILEAGE PAYMENT TO THE EMPLOYEES OF THE STATE, ITS AGENCIES AND DEPARTMENTS AND TO THE EMPLOYEES OF THE SEVERAL COUNTIES.

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

Section 1. On and after the passage of this Act the authorized mileage rate for employees of the State, its agencies and departments, and for the employees of the several counties who receive mileage from the respective Levy Courts shall be the sum of Seven Cents (7c) per mile for the first two hundred miles driven by any employee during one calendar month and the sum of Six Cents (6c) per mile for all miles in excess of the first two hundred provided for above.

Approved June 5, 1951.

CHAPTER 236

WITNESSES AND EVIDENCE

PROVIDING THAT PHOTOGRAPHIC, MICROPHOTOGRAPHIC AND
PHOTOSTATIC COPIES SHALL BE COMPETENT
BUSINESS RECORDS

**AN ACT AMENDING ARTICLE 4 OF CHAPTER 129 OF THE
REVISED CODE OF DELAWARE, 1935, RELATING TO
WITNESSES AND EVIDENCE BY PROVIDING THAT
PHOTOGRAPHIC, MICROPHOTOGRAPHIC AND PHO-
TOSTATIC COPIES SHALL BE COMPETENT AS BUSI-
NESS RECORDS.**

*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 129 of the Revised Code of Delaware, 1935, as amended by Chapter 252, Volume 45, Laws of Delaware, be and the same is further amended by adding a new paragraph at the end of Section 19A. thereof as follows:

"To the extent that a record would be competent evidence under this Section, a photograph of such record shall be competent evidence if the custodian of the photograph or the person who made such photograph or under whose supervision such photograph was made, testifies to the identity of and the mode of making such photograph, and if, in the opinion of the court, the record has been destroyed or otherwise disposed of in good faith in the regular course of business, and the mode of making such photograph was such as to justify its admission. If a photograph is admissible hereunder, the court may admit the whole or a part thereof. Photograph as used herein includes but is not limited to microphotographs, a roll or strip of film, a roll or strip of microfilm, or a photostatic copy."

Approved June 5, 1951.

CHAPTER 237

AUTHORIZING DEDICATION OF CERTAIN HIGHWAY AND
TRAFFIC INTERCHANGE**AN ACT AUTHORIZING THE DEDICATION OF A CERTAIN
HIGHWAY AND TRAFFIC INTERCHANGE AS A PART
OF THE APPROACHES OF THE DELAWARE MEMO-
RIAL BRIDGE.**

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

WHEREAS, the State Highway Department of the State of Delaware is engaged in constructing the Delaware Memorial Bridge and the approaches thereto, the cost of acquisition of lands and construction of said bridge being paid from the proceeds of certain revenue bonds issued for that purpose; and

WHEREAS, the State Highway Department of the State of Delaware has acquired in the name of the State of Delaware title to certain lands in New Castle County lying between the Coleman duPont Boulevard at or about Farnhurst, Delaware, and the New Castle Road and is engaged in constructing thereon a certain traffic interchange and a certain approach highway which are properly a part of the approaches of the Delaware Memorial Bridge, the cost of the acquisition of said lands and the construction of said traffic interchange and approach highway being paid from the general funds available to the State Highway Department for road construction; and

WHEREAS, the State of Delaware is willing to dedicate said traffic interchange and said approach highway as an approach of the Delaware Memorial Bridge upon the reimbursement of the general funds of the State Highway Department for the cost of acquiring said lands and constructing said interchange and approach highway:

Section 1. Upon reimbursement of the general funds available to the State Highway Department of the State of Delaware for road construction purposes of all cost of acquisition of land and of all costs of construction of a certain traffic inter-

change at the Coleman duPont Boulevard at or about Farnhurst, Delaware, and all cost of construction of an approach highway leading from said traffic interchange to the approaches of the Delaware Memorial Bridge at or about the New Castle Road, the State of Delaware will dedicate said traffic interchange and approach highway as a part of the approaches to the Delaware Memorial Bridge to the end that said traffic interchange and approach highway shall be available for use as and will form an integral part of the approaches to the Delaware Memorial Bridge and shall be maintained as such so long as the Delaware Memorial Bridge shall be in existence; provided, however, that no part of the present right-of-way of the Coleman duPont Boulevard shall be included in said dedication, and no part of the cost of work done within the said right-of-way shall be included in said reimbursement.

Section 2. To evidence the dedication authorized in Section 1 hereof, the Governor of the State of Delaware is authorized to execute an appropriate instrument under the Great Seal of the State of Delaware attested by the Secretary of State evidencing the dedication authorized by Section 1 hereof. Said instrument when so executed shall be recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware. Said instrument of dedication shall be executed upon the presentation to the Governor of the State of Delaware of an appropriate certificate signed by the chairman of the State Highway Department certifying that the general funds of the State Highway Department available for road construction purposes have been reimbursed from the funds available for the construction of the Delaware Memorial Bridge for all cost of land acquisition and construction of said traffic interchange and of said approach highway.

Approved June 5, 1951.

CHAPTER 238

MOTOR VEHICLES

CHANGING EXPIRATION DATE OF OPERATORS' AND
CHAUFFERS' LICENSES**AN ACT TO AMEND CHAPTER 165, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, RELATING TO MO-
TOR VEHICLES, BY CHANGING THE EXPIRATION
DATE OF OPERATORS' AND CHAUFFEURS' LICENSES.**

*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 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of subparagraph (b) of Paragraph 5595. Section 57. and by inserting in lieu thereof the following:

(b) Every application shall state the name, date of birth, sex and residence address of the applicant and whether or not the applicant has heretofore been licensed as an operator or chauffeur, and if so, when and by what state, and whether or not such license has ever been suspended or revoked, and if so, the date of and reason for such suspension or revocation.

Section 2. That Article 4 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by inserting a new paragraph at the end of the first paragraph of subparagraph (c) of Paragraph 5595. Section 57. as follows:

On and after January 1, 1952, upon receipt of the application and a fee of Two Dollars and Fifty Cents (\$2.50) and after such examination as herein provided, the Motor Vehicle Commissioner of this State may issue, at his discretion, a motor vehicle operator's license or chauffeur's license which shall be known as a biennial operator's or chauffeur's license and which shall expire on the second anniversary of the date of birth of the applicant

occurring after the thirty-first day of May next following the date of its issuance.

Section 3. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding a new paragraph at the end of subparagraph (a) of Paragraph 5605. Section 65. as follows:

On and after January 1, 1952, the Motor Vehicle Commissioner shall not issue an annual operator's or chauffeur's license.

Approved June 5, 1951.

CHAPTER 239

STATE REVENUE

ABOLISHING INTEREST UPON PENALTIES ASSESSED UPON
CERTAIN DELINQUENT TAXES

**AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED
"STATE REVENUE" BY ABOLISHING INTEREST UPON
PENALTIES ASSESSED UPON CERTAIN DELINQUENT
TAXES.**

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

Section 1. That 163. Sec. 129. of Chapter 6, Revised Code of Delaware, as amended, be, and the same is hereby further amended by striking out and repealing the words "plus the penalty" as they appear at the end of Paragraphs "(b)," and "(c)" and the first and second sub-paragraphs of "(d)" and substituting and enacting in lieu thereof the word "only."

Approved June 5, 1951.

CHAPTER 240

APPROPRIATION

STATE HIGHWAY DEPARTMENT TO REPAIR DYKES IN
NEW CASTLE COUNTY

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT
OF THE STATE OF DELAWARE TO REPAIR THE
DYKES ALONG THE DELAWARE RIVER BETWEEN
NEW CASTLE AND DEEMER'S BEACH IN NEW
CASTLE COUNTY.**

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

Section 1. The State Highway Department of the State of Delaware is hereby empowered and directed to repair the dykes along the river between New Castle and Deemer's Beach, and place them in such condition that the water does not overflow and cover the public highway between those points, which is the condition now prevalent.

Section 2. The sum of Twenty-five Thousand Dollars (\$25,000.00) 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. 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 5, 1951.

CHAPTER 241

LEVY COURTS

REPEALING REQUIREMENT FOR NEWSPAPER PUBLICATION
OF DELINQUENT TAX LISTS

**AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED
"LEVY COURTS" BY REPEALING THE REQUIREMENT
FOR NEWSPAPER PUBLICATION OF DELINQUENT
TAX LISTS.**

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

Section 1. That 1241. Sec. 95. of Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the words "the Levy Court of Kent County shall cause the Receiver of Taxes and County Treasurer, to publish in two newspapers of the County, one of which shall be published in the town of Dover, and"

Section 2. That 1241. Sec. 95. of Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting after the words "Levy Courts" as they appear at the end of the 18th line thereof and before the word "shall" as it appears at the beginning of the 19th line thereof the words "of Kent and Sussex Counties."

Approved June 5, 1951.

CHAPTER 242

COUNTY TREASURERS AND COLLECTION OF TAXES

REPEALING REQUIREMENT FOR NEWSPAPER PUBLICATION
OF DELINQUENT TAX LISTS

**AN ACT TO AMEND CHAPTER 45 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED
"COUNTY TREASURERS AND COLLECTION OF
TAXES" BY REPEALING THE REQUIREMENT FOR
NEWSPAPER PUBLICATION OF DELINQUENT TAX
LISTS.**

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

Section 1. That 1406. Sec. 66. of Chapter 45 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by striking out and repealing the last two sentences thereof and inserting in lieu thereof the following:

"The said Receiver of Taxes and County Treasurer shall in at least two public places of each representative district post a list of taxables of such district whose taxes he has been unable to collect. Such posting of the lists shall be done in each year at least one week prior to the day of settlement aforesaid."

Approved June 5, 1951.

CHAPTER 243

STATE LIBRARY

AUTHORIZING TRANSMITTAL OF JUDICIAL AND CHANCERY
REPORTS TO JUDGES' LIBRARY OF SUSSEX COUNTY

**AN ACT TO AMEND CHAPTER 5 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, TO PROVIDE FOR
THE TRANSMITTAL TO THE JUDGES' LIBRARY OF
SUSSEX COUNTY OF THE 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 Judges' Library of Sussex County, 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 June 5, 1951.

CHAPTER 244

MOTOR VEHICLES

PROVIDING FOR REGISTRATION OF VEHICLES OWNED BY
UNITED STATES GOVERNMENT

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, WITH REFERENCE TO MOTOR
VEHICLES BY PROVIDING FOR THE REGISTRATION
OF VEHICLES OWNED BY THE GOVERNMENT OF
THE UNITED STATES WHEN SUCH VEHICLES ARE
UNDER LEASE WITH RIGHT OF PURCHASE IN THE
LESSEE.**

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

Section 1. That subparagraph (b) (3) of Paragraph 5545.
Section 7. of Article 2 of Chapter 154 of the Revised Code of
Delaware, 1935, be and the same is hereby stricken and a new
subparagraph (b) (3) is inserted in lieu thereof as follows:

(b) (3) Any vehicle owned by the Government of the
United States and plainly marked to indicate such ownership and
identify the particular vehicle unless said vehicle is under lease
with a right of purchase in the lessee.

Approved June 5, 1951.

CHAPTER 245

MOTOR VEHICLES

PROVIDING THAT CERTAIN TRUCKS SHALL DRIVE ON
RIGHT HAND SIDE OF HIGHWAY

**AN ACT TO AMEND CHAPTER 165, REVISED CODE OF
DELAWARE, 1935, WITH REFERENCE TO MOTOR VE-
HICLES BY PROVIDING THAT CERTAIN TRUCKS
SHALL DRIVE ON THE RIGHT HAND SIDE OF THE
HIGHWAY IN CERTAIN AREAS.**

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

Section 1. That Paragraph 5626. Sec. 88. of Chapter 165, Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new Paragraph at the end thereof, as follows:

"The driver of all trucks, except panel and light delivery trucks of one-half ton or less, shall drive the same as closely as possible to the right hand edge or curb of the highway and shall not overtake or pass another vehicle in such lane of traffic in those areas designated by appropriate traffic signs. The State Highway Department, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to designate areas by appropriate traffic signs at junction points leading into main highways and for congested areas where said trucks are directed to stay to the right and keep in the line of traffic in accordance with the above provision."

Approved June 5, 1951.

CHAPTER 246

AUTHORIZING LIQUIDATION OF INVESTMENTS BY
STATE TREASURER

**AN ACT TO AMEND CHAPTER 288, VOLUME 47, LAWS OF
DELAWARE, 1949, BY AUTHORIZING THE STATE
TREASURER TO LIQUIDATE INVESTMENTS PREVI-
OUSLY TRANSFERRED FROM THE SINKING FUND TO
THE GENERAL FUND.**

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

Section 1. That Chapter 288, Volume 47, Laws of Delaware, 1949, be and the same is hereby amended by striking out Section 1. in its entirety and by inserting in lieu thereof a new Section 1. as follows:

"Section 1. That the State Treasurer of the State of Delaware, be and he is hereby authorized and directed to transfer all moneys 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 and thereupon to liquidate the said investments to cash."

Approved June 5, 1951.

CHAPTER 247

FAMILY COURT—NEW CASTLE COUNTY

RELATING TO APPEALS

AN ACT TO AMEND CHAPTER 241 OF VOLUME 45, LAWS OF DELAWARE, BEING AN ACT CREATING A FAMILY COURT FOR NEW CASTLE COUNTY, BY PROVIDING THAT IN APPEALS FROM ORDERS OF THE FAMILY COURT, ANY JUDGE OF THE SUPERIOR COURT IN AND FOR NEW CASTLE COUNTY MAY REHEAR THE CASE, AND THAT THE JUDGE REHEARING THE CASE MAY WAIVE SURETY FOR COSTS IN THE CASE OF INDIGENT PERSONS.

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

Section 1. That Section 18. of Chapter 241, Volume 45, Laws of Delaware, be, and the same hereby is amended by striking out all of said Section 18. and inserting in lieu thereof the following:

Section 18. Appeal:—Any order of the Court relative to the custody of any child shall be subject to review, and his parent, guardian, next friend or any interested person or agency, at any time within thirty days after the date of such order, upon giving surety for costs as herein provided may appeal to the Superior Court in and for New Castle County, any Judge of which shall rehear the case; and for that purpose shall cause said child to be brought before him, and also the witnesses on behalf of the State and the custodian, and upon such rehearing, said Judge of the Superior Court shall make such order in the matter as he shall deem proper. Such appeal shall not be allowed unless such parent, guardian, next friend, or interested person or agency shall give bond to the State of Delaware in such amount, and with such surety as shall be approved by one of the Judges of the Superior Court, conditioned for the payment of the costs

of said appeal and rehearing; PROVIDED, HOWEVER, that in the case of indigent persons, the Court may, in its discretion, waive surety for costs upon affidavit by such person that he is without funds and means of prosecuting the appeal. The taxing of costs shall be within the discretion of the Judge of the Superior Court who presides at the hearing.

Approved June 5, 1951.

CHAPTER 248

WILMINGTON

**AN ACT TO REVISE AND CONSOLIDATE THE STATUTES
RELATING TO THE CITY OF WILMINGTON PROVID-
ING THE ELIGIBILITY TO APPOINTMENT AND FOR
HOLDING OFFICE AS A MEMBER OF ANY BOARD OR
COMMISSION OF THE MAYOR AND COUNCIL OF WIL-
MINGTON.**

*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. On and after the passage of this Act, no person shall be eligible to appointment as a member of any Board or Commission of The Mayor and Council of Wilmington who shall not be a qualified voter of the State, and an inhabitant of the City of Wilmington for the last five years preceding his appointment. Any person appointed as a member of any such Board or Commission shall, during the term of his appointment, continue to be a qualified voter of the State of Delaware and an inhabitant of the City of Wilmington. Should any member of any Board or Commission, during the term for which he has been appointed, cease to have the qualifications required for eligibility to appointment, his office shall immediately become vacant and such vacancy shall be filled as provided for that office.

Section 2. The terms of persons holding office by appointment of The Mayor and Council of Wilmington, prior to the time this Act becomes effective, shall not be vacated or otherwise affected by this Act.

Section 3. All Acts or parts of Acts inconsistent with this Act, be and the same are hereby repealed.

Section 4. That this Act shall be deemed and taken to be a part of the Constitution and fundamental law of the said The Mayor and Council of Wilmington and shall have as full force and effect as if incorporated in and made a part of the Charter and Laws of the said The Mayor and Council of Wilmington.

Approved June 5, 1951.

CHAPTER 249

PERMITTING RECIPIENTS OF OLD AGE PENSION TO RETAIN
AUTOMOBILE TITLED IN THEIR NAMES

**AN ACT TO PERMIT RECIPIENTS OF OLD AGE PENSIONS
TO RETAIN AUTOMOBILES TITLED IN THEIR NAMES
AT THE TIME THEY BECOME ELIGIBLE FOR THE
PENSION.**

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

Section 1. That any persons in the State of Delaware who shall have an automobile titled in his or her name at the time he or she becomes eligible to receive an "Old Age Pension" under the laws of this State, shall be permitted to retain that automobile without in any way affecting his or her right to the receipt of the said "Old Age Pension."

Approved June 5, 1951.

CHAPTER 250

EDUCATION

CHANGING TIME WHEN NUMBER OF UNITS IN EACH SCHOOL DISTRICT SHALL BE CALCULATED

AN ACT TO AMEND CHAPTER 364, VOLUME 47, LAWS OF DELAWARE, ENTITLED "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 FUNDS APPROPRIATED," BY CHANGING THE TIME WHEN THE NUMBER OF UNITS IN EACH SCHOOL DISTRICT SHALL BE CALCULATED.

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

Section 1. That Section 2E. of Chapter 364, Volume 47, Laws of Delaware, be and the same is hereby amended by striking out all of the last sentence of said Section 2E. and inserting in lieu thereof the following new sentence: "The number of units in each school district shall be calculated on the total enrollment of such school district as of the last day of January next preceding the convening of the General Assembly, less the number of pupils transferred out of such school district to another school district in this State."

Approved June 5, 1951.

CHAPTER 251

APPROPRIATION

BELVIDERE VOLUNTEER FIRE COMPANY

AN ACT APPROPRIATING MONEY TO THE BELVIDERE VOLUNTEER FIRE COMPANY, AT BELVIDERE.

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 Belvidere Volunteer Fire Company, at Belvidere, a fire company duly organized and equipped for the fighting of fires, the sum of One Thousand Two Hundred and Fifty Dollars (\$1,250.00) annually for each of the fiscal years beginning July 1, 1951 and July 1, 1952, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment.

The said sum of One Thousand Two Hundred and Fifty Dollars (\$1,250.00) shall be paid by the State Treasurer to Belvidere Volunteer 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 5, 1951

CHAPTER 252

STATE TREASURER

ESTABLISHING PROCEDURE FOR SERVICING STATE
BOND PROGRAM**AN ACT TO AMEND CHAPTER 15 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO THE STATE
TREASURER BY ESTABLISHING THE PROCEDURE
FOR SERVICING THE STATE BOND PROGRAM.**

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

Section 1. That Chapter 15 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting a new Section after 403. Sec. 6., to be designated 403A. Sec. 6A. as follows:

"403A. Sec. 6A. PROCEDURE FOR SERVICING BOND PROGRAM:—The State Treasurer shall procure a Bond and Coupon Cancellation Record which shall contain columns for the designation of bond numbers and the dates of payment. This Record shall be used in accounting for and recording the payment of each individual bond and each interest coupon of any issue being serviced by the State. The bonds shall be listed by their respective numbers in the first column 'Bond Numbers.' As bonds and interest coupons are paid by the bank and delivered, the date of payment of the bonds shall be recorded in the 'Date Paid' column, on a line opposite each bond number, and the payment of the interest coupons shall be recorded by a 'PAID' stamp in a square of a column representing the coupon number and on a line opposite the bond number from which it was detached. It shall not be the duty of the State Treasurer to mark 'PAID' on each bond nor shall it be his duty to mark 'PAID' on each coupon which is perforated 'Cancelled' at the time of payment, nor shall it be the duty of the State Treasurer to affix the bonds and coupons to a record book. Any paid off, matured, redeemed, called or cancelled bonds and coupons shall be held by the State

Treasurer until a sufficient quantity has been collected by the said office to be cancelled and destroyed according to the provisions of this Chapter."

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

Approved June 5, 1951.

CHAPTER 253

CLAYTON

AN ACT TO AMEND CHAPTER 138, VOLUME 41, LAWS OF DELAWARE, 1937, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF CLAYTON," PROVIDING FOR THE ORGANIZATION MEETING OF COUNCIL, THE ELECTION THEREAT OF TOWN OFFICERS, PRESCRIBING THE DUTIES OF PRESIDENT OF COUNCIL AND PROVIDING FOR COMPENSATION OF MEMBERS OF COUNCIL AS SUCH AND FOR SPECIFIC SERVICES.

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 Chapter 138, Volume 41, Laws of Delaware, 1937, be amended by striking out all of Section 3 thereof and by inserting in lieu thereof a new Section 3 as follows:

"Section 3. The members of the Town Council shall meet for the purpose of organization on the second Monday evening in May in each year following their election, and shall organize by the election of a President, a Secretary and a Treasurer and such other officers as Council shall deem necessary.

"The duties of the President shall be to preside at all meetings of Council, to have general superintendence of all municipal affairs; provided, however, that the same be subordinate to the authority of all committees of Council duly constituted, and of all municipal employees appointed by Council; to receive complaints of nuisance and other complaints of citizens of violation of municipal ordinances and present the same to Council for consideration and action, or to cause any violation requiring immediate action to be proceeded on before the Town Alderman. He shall sign all licenses or permits prescribed by Council for any and all purposes. He shall sign all warrants on the Treasurer for the payment of any Town funds and shall perform such other duties as may be prescribed by resolution or ordinance of Council and

also do such other acts and things as require the signature or action of the executive officer of Council.

"The Council may from time to time in its discretion appoint any member or members of Council to perform such acts and carry on such work required to be done on any municipal project or matter or property as the need may then require and to pay for such services rendered in the same manner and in appropriate amounts as Council would have to expend for others to perform such needed acts or carry on such needed work, and the duration of such employment shall be determined by resolution of Council in accordance with the circumstances and needs of the Town provided, however, that no such compensation for services rendered by any one member shall exceed the sum of Six Hundred Dollars (\$600.00) in any one year.

"All members of Council shall each receive as compensation for their usual services as members of Council a sum not to exceed Fifty Dollars (\$50.00) annually, and the same shall be in addition to any compensation paid for specific services for which a member may be employed by resolution of Council as aforesaid."

Approved June 5, 1951.

CHAPTER 254

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND DOLLARS TO THE DELAWARE COMMISSION OF SHELL FISHERIES AS REIMBURSAL FOR MONEY EXPENDED FOR PART PAYMENT OF THE SALARY OF DR. L. EUGENE CRONIN, MARINE BIOLOGIST.

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 Delaware Commission of Shell Fisheries the sum of Two Thousand Dollars (\$2,000.00) as reimbursal for money expended for part payment of the salary of Dr. L. Eugene Cronin, Marine Biologist.

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 5, 1951.

CHAPTER 255

PROTECTING THE GREAT SEAL

**AN ACT TO PROTECT THE USE OF THE GREAT SEAL,
COAT OF ARMS, STATE FLAG AND OTHER EMBLEMS
OR INSIGNIA OF THE STATE OF DELAWARE.**

WHEREAS, the citizens of the State of Delaware have from time to time caused the Great Seal, the Coat of Arms, State Flag, State Song, State Flower, State Tree and State Bird to be legally adopted by legislative process; and

WHEREAS, these emblems, seals and insignia of the State together with the Old State House and the Legislative Hall in the City of Dover are the property, right and heritage of the whole citizenry of Delaware; and

WHEREAS, the unauthorized use of pictures, drawings, or other reproductions for advertising or other means of personal gain is an offense against and usurpation of the rights of the people of this State; 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 Secretary of State as the keeper of the Great Seal and the Privy Seal as provided in sections one and four of Chapter 14 of the Revised Code of Delaware, 1935, shall restrict the use of the Great Seal and the Privy Seal to documents, records, publications and other business transactions of the State of Delaware.

Section 2. That the seals, coat of arms, emblems and other insignia described above may be used, reproduced or published, with the written consent of the Secretary of State, provided that use is restricted to such educational use as encyclopedia, reference books, historical publications or similar uses which do not violate the intent of this Act or abrogate the rights of the citizenry of the State.

Section 3. Any person or persons who shall violate or fail to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred and Fifty Dollars (\$250.00).

Approved June 5, 1951.

CHAPTER 256

RELATING TO THE BOUNDARIES OF THE STATE

AN ACT WITH REFERENCE TO THE BOUNDARIES OF THIS STATE BY ESTABLISHING CERTAIN DUTIES OF THE STATE ARCHIVIST AND CHIEF ENGINEER OF THE STATE HIGHWAY DEPARTMENT WITH RESPECT THERETO AND BY PROVIDING A PENALTY FOR THE DESTRUCTION OR WITHHOLDING OF ANY BOUNDARY MARKER.

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

Section 1. The monuments marking the common boundaries between the State of Delaware and any adjacent state or commonwealth, are hereby declared to be the joint property of the State of Delaware and such adjoining states or commonwealth. The State Archivist and the Chief Engineer of the State Highway Department are hereby authorized and directed to examine at least every five years the monuments marking the boundaries of this State. Whenever the State Archivist and the Chief Engineer of the State Highway Department shall find the monuments marking the boundary between Delaware and any other state or commonwealth to have been lost, moved, removed or defaced so that the boundary thereof becomes obscure, inaccurate or incorrect, the State Archivist and the Chief Engineer of the State Highway Department shall cooperate with the state officials of any adjacent state or commonwealth in the replacement, restoration or repair of the monuments and the said common boundary line. The State Archivist and the Chief Engineer of the State Highway Department are further authorized on behalf of the State of Delaware to make joint agreements and to enter into joint contracts with appropriate officials or agencies of any adjacent state or commonwealth and with the United States Coast and Geodetic Survey or any similar neutral party or agency to resurvey, remark or otherwise delineate more thoroughly any part of any common boundary between the State of Delaware and any adjacent state or commonwealth; provided, however, that any resurvey made shall reproduce with greatest

possible fidelity the present established boundaries of this State. The State Archivist and the Chief Engineer of the State Highway Department, their authorized agents or employees, are hereby authorized and empowered to enter upon any property for the purpose of examining any boundary monument; provided, however, that this Section shall not authorize the said State Archivist or the Chief Engineer of the State Highway Department, their agents or employees, to enter during the growing season upon any land planted in crops which might be damaged by such entry.

Section 2. Any person or persons who shall move, remove, break, mutilate, deface, destroy, or otherwise injure any monument or monuments marking any boundary between the State of Delaware and any adjacent state or commonwealth shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding Fifty Dollars (\$50.00) for each and every offense. Any person or persons who shall have in his or their possession any monument heretofore placed, or prepared to be placed, upon any of the boundary lines herein specified shall upon demand being made for the same by the State Archivist and the Chief Engineer of the State Highway Department, surrender and deliver the same to said Archivist or the Chief Engineer of the State Highway Department, or to their authorized agents or employees; and upon failure of any such person on demand to surrender and deliver such monument as heretofore required, such person shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding Fifty Dollars (\$50.00) for each and every offense.

Approved June 5, 1951.

CHAPTER 257

PROVIDING FOR EMPLOYMENT OF UNEMPLOYED EMPLOYABLES

AN ACT PROVIDING FOR THE EMPLOYMENT OF UNEMPLOYED EMPLOYABLES BY THE STATE, COUNTIES OR MUNICIPALITIES UNDER CERTAIN CONDITIONS.

WHEREAS, there are a great number of unemployed employables who are maintained entirely or partly through funds derived from state and county taxation who could perform much of the urgent work which the overburdened local taxpayer is unable to finance; and

WHEREAS, it is of primary importance to furnish employment to the unemployed employables and keep them from as much idleness as possible; and

WHEREAS, the said unemployed employables can be made available for much of the work now unperformed (without dismissing those presently employed) desired to be done on federal, state, and local projects; and

WHEREAS, there are many of the present unemployed employables who would be glad to perform some work in return for the assistance furnished them by 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:

Section 1. As hereinafter provided, employable persons receiving Relief from the State of Delaware, or any political subdivision thereof, may be required to perform such work as may be assigned to them by the Relief Department or such department delegated to furnish Outside Relief.

Section 2 (a). Whenever the governing body of a county, city, or town within this State should have any work to be done within said county, city, or town which in their opinion may be properly performed by one or more able-bodied unemployed em-

ployables, they may direct a request, outlining the work to be performed and the approximate number of persons required to perform same, to the Director of the Relief Department or such agency responsible for the administration of Outside Relief who shall, in turn, make the necessary assignments of personnel for said work according to their availability.

(b). The Relief Department official shall thereupon assign to such project the required number of unemployed employables who are Recipients of Relief, provided he is satisfied that such persons will not be used to replace, or to perform any work ordinarily performed by regular employees of any department or other unit of such county, city, or town.

Section 3 (a). Persons shall be assigned to perform only such work as they are able, in the judgment of the Relief Director, to perform.

(b). The number of days of work to be given each person shall be determined by the amount of the budget deficit of the Relief Recipient and his family, computed on Outside Relief budget schedules. No persons shall be required to work for more than the number of days necessary to earn such amount or to be paid more than such amount. No person shall be required to work more than 8 hours a day or more than 40 hours in a week.

Section 4. Any person who refuses to report for or to perform that work to which he has been assigned by the Relief Department Director, shall thereupon become ineligible for further assistance.

Section 5. This Act shall become effective immediately upon the approval of the Governor.

Approved June 5, 1951.

CHAPTER 258

SUPREME COURT

PROVIDING FOR THE EXPENSE THEREOF

AN ACT AMENDING CHAPTER 110 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED RELATIVE TO THE SUPREME COURT AND TO PROVIDE FOR THE EXPENSE THEREOF.

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

Section 1. That Chapter 110 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by striking out all of said Chapter 110, 4261. Sec. 1. to 4272. Sec. 12. inclusive, and inserting in lieu thereof the following:

4261. Sec. 1. Power to Make Rules:—The Supreme Court is authorized and empowered to establish terms by general rule and, by general rule or, where said Court shall deem it best for the advancement of justice, by special order to fix the time of and otherwise regulate the return of any and all process issued out of said Court, and to make rules and orders for the trial, hearing and determination of causes and proceedings in said Court.

4262. Sec. 2. Sheriff:—The Sheriff of Kent County shall attend the sessions of the Supreme Court and perform the duties as prescribed in Section 9 of Chapter 48.

4263. Sec. 3. Writs of Certiorari; How Sued Out and Issued:—Writs of certiorari, issuable out of the Supreme Court, shall be writs of right and not of grace, and shall be sued out of and be issued out of said Court either during term or in vacation, without petition therefor or the allocatur of any Judge or order of said Court.

4264. Sec. 4. Process How Returnable:—Writs of error, citations, writs of prohibition, writs of certiorari and writs of

mandamus issuable out of the Supreme Court of the State of Delaware, shall be returned in the manner, at the place and at the time that the said Supreme Court, either by rule of said Court, or in cases where said Court shall deem it best for the advancement of justice, by special order shall direct.

4265. Sec. 5. Petition for Writ of Prohibition or Mandamus in Vacation; Where Filed, and Transmitted; Special Session; When; Award of Rule; How Returnable:—It shall be lawful at any time in vacation for a petition for a writ of prohibition or mandamus to be directed and issued to the Superior Court, the Court of Chancery, the Orphans' Court or any of the Judges of the said Courts to be filed in the Office of the Clerk of the Supreme Court; and such petition shall be transmitted immediately by the said Clerk to the Chief Justice, unless he be absent from the State or otherwise disqualified, and in his absence or disqualification, to the Justice present who is senior in length of service who is present within the State and not disqualified.

If it shall appear to the Chief Justice or other Justice of the Supreme Court to whom any such petition has been so transmitted as aforesaid, that the matters contained in said petition and the affidavits accompanying the same ought to be heard and determined before the time of the next regular session or term of the said Court, then it shall be lawful for the said Chief Justice or other Justice of the Supreme Court to whom any such petition has been so transmitted as aforesaid then and there to award a rule to show cause why a writ of mandamus or a writ of prohibition, as the case may be, shall not be issued, as prayed for in said petition, and to make the said rule returnable at a special session of the said Court to be called as is in Section 8 of this Chapter provided.

4266. Sec. 6. Special Term; How Called:—The Chief Justice, unless absent from the State or otherwise disqualified, and in his absence or disqualification the Justice present who is senior in length of service who is present and not disqualified, may whenever a majority of the Justices of the Supreme Court shall consider that the matters contained in any petition so filed as aforesaid ought to be tried, heard, and determined before the time of the next regular session or term of said Court, call a

special session of said Court, to meet at Dover upon such notice as the Chief Justice or other Justice calling such special session shall prescribe.

4267. Sec. 7. Special Term; Business at; Powers of Court:—At any such special session of said Court the said Court shall proceed to try, hear and determine such matters only as the Chief Justice, or other Justice calling such special session shall designate in the call aforesaid, which the said Court is authorized to do; and the said Court, so sitting in any such special session, shall have power to make any and all orders and rules and to issue any and all processes, necessary or proper to give effect to any order, writ or judgment made, issued or rendered by it.

4268. Sec. 8. Minute of Judgments; Indices:—Whenever a judgment is entered, or signed, in the Supreme Court, the clerk of that Court shall set down on the docket thereof, the day, month and year of actually entering or signing it. He shall also keep two indexes to his judgment docket, and make the entries therein, as required of the Prothonotary in Chapter 113, under the penalties prescribed by said Chapter, the provisions of which are, for this purpose, extended to the Clerk of the Supreme Court.

4269. Sec. 9. Costs; Prepayment of; Bill of; Refunding; Neglect of Misdemeanor; Penalty:—The plaintiff or appellant, shall, on docketing a cause in the Supreme Court, pay the clerk Five Dollars; and upon the decision of such cause, the clerk shall enter on the record a bill of the costs, and after deducting his own fees shall on demand, refund any portion of the said sum that may be due to said plaintiff, or appellant; and the neglect so to do shall be a misdemeanor, and a forfeiture of his office.

4270. Sec. 10. Docketing Appeals from Chancery:—In case of an appeal from the Court of Chancery, when a copy of the record and papers is delivered to the Clerk of the Supreme Court, he shall file the same forthwith, and shall enter the appeal, with the date of filing such copy, on the docket of said Court.

4271. Sec. 11. Offices for the Justices:—The Supreme Court is authorized to obtain such office space for each of the Justices thereof as shall be necessary and appropriate to permit

the said Justices to properly carry out their duties and bills for such office rent shall be paid by the State Treasurer when approved in writing by any Justice of the Supreme Court.

4272. Sec. 12. Court Reporter:—The Supreme Court is authorized to employ from time to time a skilled and competent stenographer to be designated as the Court Reporter whose duties shall be to attend the sessions of the Supreme Court and to report all evidence, opinions and other matters as any Justice of the Supreme Court may order. The Court Reporter before entering upon his duties shall take and subscribe the oath of office as required by the Constitution. He shall receive for his services such amounts as the Supreme Court shall from time to time determine and such expenses shall be paid by the State Treasurer when approved in writing by any Justice of the Supreme Court.

4272A. Sec. 12A. Office Stenographers:—Each Justice of the Supreme Court is authorized to appoint, and to remove at pleasure, one competent stenographer to be designated as office stenographer whose duties shall be to render the Justices such clerical, stenographic, typewriting and secretarial services as shall be required for the proper functioning of the Supreme Court. The office stenographers shall severally receive as compensation for their services, to be paid in equal monthly installments by the State Treasurer, such amounts as the Justices shall from time to time determine.

4272B. Sec. 12B. Supplies and Equipment:—The Supreme Court is empowered to adopt rules and regulations with respect to the purchase of supplies and equipment, the presentation of bills and vouchers for the payment thereof, and for other necessary expenses of the Supreme Court; and bills for such supplies, equipment and other expenses shall be paid by the State Treasurer when approved in writing by any one of the Justices of the Supreme Court.

4272C. Sec. 12C. Appropriation of Funds:—There is hereby appropriated the sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be required, for the purchase of office furniture and equipment for the offices of the Justices of the

Supreme Court, which amount shall remain available for said purpose until, and including June 30, 1952, at which time so much thereof as remains unexpended and uncommitted shall revert to the General Fund of the State Treasury.

Further, there is hereby appropriated for and during said fiscal year ending June 30, 1951, the further sum of Ten Thousand Dollars (\$10,000.00) for the rental of office space for the Justices of the Supreme Court, the payment of the compensation of the Court Reporter, the payment of the compensation of the office stenographers, the payment of the compensation of the Justices of the Supreme Court, the purchase of office supplies and equipment, and the payment of other necessary expenses of the Supreme Court.

Further, commencing with the fiscal year beginning July 1, 1951, there is hereby appropriated the further sum of Seventy-six Thousand Six Hundred Dollars (\$76,600.00) annually, for the rental of office space for the Justices of the Supreme Court, and the payment of the compensation of the Court Reporter thereof, the payment of the compensation of the office stenographers of the Justices of the Supreme Court, the payment of the compensation of the Justices of the Supreme Court, the purchase of office supplies and equipment and the payment of other necessary expenses of the Court.

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

Approved June 5, 1951.

CHAPTER 259

INCREASING SIZE OF BANK ADVISORY BOARD

AN ACT TO AMEND CHAPTER 66, REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO "BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES," BY INCREASING THE SIZE OF THE BANK ADVISORY BOARD; QUALIFICATIONS AND COMPENSATION.

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

Section 1. That Chapter 66, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the first paragraph of 2288. Sec. 31. and by inserting in lieu thereof a new paragraph as follows:

2288. Sec. 31. A Bank Advisory Board is created. The said Board shall consist of the State Bank Commissioner as Chairman and six (6) members, not more than three of whom shall be of the same political party, to be appointed by the Governor, by and with the consent of the Senate. One member shall be from the City of Wilmington, one member from New Castle County, outside of the City of Wilmington, one member from Kent County, one member from Sussex County and two members at large. At least four members shall be executive officers of banking organizations and the others shall be persons who have standing and experience in the business of banking and trust companies in the State of Delaware. Not more than three members shall be from the same county. The first appointments shall be for the following terms, as designated by the Governor: Three members for a term of two years and three members for a term of four years. Thereafter the term of each member shall be four years. The Governor may, after notice and hearing, remove a member for cause. Members of the Board shall receive reimbursement for necessary expenses incurred in the discharge of their duties including mileage at the rate of six cents (\$.06) per mile and in addition Ten Dollars (\$10.00) each day, or part thereof, spent in the performance of duty. Such expenses shall be paid by

the State Treasurer when and if vouchers, therefore, shall be presented by the Commissioner. Said expenses shall be deemed a part of the expenses of the Banking Department. The Board shall meet at least quarterly but the Commissioner may call additional meetings of the Commission and shall do so upon the request of two members. A majority of the Commission shall constitute a quorum. No member shall participate in a proceeding before the Commission in which any corporation, partnership or unincorporated association of which he is a director, officer or partner, employee, member or stockholder is a party.

Approved June 5, 1951.

CHAPTER 260

SALARIES OF STATE OFFICERS

RESPECTING SALARIES AND COMPENSATION OF THE JUDICIARY

AN ACT AMENDING CHAPTER 12 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, ENTITLED "SALARIES OF STATE OFFICERS," IN RESPECT OF THE SALARIES AND COMPENSATION OF THE JUDICIARY.

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 CHIEF JUSTICE, JUSTICES OF THE SUPREME COURT, THE CHANCELLOR, PRESIDENT JUDGE, ASSOCIATE JUDGES, AND THE VICE CHANCELLOR SHALL RECEIVE AS COMPENSATION FOR THEIR SERVICES THE FOLLOWING SALARIES, TO WIT:— The Chief Justice shall receive annually the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00); the Justices of the Supreme Court shall receive annually the sum of Seventeen Thousand Dollars (\$17,000.00); the Chancellor shall receive annually the sum of Fifteen Thousand Five Hundred Dollars (\$15,500.00); the President Judge of the Superior Court and of the Orphans' Court 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 Vice Chancellor shall 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 and the Superior Court in the respective Counties, the additional sum of Two Hundred Dollars (\$200.00) per annum.

Approved June 5, 1951.

CHAPTER 261

APPROPRIATION

STATE POLICE PENSION BOARD

AN ACT APPROPRIATING THE SUM OF ONE HUNDRED NINETEEN THOUSAND THREE HUNDRED TWENTY-NINE DOLLARS AND FORTY-FOUR CENTS (\$119,329.44) 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 Fund the sum of One Hundred Nineteen Thousand Three Hundred Twenty-nine Dollars and Forty-four Cents (\$119,329.44) 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 during the biennium ending on the thirtieth day of June, A. D. 1953.

Section 3. This Act shall be known as the 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 5, 1951.

CHAPTER 262

AUTHORIZING ACCEPTANCE OF TITLE TO LANDS IN SUSSEX COUNTY FOR USE OF FERRY SERVICE BETWEEN NEW JERSEY AND DELAWARE

AN ACT AUTHORIZING THE ACCEPTANCE OF TITLE TO LANDS IN SUSSEX COUNTY IN THE NAME OF THE STATE OF DELAWARE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE BY THE HIGHWAY COMMISSIONER OF THE STATE OF NEW JERSEY OF FACILITIES NECESSARY TO A FERRY SERVICE FOR THE TRANSPORTATION OF PERSONS AND PROPERTY BETWEEN A POINT IN CAPE MAY COUNTY, NEW JERSEY, AND A POINT IN LEWES, DELAWARE; CONSENTING TO THE USE OF SAID LANDS FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SAID FACILITIES; PROVIDING MEANS TO ASSIST IN THE ACQUISITION OF THE USE OF PROPERTY NECESSARY OR CONVENIENT FOR SAID PURPOSE; CONSENTING TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF SUCH FERRY SERVICE; EXEMPTING SUCH FACILITIES AND THEIR REVENUE FROM TAXATION; AND CONTAINING OTHER PROVISIONS INCIDENTAL TO THE FOREGOING.

WHEREAS, the State of New Jersey is considering the enactment of legislation authorizing and empowering the State Highway Commissioner of the State of New Jersey to establish, operate and maintain a ferry service for the transportation of persons and property between a point in Cape May County, New Jersey, and a point in Sussex County, Delaware, at or near the Town of Lewes, together with terminal and other facilities appropriate thereto; and

WHEREAS, the establishment, operation and maintenance of such ferry service and facilities will be for the benefit of the people of this State as well as of the State of New Jersey; NOW, THEREFORE,

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 hereby authorized and directed to accept title on behalf of and in the name of the State of Delaware to those lands necessary or convenient for use as the southerly terminus and approach for a ferry service to be established, operated and maintained by the State Highway Commissioner of the State of New Jersey between a point in Cape May County, New Jersey, and a point in Lewes, Delaware, said lands to be located in the town of Lewes, Sussex County.

Section 2. The State Highway Department of the State of Delaware shall take title to said lands as provided in Section 1 of this Act, and shall hold the same dedicated to the purpose of the construction, operation and maintenance of terminal facilities for said ferry service so long as such service shall exist; and no tolls shall be charged by the State of Delaware for the use of such facilities; provided, however, that the State of Delaware shall not be liable in any respect whatsoever for any expense, cost, liability or indebtedness incurred for the construction, operation or maintenance of such service or facilities.

Section 3. In the event that the State Highway Commissioner of the State of New Jersey is unable, by agreement with the owner or owners thereof, to cause title to all lands in Sussex County necessary or convenient for the construction, operation or maintenance of such service and facilities and approaches thereto to be conveyed to the State of Delaware as contemplated in Section 1 hereof, the State Highway Department of Delaware shall be, and hereby is, authorized and directed upon the written request of the State Highway Commissioner of New Jersey and upon being satisfactorily assured, by the deposit of cash or otherwise, by said State Highway Commissioner that the State of New Jersey will provide the money necessary to pay the condemnation money or damages awarded and expenses of the proceeding, to condemn for the use of and to become a part of the aforesaid ferry facilities the real estate in Sussex County, Delaware, deemed by the State Highway Commissioner of New Jersey and the State Highway Department of Delaware to be necessary or convenient for the construction, operation and maintenance of said ferry service and facilities and approaches thereto. Such condemnation shall be effected in the manner in which the State

Highway Department is now authorized by law to condemn land for highway purposes.

Section 4. Upon the acceptance of title to lands as provided in Section 1 of this Act and upon the acquisition of the right of use of lands as provided in Section 3 of this Act, the State Highway Commissioner of the State of New Jersey is granted a license to use said lands for the purpose of constructing, operating and maintaining the aforesaid ferry service and facilities and the approaches thereto, and any additions thereto or improvements or repairs thereof.

Section 5. The consent of the State of Delaware is hereby granted to the State of New Jersey, acting by and through the State Highway Commissioner of New Jersey, to construct, operate and maintain, and to charge and collect rates, rents and other charges for the use of the aforesaid ferry service and facilities and approaches thereto over and under the Delaware River, the southerly terminus thereof to be in Sussex County, Delaware, at or near the Town of Lewes, in accordance with the provisions of certain legislation enacted by the Legislature of the State of New Jersey.

Section 6. The aforesaid ferry facilities and approaches thereto and all property acquired or used for the purpose of the aforesaid ferry service in the State of Delaware and the revenues thereof shall at all times be free from taxation by the State of Delaware or any political subdivision thereof.

Section 7. This Act shall be liberally construed so as to facilitate the construction, operation and maintenance of the aforesaid ferry service and facilities.

Section 8. In case, for any reason, any Section or provision of this Act shall be questioned in any court or shall be held to be unconstitutional or invalid, the same shall not be held to affect any other Section or provision of this Act.

Section 9. This Act shall take effect immediately.

Approved June 5, 1951.

CHAPTER 263

EXECUTIONS

RELATING TO EXEMPTION OF WAGES FROM MESNE
ATTACHMENT PROCESS

**AN ACT TO AMEND CHAPTER 133 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO EXEMPTION OF
WAGES FROM MESNE ATTACHMENT PROCESS AND
EXECUTION ATTACHMENT PROCESS UNDER CER-
TAIN CONDITIONS BY PROVIDING FOR ATTACHMENT
OF WAGES IN NEW CASTLE COUNTY FOR TAXES
OWING 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 133 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the second paragraph of 4804. Sec. 13. of said Chapter, as amended, and inserting in lieu thereof the following:

"The provisions of this Section as to the liability to attachment process of ten per centum of wages in New Castle County shall apply solely to debts incurred for or on account of the purchase of food, provisions and articles used in the home, commonly designated as the necessities of life, and to taxes owing to the State of Delaware."

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 5, 1951.

CHAPTER 264

REQUIRING OFFICERS AND EMPLOYEES TO TAKE OATH TO
SUPPORT CONSTITUTION**AN ACT TO REQUIRE ALL PRESENT AND FUTURE OFFICERS AND EMPLOYEES OF THE STATE OF DELAWARE OR ANY POLITICAL SUBDIVISION THEREOF TO TAKE AN OATH TO SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION 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. All present and future officers and employees of the State of Delaware or any political subdivision thereof shall be required to take an oath to support and defend the Constitution of the United States and the Constitution of the State of Delaware.

Section 2. All officers and employees of the State or political subdivision thereof presently employed thereby shall take such oath on or before the 31st day of July, 1951.

Section 3. All future officers and employees of the State or any political subdivision thereof shall take such oath before commencing his or her duties as such officer or employee.

Approved June 5, 1951.

CHAPTER 265

PROVIDING FOR THE PRESERVATION OF BUILDINGS, SITES AND
OBJECTS OF HISTORIC INTEREST**AN ACT FOR THE PRESERVATION OF BUILDINGS, SITES
AND OBJECTS OF HISTORIC INTEREST IN THE STATE
AND PROVIDING A TRUST FUND FOR THEIR PRES-
ERVATION AND APPROPRIATION THEREFOR.**

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

Section 1. To prevent the further loss of part of our National heritage and culture through the deterioration or neglect of historic buildings, sites or objects within the State, the Public Archives Commission is hereby empowered to survey, examine, select for preservation, acquire, repair, restore, operate and make available for public visitation and use such historic buildings, sites or objects as it may deem worthy of preservation in the best public interest for the fulfillment of this Act.

Section 2. The said Public Archives Commission shall have the authority to acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey or otherwise dispose of any real property, or any estate or interest therein as may be necessary in carrying into effect the purposes of this Act.

Section 3. The authority is granted to the Public Archives Commission to enter into contracts and to execute all instruments necessary to fulfill its duties respecting the protection, preservation, maintenance, or operation of such historic buildings, sites or objects it may select.

Section 4. The aforesaid Public Archives Commission shall appoint and prescribe the duties of such employees or agents as may be necessary to carry out its functions, and to fix their rate of compensation.

Section 5. A Trust Fund is hereby established under the jurisdiction of the Public Archives Commission subject to audit by the Permanent Budget Commission, the State Auditor or their authorized agents, to accept, hold and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust. Unless otherwise restricted by the terms of the gift or bequest, the Public Archives Commission is authorized to sell, exchange or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time, the moneys, securities or other property given, bequeathed or appropriated to it. The principal of such funds, together with the income therefrom and all other revenues received by it from any source whatsoever for this purpose, shall be deposited with the State Treasurer in the Farmers Bank of the State of Delaware. When the principal and accrued interest of said Trust Fund shall have accumulated sufficiently, in the judgment of the Public Archives Commission to undertake the preservation of an historic building, site or object the accrued funds, principal and interest may be expended for that purpose.

Section 6. The right to repeal, alter or amend this Act at any time is hereby expressly reserved, but no contract or individual right made or acquired shall thereby be divested or impaired.

Approved June 5, 1951.

CHAPTER 266

DIRECTING CERTAIN UNEXPENDED MONIES TO REVERT
TO GENERAL FUND

AN ACT TO AMEND CHAPTER 170 OF VOLUME 46, LAWS OF DELAWARE, 1947, AND CHAPTER 304 OF VOLUME 47, LAWS OF DELAWARE, 1949, BOTH APPROPRIATING MONIES FOR DELAYED AND ESSENTIAL REPAIRS AND MAINTENANCE TO AND OF CERTAIN STATE INSTITUTIONS, BY DIRECTING CERTAIN OF SUCH UNEXPENDED MONIES TO REVERT TO THE GENERAL FUND OF THE STATE TREASURY.

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

Section 1. That Chapter 170 of Volume 46, Laws of Delaware, 1947, be and the same is hereby amended by striking out the period at the end of Section 3 thereof, substituting a colon therefor, and adding the following clause thereto:

" : Provided, if any State Board School, as mentioned in Section 1 hereof, shall be closed or otherwise cease to be used for school purposes before the amount appropriated thereto is expended in whole or in part, the fact of its closing or the termination of such use, as the case may be, and the amount then remaining unexpended and uncommitted in the appropriation therefor shall be certified in writing to the Auditor of Accounts and the State Treasurer by the State Board of Education, whereupon, the Auditor of Accounts shall ascertain the correctness of the amount then remaining unexpended and uncommitted, as aforesaid, and shall advise the State Treasurer thereof in writing, whereupon, said amount so certified by the State Board of Education, as corrected by the Auditor of Accounts, shall forthwith revert to the General Fund of the State Treasury."

Section 2. That Chapter 304 of Volume 47, Laws of Delaware, 1949, be and the same is hereby amended by striking out the period at the end of Section 2 thereof, substituting a colon therefor, and adding the following clause thereto:

“: Provided, if any State Board Units, as mentioned in Section 1 hereof, shall be closed or otherwise cease to be used for school purposes before the amount appropriated thereto is expended in whole or in part, the fact of its closing or the termination of such use, as the case may be, and the amount then remaining unexpended and uncommitted in the appropriation therefor shall be certified in writing to the Auditor of Accounts and the State Treasurer by the State Board of Education, whereupon, the Auditor of Accounts shall ascertain the correctness of the amount then remaining unexpended and uncommitted, as aforesaid, and shall advise the State Treasurer thereof in writing, whereupon, said amount so certified by the State Board of Education, as corrected by the Auditor of Accounts, shall forthwith revert to the General Fund of the State Treasury.”

Approved June 5, 1951.

CHAPTER 267

APPROPRIATION

CERTAIN 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 all the Members elected to 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, 1951 and July 1, 1952, the sum of money set after the names of such Hospitals, respectively, viz.:

To Kent General Hospital, at Dover.....	\$ 55,000.00
To Milford Memorial Hospital, Inc., at Milford.....	55,000.00
To Beebe Hospital of Sussex County, Inc., at Lewes..	57,200.00
To Homeopathic Hospital Association of Delaware, at Wilmington	115,500.00
To St. Francis Hospital, Incorporated, at Wilmington	63,250.00
To The Delaware Hospital, Inc., at Wilmington.....	207,350.00
To Wilmington General Hospital Association, at Wilmington	101,750.00

Each of said appropriations shall be paid to said respective Hospitals in equal quarterly installments on the first days of July, October, January and April in each of the fiscal years 1951 and 1952.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of Nanticoke Memorial Hospital, at Seaford, for each of the above mentioned fiscal years, the sum of Five Hundred Fifty Dollars (\$550.00) per bed, not in excess of thirty-five (35) beds, the said appropriation to be paid to said Hospital in equal quarterly installments on the first

“: Provided, if any State Board Units, as mentioned in Section 1 hereof, shall be closed or otherwise cease to be used for school purposes before the amount appropriated thereto is expended in whole or in part, the fact of its closing or the termination of such use, as the case may be, and the amount then remaining unexpended and uncommitted in the appropriation therefor shall be certified in writing to the Auditor of Accounts and the State Treasurer by the State Board of Education, whereupon, the Auditor of Accounts shall ascertain the correctness of the amount then remaining unexpended and uncommitted, as aforesaid, and shall advise the State Treasurer thereof in writing, whereupon, said amount so certified by the State Board of Education, as corrected by the Auditor of Accounts, shall forthwith revert to the General Fund of the State Treasury.”

Approved June 5, 1951.

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Section 2. There is likewise appropriated for the maintenance, equipment and operation of Nanticoke Memorial Hospital, at Seaford, for each of the above mentioned fiscal years, the sum of Five Hundred Fifty Dollars (\$550.00) per bed, not in excess of thirty-five (35) beds, the said appropriation to be paid to said Hospital in equal quarterly installments on the first

days of July, October, January and April in each of the fiscal years 1951 and 1952; provided, however, that no portion of said appropriation shall be paid to said Hospital until it shall have been completed and in operation and the first quarterly installment payable after the beginning of the operation of said Hospital shall be in that proportion of the quarterly installment which the portion of the quarter remaining after the beginning of the operation of said Hospital shall bear to the total of such quarter.

Section 3. 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 5, 1951.

CHAPTER 268

APPROPRIATION

STATE OFFICE OF CIVIL DEFENSE

AN ACT MAKING AN APPROPRIATION TO THE STATE OFFICE OF CIVIL DEFENSE FOR THE PURPOSE OF PURCHASING AND ACQUIRING EXTENSIVE CIVIL DEFENSE EQUIPMENT.

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

Section 1. That all or any part of the sum of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated out of the Treasury of the State of Delaware for the biennium ending June 30, 1953, for the purpose of purchasing equipment by the State Civil Defense Agency and other existing State Agencies for Civil Defense purposes;—provided, that no expenditures from the monies hereby appropriated shall be made unless and until the Federal Government has made available matching funds to this State, or its Agencies, for the purposes hereinabove stated. All expenditures from the monies hereby appropriated shall be made, with the advice and consent of the Civil Defense Advisory Council, by the State Treasurer on vouchers approved by the Director of Civil Defense and by the Governor of the State.

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

Approved June 5, 1951.

CHAPTER 269

PROVIDING FOR FURNISHING AND EQUIPPING DORMITORY
COTTAGE AT FERRIS SCHOOL FOR BOYS

**AN ACT TO AMEND CHAPTER 207, VOLUME 47, LAWS OF
DELAWARE, 1949, ENTITLED "AN ACT MAKING AN
APPROPRIATION TO THE FERRIS SCHOOL FOR BOYS
FOR THE ERECTION OF A DORMITORY COTTAGE
AND A BUILDING FOR VOCATIONAL TRAINING" BY
PROVIDING THAT A PART OF THE FUNDS SO APPRO-
PRIATED MAY BE USED FOR FURNISHING AND
EQUIPPING SAID DORMITORY COTTAGE.**

*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 207, Volume 47, Laws of Delaware, 1949, be and the same is hereby amended by substituting and enacting in lieu thereof as follows:

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, construction, furnishing and equipping 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, furnishing and equipping of a building for vocational training.

Approved June 5, 1951.

CHAPTER 270

CLAIM

LAURA LIVERGOOD

AN ACT APPROPRIATING CERTAIN MONEYS TO LAURA LIVERGOOD IN PAYMENT OF A CLAIM OF SAID LAURA LIVERGOOD AGAINST THE STATE OF DELAWARE.

WHEREAS, on the thirteenth day of May, 1949, Captain William Livergood was fatally injured in the service of the State while in the performance of his duties as a member of the Delaware Air National Guard piloting an aircraft in the vicinity of New Castle County Airport; and

WHEREAS, the said Captain William Livergood left to survive him a mother, next of kin; and

WHEREAS, at the time of the death of the said Captain William Livergood, members of the National Guard of the State of Delaware were not covered by the provisions of the Delaware Workmen's Compensation Law; and

WHEREAS, on June 30, 1949, the 115th General Assembly enacted into law Section 8, Chapter 329, Volume 47, Laws of Delaware, 1949, amending 288. Sec. 33. Chapter 8 of the Revised Code of Delaware to the effect that "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 provision of Section 11 of the Delaware Workmen's Compensation Law."; and

WHEREAS, under the provisions of Section 11 of the Delaware Workmen's Compensation Law said mother, next of kin, would be entitled to certain moneys in the amount set forth below; 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 is hereby directed and authorized to pay to Laura Livergood the sum of Three Thousand One Hundred and Twenty Dollars (\$3,120.00) in payment of compensation for loss and damage caused by the death of Captain William Livergood.

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

Approved June 5, 1951.

CHAPTER 271

ESTABLISHING UNIFORM PROCEDURE FOR CONDEMNATION
OF PROPERTY UNDER POWER OF EMINENT DOMAIN**AN ACT ESTABLISHING A UNIFORM PROCEDURE FOR
THE CONDEMNATION OF PROPERTY UNDER THE
POWER OF EMINENT DOMAIN, AND FOR THE DETER-
MINATION OF JUST COMPENSATION IN SUCH 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 Branch thereof concurring therein):*

Section 1. The provisions of this Act shall, after its effective date, govern the procedure for all condemnations of real and personal property within the State of Delaware under the power of eminent domain exercised by any authority whatsoever, governmental or otherwise, except that this Act shall not apply to condemnation proceedings instituted under the provisions of the Act of Assembly approved April 18, 1945, being Chapter 274, Volume 45, Laws of Delaware, as now or hereafter amended, as to which proceedings the provisions of 5730. Sec. 11. of Chapter 166 and of 1676. Sec. 32. of Chapter 55 of the Revised Code of Delaware, 1935, as modified by the provisions of the said Act of Assembly approved April 18, 1945, as now or hereafter amended, shall be continued in full force and effect.

Section 2. COURT. All condemnation proceedings within the State of Delaware shall be commenced by filing a complaint as hereinafter provided in the Superior Court of the State of Delaware in and for the County where the property is located, or if part of such property shall be situated in one County and part in another, then in either County; the Superior Court of the State of Delaware shall have exclusive jurisdiction of all condemnation proceedings.

Section 3. APPLICABILITY OF SUPERIOR COURT RULES. The Rules of the Superior Court of the State of Delaware, as amended from time to time shall govern, in so far as applicable, all condemnation proceedings of real and personal

property under the power of eminent domain, except as otherwise provided herein.

Section 4. JOINDER OF PROPERTIES. The plaintiff may join in the same action one or more separate pieces of property, whether in the same or different ownership and whether or not sought for the same use.

Section 5. COMPLAINT.

(1) **Caption.** The complaint shall contain a caption as provided in Rule 10 (a) of the Rules of the Superior Court, except that the plaintiff shall name as defendants the property, designated generally by kind, quantity, and location, and at least one of the owners of some part of or interest in the property.

(2) **Contents.** The complaint shall contain a short and plain statement of the authority for the taking, the use for which the property is to be taken, a description of the property sufficient for its identification, the interest to be acquired, and, as to each separate piece of property, a designation of the defendants who have been joined as owners thereof or of some interest therein. Upon the commencement of the action, the plaintiff need join as defendants only the persons having or claiming an interest in the property whose names are then known, but prior to any hearing involving the determination of compensation to be paid, the plaintiff shall add as defendants all persons having or claiming an interest in that property whose names can be ascertained by a search of the records to the extent commonly made by competent searchers of title in the vicinity in the light of the character and value of the property involved and the interest to be acquired, and also those whose names have otherwise been learned. All others may be made defendants under the designation "Unknown Owners." Process shall be served as hereinafter provided in Section 6 of this Act upon all defendants, whether named as defendants at the time of the commencement of the action or subsequently added, and a defendant may answer as provided in Section 7 of this Act.

Section 6. PROCESS.

(1) **Summons; Service; Delivery.** Upon the filing of the

complaint the Prothonotary shall issue summons, in appropriate form, directed to all of the defendants designated or named in the complaint, which summons shall be personally served in like manner as other writs of summons in said Court in accordance with Rule 4 (d) and 4 (f) (1) (I), (III), (IV).

(2) **Service by Publication.** If it shall appear by affidavit of the plaintiff or his attorney that any defendant cannot be personally served with summons, because he is outside of the State of Delaware, or because after diligent inquiry his place of residence cannot be ascertained by the plaintiff, or if any defendant is an infant or incompetent person or under some other legal disability, the Court may make an order directing that service shall be made upon any such defendant by publishing a notice, substantially in the form hereinafter prescribed, in a newspaper of general circulation in the county in which the proceeding shall be pending, at least once a week for two successive weeks. Such service by publication shall be supplemented by service by registered mail, where practicable, as the Court in its order may direct. Notice to unknown owners shall be given by publication in like manner by notice addressed to "Unknown Owners," coupled, if practicable, with an appropriate identification of the alleged source of their interest in the property, as the Court may direct. Proof of publication and of mailing, if required, shall be made by affidavit of the plaintiff or his attorney on or before such time as the Court may fix.

The notice herein referred to shall set forth the name of the Court, the title of the action, the name or names of the defendant or defendants to whom it shall be directed, a statement that the action is one for the condemnation of property, a brief description of such property reasonably sufficient for its identification, the extent of the interest to be taken, the authority for the taking, and the use or uses for which the property is to be taken. The notice shall also state that any defendant shall serve and file, in accordance with the rules of court, an answer within twenty days after the date of the first publication of said notice, in default of which no objection or defense to the taking of the property will be heard. The notice shall also specify the name and address of the plaintiff's attorney therein.

Section 7. OBJECTIONS OR DEFENSE TO TAKING.

Any objection of defense to the taking of the property, or any interest therein, by any defendant, shall be made by answer. Any such answer setting forth any such objection or defense shall identify the property in which the answering defendant shall claim to have an interest, shall state the nature and extent of the interest claimed, and shall state specifically any such objections or defense to the taking of the property. All objections and defenses not so presented shall be deemed waived. After the disposition of all such objections and defenses the cause shall proceed to the trial of the issue of just compensation.

Section 8. TRIAL. After the time has expired for answering the complaint and all preliminary questions of law disposed of, the cause shall be placed upon the regular trial calendar of the Superior Court for trial. Prior to the trial date the Court shall submit to the appearing parties a list of 11 proposed Commissioners, who are impartial, uninterested and judicious citizens of the County where the real property is situated or the personal property is found, showing their full names and addresses. Thereafter, at a place and time designated by the Court, the plaintiff or plaintiffs shall (jointly, if more than one), strike out one of said names, and then the defendant or defendants shall (jointly, if more than one) strike out another, and so on until 8 names shall have been stricken out. If the plaintiff or plaintiffs or the defendant or defendants refuse to strike or do not attend the striking or cannot agree among themselves, then the Court or the Prothonotary or his deputy, if designated by the Court, shall strike, for the party or parties refusing to strike, to attend, or who cannot agree among themselves. After the opposing parties shall have stricken 8 names, the remaining 3 shall be the Commissioners for the cause and the Prothonotary shall thereupon deliver to the Sheriff a certified list of the names of the said 3 Commissioners, with their addresses annexed to a writ commanding him to summon the three named persons as Commissioners to attend the Superior Court for trial at a time fixed by said Court; and the Sheriff shall, thereupon, summon them according to the command of said writ and shall return the said list with the writ. At the trial of the cause and before entering upon their duties, the three Commissioners shall be sworn or affirmed faithfully and impartially to perform the duties assigned to them. The Court,

in its discretion, shall determine whether or not said Commissioners shall view the premises and if a view is ordered shall designate the time therefor. The view, if ordered, shall be conducted under the supervision of the Court by the Court Bailiffs and said view shall not be considered as evidence but only for the purpose of better understanding the evidence presented at the trial, nor shall any testimony be taken at the view; however, this restraint shall not prevent the parties from designating and identifying the property during the view. At the trial any party may present competent and relevant evidence upon the issue of just compensation and all such evidence shall be given in the presence of the Court and the Commissioners. The Court shall, during the course of the trial, determine all questions of law and the admissibility of all evidence and a verbatim transcript of the trial shall be made and preserved as part of the record. If one of the three Commissioners becomes incapacitated during the course of the trial, the remaining two shall have power to make the factual determination of just compensation. After all evidence is presented and the Commissioners have been charged by the Court with the applicable law, they shall retire and in secret arrive at a determination of the amount to be awarded as just compensation for the respective parties in interest, and thereafter announce their awards in open Court. Such awards shall be confirmed by the Court unless the said Commissioners shall have been guilty of misconduct in their proceedings, or unless they shall have made an improper award to any party in interest, whether based upon an error of fact or law, in which events the Court may, upon its own motion, or motion of any party filed and served within 5 days of the award, set aside the erroneous award in whole or in part, or modify it to conform to the facts as presented by the evidence, or to conform it with the law as announced by the Court. In the event the award is set aside in whole or in part, the Court may, in its discretion, recommit it to the Commissioners with instructions. The final award, as confirmed or modified, may be reviewed by the Supreme Court, subject, however, to the provisions of Section 12 of this Act; the Prothonotary shall record the final award in a special docket to be maintained for that purpose.

Section 9. DISMISSAL OF ACTION.

- (1) As of Right. If no hearing has begun to determine

the compensation to be paid for a piece of property and the plaintiff has not acquired the title or a lesser interest in or taken possession thereof, the plaintiff may dismiss the action as to that property, without an order of the Court, by filing a notice of dismissal setting forth a brief description of the property as to which the action is dismissed.

(2) By Stipulation. Before the entry of any award or possession of property is taken by the plaintiff, the action may be dismissed, in whole or in part, without an order of the Court, as to any property by filing a stipulation of dismissal by the plaintiff and the defendant affected thereby, and, if the parties so stipulate, the Court may vacate any award that has been entered.

(3) By Order of the Court. At any time before compensation for a piece of property has been determined and paid and, after motion and hearing, the Court may dismiss the action as to that party, except that it shall not dismiss the action as to any part of the property of which the plaintiff has taken possession, or in which the plaintiff has taken title or a lesser interest, but shall award just compensation for the possession, title or lesser interest so taken. The Court at any time may drop a defendant unnecessarily or improperly joined.

(4) Effect. Except as otherwise provided in the notice or stipulation of dismissal, or order of the Court, any dismissal is without prejudice.

Section 10. RIGHT TO ENTER INTO POSSESSION. At any time after the filing of any condemnation proceeding the plaintiff, upon the filing of a notice of intention to take possession of the property sought to be condemned, or any part thereof, on a day therein specified, and upon deposit in said Court of the sum of money estimated by plaintiff to be just compensation for the property or the part thereof taken, shall have the right to enter into possession, occupy or take said property from and after said day, upon entry of an appropriate order by the Court, which order may be made ex parte and without notice.

Upon application of any party in interest, the Court may

order the money so deposited in Court, or any part thereof, be paid forthwith for or on account of just compensation to be awarded in said proceeding and such payment shall not jeopardize any party's right to prove just compensation in a greater or less amount. If the compensation finally awarded to any defendant shall exceed the amount paid to him on distribution of the deposit, the Court shall credit the payment to the final award and if the compensation finally awarded to any defendant is less than the amount which shall have been paid to him, the Court shall enter judgment against him in favor of the plaintiff for such overpayment.

In any case where possession shall have been so taken the obligation of the plaintiff to pay the amount ultimately determined as just compensation in the cause shall be absolute; title shall vest in plaintiff on the date of payment of the final award.

Section 11. COSTS. The costs of any such condemnation proceeding herein provided for, including a reasonable fee for the Commissioners but in no case to exceed Twenty Dollars per day per each Commissioner, and including the cost of giving notice by publication and by registered mail hereinabove provided, shall be borne and paid for by the plaintiff or plaintiffs in the proportions determined by the Court. Fees of counsel or of experts retained by any party may not be taxed as costs under any circumstances upon any of the parties or considered in determining the issue of just compensation.

Section 12. RIGHT OF REVIEW. There shall be a right of review in every condemnation cause from the final confirmed award of the Superior Court to the Supreme Court of the State of Delaware as in the manner provided for review of any other final civil judgment of said Superior Court; provided, however, that any such review must be instituted within one month from the time of entry of the final confirmed award of the Superior Court.

Section 13. PAYMENT OF AWARDS. In the event no review is taken, the plaintiff or plaintiffs may pay or tender the amount of the award within two months after the entry of the confirmed award of the Superior Court, and in the event a review

to the Supreme Court is taken, plaintiff or plaintiffs may pay or tender the amount thereof within one month of the entry of any final award entered pursuant to the mandate of the Supreme Court. Interest shall accrue on the award from the date of taking possession or from the date of the award, whichever first occurs.

Section 14. DEPOSIT OF AWARD. In any case in which any final award is made to any party in interest who is unknown, is a minor, or is mentally incompetent, or is under any other legal disability, cannot be found, or resides outside of the State, or refuses to accept such award, the Court shall have power to direct that the amount of such award be deposited by the plaintiff to the credit of such party in the Farmers Bank of the State of Delaware in the County Seat of the County wherein such condemnation proceedings are instituted, within the periods providing for payment as set forth in Section 13 of this Act, or the Court may make such other order as appropriate and just.

Section 15. REPEALER. All statutes and parts of statutes inconsistent with this Act or any part hereof are hereby repealed, but nothing herein contained shall affect or change the provisions of Section 3702, Revised Code of Delaware, 1935, which requires a record of the condemnation proceedings to be filed in the Office of the Prothonotary and a Certified Abstract to be filed in the Recorder of Deeds Office.

Section 16. CONSTITUTIONALITY. If any provisions of this Act of 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 17. EFFECTIVE DATE. This Act shall become effective thirty days after its enactment to all proceedings thereafter instituted, but shall not be applicable to actions then pending, unless all parties to such pending actions consent to proceed under this Act.

Approved June 5, 1951.

CHAPTER 272

FISH, OYSTERS AND GAME

PROVIDING FOR SEASON WITHIN WHICH MUSKRAT MAY BE
CAUGHT AND KILLED IN KENT AND SUSSEX COUNTIES

**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 MUSKRAT MAY BE CAUGHT
AND KILLED IN KENT AND SUSSEX COUNTIES.**

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

Section 1. That 2821. Sec. 20. of Chapter 206 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end thereof the following new paragraph:

"In Kent and Sussex Counties, however, the open season for muskrat shall be from December 15th to March 10th, next following; any provision contained in this section to the contrary notwithstanding."

Approved June 5, 1951.

CHAPTER 273

JUDICIAL REPORTS

**AN ACT TO AMEND CHAPTER 101, VOLUME 47, LAWS OF
DELAWARE, 1949, 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 101, Volume 47, Laws of Delaware, 1949, be and the same is hereby amended by striking out the words and numerals "Two Thousand Eight Hundred Fifty Dollars (\$2,850.00)" as the same appear in paragraph 4259. Sec. 5. thereof, and by inserting and enacting in lieu thereof the words and numerals "Three Thousand Three Hundred Fifty Dollars (\$3,350.00)."

Approved June 5, 1951.

CHAPTER 274

APPROPRIATION

STATE HIGHWAY DEPARTMENT

**AN ACT MAKING AN APPROPRIATION TO THE STATE
HIGHWAY DEPARTMENT TO RECUT STATE BOUND-
ARY MARKER NO. 1 AT FENWICK ISLAND IN SUSSEX
COUNTY AND FOR THE REPLACEMENT OF STATE
BOUNDARY MARKER NO. 85 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 State Highway Department in cooperation, with the State Archivist, is hereby authorized, empowered and directed to recut state boundary marker number 1 at Fenwick Island in Sussex County and to replace state boundary marker number 85 in New Castle County.

Section 2. There is hereby appropriated the sum of Eighteen Hundred Dollars (\$1800.00) to the State Highway Department for the above 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 hereinabove set forth.

Section 3. 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 5, 1951.

CHAPTER 275

CREATING A DELAWARE COMMISSION ON CHILDREN AND YOUTH

AN ACT TO CREATE A DELAWARE COMMISSION ON CHILDREN AND YOUTH.

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

Section 1. A commission to be known as the "Delaware
Commission on Children and Youth" is hereby created.

Section 2. The purposes of the Commission shall be:

a) To study and evaluate existing facilities and services for
children and youth in this State;

b) To determine unmet needs in services and facilities for
children and youth in this State;

c) To formulate plans and courses of action covering the
unmet needs of children and youth;

d) To make recommendations to the Governor, to the Gen-
eral Assembly, and to governmental and voluntary agencies,
organizations and institutions, on all matters affecting children
and youth;

e) To study the findings and recommendations of the Mid-
century White House Conference on Children and Youth, and of
the Delaware Committee thereof, and subsequent conferences, to
stimulate interest in those findings and recommendations, and to
promote and encourage appropriate follow-up action on the part
of governmental and voluntary agencies, organizations and in-
stitutions at state and local levels.

Section 3. The members of the Commission shall be ap-
pointed by the Governor of the State. It shall consist of twenty
(20) citizens of the State of Delaware who have demonstrated

their interest in facilities and services for children and youth. It shall include young people under twenty-five (25) years of age with demonstrated leadership ability and shall be broadly representative of the entire state, with special regard for lay participation, and including, insofar as possible, representatives of the following areas of interest in the major fields of service: education, guidance, business and labor, religion, family living, recreation and group work, physical health, mental health, social welfare, protection and correction.

Section 4. The Governor shall designate one member of the Commission to serve as its chairman.

Section 5. The chairman of the Commission is authorized to appoint an executive committee of not less than six (6) members. The chairman shall serve as chairman of the executive committee.

Section 6. The Commission shall be authorized to adopt appropriate rules and regulations governing the conduct of its business.

Section 7. No member of the Commission appointed under the provisions of this Act shall receive any compensation for his services as a member of this Commission.

Section 8. Members of the Commission shall be appointed for terms of four (4) years; except that, following adoption of this Act, ten (10) members shall be appointed for terms of two (2) years, and ten (10) members for terms of four (4) years, in order to provide for overlapping terms of membership. Any vacancy shall be filled for a full term.

Section 9. The Commission shall be authorized to call on appropriate agencies, departments and institutions of the State and other political subdivisions to provide it with advice, information, consultation and assistance.

Section 10. The Commission may call on appropriate voluntary agencies and organizations for advice, information consultation and assistance.

Section 11. The Governor is authorized to designate one or more appropriate agencies, departments or institutions of the State to provide staff, office space and operating expenses suitable to the Commission, or to allocate funds for this purpose from funds which may be legally expended for such purpose.

Approved June 5, 1951.

CHAPTER 276

CREATING DELAWARE RIVER BASIN WATER
COMMISSION

AN ACT PROVIDING FOR JOINT ACTION BY THE STATES OF DELAWARE, NEW JERSEY, AND NEW YORK AND THE COMMONWEALTH OF PENNSYLVANIA IN DEVELOPING, UTILIZING, CONTROLLING, AND CONSERVING THE WATER RESOURCES OF THE DELAWARE RIVER BASIN IN ORDER TO ASSURE AN ADEQUATE WATER SUPPLY; AUTHORIZING THE GOVERNOR, FOR THESE PURPOSES, TO ENTER INTO A COMPACT WITH THE STATES OF NEW JERSEY AND NEW YORK AND THE COMMONWEALTH OF PENNSYLVANIA AND TO APPLY ON BEHALF OF THE STATE OF DELAWARE TO THE CONGRESS OF THE UNITED STATES FOR ITS CONSENT THERETO; CREATING THE DELAWARE RIVER BASIN WATER COMMISSION AND SPECIFYING THE POWERS AND DUTIES THEREOF, INCLUDING THE POWER TO FINANCE PROJECTS BY THE ISSUANCE OF BONDS; PROVIDING FOR THE APPOINTMENT ON BEHALF OF THE STATE OF DELAWARE OF THE MEMBERS OF THE SAID COMMISSION; REQUIRING THE COMMISSION TO PREPARE AND REPORT PLANS AND SPECIFICATIONS FOR SPECIFIC PROJECTS; REQUIRING CERTAIN PRIOR APPROVALS BY THE LEGISLATURES OF THE COMPACTING STATES.

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 Delaware River Basin Water Commission Compact Approved. _____ The Governor is hereby authorized to enter into a compact on behalf of the State of Delaware with the States of New Jersey and New York and the Commonwealth of Pennsylvania in substantially the following form, that is to say:

COMPACT

BETWEEN THE STATES OF DELAWARE, NEW JERSEY,
AND NEW YORK AND THE COMMONWEALTH OF
PENNSYLVANIA CREATING THE DELAWARE
RIVER BASIN WATER COMMISSION AND
DEFINING ITS POWERS AND DUTIES

WHEREAS, the people, of the states of Delaware, New Jersey and New York and the Commonwealth of Pennsylvania have a common interest in the waters of the Delaware River Basin; and

WHEREAS, it is desirable that the water and water resources of the Delaware River and its tributaries be developed, utilized, controlled, and conserved for the benefit of all the people; and

WHEREAS, the United States Supreme Court, in its decision in the Delaware River Case (283 U.S. 336), established the principle of equitable apportionment of the waters of the Upper Delaware River Basin; and

WHEREAS, political subdivisions and metropolitan areas in the States of New Jersey and New York and the Commonwealth of Pennsylvania have been confronted constantly with the problem of meeting existing and prospective requirements of the people within their respective areas for obtaining and maintaining an adequate and satisfactory supply of water, both for domestic and industrial purposes; and

WHEREAS, it is essential that there be maintained an adequate minimum flow in the Delaware River for the protection of public health, for the benefit of industry and of fisheries, such as oysters, clams and other shellfish, for animal and aquatic life, for recreation, for general sanitary conditions, for the dilution and abatement of pollution, and for the prevention of undue salinity; and

WHEREAS, for the purpose of promoting interstate cooperation in various fields of governmental operations, including the

utilization, control and conservation of water resources of interstate river systems, the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania each has created and now maintains a Commission (or Committee) on Interstate Cooperation, which Commissions have jointly organized and established and are now maintaining, in cooperation with each of the others, a joint advisory board known as "The Interstate Commission on the Delaware River Basin" for the purpose, among other activities, of formulating and recommending integrated programs for the development, utilization, control and conservation of the water resources of the Delaware River Basin; and

WHEREAS, upon the recommendation of the said Interstate Commission on the Delaware River Basin, submitted through the Commission on Interstate Cooperation of each of the States concerned, the legislatures of the States of New Jersey and New York and the Commonwealth of Pennsylvania, by reciprocal legislation, enacted laws at their 1949 Sessions (New Jersey Laws of 1949, Chap. 105; New York Laws of 1949, Chap. 610; Pennsylvania Laws of 1949, Act 475), authorizing and directing the said Interstate Commission on the Delaware River Basin to make surveys and investigations to determine and report on the feasibility and advisability of the future construction of an integrated water project designed, among other purposes, to meet the combined prospective water supply requirements of political subdivisions and metropolitan areas in the said States, both within and outside the said Basin, empowering such Commission to enter upon lands, structures, and waters for the purposes of such surveys and investigations, making an appropriation to such Commission, and requiring a full report of its proceedings, findings, conclusions, recommendations, and such draft or drafts of legislation as it may deem necessary or proper for enactment by such States; and

WHEREAS, based upon a full report submitted by the Interstate Commission on the Delaware River Basin setting forth the findings, conclusions, and recommendations resulting from its surveys and investigations, it is the opinion of that Commission, concurred in by each of the aforesaid Commissions on Interstate Cooperation, that the future construction of integrated water

projects in the Delaware River Basin is feasible, advisable, and urgently needed, and can best be accomplished by and through a joint administrative agency created by an agreement or compact between the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania; and

WHEREAS, the Congress of the United States, by its Joint Resolution of March 1, 1911 (36 Stat. 961), relating to the conservation of forests and water supply and protection of forests from fire, gave general consent to encourage the making of agreements or compacts between States for the purpose of conserving the forests and the water supply;

NOW, THEREFORE, the Commonwealth of Pennsylvania and the States of New Jersey and New York (and the State of Delaware if and when Delaware becomes a signatory State) do hereby solemnly covenant and agree each with the other as follows:

ARTICLE I

Creation and Purposes of the Commission

1. There is created hereby a body corporate and politic with perpetual succession, to be known as The Delaware River Basin Water Commission (hereinafter in this compact referred to as the Commission), which shall constitute a public corporate instrumentality of the Commonwealth of Pennsylvania and of the States of New Jersey and New York, (and of the State of Delaware if and when Delaware becomes a signatory State), and each of them, to exercise an essential governmental function of each of the signatory States, for the purposes of developing, utilizing, controlling, and conserving the water resources of the Delaware River Basin in order to assure an adequate water supply:

(a) to meet the domestic and industrial requirements of political subdivisions and metropolitan areas within those States;

(b) to provide an adequate minimum flow in the Delaware River for the protection of public health, for the benefit of industry and of fisheries, such as oysters, clams, and other shell-

fish, for animal and aquatic life, for recreation, for general sanitary conditions, for the dilution and abatement of pollution, and for the prevention of undue salinity; and

(c) to provide for such other uses of water as navigation, flood control, production of hydroelectric power, and related uses.

2. In order to effectuate the foregoing purposes, the Commission shall determine the exact locations and character of, formulate plans for, and determine all matters in connection with, the construction, operation and maintenance of dams, reservoirs, and appurtenant structures within the Delaware Basin for the storage and effective regulation of the water resources thereof, and treatment plants, aqueducts, conduits, or other facilities, and shall finance, construct, operate, and maintain such structures and facilities as are deemed necessary to the following project, or a reasonable modification thereof, that is to say: (a) a dam across the West Branch of the Delaware River near Cannonsville, New York; (b) a dam across the Delaware River near Barryville, New York; (c) a dam across the Neversink River near Godeffroy, New York; (d) a dam across the Delaware River near Wallpack Bend; (e) a dam across the East Branch of the Delaware River near Fisher's Eddy; (f) a dam across Flat Brook near Flatbrookville, New Jersey; (g) an aqueduct connecting the reservoir created by the dam across the Delaware River near Barryville, New York, with the reservoir on the Neversink River created by a dam near Godeffroy, New York; (h) an aqueduct, with equalizing reservoir en route, to convey a supply of water from the reservoir on the Neversink River created by the dam near Godeffroy, New York, to municipalities in northern New Jersey and to New York City; and (i) such reservoirs, tunnels, conduits, and other facilities required to furnish water supply to Philadelphia and adjacent areas.

ARTICLE II

Commissioners

1. The Commission shall consist of three members from each signatory State, who shall be citizens and residents thereof and shall be appointed by the Governor of that State, by and with

the consent of its Senate, unless its Constitution otherwise provides.

2. The term of each such Commissioner shall be for five years; provided, however, that the terms of the three Commissioners first appointed by each State shall be as follows, to wit: one for three years, one for four years, and one for five years. All Commissioners shall continue to hold office after the expirations of the terms for which they shall have been appointed until their respective successors shall have been appointed and qualified, but no period during which any Commissioner shall hold over shall be deemed to be an extension of his term of office for the purpose of computing the date on which his successor's term expires.

3. Any Commissioner may be removed or suspended from office as provided by the Constitution or applicable law of the State which he represents. In the event of a vacancy in the office of any Commissioner, from any reason or cause, such vacancy shall be filled by appointment by the Governor of the State concerned, subject to confirmation as above provided, for the unexpired term.

4. The Commissioners shall serve without compensation but shall be paid their actual and necessary expenses incurred in and incident to the performance of their duties; provided, however, that the elected officers of the Commission shall receive such compensation as may be fixed by the Commission.

5. The Federal Government may be represented on the Commission by three advisory members who shall serve without compensation from the Commission. The Constitution and other laws of the United States shall apply to the appointment or removal of such advisory members and the term or terms during which they shall serve.

ARTICLE III

Officers, Employees, Management and Procedure

1. The Commissioners shall have charge of the Commission's property and affairs. The Commission shall adopt an official

seal and suitable by-laws and shall promulgate rules and regulations for its management and control.

2. A majority of the Commissioners from the signatory States shall constitute a quorum for the transaction of business at any meeting of the Commission. No action shall be taken by the Commission except by a favorable vote of a majority of the Commissioners present at such meeting; provided, however, that no action of the Commission imposing any obligation, including any allocation of water for water supply, or for the maintenance of an adequate minimum flow as hereinafter provided, on any signatory State or on any political subdivision therein shall be binding unless a majority of the Commissioners from such signatory State shall have voted in favor thereof.

3. The Commission shall elect annually a chairman and a vice-chairman. The Commission shall appoint a secretary and a treasurer, who may be but need not be members of the Commission. The secretary shall be custodian of the records of the Commission with authority to affix the Commission's official seal and to attest to and certify such records or copies thereof. Disbursements by the Commission shall be valid only when authorized by the Commission.

4. The Commission shall appoint and at its pleasure remove or discharge counsel, an executive director, engineers, and such other agents and employees as it may require for the performance of the powers and functions of the Commission. The Commission shall determine and fix the duties and compensation of its appointed officers and employees, and shall fix the compensation, if any, of its elected officers.

5. The Commission may establish and maintain one or more offices within the area of the signatory States for the transaction of its business and may meet at any time or place, but must meet at least once each year.

6. The Commission shall keep accurate accounts of all receipts and disbursements. The accounts of the Commission shall be open at any reasonable time for inspection and audit by such representative or representatives of the respective signatory States as may be duly constituted for that purpose, and for in-

spection by others who may be authorized by the Commission. The Commission shall have its accounts audited annually by an independent certified accountant or accountants.

7. The fiscal year of the Commission shall be July 1 to June 30, inclusive.

8. The Commission shall make an annual report to the Governor and the legislature of each signatory State setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it to be advisable, including amendments to the statutes of the signatory States which may be deemed necessary to carry out the intent and purpose of this compact.

9. No member, agent or employee of the Commission shall have a personal interest, either directly or indirectly, in any contract entered into by the Commission, including the sale to the Commission of any real or personal property. A violation of this provision shall constitute a misdemeanor and, upon trial and conviction, shall be punishable in accordance with the laws of the signatory State of which the offender is a citizen, or, in the absence of any law providing a penalty for such a misdemeanor, by fine or imprisonment or both in the discretion of the Court.

10. No member, agent or employee of the Commission, while acting within the scope of his authority, shall be personally liable for any acts performed in the execution of the powers expressly authorized by this compact.

ARTICLE IV

General Powers

1. For the effectuation of its authorized purposes, the Commission is hereby granted and shall have the following powers in addition to such powers as may be provided for elsewhere in this compact, to wit:

(a) To sue in its own name in Federal and State courts.

(b) To acquire, own, hire, use, operate, and dispose of personal property.

(c) To acquire, own, use, and operate real property and interests therein, to make improvements thereon, and to convey, lease or otherwise dispose of any such property no longer necessary for the authorized purposes of the Commission.

(d) To grant, by lease or otherwise, the use of any property or facility owned or controlled by the Commission, and to make charges therefor.

(e) To exercise the right of eminent domain, as provided in Article V of this compact.

(f) To borrow money, make and issue from time to time negotiable bonds and notes, to fund and refund the same, and to provide for the rights of the holders of its bonds and notes, as provided in Article XIII of this compact.

(g) To establish, levy, and collect, without being subject to the supervision or regulation of any commission, board, bureau or agency of any of the signatory States or political subdivisions thereof, such rentals, fees or other charges for use of the facilities of or for the services rendered by the Commission, and to revise such rentals, fees, or other charges as may be necessary to assure revenues at least adequate to defray the expenses of operation and maintenance of the said facilities, to pay the interest on and principal of any bonds or other obligations of the Commission, and to establish any reasonable reserves therefor.

(h) To accept such payments, appropriations, grants, gifts, loans, and other funds, properties, and services as may be made available to it by the Federal government or any of its agencies, by the governments and political subdivisions of the signatory States, or by private agencies, corporations, or individuals.

(i) To conduct surveys of dam, reservoir, treatment plant, aqueduct, or conduit locations and study subsurface conditions affecting the selection of such locations. Members of the Commission and its duly accredited agents, engineers, contractors, and employees may enter upon any lands, structures, and waters within any of the signatory States for such purposes or whenever it is deemed necessary for any of the purposes authorized by this

spection by others who may be authorized by the Commission. The Commission shall have its accounts audited annually by an independent certified accountant or accountants.

7. The fiscal year of the Commission shall be July 1 to June 30, inclusive.

8. The Commission shall make an annual report to the Governor and the legislature of each signatory State setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it to be advisable, including amendments to the statutes of the signatory States which may be deemed necessary to carry out the intent and purpose of this compact.

9. No member, agent or employee of the Commission shall have a personal interest, either directly or indirectly, in any contract entered into by the Commission, including the sale to the Commission of any real or personal property. A violation of this provision shall constitute a misdemeanor and, upon trial and conviction, shall be punishable in accordance with the laws of the signatory State of which the offender is a citizen, or, in the absence of any law providing a penalty for such a misdemeanor, by fine or imprisonment or both in the discretion of the Court.

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(b) To acquire, own, hire, use, operate, and dispose of personal property.

(c) To acquire, own, use, and operate real property and interests therein, to make improvements thereon, and to convey, lease or otherwise dispose of any such property no longer necessary for the authorized purposes of the Commission.

(d) To grant, by lease or otherwise, the use of any property or facility owned or controlled by the Commission, and to make charges therefor.

(e) To exercise the right of eminent domain, as provided in Article V of this compact.

(f) To borrow money, make and issue from time to time negotiable bonds and notes, to fund and refund the same, and to provide for the rights of the holders of its bonds and notes, as provided in Article XIII of this compact.

(g) To establish, levy, and collect, without being subject to the supervision or regulation of any commission, board, bureau or agency of any of the signatory States or political subdivisions thereof, such rentals, fees or other charges for use of the facilities of or for the services rendered by the Commission, and to revise such rentals, fees, or other charges as may be necessary to assure revenues at least adequate to defray the expenses of operation and maintenance of the said facilities, to pay the interest on and principal of any bonds or other obligations of the Commission, and to establish any reasonable reserves therefor.

(h) To accept such payments, appropriations, grants, gifts, loans, and other funds, properties, and services as may be made available to it by the Federal government or any of its agencies, by the governments and political subdivisions of the signatory States, or by private agencies, corporations, or individuals.

(i) To conduct surveys of dam, reservoir, treatment plant, aqueduct, or conduit locations and study subsurface conditions affecting the selection of such locations. Members of the Commission and its duly accredited agents, engineers, contractors, and employees may enter upon any lands, structures, and waters within any of the signatory States for such purposes or whenever it is deemed necessary for any of the purposes authorized by this

compact, and such entry shall not be deemed a trespass or an entry under any condemnation proceedings which may be then pending. In the exercise of this power, the Commission shall save harmless the signatory States from, and be responsible to any property owner for, any damage caused by surveys or by entry on lands or any other damage resulting therefrom, and the Commission shall require every contractor or other agency performing work for said Commission to provide security for the faithful performance of any contract with the Commission and to save harmless the Commission and the signatory States from damages caused as aforesaid.

(j) To determine the exact locations and character of, to formulate plans for, and to determine all matters in connection with, the construction, operation, and maintenance of the dams, reservoirs, and appurtenant structures within the Delaware River Basin for the storage and effective regulation of the water resources thereof, and treatment plants, aqueducts, conduits, and other facilities deemed necessary or convenient to effectuate the structures and facilities described in paragraph 2 of Article I of this compact, and to finance, construct, operate and maintain such structures and facilities.

(k) To prepare, upon the request of two or more signatory States, or upon its own initiative, in appropriate form for submission to the legislatures of the signatory States, a report covering plans for, and the method of financing of, any new project, or any expansion of the project authorized and described in paragraph 2 of Article I of this compact; and, upon approval of such report by the legislatures of the signatory States and upon approval by the appropriate agency or agencies of the State or States of the detailed plans and specifications, all in accordance with the provisions of Article XI of this compact, to finance, construct, operate and maintain such new or expanded project.

(l) To determine and to allocate, subject to the provisions of paragraph 2 of Article III, to each of the signatory States an equitable apportionment of available water supply in order to meet domestic and industrial requirements of political subdivisions and metropolitan areas therein.

(m) To release, subject to the provisions of Article IX, the quantity of water required to be released from storage in order to maintain an adequate minimum flow in the Delaware River during periods of low flow therein for the protection of public health, for the benefit of industry and of fisheries, such as oysters, clams, and other shellfish, for animal and aquatic life, for recreation, for general sanitary conditions, for the dilution and abatement of pollution, and for the prevention of undue salinity.

(n) To provide for such other uses of the water and water resources of the Delaware River Basin as navigation, flood control, production of hydroelectric power, and related uses, and to cooperate with other appropriate agencies for that purpose.

(o) To develop, or to provide for the development of, subject to the provisions of Article X, hydroelectric power and energy inherent in the development and use of the waters to which this compact relates and incident to the control and conservation of such waters.

(p) To make, enter into, and perform contracts with the Federal government, with any of the signatory States or any of their political subdivisions, with public or private agencies, and with corporations or individuals, including (1) contracts for the sale of water for water supply, for the sale of falling water and hydroelectric power and energy, subject to the provisions of Article X, or for other services, (2) contracts for payments by the signatory States, or the political subdivisions thereof, for benefits resulting from water released from storage in order to maintain an adequate minimum flow in the Delaware River during periods of low flow therein, and (3) any other contracts necessary or incidental to the performance of its duties and the execution of its powers under this compact.

(q) To take all measures necessary to guard and protect the areas in which its facilities or developments are located or in which any work of construction under authority of this compact is in progress, and to protect its facilities and developments from damage by pollution or otherwise, and to appoint a suitable number of persons as guards for such purposes. Such persons shall possess the power and authority of a constable, peace officer, or

police officer and shall have full power to serve as such officers within the signatory States and to enforce the provisions of such laws thereof as are applicable to the purposes of this paragraph.

(r) To do all acts and things necessary or convenient to carry out the powers expressly granted in this compact.

ARTICLE V

Condemnation Proceedings

1. The Commission shall have the power to acquire by condemnation lands, lands lying under water, rights in land, riparian rights, water rights, waters, and other property. This grant of the power of eminent domain includes, but is not limited to, the power to condemn property owned or held by a political subdivision for municipal or public purposes, by a public district, by a public corporation or by a public authority, and includes as well the power to condemn any property already devoted to a public purpose, by whomsoever owned or held, other than property owned or held by the signatory States.

2. Such power shall be exercised in accordance with the provisions of such special law, specifically applicable to the said Commission, as may be in force in the signatory State in which such property is located; provided, that, if there be no such special law in force in such State, condemnation proceedings shall be in accordance with the provisions of such applicable general condemnation law as may be in force in such State.

3. Any award or compensation for the taking of property pursuant to this Article shall be paid by the Commission, and none of the signatory States nor any agency, instrumentality, or political subdivision thereof shall be liable for such award or compensation.

ARTICLE VI

Conveyance of Lands and Relocation of Public Facilities

1. The signatory States hereby consent to the acquisition, use and occupation by the Commission, pursuant to the laws of

the respective States, of any real property within the said States, or any of them, including lands lying under water and lands already devoted to public use, which may be or may become necessary or convenient for the construction, operation, and maintenance of dams, reservoirs, treatment plants, aqueducts, conduits, and other structures or facilities, approved in accordance with the provisions of this compact.

2. The signatory States hereby authorize their respective officers, agencies, departments, commissions or bodies having jurisdiction and control over real property owned by the signatory States to convey in accordance with the laws of the respective States, to the Commission, with or without consideration, any such real property as may be necessary or convenient to the effectuation of the authorized purposes of the Commission.

3. Each political subdivision of each of the signatory States is hereby authorized and empowered, notwithstanding any contrary provision of law, to grant and convey to the Commission, upon the Commission's request, but not otherwise, upon reasonable terms and conditions, any real property owned by such political subdivision, including lands lying under water and lands already devoted to public use, which may be necessary or convenient to the effectuation of the authorized purposes of the Commission.

4. The term "real property" as used in this compact shall include any and all things and rights usually included within the said term and includes not only fees simple absolute, but also any and all lesser interests such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments, and every estate, interest or right, legal or equitable, including terms of years and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real property.

5. Any highway, sewer, public utility, or other public facility, which will be dislocated by reason of the constructions deemed necessary by the Commission to effectuate the authorized purposes of this compact, shall be relocated, providing that such relocation be required to serve the public interest, in the manner provided for by the laws of the respective signatory States, at the expense of the Commission.

ARTICLE VII

Taxes and Payments in Lieu of Taxes

1. The effectuation of its authorized purposes by the Commission is and will be in all respects for the benefit of the people of the signatory States; and, since the Commission will be performing essential governmental functions in effectuating said purposes, the bonds or other securities or obligations issued by the Commission and the income therefrom, or any profit made on the sale thereof, shall be exempt from all taxation by or within the States of Delaware, New Jersey and New York and the Commonwealth of Pennsylvania except for transfer and inheritance taxes.

2. Lands acquired by the Commission for the purposes of this compact shall be taxable in the tax district wherein such lands are located at the average value thereof as improved on the date of acquisition. Such average value shall be determined on the basis of computation of the average assessed value of such lands, as improved for the five-year period immediately prior to such date of acquisition. The assessed value of such land shall be reviewed by the taxing authority at the end of each five-year period after the date of acquisition and such assessed valuation shall be increased or decreased percentagewise as the average assessed valuation of all the other property in the tax district has increased or decreased in such five-year period. However, none of the dams, reservoirs, treatment plants, aqueducts, conduits, or other structures, or facilities, or their appurtenances, to be built in accordance with the authority conferred by this compact shall be taxable, nor shall the assessed value of the lands upon which such structures are built be increased by reason of their presence thereon.

3. Notwithstanding the provisions of the last preceding paragraph, the Commission is hereby authorized and empowered to enter into agreements with political subdivisions to pay a fair and reasonable sum or sums to the said political subdivisions in lieu of taxes which otherwise would be levied and collected with respect to any property hereafter acquired by the Commission. Any such payment or payments made by the Commission may be

paid on an annual basis, or such payment or payments may be made in a lump sum or sums or over a stated period of years, as shall be agreed upon by and between the Commission and such political subdivisions; provided, however, that in any case the payment or payments shall not be in excess of the amount of the taxes upon such property when last assessed prior to the time of its acquisition by the Commission. Every political subdivision wherein property shall be acquired by the Commission is authorized and empowered to enter into such agreement or agreements with the Commission to accept such payment or payments.

ARTICLE VIII

Contracts for Water Supply

1. The term "political subdivision," as used in this Article, shall mean and include, in addition to its usual meaning, water districts, water supply districts, and any other public authorities, public corporations, commissions or bodies having power to own, acquire, or contract for a public water supply.

2. Political subdivisions of the signatory States, either directly or through any board of water commissioners, district water supply commissioners, or any other board, commission, or public authority having jurisdiction or control over all or any part of a water supply or distribution system, may enter into contracts for the supplying of water by the Commission and the payment of any fees or other charges to the Commission. The contracts may be made for a specified or an unlimited time notwithstanding any other provision of law, general or special, on any terms and conditions which may be approved by the political subdivision and which may be agreed to by the Commission, and such contracts shall be valid and binding upon the political subdivision, notwithstanding that no appropriation has been made or provided to cover the cost or estimated cost of the contract.

3. Such political subdivision is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment of any obligations thereunder in the same manner as other obligations of such political

subdivision. Each political subdivision shall pay promptly to the Commission all fees and other charges due the Commission.

ARTICLE IX

Release of Stored Waters

1. No signatory State shall permit the flow in the Delaware River to be diminished by the diversion of any water from the main channel of the Delaware River during any period in which waters are being released from storage reservoirs constructed under the provisions of this compact for the purpose of maintaining an adequate minimum flow in the Delaware River during the periods of low flow therein, except in cases where such diversion shall have been duly authorized under the provisions of this compact.

2. The Commission shall release water from storage for the purposes of maintaining an adequate minimum flow in the Delaware River during periods of low flow therein in accordance with the following provisions:

(a) Upon and after completion of a storage reservoir on the West Branch of the Delaware River near Cannonsville, New York, sufficient water shall be released from the aforesaid reservoir to maintain a minimum flow in the Delaware River, as measured at the stream gaging station at Port Jervis, New York of at least 1800 cubic feet per second.

(b) Upon and after completion of storage reservoirs on the West Branch of the Delaware River near Cannonsville, New York, on the main channel of the Delaware River near Barryville, New York and on the Neversink River near Godeffroy, New York, sufficient water shall be released from the system consisting of the three aforesaid reservoirs to maintain a minimum flow in the Delaware River, as measured at the stream gaging station at Trenton, New Jersey, of at least 4000 cubic feet per second.

(c) Upon and after completion of storage reservoirs on the West Branch of the Delaware River near Cannonsville, New York, on the main channel of the Delaware River near Barryville, New

York, on the Neversink River near Godeffroy, New York, and on the main channel of the Delaware River near Wallpack Bend, sufficient water shall be released from the system consisting of the four aforesaid reservoirs to maintain a minimum flow in the Delaware River, as measured at the stream gaging station at Trenton, New Jersey, of at least 4800 cubic feet per second. The intent and purpose of the requirements of paragraphs (b) and (c) of this Article are to provide for a flow at all times of at least 4000 cubic feet per second, or at least 4800 cubic feet per second, as the case may be, from the nontidal section of the Delaware River above Trenton into the tidal section of the Delaware River below Trenton. Accordingly, the requirement for a flow of at least 4000 cubic feet per second, or at least 4800 cubic feet per second, at Trenton may be reduced by the Commission in such a manner as to carry out this intent and purpose in the event the Commission is called upon to utilize a part of the waters which would otherwise flow in the Delaware River at Trenton as a source of water supply for the City of Philadelphia and other political subdivisions and metropolitan areas in the greater Philadelphia-South Jersey area which are situated wholly within the Delaware River Basin.

ARTICLE X

Hydroelectric Power and Energy

In the exercise of its power to develop, or to provide for the development of, hydroelectric power and energy, no water shall be used in addition to the water which would otherwise be developed and used by the Commission for water supply and for water required to be released from storage in order to maintain an adequate minimum flow in the Delaware River during periods of low flow therein. The Commission shall not engage in the transmission and distribution of power and energy except for its own use.

ARTICLE XI

Formulation and Approval of Plans

1. Upon the request of two or more signatory States, or upon its own initiative, the Commission shall prepare, in appro-

priate form for submission to the legislatures of the signatory States, a report covering plans for, and the method of financing, any new project, or any expansion of the project authorized and described in paragraph 2 of Article I of this compact, for the construction, operation, and maintenance of such dams, reservoirs, and appurtenant structures within the Delaware River Basin, and such treatment plants, aqueducts, conduits, and other facilities, as may be required to effectuate the purposes of this compact.

2. Prior to the submission of any such report to the legislatures of the signatory States the Commission shall:

(a) Conduct investigations in such manner as to give appropriate consideration and weight to the interrelation of the proposed project with projects and programs of other agencies, public and private, federal, interstate, state, and local, concerning the development, utilization, control and conservation of the water resources of the Delaware River Basin.

(b) Transmit a copy of its tentative draft of a report concerning any proposed project to the following agencies, or their respective successors, for the purpose of affording such agencies an opportunity to submit to the Commission, within ninety days from the date of receipt of such tentative draft, written statements of their views and recommendations regarding any such project: Water Pollution Control Commission of the State of Delaware; Division of Water Policy and Control of the State of New Jersey; Water Power and Control Commission of the State of New York; Water and Power Resources Board of the Commonwealth of Pennsylvania; and the Interstate Commission on the Delaware River Basin. Representatives of each of the aforesaid agencies may, in order to analyze and appraise any project proposed by the Commission created by this compact, enter upon any lands, structures, and waters within the states in which the Delaware River Basin is located, for the purpose of surveying dam, reservoir, treatment plant, aqueduct, or conduit locations, studying subsurface conditions affecting the selection of such locations, and for such other purposes as may be deemed necessary.

(c) Include in its report, for submission to the legislatures of the signatory States, the statements of views and recommendations, if any, of the aforesaid agencies.

3. The report, prepared after compliance with the procedure hereinbefore provided, shall be submitted by the Commission to the legislatures of the signatory States. The Commission shall have authority to proceed with the project proposed in the said report when such report has been approved by the legislatures of all of the signatory States, or by the legislatures of the States of New Jersey and New York and the Commonwealth of Pennsylvania.

4. Prior to proceeding with any construction which is a part of the project authorized and described in paragraph 2 of Article I of this compact, or of any authorized expansion thereof, or of any authorized new project, the Commission shall submit detailed plans and specifications for the construction of any structure, or part thereof, to, and secure the approval of, the appropriate agency or agencies of the State or States within which such construction is necessary as a part of the said project.

ARTICLE XII

Grants, Loans, or Payments

By States or Political Subdivisions

1. Any or all of the signatory States, or any political subdivisions thereof, may after appropriate legislative authorization for that purpose:

(a) Appropriate to the Commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings and other studies of subsurface conditions, in the preparation of contracts for the sale of water, and in the preparation of detailed plans and estimates required for the financing of a construction project.

(b) Advance to the Commission, either as grants or loans, such funds as may be necessary or convenient to finance the

operation and management of, or construction by, the Commission.

(c) Make payments to the Commission for benefits received, or to be received, from the operation of any of the structures or facilities of the Commission.

2. Any funds which may be loaned to the Commission either by a signatory State, or a political subdivision thereof, shall be repaid by the Commission through the issuance of bonds, or out of other income of the Commission, such repayment to be made within such period and upon such terms as may be agreed upon between the Commission and the State or political subdivision making the loan.

ARTICLE XIII

Financing

1. The Commission shall have power and is hereby authorized, from time to time to issue its negotiable bonds for any of its authorized purposes, to issue its bonds to refund bonds issued by it, to issue its negotiable notes in anticipation of bonds, and to pay its bonds and notes from revenues of the Commission and the proceeds of its bonds and other moneys of the Commission, as the resolution authorizing the issuance may provide:

(a) Refunding bonds may be issued partially to refund bonds then outstanding and partially for any other of its authorized purposes. Refunding bonds may be issued whenever the Commission deems expedient, whether the bonds to be refunded have or have not matured, and may be exchanged for the bonds to be refunded with such cash adjustments as may be agreed, or may be sold before the bonds to be refunded become due and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded, including interest accrued, and any redemption premiums payable thereon.

(b) Except as may be otherwise expressly provided by the Commission, every issue of bonds shall be general obligations payable out of any moneys or revenues of the Commission, subject

only to any agreements with the holders of any bonds pledging any moneys or revenues.

(c) Whether or not bonds or notes issued by the Commission are of such form and character as to be negotiable instruments, such bonds or notes shall be fully negotiable within the meaning and for all the purposes of the Negotiable Instruments Law, subject only to any provision of the bonds for registration.

(d) The Commission may issue temporary bonds, with or without coupons, pending the preparation of definitive bonds, exchangeable for definitive bonds.

(e) Bonds shall be authorized by resolution of the Commission and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates not exceeding six per centum (6%) per annum, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place or places, and be subject to such terms of redemptions, with or without premium, as such resolution or resolutions may provide. The official seal of the Commission, or a facsimile thereof, shall be impressed, engraved, or otherwise reproduced on each bond or note, and be attested by the Secretary or by such other officer or agent as the Commission shall appoint and authorize. If any officer or authorized agent whose signature, or a facsimile thereof, shall appear on any bonds, coupons, or notes, shall cease to be such officer or authorized agent before the delivery of the bonds or notes, such signature or such facsimile signature shall be valid and sufficient for all purposes the same as if he had continued in office until such delivery. Bonds may be sold at public or private sale, for such price or prices as the Commission shall determine.

(f) Any resolution of the Commission authorizing the issuance of bonds may appoint a trustee or trustees, a fiscal agent or fiscal agents, a paying agent or paying agents, and such other fiduciaries as such resolution may provide. Any trustee, fiscal agent, paying agent and other fiduciary so appointed may be any trust company or bank having the powers of a trust company within any one of the signatory States.

(g) In order to secure the payment of its bonds the Commission shall have power, in the resolution authorizing the issuance of the bonds (which shall be deemed a contract with the bondholders):

(1) to pledge all or any part of its revenues to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of bonds;

(2) to covenant against pledging all or any part of its revenues, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof, or any property of any kind;

(3) to covenant as to bonds to be issued and the limitations thereon and the terms and conditions thereof and as to the custody, application and disposition of the proceeds thereof, and to covenant as to the issuance of additional bonds or as to limitations on the issuance of additional bonds and on the incurring of other debts by it;

(4) to provide for the replacement of lost, destroyed or mutilated bonds;

(5) to provide for the investment of all or a part of its funds on deposit with the trustee or other fiduciary in such obligations as the resolution authorizing the issuance of the bonds may provide;

(6) to covenant against extending the time for the payment of bonds or interest thereon; to covenant as to the redemption premiums and other terms and conditions thereof;

(7) to covenant as to the payment of the principal of or interest on the bonds, or any other obligations, as to the sources and methods of such payment, as to the rank or priority of any such bonds or obligations with respect to any lien or security or as to the acceleration of the maturity of any such bonds or obligations;

(8) to covenant as to the rates of fees or other charges to be established and to be charged, and the amount to be raised each year or other period of time by such charges or other revenues and as to the use and disposition to be made thereof; to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction, operating expense, payment or redemption of bonds, reserves or other purposes and to covenant as to the use and disposition of the moneys held in such funds;

(9) to establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(10) to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

(11) to provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation; to prescribe the events of default and the terms and conditions upon which any or all of the bonds shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

(12) to vest in a trustee or trustees such property, rights, powers and duties in trust for the bondholders, as the Commission may determine, which may include any or all of the rights, powers and duties of the statutory trustee appointed by the holders of bonds pursuant to sub-paragraph (a) of paragraph 2 of this Article; to limit or abrogate the rights of the holders of such bonds to appoint such statutory trustee, or to limit the rights, duties and powers of such statutory trustee;

(13) to limit the rights of the bondholders to enforce any pledge or covenant securing the bonds; and

(14) to make covenants other than and in addition to the

covenants herein expressly authorized, of like or different character; and to make such covenants to do or refrain from doing such acts and things as may be necessary or convenient or desirable in order to better secure the bonds or which, in the absolute discretion of the Commission, will tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

(h) Any pledge of revenues or other moneys made by the Commission shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and thereafter received by the Commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the Commission.

(i) Bonds may be issued under the provisions of this compact without obtaining the consent of any department, division, commission, board, bureau or agency of any of the signatory States, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this compact.

(j) The Commission shall not have power to mortgage real property.

(k) Moneys of the Commission or moneys held in pledge or otherwise for the payment of bonds or in any way to secure bonds and the deposits of such moneys may be secured in such manner as the Commission may require and all banks and trust companies in each of the signatory States are authorized to give such security therefor.

(l) Neither the members of the Commission nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(m) The Commission shall have the power to purchase its bonds out of any funds available therefor. The Commission may refund, or it may hold, cancel, or resell, such bonds subject to and in accordance with agreements with bondholders.

2. The following provisions shall be applicable to an issue of bonds authorized or issued by the Commission, only if the resolution of the Commission authorizing or providing for the issuance of such bonds shall provide in substance that the holders of the bonds of such issue shall be entitled to the benefits and be subject to the provisions of this paragraph 2:

(a) In the event that there shall be a default in the payment of principal or interest on any bonds of such issue after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the Commission shall fail or refuse to comply with the provisions of this compact or shall fail or refuse to carry out and perform the terms of any contract or covenant with or for the benefit of the holders of any of such bonds, and such failure or refusal shall continue for a period of thirty days after written notice by any holder of bonds of such issue or by a trustee for bondholders to the Commission of its existence and nature, the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds of such issue then outstanding by instrument or instruments filed in the office of the Secretary of State of each signatory State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a statutory trustee to represent the holders of the bonds of such issue for the purposes provided in this paragraph 2.

(b) Such statutory trustee may and, upon written request of the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds of such issue then outstanding, shall, in his or its own name:

(1) by civil action or suit, enforce all rights of the holders of such bonds, including the right to require the Commission to charge and collect revenues adequate to carry out any contract as to, or pledge of, such charges and revenues, and to require the Commission to carry out and perform the terms of any contract

or covenant with or for the benefit of the holders of such bonds or its duties under this compact;

(2) bring action or suit upon all or any part of such bonds or interest coupons or claims appurtenant thereto;

(3) by action or suit require the Commission to account as if it were the trustee of an express trust for the holders of such bonds;

(4) by action or suit enjoin any acts or things which may be unlawful or in violation of the covenants of the Commission or the rights of the holders of such bonds; or

(5) declare all such bonds due and payable, whether or not in advance of maturity, upon thirty days' prior notice in writing to the Commission and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (25%) of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

(c) Before declaring the principal of all such bonds due and payable the statutory trustee shall first give thirty days' notice in writing to the Commission.

(d) Any such statutory trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the property of the Commission the revenues derived from which property are pledged for the security of the bonds of such issue and such receiver may enter and take possession of such part or parts of such property and subject to any pledge or agreement with bondholders shall take possession of all moneys and other property derived from or applicable to the construction, operation, maintenance and reconstruction of such part or parts of such property and proceed with any construction thereon which the Commission is under obligation to do and to operate, maintain and reconstruct such part or parts of the property and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto, and perform the

public duties and carry out the agreements and obligations of the Commission under the direction of the court. In any suit, action or proceeding by the statutory trustee the fees, counsel fees and expenses of the said trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from such property.

(e) Such statutory trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any function specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

3. Notes issued in anticipation of bonds shall be paid from any moneys of the Commission available therefor and not otherwise pledged or from the proceeds of sale of the bonds of the Commission in anticipation of which they were issued. The notes shall be issued and sold in the same manner as the bonds and such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations which the bonds or a bond resolution of the Commission may contain. Such notes shall be as fully negotiable as the bonds of the Commission.

4. Bonds issued by the Commission under the provisions of this compact are hereby made securities in which any signatory State and all political subdivisions thereof, their officers, boards, commissions, departments or other agencies, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees, committees of the properties of incompetent persons, and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of any signatory State, may properly and legally invest any funds, including capital belonging to them or within their control; and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of any signatory State for any

purpose for which the deposit of bonds or other obligations of such State is now or may hereafter be authorized by law.

5. Each of the signatory States hereby pledges to and agrees with the holders of the bonds and notes issued in accordance with the provisions of this compact, that such State will not limit or restrict the rights hereby vested in the Commission to maintain, construct, reconstruct, and operate any project as defined in this compact or to establish and collect such rents, fees, receipts or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds authorized by this compact or in any way impair the rights or remedies of the holders of such bonds until the bonds, together with interest thereon, are fully paid and discharged.

ARTICLE XIV

Credit of Signatory States Not Pledged

Bonds or notes issued under the provisions of this compact shall not be deemed to constitute a debt or liability of any of the signatory States or of any political subdivision thereof or a pledge of the faith and credit of any of the signatory States or of any such political subdivision. All such bonds or notes shall contain on the face thereof a statement to the effect that none of the signatory States nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of any signatory State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

ARTICLE XV

Non-Impairment of State Powers

1. Nothing in this compact shall be construed as impairing the powers of any signatory State to develop, improve, utilize, control, or conserve the water resources of the upper Delaware River Basin within the boundaries of such State; provided, however, that the exercise of such powers by said State shall not

conflict with the power of the Commission established by this compact with respect to those water resources authorized to be developed, improved, utilized, controlled, or conserved by such Commission.

2. Nothing in this compact shall be deemed to authorize the taking in any of the signatory States of a supply of water from this Commission unless and until all of the laws of the State, in which the proposed taking of such water is located, have been complied with, and the approval of such taking has been secured from the appropriate agency or agencies of said State having jurisdiction over the taking of water supplies.

ARTICLE XVI

Existing Rights and Compacts

1. Nothing in this compact shall be deemed to affect any right of the States of New Jersey, New York, the Commonwealth of Pennsylvania and the City of New York, or any of them, granted or reserved by or pursuant to the decision of the United States Supreme Court in *New Jersey versus New York, et al.* (283 U.S. 336).

2. Nothing in any existing compact between any two or more of the signatory States shall be impaired or invalidated by any of the provisions of this compact.

ARTICLE XVII

Construction and Severability

The provisions of this compact, or of agreements thereunder, shall be severable and if any phrase, clause, sentence, or provision of this compact or such agreement is declared to be unconstitutional or the applicability thereof to any State, agency, or person is held invalid, the constitutionality of the remainder of this compact or such agreement and the applicability thereof to any other State, agency, person, or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this compact be reasonably and liberally construed.

ARTICLE XVIII

Effective Date

1. This compact shall enter into force and become effective and binding between the States of New Jersey and New York and the Commonwealth of Pennsylvania when (a) it has been adopted and enacted into law by the respective legislatures of the said States and Commonwealth, and (b) it has been signed by the respective Governors of the said States and Commonwealth, after authorization therefor by their respective legislatures, and has been attested by the Secretary of the State of each of said States and Commonwealth and the Seal of each of said States and Commonwealth has been affixed thereto, and (c) the Congress of the United States of America has consented thereto.

2. This compact shall become effective and binding with respect to the State of Delaware, either at the same time it becomes effective and binding between the States of New Jersey and New York and the Commonwealth of Pennsylvania as provided in the first paragraph of this Article or at any time thereafter, when (a) it has been adopted and enacted into law by the legislature of the State of Delaware, and (b) it has been signed by the Governor of the State of Delaware, after authorization therefor by the legislature thereof, and has been attested by the Secretary of State of the State and the Seal of that State has been affixed thereto.

3. This compact shall be signed, attested, and sealed in five originals, one original to be forwarded to the Governor of each signatory State for filing in accordance with the laws of that State and one original to be deposited in the archives of the Commission upon its establishment.

IN WITNESS WHEREOF, and in evidence of the adoption and enactment into law of this compact by the legislatures of the respective States, the respective Governors of the signatory States do hereby, in accordance with the authority conferred by the legislatures of their respective States, sign this compact in five originals, as attested by the respective Secretaries of State of the said States, and have caused the respective Seals of the

said States to be hereunto affixed, this _____ day
of _____, 19____.

Section 2. Force and Effect of the Compact. Upon its signature by the respective Governors on behalf of the States of New Jersey and New York and the Commonwealth of Pennsylvania and by the Governor on behalf of The State of Delaware, and upon the attestation thereof by the Secretary of State of each of the signatory States and Commonwealth and the affixing thereto of the Seal of each of the said States and Commonwealth, the aforesaid compact, which may be known and cited as The Delaware Basin Compact, shall be and become binding and shall have the force and effect of a statute of The State of Delaware, and the Delaware River Basin Water Commission shall thereupon become vested with all the powers, rights and privileges, and be subject to the duties and obligations, contained in said compact as though the same were specifically authorized and imposed by statute, and The State of Delaware shall be bound by all of the obligations assumed by it under said compact; and the Governor shall transmit an original signed copy thereof to the Secretary of State of The State of Delaware for filing in his office.

Section 3. Consent of the Congress. The Governor is hereby authorized to apply, on behalf of The State of Delaware, to the Congress of the United States for its consent and approval to the aforesaid compact; but, in the absence of such consent and approval, the Delaware River Basin Water Commission shall have all of the powers which the Commonwealth of Pennsylvania and the States of New Jersey and New York (and the State of Delaware if and when it becomes a signatory State) may confer upon it without the consent and approval of the Congress.

Section 4. The provisions of this Act shall become effective immediately upon final enactment; but the Governor shall not enter into the compact herein set forth until the States of New Jersey and New York and the Commonwealth of Pennsylvania shall have passed substantially similar acts hereto embodying the said compact.

Approved June 5, 1951.

CHAPTER 277

APPROPRIATION

PUBLIC ARCHIVES COMMISSION FOR COMPILATION OF
DELAWARE'S PARTICIPATION IN WORLD WAR II

**AN ACT MAKING AN APPROPRIATION TO THE PUBLIC
ARCHIVES COMMISSION FOR THE COMPILATION AND
PUBLICATION OF A HISTORY OF DELAWARE'S PAR-
TICIPATION IN WORLD WAR II.**

WHEREAS, the people of Delaware took a conspicuous part in World War II by the services of their men and women in the armed forces and by their contributions to the war effort through industry, commerce, transportation, agriculture, education, civil defense and practically all phases of civilian life; and

WHEREAS, the long, proud heritage of Delaware's military records from the days of the colonial wars through the Revolution, the War of 1812 and the other conflicts in which our Nation has been involved has been recorded for posterity so that Delawareans and people everywhere may know of the contribution of our State to the national well-being; and

WHEREAS, we may be on the threshold of another world-wide conflict and that if further time elapses many of the events, recollections and sacrifices of our people may be forgotten and lost to posterity; 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 Fifteen Thousand Dollars (\$15,000.00) be and the same is hereby appropriated out of the General Fund of the State of Delaware for defraying the expenses of the Public Archives Commission in employing additional personnel for the compilation and writing of a history of World War II and for the publication of the said history.

Section 2. That the said sum of Fifteen Thousand Dollars (\$15,000.00) so appropriated shall be paid by the State Treasurer

from the General Fund, from time to time to the Public Archives Commission upon properly executed standard invoice forms signed by the President and the Secretary of the Commission.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated. The money appropriated as aforesaid shall become available for the fiscal year beginning July 1, 1951.

Section 4. The Public Archives Commission is authorized to make a nominal charge for this published history, the receipts of which shall be paid to the State Treasurer for the General Fund. The said Public Archives Commission is, however, empowered under Laws of Delaware, Volume 40, Chapter 105, Paragraph 977, Section 6 to distribute gratis to the State University and other public libraries and historical societies on its exchange list.

Approved June 5, 1951.

CHAPTER 278

DIRECTING TREASURER TO REMIT CERTAIN FINES

AN ACT DIRECTING THE STATE TREASURER TO REMIT ANY FINE COLLECTED BY THE STATE UPON A CONVICTION WHICH WAS LATER SET ASIDE BY A HIGHER COURT UPON A CERTIORARI.

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

Section 1. The State Treasurer is hereby authorized and directed to remit to each person, or to the attorney of such person, who has paid a fine upon a conviction which was later set aside by a court of higher jurisdiction upon a certiorari from the lower court.

Section 2. The State Treasurer is hereby directed to pay the same upon proper voucher drawn by the person, or by the attorney of such person, upon whom the fine was originally imposed when the said voucher is accompanied by a certificate of the Prothonotary of any of the several Counties showing that the said conviction of the lower court upon which the fine was imposed has been set aside by a higher court.

Section 3. This Act shall apply not only to all such fines imposed in the future but to all such fines imposed since the adjournment of the regular session of the 115th General Assembly.

Section 4. All Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Approved June 5, 1951.

CHAPTER 279

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 Twelve Thousand Dollars (\$12,000.00) 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 Twelve Thousand Dollars (\$12,000.00) shall be paid to the said "Board of Managers of the Detention Home," in two equal, annual installments of Six Thousand Dollars (\$6,000.00), for the years ending June 30, 1952 and June 30, 1953.

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 5, 1951.

CHAPTER 280

RELATING TO COMPENSATION OF SUPERINTENDENT OF THE
PUBLIC BUILDING COMMISSION

**AN ACT TO FURTHER AMEND CHAPTER 67, REVISED
CODE OF DELAWARE, 1935, IN REFERENCE TO THE
COMPENSATION OF THE SUPERINTENDENT OF THE
PUBLIC BUILDING COMMISSION FOR THE CITY OF
WILMINGTON AND NEW CASTLE COUNTY.**

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

Section 1. That Chapter 67, Revised Code of Delaware, 1935, as amended by Chapter 146, Volume 43, Laws of Delaware, 1941, and as amended by Chapter 235, Volume 46, Laws of Delaware, 1947, be and the same is hereby further amended by striking out and repealing the last sentence of 2462. Sec. 54. and by substituting and enacting in lieu thereof the following:

"The salary of the Superintendent elected by the Commission shall not exceed the sum of Five Thousand Dollars (\$5,000.00) per annum."

Approved June 5, 1951.

CHAPTER 281

PROVIDING THAT THE STATE OF DELAWARE MAY ENTER INTO
COMPACT WITH OTHER STATES

**AN ACT PROVIDING THAT THE STATE OF DELAWARE
MAY ENTER INTO A COMPACT WITH ANY OTHER
STATE FOR MUTUAL HELPFULNESS IN MEETING
ANY CIVIL DEFENSE EMERGENCY OR DISASTER.**

WHEREAS, the Congress of the United States of America has granted its consent to civil defense compacts by an act entitled "Federal Civil Defense Act of 1950" (Public Law 920, Eighty-First Congress, Second Session, Approved January 12, 1951), the legislature of this State hereby ratifies a compact on behalf of the State of Delaware with any other State legally joining therein in the form substantially as follows:

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

Section 1. The legislature of this State hereby ratifies a compact on behalf of the State of Delaware with any other state legally joining therein in the form substantially as follows:

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting states solemnly agree:

Article I. The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shell-fire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective states, including such resources as may be available from the United States government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies

of the states that are parties hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article II. It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state; and

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks.

Article III. Any party state requested to render mutual aid shall take such action as is necessary to provide and make avail-

able the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as if they were performing their duties in the state in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

Article IV. Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

Article V. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article VI. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article VII. Each party state shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

Article VIII. Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article IX. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses in-

curred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States government under plans approved by it. After the termination of the emergency or disaster the party state of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article X. This compact shall be available to any state, territory or possession of the United States, and the District of Columbia. The term "state" may also include any neighboring foreign country or province or state thereof.

Article XI. The committee established pursuant to Article I of this compact may request the civil defense agency of the United States government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States government may attend meetings of such committee.

Article XII. This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the civil defense agency and other appropriate agencies of the United States government.

Article XIII. This compact shall continue in force and remain binding on each party state until the legislature or the Governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty days after notice thereof has been sent by the Governor of the party state desiring to withdraw to the Governors of all other party states.

Article XIV. This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof

to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 2. Duly authenticated copies of this Act shall, upon its approval, be transmitted by the Secretary of State to the Governor of each state, to the President of the Senate of the United States, to the Speaker of the United States House of Representatives, to the Federal Civil Defense Administration, to the Secretary of State of the United States and to the Council of State Governments.

Section 3. Nothing contained in this Act shall be construed as a limitation of powers granted in any other Act to enter into interstate compacts or other agreements, relating to civil defense in an emergency, or impairing in any respect the force and effect thereof.

Section 4. This Act shall take effect immediately.

Approved June 5, 1951.

CHAPTER 282

PROVIDING THAT THE REAL ESTATE OF NEEDY PERSONS
SHALL NOT BE CHARGED WITH RELIEF FURNISHED

**AN ACT PROVIDING THAT NO STATE AGENCY FURNISH-
ING RELIEF OR ASSISTANCE TO ANY ILL OR NEEDY
PERSONS IN THIS STATE SHALL IN ANY MANNER
CHARGE THE REAL ESTATE OF SUCH PERSONS RE-
CEIVING RELIEF OR ASSISTANCE WITH THE COST
OF SUCH RELIEF OR ASSISTANCE SO FURNISHED.**

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

Section 1. That no Agency in this State furnishing relief or assistance to any ill or needy persons in this State shall charge the real estate of such persons with the cost of such relief or assistance so furnished.

Approved June 5, 1951.

CHAPTER 283

NEW CASTLE COUNTY LEVY COURT

AUTHORIZING REFUND OF CERTAIN MONIES IN CONNECTION
WITH SALE OF LOTS IN BRANDYWINE HUNDRED

**AN ACT AUTHORIZING, EMPOWERING AND DIRECTING
THE LEVY COURT OF NEW CASTLE COUNTY TO RE-
FUND CERTAIN MONIES IN CONNECTION WITH THE
SALE OF CERTAIN LOTS IN BRANDYWINE HUN-
DRED, NEW CASTLE COUNTY, STATE OF DELAWARE.**

WHEREAS, Norman C. Downs, Collector of Taxes for Brandywine Hundred for the years 1933 and 1934, in an Action of Attachment for taxes in the Superior Court of the State of Delaware, in and for New Castle County, recovered judgment against James C. Lyons on the 17th day of March, A. D. 1944, in the sum of Six Dollars and Thirty-four Cents (\$6.34), besides costs; and

WHEREAS, on the 30th day of March, A. D. 1944, it was ordered by the Court that the lands and tenements seized under said Attachment or so much thereof as should be sufficient, should be sold by the Sheriff of New Castle County upon due notice; and

WHEREAS, by virtue of the order of sale being No. 87 May Term 1944, the said Elmer C. Taylor, Sheriff of New Castle County, did on Saturday, the 29th day of April, 1944, at nine o'clock A.M., Eastern War Time, sell Lots Nos. 5 and 6 in Section A on the plan of Claymont Addition to satisfy the Writ of Attachment for taxes to Walter A. Garvine for the sum of One Hundred Forty-five Dollars (\$145.00); and

WHEREAS, the said Elmer C. Taylor, Sheriff aforesaid, did make his return before the judges of the Superior Court of the State of Delaware, in and for New Castle County, on the 1st day of May, A. D. 1944; and

WHEREAS, on the 4th day of October, A. D. 1945, Robert A. Derrickson, then Sheriff of New Castle County, pursuant to

an order of the Court, executed and delivered to Walter A. Garvine a deed for Lots Nos. 5 and 6 in Section A on the plan of Claymont Addition in Brandywine Hundred, New Castle County, State of Delaware; and

WHEREAS, the Writ of Attachment for taxes issued aforesaid against James C. Lyons was erroneously made against Lots Nos. 5 and 6 in Section A; and

WHEREAS, the aforesaid lots so sold were not subject to the taxes for which the said Writ of Attachment was issued and the said Walter A. Garvine did not obtain title to the aforesaid lots by the deed dated the 4th day of October, A. D. 1945; and

WHEREAS, the Levy Court of New Castle County desires to refund to the said Walter A. Garvine the said sum of One Hundred Forty-five Dollars (\$145.00) paid by him on the 29th day of April, A. D. 1944 at the sale of said lots; 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 Walter A. Garvine the sum of One Hundred Forty-five Dollars (\$145.00) which was erroneously paid for the purchase of Lots Nos. 5 and 6 in Section A, Claymont Addition, Brandywine Hundred, New Castle County, State of Delaware.

Section 2. That the said amount above mentioned and set forth in Section 1 of this Act shall be paid on the passage and approval of this Act.

Approved June 5, 1951.

CHAPTER 284

WILMINGTON

DEFINING COVERED EMPLOYEE UNDER 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."

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 3, Chapter 237, Volume 46, Laws of Delaware, be and the same is hereby amended by repealing all of said Section and inserting in lieu thereof a new Section 3, as follows:

Section 3. COVERED EMPLOYEE DEFINED:—An employee shall be considered in "covered employment" within the meaning of this Act while the employee receives a regular salary or wages wholly or in part directly or indirectly from the Treasurer of the City of Wilmington or any Department or Agency thereof (except the Board of Public Education in Wilmington), or from the County Treasurer of New Castle County, or the State Treasurer of the State of Delaware; provided, however, that an employee shall not be considered in covered employment if he is a part-time or seasonable employee who is not regularly employed for more than 120 working days in any one calendar year, or if his only employment is as a member of the following Boards

and Commissions: Board of Directors of the Street and Sewer Department, Board of Harbor Commissioners, Board of Health, Board of Park Commissioners, Board of Public Utility Commissioners, Board of Water Commissioners, Department of Public Safety, Public Building Commission, New Castle County Bureau of Registration, New Castle County Department of Elections, Sinking Fund Commissioners and Zoning Commission.

In the case of an employee of The Mayor and Council of Wilmington who is called to the service of, or voluntarily enters the Armed Forces of the United States of America, or the National Guard of the State of Delaware when in continuous active service, the Board or Department employing such employee, is hereby authorized and directed to grant to such employee a leave of absence which shall cover the entire period of service, not exceeding four (4) years, upon the completion of such leave of absence and service, to reinstate such employee in the position which such employee held at the time that such leave of absence was granted.

In the event that any employee of The Mayor and Council of Wilmington who shall have entered the Armed Services, as hereinbefore provided, shall have been employed in any Board or Department of The Mayor and Council of Wilmington which shall come under any pension plan enacted or to be enacted by the Legislature of the State of Delaware, the time spent by such employee in the Armed Services shall accrue to his benefit in establishing his right to a pension. It is further provided that this Act shall be retroactive to protect the rights of any employee who shall have qualified as herein provided prior to the passage of this Act.

The provisions of this Section, in regard to time spent in the Armed Services of the United States of America in time of war, shall be deemed an exception to the provisions of Section 4 of this Act.

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

Approved June 5, 1951.

CHAPTER 285

MOTOR VEHICLES

REQUIRING MOTOR VEHICLES TO STOP AT HIGHWAYS

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, REQUIRING MOTOR VEHICLES TO STOP AT HIGHWAYS.

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 removing all of 5638. Section 100, subsection (b) and inserting in lieu thereof the following paragraph:

(b) The operator of any vehicle who has come to a full stop, as required above, shall not enter into, upon or across, such highway or street until said movement can be made in safety.

Approved June 5, 1951.

CHAPTER 286

MOTOR VEHICLES

PERMITTING THE ISSUANCE, SUSPENSION OR REVOCATION OF
RESTRICTED OPERATOR'S OR CHAUFFEUR'S LICENSES

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, TO PERMIT THE ISSUANCE,
SUSPENSION OR REVOCATION OF RESTRICTED OP-
ERATOR'S OR CHAUFFEUR'S LICENSES.**

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding thereto a new Section, to be known as 5589A. Sec. 51A., to read as follows:

5589A. Sec. 51A. RESTRICTED LICENSES: (1) The Department upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee's driving ability arising out of or caused by his physical defects or infirmities as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(3) The Department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this Act.

(4) It is a misdemeanor for any person to operate a motor

vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Section 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved June 5, 1951.

CHAPTER 287

OFFENSES AGAINST PUBLIC JUSTICE

RELATING TO REGISTERING FALSE COMPLAINT TO
POLICE OFFICERS**AN ACT TO AMEND CHAPTER 152 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO REGISTERING A
FALSE COMPLAINT TO POLICE OFFICERS AND PRO-
VIDING A PENALTY 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 House thereof concurring
therein):*

Section 1. That Chapter 152 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting after Paragraph 5246. the following new Paragraph and Section to be known as 5246A. Section 2A.:

5246A. Sec. 2A. MAKING FALSE COMPLAINTS TO POLICE OFFICERS; PENALTIES; JURISDICTION:—Whoever shall wilfully and knowingly register a false complaint to any police officer or organized police agency within this State concerning any crime or accident shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), and on failure to pay such fine shall be imprisoned for not less than ten (10) days nor more than sixty (60) days, or by both such fine and imprisonment in the discretion of the Court. The Municipal Court of the City of Wilmington shall have jurisdiction of violations of this section committed within the corporate limits of the City of Wilmington and the Courts of Common Pleas for the respective counties or the several Justices of the Peace shall have like concurrent jurisdiction of violation of this section committed within their respective counties except those committed within the corporate limits of the City of Wilmington.

Approved June 5, 1951.

CHAPTER 288

GENERAL PROVISIONS RESPECTING POLICE

PROVIDING CHANGE IN PENALTIES FOR VIOLATIONS OF ACT

AN ACT TO AMEND PARAGRAPH 4058, SECTION 163, CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, BY PROVIDING A CHANGE IN THE PENALTIES FOR VIOLATIONS OF SAID ACT.

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

Section 1. That Paragraph 4058. Section 163. Chapter 100 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out the first sentence thereof and by inserting in lieu thereof the following new sentence:

4058. Sec. 163. KEEPING OR BEING CONCERNED IN INTEREST IN KEEPING GAMING TABLE OR DEVICE, A MISDEMEANOR; PENALTY; GAMBLING DEVICE AND PROPERTY CONCERNED, FORFEITED; HOW DISPOSED OF:—Whoever shall keep or exhibit a gaming table, faro bank, sweat cloth, roulette table, or other device under any denomination, at which cards, dice, or any other game of chance is played for money, or other thing of value, or other gambling device of any kind whatsoever, or whoever shall, with intent that it shall be kept or exhibited for use by the public, buy, sell, or distribute such table, bank, sweat cloth, or other gambling device, or whoever shall be a partner or concerned in interest in the keeping or exhibiting such table, bank, sweat cloth, or other device, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit and pay for the first offense a fine of One Hundred Dollars (\$100.00), or be imprisoned for a term of one month, or both, in the discretion of the Court; and for the second offense shall forfeit and pay a fine of Five Hundred Dollars (\$500.00), or be imprisoned for a term of six months, and for each subse-

quent offense shall forfeit and pay a fine of One Thousand Dollars (\$1,000.00), and be imprisoned for a term of one year.

The Municipal Court of the City of Wilmington shall have concurrent jurisdiction of all violations of this Section committed within the corporate limits of the City of Wilmington.

Approved June 5, 1951.

CHAPTER 289

GENERAL PROVISIONS RESPECTING POLICE

RELATING TO BETS AND WAGERS

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO GENERAL PROVISIONS RESPECTING POLICE IN REFERENCE TO BETS AND WAGERS.

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 4063. Section 168. of Chapter 100 of the Revised Code of Delaware, 1935, relating to general provisions respecting police is hereby amended by striking out all of said Section, and inserting in lieu thereof the following:

4063. Sec. 168. CONTEST OF SKILL, SPEED OR POWER OF ENDURANCE; KEEPING BOOKS OR DEVICES FOR RECORDING &c. BETS OR WAGERS; RECORDING BETS OR WAGERS; OWNERSHIP OR OCCUPANCY OF PREMISES WHERE SAME IS DONE; MAKING BETS OR WAGERS; MISDEMEANOR; PENALTY; EXCEPTIONS: Whoever keeps, exhibits or uses, or is concerned in interest in keeping, exhibiting or using, any book or books, device, apparatus or paraphernalia, for the purpose of receiving, recording, or registering bets or wagers upon the result of any trial, or contest, in the State of Delaware, or elsewhere, of skill, speed or power of endurance of man or beast; and any owner, lessee or occupant of any room, house, building, enclosure, or place of any kind, who keeps, exhibits, uses or employs therein, or permits or allows to be kept, exhibited, used or employed therein, or who is concerned in interest in keeping, exhibiting, using or employing therein any book, or books, device, apparatus or paraphernalia, for the purpose of receiving, recording or registering such bets, or wagers, or of forwarding in any manner any money, thing or consideration of value for the purpose of being bet or wagered upon the result of any trial or contest as aforesaid; and whoever records or regis-

ters such bets, or wagers, or receives, contracts, or agrees to receive any money or thing of value for the purpose, or with the intent to bet or wager, for himself or any other person or persons, such money or thing of value, or any part thereof, or the equivalent thereof, or of any part thereof, upon the result of any trial or contest in the State of Delaware, or elsewhere, of skill, speed or power of endurance of man, or beast, or is concerned in interest therein, shall be deemed guilty of a misdemeanor; and whoever directly or indirectly bets or wagers or promises to bet or wager any money, thing or consideration of value upon the result of any trial or contest, as aforesaid, likewise shall be deemed guilty of a misdemeanor.

Any person convicted of a violation of any of the provisions of this Section shall be punished for the first offense by a fine of not less than One Hundred Dollars nor not more than Five Hundred Dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; for the second offense by a fine of not less than Five Hundred Dollars nor not more than One Thousand Dollars, or by imprisonment in the county jail of a minimum of six months or not exceeding one year, or by both such fine and imprisonment and for the third and subsequent offenses by imprisonment in the county jail not less than one year nor more than five years.

Provided, however, that the provisions of this Section shall not apply to any bet or wager made upon any horse race and made within the enclosure of any race meeting licensed and conducted under the laws of this State, and made by or through the means of a pari-mutuel or totalizator pool, the conduct of which is duly licensed by the Delaware Racing Commission, which exception need not be negative in any indictment or information.

The Municipal Court for the City of Wilmington shall have concurrent jurisdiction of the violations of this Section committed within the corporate limits of the said City of Wilmington.

Approved June 5, 1951.

CHAPTER 290

OFFENSES AGAINST PRIVATE PROPERTY

PROVIDING FOR DIFFERENT DEGREES OF LARCENY AND
PROVIDING PENALTIES THEREFOR

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO OFFENSES AGAINST PRIVATE PROPERTY BY PROVIDING FOR DIFFERENT DEGREES OF LARCENY AND PROVIDING PENALTIES THEREFOR; PROVIDING FOR PROCEEDINGS WITHOUT INDICTMENT BY GRAND JURY OR TRIAL BY PETIT JURY IN CERTAIN CASES; VESTING JURISDICTION IN THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, THE COURTS OF COMMON PLEAS AND THE JUSTICES OF THE PEACE IN CERTAIN CASES; PROVIDING ACCUSED SHALL NOT BE ENTITLED TO ACQUITTAL UPON TRIAL FOR FELONY BY PROVING OFFENSE MISDEMEANOR BUT THAT JURY MAY RENDER VERDICT OF MISDEMEANOR; FIXING VALUE OF THINGS BEING THE SUBJECT OF LARCENY; AND PROVIDING NO CRIMINAL PROCEEDING COMMENCED PRIOR TO THE APPROVAL OF THIS ACT SHALL BE AFFECTED HEREBY.

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

Section 1. That Chapter 150 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5200. Section 20, as amended, and by inserting in lieu thereof the following new Section:

5200. Section 20. (a) Whoever shall feloniously steal, take, and carry away any goods, chattels, or effects, money, bank notes, or bills, promissory notes, bills of exchange, cheques, orders or bonds for the payment of money, or any obligations or written securities for the payment of money, or delivery of goods, or merchandise, or any warrants of attorney, or other instruments, authorizing the receiving of any money, or any certifi-

cates of bank stock, or of funded debts of the United States, or any releases, or receipts, discharging or acquitting any debts or demands, to the value of One Hundred Dollars (\$100.00) or upwards, shall be deemed guilty of grand larceny and felony, and shall, at the discretion of the Court, be whipped with not more than twenty lashes and shall be imprisoned not exceeding three years.

(b) Whoever shall unlawfully steal, take, and carry away any such goods, chattels, or effects, money, bank notes, or bills, promissory notes, bills of exchange, cheques, orders, bonds, obligations, written securities, warrants of attorney, certificates, releases, receipts or other instruments, to the value of less than One Hundred Dollars (\$100.00) shall be deemed guilty of petit larceny and a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00) or imprisoned for a term not exceeding one year or both in the discretion of the court.

(c) The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with the Court of General Sessions to inquire of, hear, try, and finally determine all offenses under Paragraph (b) of this Section committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State. The Courts of Common Pleas for the respective counties and the several Justices of the Peace shall have like concurrent jurisdiction to inquire of, hear, try, and finally determine all such offenses, except those committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State.

(d) The proceedings under Paragraph (c) of this Section shall be without indictment by Grand Jury, or trial by petit jury; provided, however, that every person convicted by petit larceny in any Court of Common Pleas, in any Magistrate's Court, or in the Municipal Court of the City of Wilmington, shall have the right to an appeal to the Court of General Sessions of the County. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the Judge or Magistrate before whom

such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five (5) days from the time of conviction.

(e) Upon the trial of any person for grand larceny and felony the accused shall not be entitled to an acquittal upon proof that the goods, chattels, or effects, or other things being the subject of larceny, are under the value of One Hundred Dollars (\$100.00), but it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty of petit larceny and a misdemeanor against the person indicted, if the evidence shall warrant such findings; and when such verdict shall be found, the Court shall impose a fine on the person so found guilty of petit larceny and a misdemeanor, not exceeding Five Hundred Dollars (\$500.00) or shall imprison him for a term not exceeding one year or both in the discretion of the Court.

(f) In all prosecutions under this Section the value of promissory notes, bank notes, bills of exchange, cheques, bonds, and other evidences of debt shall be deemed the sum of money due thereon or secured thereby and remaining unsatisfied; the value of obligations or written securities for the delivery of goods or merchandise shall be deemed the market value or replacement cost of such goods or merchandise; the value of warrants of attorney or other instruments, authorizing the receiving of money, shall be deemed the sum of money to be received thereunder; and the value of releases or receipts, discharging or acquitting any debts or demands, shall be deemed the amount of the debts or demands discharged or acquitted thereby, and with respect to all other things being the subject of larceny, the value shall be the market value or replacement cost provided that the testimony of the owner, lessee, mortgagee, conditional vendee or bailee of the property alleged to be the subject of the larceny or any agent, servant, or employee of such owner, lessee, mortgagee, conditional vendee or bailee as to market value or replacement cost shall in all cases be competent evidence.

Section 2. No criminal proceeding commenced prior to the date of approval of this Act shall be, in any manner, affected by this Act.

Approved June 5, 1951.

CHAPTER 291

GENERAL PROVISIONS RESPECTING POLICE

PROVIDING FOR REMOVAL OF OBSTRUCTIONS TO PLACES
BELIEVED TO BE USED FOR GAMBLING

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, BY REPEALING CERTAIN PARTS THEREOF AND BY PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS TO PLACES BELIEVED TO BE USED FOR GAMBLING; NOTICE TO CERTAIN PERSONS; CREATING A LIEN FOR EXPENSES OF REMOVAL; MISDEMEANOR IF OBSTRUCTED WITHIN ONE YEAR AFTER REMOVAL; PENALTIES; FINES A LIEN; SUBSEQUENT OFFENSES; JURISDICTION.

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 100, Revised Code of Delaware, 1935, be and the same hereby is amended by striking out and repealing all of 4060. Sec. 165., and by substituting in lieu thereof a new Section to be known as 4060. Sec. 165., as follows:

4060. Sec. 165. Removal of Obstructions to Places Believed to be Used for Gambling; Notice; Lien for Expense; Misdemeanor if Obstructed within One Year of Removal; Penalties; Fines a Lien; Subsequent Offenses; Jurisdiction:—(a) If any Captain of Police or Chief of Police in this State finds that access to any building, apartment or place which he has reasonable cause to believe is resorted to for the purpose of gambling is barred by any obstruction, such as a door, window, shutter, screen, bar or grating of unusual strength, other than what is usual in ordinary places of business, or any unnecessary number of doors, windows or obstructions, he shall order the same removed by the owner or agent of the building where such obstruction exists, and if any of the said officers cannot find either of the persons mentioned, so as to make personal service, said notice shall be posted upon the outside of the apartments and on the outside of said building, and upon the neglect to remove such

obstruction for seven (7) days from the date of said order or posting of said notices, any of said officers shall cause such obstructions to be removed from such building, and the expenses of such removal shall be a lien on said building and be collected by the officer removing such obstruction in the manner in which a mechanic's lien is collected.

(b) If, within one year after removal of said obstruction, the premises are again obstructed as above defined, the Captain of Police or Chief of Police shall have the same power of removal as provided in the preceding Section, and in addition the owner or agent when such second order of removal is given, either by personal service or by posting on the building, shall be punished by a fine of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), and the amount of said fine shall be a lien upon said building and be collected in like manner as provided in the preceding Section. And for every subsequent obstruction as above defined, at any time within two years of the giving of the second notice, as above provided, said officers shall have the same powers as provided in the preceding Section for removing the obstructions, and the owner or agent at the time such third or subsequent order of removal is given, either by personal service or by posting on the building, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or may be punished by imprisonment for one year, and the amount of said fine shall be a lien upon the said building, and shall be collected in like manner as above provided. Obstructions as above defined, erected more than two years after the giving of the notice of the third offense, shall be construed to be a first offense under this Section.

Section 2. The Municipal Court for the City of Wilmington and the Courts of Common Pleas shall have jurisdiction of violations of this Section.

Approved June 5, 1951.

CHAPTER 292

OFFENSES AGAINST PRIVATE PROPERTY

RELATING TO ISSUANCE OF WORTHLESS CHECKS

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "OFFENSES AGAINST PRIVATE PROPERTY," RELATING TO THE ISSUANCE OF WORTHLESS CHECKS AND PROVIDING A PENALTY; PROVIDING FOR PROCEEDINGS WITHOUT INDICTMENT BY GRAND JURY OR TRIAL BY PETIT JURY; VESTING JURISDICTION IN MUNICIPAL COURT OF CITY OF WILMINGTON, JUSTICES OF PEACE, COURTS OF COMMON PLEAS, PROCEEDINGS COMMENCED PRIOR TO ACT TO BE UNAFFECTED.

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 150 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 5218. Sec. 38., as amended, and inserting in lieu thereof the following new Section to be known as 5218. Sec. 38.:

5218. Sec. 38. (a) Issuance of Worthless Checks; Penalty; Proceeding Without Indictment by Grand Jury or Trial by Petit Jury; Jurisdiction; Proceedings Prior to Act Unaffected:—Any person who shall make or draw, or utter or deliver any check, draft or order for the payment of money, to the value of One Hundred Dollars (\$100.00), or upwards, upon any bank or other depository knowing at the time of such making, drawing, uttering or delivering that the maker, or drawer, has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its presentation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and imprisonment, or both, according to the discretion of the Court.

(b) Any person who shall make or draw, or utter or deliver any check, draft or order for the payment of money, to the value

of less than One Hundred Dollars (\$100.00), upon any bank or other depository knowing at the time of such making, drawing, uttering or delivering that the maker, or drawer, has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its presentation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or imprisoned for a term not exceeding one year, or both, in the discretion of the Court.

(c) As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within ten days after receiving notice that such check, draft or order has not been paid by the drawee.

(d) The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

(e) The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with the Court of General Sessions to inquire of, hear, try, and finally determine all offenses under Paragraph (b) of this Section committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State. The Courts of Common Pleas for the respective counties and the several Justices of the Peace shall have like concurrent jurisdiction to inquire of, hear, try and finally determine all such offenses, except those committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State.

(f) The proceedings under Paragraph (e) of this Section shall be without indictment by Grand Jury, or trial by petit jury; provided, however, that every person convicted under this Sec-

tion in any Court of Common Pleas, in any Magistrate's Court, or in the Municipal Court of the City of Wilmington, shall have the right to an appeal to the Court of General Sessions of the County. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the judge or magistrate before whom such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five (5) days from the time of conviction.

Section 2. No criminal proceeding commenced prior to the date of approval of this Act shall be in any manner affected by this Act.

Approved June 5, 1951.

CHAPTER 293

MOTOR VEHICLES

RELATING TO REGISTRATION OF MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO 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 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by adding immediately following 5546A., Section 8A., a new Section to be known as 5546A., Section 8B.:

Section 8B. Every owner of a motor vehicle or vehicles shall, within ninety (90) days after taking up residence in the State of Delaware, apply to the Commissioner and obtain registration for said vehicle or vehicles before operating them on the highways of this State. And every person desiring to operate a motor vehicle shall, within ninety (90) days after taking up residence in this State, apply to the Commissioner and obtain the proper operator's or chauffeur's license before operating a motor vehicle on the public highways of this State. Every person convicted of a violation of this Section, shall, for the first offense, be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not less than ten (10) days nor more than thirty (30) days, or both such fine and imprisonment; and for each subsequent like offense shall be punished by a fine not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment for not less than fifteen (15) days nor more than thirty (30) days, or both such fine and imprisonment.

Approved June 5, 1951.

CHAPTER 294

FORBIDDING ANY PERSON NOT A LAW ENFORCEMENT OFFICER
FROM REPRESENTING HIMSELF AS A LAW
ENFORCEMENT OFFICER

**AN ACT FORBIDDING ANY PERSON NOT A LAW
ENFORCEMENT OFFICER FROM REPRESENTING HIM-
SELF AS A LAW ENFORCEMENT OFFICER AND PRO-
VIDING A PENALTY 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 House thereof concurring therein):*

Section 1. Any person not a law enforcement officer, who shall, directly or indirectly, represent himself as a law enforcement officer, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment of not less than thirty (30) days, nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the Court. Any Justice of the Peace or Court of Common Pleas, or the Municipal Court of the City of Wilmington shall have jurisdiction to try and determine a case involving a violation of this Section.

Approved June 5, 1951.

CHAPTER 295

APPROPRIATION

PERMANENT BUDGET COMMISSION FOR THE AUDITING OF
ACCOUNTS OF ANY STATE BOARD, COMMISSION
OR DEPARTMENT

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, 1951.

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 Thousand Dollars (\$20,000.00) be and the same is hereby appropriated to the Permanent Budget Commission for the fiscal year beginning July 1, 1951, and ending June 30, 1952, and the further sum of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated for the fiscal year beginning July 1, 1952, and ending June 30, 1953, 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.

Approved June 5, 1951.

CHAPTER 296

VALUATION AND ASSESSMENT OF PROPERTY

AN ACT TO AMEND CHAPTER 44 OF THE REVISED CODE OF THE STATE OF DELAWARE ENTITLED "VALUATION AND ASSESSMENT OF PROPERTY," BY AMENDING SECTION ONE THEREOF.

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

Section 1. That Section 1., Chapter 44, Revised Code of Delaware, 1935, be amended by striking all of the twenty-eighth paragraph of said Section 1. which reads as follows:

The real estate of any person or persons, or body corporate, within the limits of the portions of the Second, Eighth and Ninth Wards of the City of Wilmington, hereinafter described, upon which any manufactory or other industrial improvements for the employment of labor is now or may hereafter be erected after the third day of March, A. D. 1881, shall be exempt for a period of ten years, after the same shall thereafter have been erected and be first assessable, from assessment and taxation for State, County or Municipal purposes. The said exemption shall apply only to the lands occupied by such manufacturing or other industrial improvements and necessary to their operation. In the event of any question as to the quantity actually necessary for this purpose it shall be determined by the City Council. The portions of said Wards to be embraced within the provisions hereof are as follows, to wit: In the Second Ward, beginning in the center line of the Baltimore and Philadelphia Railroad, formerly The Delaware Western Railroad, on the Southeasterly side of the Christiana River; thence with the center of said Railroad in a Southeasterly direction to the line of the West side of French Street; thence with the said side of French Street in a North-easterly direction to the Southwest side of the Christiana River; thence down the same and binding thereon to the Westerly side of Church Street; thence with the said side of Church Street Southwesterly to the center line of the said Railroad; thence with the center line of said Railroad to the Easterly side of Heald

Street; thence with the said side of Heald Street, Southwesterly to the Northeasterly side of D Street; thence by the said side of D Street Southeasterly to the Northwesterly side of Goodman Street; thence by the said side of Goodman Street Northeasterly to the Easterly side of Christiana Avenue; thence by said side of said Avenue to the Southerly side of Commerce Street; thence by said side of Commerce Street Easterly one thousand feet; thence at right angles with the said side of Commerce Street Northerly to the Christiana River; thence down the said Christiana River and binding thereon to its mouth at the Delaware River, thence down the Delaware River and binding thereon in a Southerly direction to the City line; thence with said City line in a Northwesterly direction to the Southeasterly side of the Christiana River; and thence down the Christiana River and binding thereon to the place of beginning. In the Eighth Ward, beginning at a point in the center line of Eighth Street extended, at the distance of seven hundred and fifty-nine feet and eight inches Easterly from the center of Buttonwood Street, thence North Twenty-one degrees and fifteen minutes East one hundred and fifty-two feet and eight inches to the Southerly bank of the Brandywine Creek; thence down said Creek and binding thereon to its mouth at the Christiana River; thence up the said Christiana River and binding thereon to a point which bears from the first mentioned point or place of beginning South twenty-one degrees and fifteen minutes West; thence with the said bearing reversed (North twenty-one degrees and fifteen minutes East) to the place of beginning. And in the Ninth Ward, beginning at a point on the Northeasterly side of Brandywine Creek and on the Southeasterly side of Washington Street; thence Northeasterly by the said side of Washington Street to the Southwesterly side of Twenty-sixth Street; thence with the said side of Twenty-sixth Street Southeasterly to the Northwesterly side of Jessup Street; thence Southwesterly by the side of Jessup Street to the Southwesterly side of Vandever Avenue; thence by the said side of Vandever Avenue Southeasterly to the division line between the lands now or formerly of Jessup and Moore and lands late of William Thatcher, deceased; thence with said division line Southwesterly to the Brandywine Creek; thence down said Creek and binding thereon to the Northeasterly side of Fourteenth Street; thence by said side of Fourteenth Street Southeasterly to the Northwesterly side of Thatcher Street; thence Northeasterly by the said side of Thatcher Street

to the Southwesterly side of Vandever Avenue; thence Southeasterly by the said side of said Avenue to the Philadelphia, Baltimore and Washington Railroad; thence in a Southerly direction by the several courses of the old Marsh Lane to the point at its intersection with Thirteenth Street; thence Westerly by the middle of said Thirteenth Street to its intersection with Bowers Street; thence Southerly by the center line of said Bowers Street extended to the Brandywine Creek; thence down the said Creek by the several courses thereof to the Christiana River; thence down the Christiana River and binding thereon to its mouth at the Delaware River; thence up the Delaware River in a Northerly direction to the City line; thence by the said City line in a Westerly and Southwesterly direction to the Northeasterly side of the Brandywine Creek, and thence down the said Brandywine Creek by the several courses thereof to the place of beginning. Also beginning at the intersection of the middle of Tenth Street with the Brandywine River on the Westerly side of the Philadelphia, Baltimore and Washington Railroad, formerly Philadelphia, Wilmington and Baltimore Railroad; thence Easterly and along said Tenth Street to said Railroad; thence Northeasterly and along said Railroad one hundred feet to a corner; thence by a straight line Easterly to the center of Tenth Street at its intersection with the Brandywine Creek; and thence by said Creek by its several courses to the place of beginning. Also the land bounded by Fourteenth Street on the North, Bowers Street on the East, the North bank of the Brandywine on the South, and Railroad Avenue on the West.

Approved June 5, 1951.

CHAPTER 297

MAKING SATURDAY A LEGAL HOLIDAY FOR EMPLOYEES OF
MOTOR VEHICLE DEPARTMENT**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 HOLI-
DAY FOR EMPLOYEES OF THE MOTOR VEHICLE DE-
PARTMENT 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 3321. Sec. 197. Chapter 78, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the following:

"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."

Section 2. That 3321. Sec. 197. Chapter 78, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end thereof the following:

"2. For officials and employees of the Motor Vehicle Department the entire year, except the last two Saturdays in each quarter of the fiscal year.

"During the periods stated, State offices affected hereby shall not be open for business on Saturdays."

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

Approved June 5, 1951.

CHAPTER 298

COUNTY OFFICES

RESPECTING TIMES WHEN CERTAIN OFFICES SHALL BE
KEPT OPEN

AN ACT TO AMEND CHAPTER 52 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, 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 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, as amended, 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, County Treasurers and Collectors of Taxes, Comptrollers 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 (Saturdays and Sundays throughout the year excepted).

Approved June 5, 1951.

CHAPTER 299

PROVIDING FOR PROHIBITION OF THE SUBSTITUTION OR
ADULTERATION OF PETROLEUM PRODUCTS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROTECT THE PUBLIC AGAINST MISLEADING ADVERTISEMENTS PERTAINING TO THE SALE OF MOTOR FUELS AT RETAIL BY REGULATING THE METHOD OF RETAIL SALE OF MOTOR FUELS, AND PROVIDING PENALTIES FOR VIOLATIONS" BEING CHAPTER 70, VOLUME 42, LAWS OF DELAWARE, BY PROVIDING FOR THE PROHIBITION OF THE SUBSTITUTION OR ADULTERATION OF PETROLEUM PRODUCTS, AND ESTABLISHING UNIFORM REGULATIONS WITH RESPECT TO THE SIZE AND LOCATION OF SIGNS INDICATING THE SALE PRICE PER GALLON OF MOTOR FUEL.

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

Section 1. That Chapter 70, Volume 42, Laws of Delaware, be and the same is hereby amended by striking out all of Sections 1, 2, and 3 thereof and substituting and enacting in lieu thereof three new Sections to be known as Sections 1, 2 and 3 as follows:

Section 1. Every retail dealer in motor fuel shall publicly display and maintain on each pump or other dispensing device, from which motor fuel is sold by him, at least one sign and not more than two signs stating the price per gallon of the motor fuel sold by him from such pump or device, which price shall be the total price for such motor fuel, including all State and Federal taxes. Said sign or signs shall be of a size not larger than four inches by six inches and shall contain no information other than the said price per gallon, except that said sign or signs may state that the said price per gallon includes all taxes or may state the amount of such taxes which are included in the price. The statement of the total price per gallon, as shown by the figures used in any price computing mechanism constituting a part of any such pump or dispensing device, shall be considered as a sign

within the meaning of this Section and no other or additional signs stating the price per gallon shall be required.

No signs stating or relating to the prices of motor fuel, and no signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, other than the signs referred to in the preceding paragraph, shall be posted or displayed on or about the premises where motor fuel is sold at retail.

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

Section 2. All aboveground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear in a conspicuous place the brand name or trade-mark of the manufacturer or distributor of the product stored therein or sold or dispensed therefrom or shall have conspicuously displayed thereon the words "No Brand." As used in this Act "manufacturer" means any person, firm or corporation which engages in the business of refining motor fuel and "distributor" means any person, firm or corporation which purchases motor fuel from a manufacturer for the purpose of resale in wholesale quantities.

Section 3. "Motor fuel," as used in this Act, shall mean and include any substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and sold or used for that purpose.

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

Approved June 5, 1951.

CHAPTER 300

APPROPRIATION

STATE BOARD OF HEALTH FOR 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 Fifty Thousand Dollars (\$50,000.00) be and the same is hereby appropriated to the State Board of Health for the fiscal year beginning July 1, 1951 and that the sum of Fifty Thousand Dollars (\$50,000.00) be and the same is hereby appropriated to the State Board of Health for the fiscal year beginning July 1, 1952, 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 5, 1951.

CHAPTER 301

UNIFORM CONTRIBUTION AMONG TORTFEASORS ACT
**AN ACT TO AMEND CHAPTER 151, VOLUME 47, LAWS OF
DELAWARE, THE SHORT TITLE OF WHICH IS THE
"UNIFORM CONTRIBUTION AMONG TORTFEASORS
ACT."**

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

Section 1. That Chapter 151, Volume 47, Laws of Delaware, be and the same is hereby amended by adding to Section 2 of said Act a new sub-paragraph (5) as follows:

"(5) The right of contribution provided by this Act shall be enforceable only with respect to judgments entered against one or more joint tortfeasors subsequent to May 27, 1949."

Approved June 5, 1951.

CHAPTER 302

PROVIDING FOR TEMPORARY COMMITMENT OF GIRLS TO
WOODS HAVEN SCHOOL FOR GIRLS

**AN ACT TO AMEND CHAPTER 70 OF THE REVISED CODE
OF DELAWARE, 1935, TO PROVIDE FOR TEMPORARY
COMMITMENT OF GIRLS TO WOODS HAVEN SCHOOL
FOR GIRLS.**

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

Section 1. That Par. 2515. Sec. 17. of Article 2. Chapter 70
of the Revised Code of Delaware, be and the same is hereby
amended by inserting therein after the sub-paragraph designated
"Fifth," a new sub-paragraph as follows:

"Sixth. Whenever it would appear to the Judges of the
Family and/or Juvenile Courts of the State that the best interests
of girls, who are living in circumstances of manifest danger of
falling into habits of vice or immorality, shall be served by tem-
porary care and further study of their cases, pending a final
disposition thereof, it shall be lawful for said Courts to commit
said girls for a temporary period not exceeding three (3) months,
and it shall be lawful for the said Corporation, in its discre-
tion, to assent to said commitment. At the end of said temporary
period of commitment, the Courts shall make final disposition of
said cases."

Approved June 5, 1951.

CHAPTER 303

CRIMES AND PUNISHMENT

PROVIDING METHODS BY AND CIRCUMSTANCES UNDER WHICH
SEARCHES AND SEIZURES MAY BE MADE

AN ACT TO AMEND CHAPTER 155 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY ADDING NEW SECTIONS THERETO PROVIDING THE METHODS BY AND CIRCUMSTANCES UNDER WHICH SEARCHES AND SEIZURES MAY BE MADE, AND A PROCEDURE TO PROTECT THE VICTIM OF AN UNLAWFUL SEARCH OR SEIZURE; PROHIBITING SEARCHES NOT MADE PURSUANT TO STATUTE; PERMITTING SEARCHES WITHOUT A WARRANT FOR A PERSON HOTLY PURSUED; PERMITTING SEARCHES WITHOUT A WARRANT WHERE NECESSARY AS AN INCIDENT TO A LAWFUL ARREST; PROVIDING A PROCEDURE TO OBTAIN SEARCH WARRANT, AND FORM OF COMPLAINT AND WARRANT; ENUMERATING THINGS FOR WHICH SEARCH WARRANT MAY BE OBTAINED; ENUMERATING THE CIRCUMSTANCES UNDER WHICH ARTICLES OR THINGS MAY BE SEIZED; PROVIDING A REMEDY FOR AN INVALID SEIZURE; PROVIDING FOR THE DISPOSITION OF PROPERTY SEIZED.

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

Section 1. That Chapter 155 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by inserting therein new Sections to be known as 5343-AA. Sec. 62. through 5343-II. Sec. 70., as follows:

5343-AA. Sec. 62. SEARCH OF HOUSE OR PLACE; WHEN PROHIBITED:—No person shall search any house or place without the consent of the owner (or occupant, if any) unless such search is authorized by and made pursuant to statute.

5343-BB. Sec. 63. SEARCH WITHOUT A WARRANT; HOT PURSUIT:—A search of a house or other place may be

made without a warrant if the search is made for a person hotly pursued, provided the pursuer has probable cause to believe that such person has committed a felony.

5343-CC. Sec. 64. SEARCH WITHOUT WARRANT; LAWFUL WHEN INCIDENT TO AN ARREST:—A search of a house or other place may be made without a warrant if:

- (a) The search is made incidental to a lawful arrest; and
- (b) The search is made contemporaneously with the arrest; and
- (c) The arrest is made on the premises searched; and
- (d) The premises are under the control of the person arrested; and
- (e) The search is made in order to find and seize either (1) the fruits of the crime, or (2) the means by which the crime was committed, or (3) weapons and other things to effect an escape from custody; and
- (f) The search without a warrant is necessary to prevent the escape or removal of the person or thing to be searched for.

5343-DD. Sec. 65. WARRANT TO SEARCH HOUSE OR PLACE; WHEN AND HOW ISSUED; COMPLAINT; HOW COMPLAINT EXECUTED; FORM OF COMPLAINT; HOW WARRANT DESCRIBED; FORM OF WARRANT; HOW WARRANT RETURNABLE; WHEN MAY BE EXECUTED AT NIGHT:—Any Judge of the Court of Oyer and Terminer, Court of General Sessions, the Court of Common Pleas, the Municipal Court of the City of Wilmington, or the Clerk of any of the foregoing Courts, or any Justice of the Peace, or any Magistrate authorized to issue warrants in criminal cases may, within the limits of their respective territorial jurisdictions, issue a warrant to search any house or place for each or any of the following:

- (a) Papers, articles or things of any kind which were instruments of a criminal offense;

(b) Property obtained in the commission of a crime, whether the crime was committed by the owner or occupant of the place to be searched or by another;

(c) Papers, articles or things designed to be used for the commission of a crime and not reasonably calculated to be used for any other purpose;

(d) Papers, articles or things, the possession of which is unlawful;

(e) Persons for whom a warrant of arrest has been issued.

The application or complaint shall be in writing, signed by the complainant and verified by his oath or affirmation. It shall designate the house or place to be searched and the owner or occupant thereof (if any), and shall describe the things or persons sought as particularly as may be, and shall substantially allege the cause for which the search is made or the offense committed by or in relation to the persons or things searched for, and shall state that the complainant suspects that the same is concealed in the house or place designated and shall recite the facts upon which such suspicion is founded.

If the Judge, Clerk, Justice of the Peace or other magistrate shall find that the facts recited in the complaint constitute probable cause for the search, he may direct a warrant to any proper officer or to any other person by name for service; the warrant shall designate the house or place to be searched, and shall describe the things or persons sought as particularly as may be, and may be made returnable before any Judge, Justice of the Peace or Magistrate before whom it shall also direct to be brought the person or thing searched for if found, and the person in whose custody or possession the same may be found, to be dealt with according to law.

A search warrant shall not authorize the person executing it to search any dwelling house in the night time unless the Judge, Clerk, Justice of the Peace or Magistrate shall be satisfied that it is necessary in order to prevent the escape or removal of the person or thing to be searched for, and then the authority shall be expressly given in the warrant.

5343-EE. Sec. 66. CIRCUMSTANCES UNDER WHICH PAPERS, ARTICLES OR THINGS WHICH MAY BE THE SUBJECT-MATTER OF A SEARCH WARRANT MAY BE SEIZED:—Any papers, articles or things which may be the subject-matter of a search warrant may be seized under each or any of the following circumstances:

(a) By any peace officer without a search warrant where such paper, article or thing is in plain view without the necessity of a search.

(b) Where such paper, article or thing is discovered pursuant to a valid search, with or without a search warrant, whether or not such paper, article or thing is an object of the search or is described in the search warrant.

Provided that the papers, articles and things seized, together with the person in whose possession or custody the same shall be found shall be brought forthwith before a Judge, Justice of the Peace or other Magistrate to be dealt with according to law.

5343-FF. Sec. 67. RETURN OF PAPERS, ARTICLES OR THINGS INVALIDLY SEIZED OR SEIZED AS THE RESULT OF AN INVALID SEARCH; APPLICATION TO COURT; BY WHOM MAY BE MADE:—Upon application to any Judge of the Court of General Sessions by the owner or occupant (if any) of the house or place searched and only upon such application of such owner or occupant, the Judge may direct that:

(a) Any papers, articles or things invalidly seized or seized as a result of an invalid search shall be returned to the person from whom the same were seized.

(b) Any papers, articles or things obtained as the result of an invalid search or seizure shall be suppressed and shall not be admitted as evidence in any criminal case whatsoever.

5343-GG. Sec. 68. DISPOSITION OF PROPERTY SEIZED:—The following disposition shall be made of any papers, articles or things validly seized:

(a) If the papers, articles or things were obtained as the result of the commission of a crime, they shall be returned to their lawful owner or owners.

(b) If the papers, articles or things were allegedly used in the commission of a crime, they shall be returned to the person from whom seized if such person is not thereafter duly convicted of the alleged crime; if such person is duly convicted of the alleged crime, the papers, articles and things shall be disposed of as the Court, in its discretion, shall direct.

(c) If possession of the papers, articles or things seized is unlawful, the same shall be disposed of as any Judge of the Court of General Sessions, in his discretion, shall, upon petition made, direct.

Provided that any papers, articles or things so seized may be retained by the police for a reasonable length of time for the purpose of apprehending the offender or using the papers, articles or things so seized as evidence in any criminal trial, or both.

5343-HH. Sec. 69. REPEAL OF OTHER STATUTES CONCERNING SEARCHES AND SEIZURES:—Any other Acts or parts of Acts relating to search warrants or searches and seizures including, but not with limitation thereto, the second full sentence of the first paragraph of 4058. Sec. 163. of the Revised Code of Delaware, 1935, all of 4483. Sec. 38. of the Revised Code of Delaware, 1935, and the provisions relating to searches and seizures in Subsections 7, 8, 9 and 11 of 6202. Sec. 73. of the Revised Code of Delaware, 1935, are hereby superseded and repealed.

5343-II. Sec. 70. SEVERABILITY:—If any provision of this Act or the application thereof to any person or circumstance is held to be unconstitutional, such unconstitutionality shall not affect other provisions or applications of the Act which can be given effect without the unconstitutional provision or application, and to this end the provisions of this Act are declared to be severable.

Approved June 5, 1951.

CHAPTER 304

PROVIDING FOR UNIFORM ARREST ACT

AN ACT TO AMEND CHAPTER 155 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY PROVIDING FOR THE UNIFORM ARREST ACT, AN ACT CONCERNING ARRESTS BY PEACE OFFICERS, PROVIDING FOR THE QUESTIONING AND DETENTION OF SUSPECTS, SEARCHING SUSPECTS FOR WEAPONS, THE FORCE PERMISSIBLE IN MAKING AND RESISTING ARREST, ARREST WITHOUT A WARRANT, THE USE OF SUMMONS INSTEAD OF ARREST, THE RELEASE AND DETENTION OF PERSONS ARRESTED AND THE IDENTIFICATION OF WITNESSES, PRESCRIBING PENALTIES, AND MAKING UNIFORM THE LAW RELATING THERETO.

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

That Chapter 155 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by inserting therein new Sections to be known as 5343-A. Sec. 49. to 5343-M. Sec. 61., inclusive, as follows:

5343-A. Sec. 49. **DEFINITIONS:**—As used in this Act: “Arrest” is the taking of a person into custody in order that he may be forthcoming to answer for the commission of a crime.

“Felony” is any crime which is now or which hereinafter shall be defined as such. Any other crime or any violation of a municipal ordinance is a misdemeanor.

“Peace officer” is any public officer authorized by law to make arrests in a criminal case.

5343-B. Sec. 50. **QUESTIONING AND DETAINING SUSPECTS:**—

(1) A peace officer may stop any person abroad whom he has reasonable ground to suspect is committing, has committed

or is about to commit a crime, and may demand of him his name, address, business abroad and whither he is going.

(2) Any person so questioned who fails to identify himself or explain his actions to the satisfaction of the officer may be detained and further questioned and investigated.

(3) The total period of detention provided for by this Section shall not exceed two hours. The detention is not an arrest and shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime.

5343-C. Sec. 51. **SEARCHING FOR WEAPONS; PERSONS WHO HAVE NOT BEEN ARRESTED:**—A peace officer may search for a dangerous weapon any person whom he has stopped or detained to question as provided in Section 50, whenever he has reasonable ground to believe that he is in danger if the person possesses a dangerous weapon. If the officer finds a weapon, he may take and keep it until the completion of the questioning, when he shall either return it or arrest the person. The arrest may be for the illegal possession of the weapon.

5343-D. Sec. 52. **ARREST—PERMISSIBLE FORCE:**—

(1) No unreasonable force or means of restraint shall be used in detaining or arresting any person.

(2) A peace officer who is making an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall he be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect an arrest.

(3) A peace officer, who has reasonable ground to believe that the person to be arrested has committed a felony, is justified in using such force as may be necessary to effect an arrest, to prevent escape or to overcome resistance only when:

(A) There is no other apparently possible means of making the arrest or preventing escape, and

(B) The officer has made every reasonable effort to advise the person that he is a peace officer and is making an arrest.

5343-E. Sec. 53. RESISTING ARREST:—If a person has reasonable ground to believe that he is being arrested by a peace officer, it is his duty to refrain from using force or any weapon in resisting arrest regardless of whether or not there is a legal basis for arrest.

5343-F. Sec. 54. ARREST WITHOUT A WARRANT:—

(1) An arrest by a peace officer without a warrant for a misdemeanor is lawful whenever:

(A) He has reasonable ground to believe that the person to be arrested has committed a misdemeanor in his presence.

(B) He has reasonable ground to believe that the person to be arrested has committed a misdemeanor out of his presence and without the State, and if law enforcement officers of the State where the misdemeanor was committed request an arrest and the accused will not be apprehended unless immediately arrested.

(2) An arrest by a peace officer without a warrant for a felony, whether committed within or without the State is lawful whenever:

(A) He has reasonable ground to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.

(B) A felony has been committed by the person to be arrested although before making the arrest the officer had no reasonable ground to believe the person committed it.

5343-G. Sec. 55. ARREST ON IMPROPER GROUNDS:—If a lawful cause of arrest exists, the arrest is lawful even though the officer charges the wrong offense or gives a reason that does not justify the arrest.

5343-H. Sec. 56. ARREST UNDER A WARRANT NOT

IN OFFICER'S POSSESSION:—An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession at the time of the arrest, but, if the person arrested so requests, the warrant shall be shown to him as soon as practicable.

5343-I. Sec. 57. SUMMONS INSTEAD OF ARREST:—

(1) In any case in which it is lawful for a peace officer to arrest without a warrant a person for a misdemeanor, he may, but need not, give him a written summons in substantially the following form:

Violator's Last Name	First	Middle	O.C.P. No.	Birth Date	Sex M F
No. and Street	City	State	Color W B O	Occupation	
Owner's Name	First	Middle	State Tag No.		
Address					
Specific Offense			Sec. No.	Date Time M.	Acc. Yes No
Hundred	County	Route No.	Exact Location		
S K NC		Arresting Officer		Date of Trial	
Magistrate		Troop		Time	
Address					
You are hereby directed to appear at the time and place designated above to stand trial for the offense indicated. A failure to obey this summons may result in fine or imprisonment, or both.					
Final Disposition of Upper Court			Remarks		
TRAFFIC ARREST REPORT DELAWARE STATE POLICE					

(2) If the person fails to appear in answer to the summons, or if there is reasonable cause to believe that he will not appear, a warrant for his arrest may issue. Wilful failure to appear in

answer to the summons may be punished by a fine of not over One Hundred Dollars (\$100.00) or imprisonment for not over thirty days, or both.

5343-J. Sec. 58. RELEASE OF PERSONS ARRESTED:—

(1) Any officer in charge of a police department or any officer delegated by him may release, instead of taking before a Magistrate, any person who has been arrested without a warrant by an officer of his department whenever:

(A) He is satisfied either that there is no ground for making a criminal complaint against the person or that the person was arrested for drunkenness and no further proceedings are desirable; or

(B) The person was arrested for a misdemeanor and has signed an agreement to appear in court at a time designated, if the officer is satisfied that the person is a resident of the State and will appear in court at the time designated.

(2) A person released as provided in this Section shall have no right to sue on the ground that he was released without being brought before a Magistrate.

5343-K. Sec. 59. PERMISSIBLE DELAY IN BRINGING BEFORE MAGISTRATE:—If not otherwise released, every person arrested shall be brought before a Magistrate without unreasonable delay, and in any event he shall, if possible, be so brought within twenty-four hours of arrest, Sundays and holidays excluded, unless a Resident Judge of the County where he is detained or of the County where the crime was committed for good cause shown orders that he be held for a further period of not exceeding forty-eight hours.

5343-L. Sec. 60. IDENTIFICATION OF WITNESS:—Whenever a peace officer has reasonable ground to believe that a crime has been committed, he may stop any person who he has reasonable ground to believe was present thereat and may demand of him his name and address. If the person fails to identify himself to the satisfaction of the officer, he may take the person forth-

with before a Magistrate. If the person fails to identify himself to the satisfaction of the Magistrate, the latter may require him to furnish bond or may commit him to jail until he so identifies himself.

5343-M. Sec. 61. SEVERABILITY:—If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Approved June 5, 1951.

CHAPTER 305

MOTOR VEHICLES

PROVIDING FOR THE REGULATION OF TRACKLESS TROLLEY
COACH OPERATORS**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, TO PROVIDE FOR
THE REGULATION OF TRACKLESS TROLLEY COACH
OPERATORS.**

*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 at the end thereof a new Article to be designated as Article XI, the Sections thereof to be numbered 5719ii. Sec. 181ii. to 5719jj. Sec. 181jj., inclusive, as follows:

MOTOR VEHICLES—ARTICLE XI

TRACKLESS TROLLEY COACH OPERATORS

5719ii. Sec. 181ii. Words and Phrases Defined:—The following words and phrases when used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning.

(a) "Trackless Trolley Coach." Every device for passenger transportation (commonly called an electric trackless trolley coach), equipped with tires of rubber or other resilient material, not operated on rails, propelled by electrical energy supplied through overhead wires, which device may also contain auxiliary means for self-propulsion by a motor using gasoline, oil or other similar fuel.

(b) "Trackless Trolley Operator." Every person who is in actual physical control of any trackless trolley coach upon a highway.

5719jj. Sec. 181jj. Every trackless trolley coach operator, while operating a trackless trolley coach upon a highway shall be subject to the rules of the road set forth in the provisions of Article 5, Chapter 165, Revised Code of Delaware, 1935, as amended, in so far as applicable; provided, however, that none of the said applicable provisions shall be construed or interpreted so as to change any existing route of any trackless trolley coach or to prevent any operator of any trackless trolley coach from stopping to pick up or discharge passengers at any regular designated coach stop; and further provided, that trackless trolley coach operators shall not be subject to the following Sections and/or parts of Sections of said Article 5 hereinafter designated:

- (a) Par. 5631. Sec. 93.
- (b) Par. 5632 (b). Sec. 94 (b).
- (c) Par. 5639. Sec. 101.
- (d) Par. 5652. Sec. 114.
- (e) Par. 5652. Sec. 115.
- (f) Par. 5655. Sec. 117.
- (g) Par. 5656. Sec. 118.
- (h) Par. 5657. Sec. 119.
- (i) Par. 5658. Sec. 120.
- (j) Par. 5668 (e) (f). Sec. 130 (e) (f).
- (k) Par. 5670. Sec. 132.
- (l) Par. 5671. Sec. 133.

Section 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved June 5, 1951.

CHAPTER 306

OFFENSES AGAINST PRIVATE PROPERTY

RECEIVING STOLEN GOODS A MISDEMEANOR

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO OFFENSES AGAINST PRIVATE PROPERTY BY MAKING RECEIVING STOLEN GOODS A MISDEMEANOR IN CERTAIN CASES; PROVIDING PENALTIES; PROVIDING FOR PROCEEDINGS WITHOUT INDICTMENT BY GRAND JURY OR TRIAL BY PETIT JURY IN CERTAIN CASES; VESTING JURISDICTION IN THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, THE COURTS OF COMMON PLEAS AND THE JUSTICES OF THE PEACE IN CERTAIN CASES; PROVIDING ACCUSED SHALL NOT BE ENTITLED TO ACQUITTAL UPON TRIAL FOR FELONY BY PROVING OFFENSE MISDEMEANOR BUT THAT JURY MAY RENDER VERDICT OF MISDEMEANOR, FIXING VALUE OF GOODS; AND PROVIDING NO CRIMINAL PROCEEDING COMMENCED PRIOR TO THE APPROVAL OF THIS ACT SHALL BE AFFECTED HEREBY.

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

Section 1. That Chapter 150 of the Revised Code of Delaware, 1935, as amended by Chapter 236, Volume 43, Laws of Delaware, 1941, be and the same is hereby further amended by striking out and repealing 5201. Sec. 21., as amended, and by inserting in lieu thereof the following new Section:

5201. Sec. 21. (a) Whoever shall buy, receive, or conceal any money, goods, or other things being the subject of larceny, to the value of One Hundred Dollars (\$100.00), or upwards, which shall have been stolen or taken by robbery, knowing the same to have been stolen or taken by robbery, shall be deemed

guilty of felony, and shall be imprisoned not exceeding three years.

(b) Whoever shall buy, receive, or conceal any money, goods, or other things being the subject of larceny, to the value of less than One Hundred Dollars (\$100.00), which shall have been stolen or taken by robbery, knowing the same to have been stolen or taken by robbery, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00), or imprisonment for a term not exceeding one year, or both, in the discretion of the Court.

(c) The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with the Court of General Sessions to inquire of, hear, try, and finally determine all offenses under Paragraph (b) of this Section committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State. The Courts of Common Pleas for the respective counties or the several Justices of the Peace shall have like concurrent jurisdiction to inquire of, hear, try, and finally determine all such offenses, except those committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State.

(d) The proceedings under Paragraph (c) of this Section shall be without indictment by Grand Jury, or trial by petit jury; provided, however, that every person convicted of the misdemeanor under Paragraph (b) hereof in any Court of Common Pleas, in any Magistrate's Court, or in the Municipal Court of the City of Wilmington shall have the right to an appeal to the Court of General Sessions of the County. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the Judge or Magistrate before whom such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five (5) days from the time of conviction.

(e) Upon the trial of any person for any felony under this Act, the accused shall not be entitled to an acquittal upon proof

that the money, goods, or other things being the subject of larceny, are under the value of One Hundred Dollars (\$100.00), but it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty against the person indicted for the offense described in the indictment as a misdemeanor if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall impose a fine on the person so found guilty of a misdemeanor, not exceeding Five Hundred Dollars (\$500.00), or shall imprison him for a term not exceeding one year, or both, in the discretion of the Court.

(f) In all prosecutions under this Section, the value of goods and other things being the subject of larceny shall be determined as is now or hereafter provided by law with respect to prosecutions for larceny.

Section 2. No criminal proceeding commenced prior to the date of approval of this Act shall be in any manner affected by this Act.

Approved June 5, 1951.

CHAPTER 307

RELATING TO THE MUNICIPAL COURT OF THE
CITY OF WILMINGTON**AN ACT TO AMEND CHAPTER 67 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
THE MUNICIPAL COURT FOR THE CITY OF WILMING-
TON TO PERMIT THE FIXING OF BAIL BINDING WIT-
NESSES FOR THEIR APPEARANCE IN CASES INVOLV-
ING THE COMMISSION OF FELONIES.**

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

Section 1. That Chapter 67 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding to 2411. Sec. 3. a new Section to be known and styled as 2411A. Sec. 3A. as follows:

2411A. Sec. 3A. The House Sergeant on duty as such at the Police Station in the City of Wilmington shall have power and authority to bind witnesses for their appearances at any time of the day or night, and may require surety of them, if necessary, in those cases where the offense charged to have been committed is a felony. Bail bonds taken as surety as authorized by this Section shall be as binding, effectual and subject to the same liabilities and proceedings as if the same had been taken by a Judge of the Municipal Court. The said bail bonds taken as surety shall, at the session of said Municipal Court next ensuing the taking of the same as aforesaid, be filed with the Clerk of the said Court.

Approved June 5, 1951.

CHAPTER 308

OFFENSES AGAINST PRIVATE PROPERTY

RELATING TO MALICIOUS MISCHIEF

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO MALICIOUS MISCHIEF AND PROVIDING PENALTIES THEREFOR; PROVIDING FOR PROCEEDINGS WITHOUT INDICTMENT BY GRAND JURY OR TRIAL BY PETIT JURY IN CERTAIN CASES; VESTING JURISDICTION IN THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, THE COURTS OF COMMON PLEAS AND THE JUSTICES OF THE PEACE IN CERTAIN CASES; AND PROVIDING NO CRIMINAL PROCEEDING COMMENCED PRIOR TO THE APPROVAL OF THIS ACT SHALL BE AFFECTED HEREBY.

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

Section 1. That Chapter 150 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by inserting after 5239. Sec. 59. the following new Section to be known as 5239A. Sec. 59A.:

5239A. Sec. 59A. Malicious Mischief, Misdemeanor; Penalties; Providing for Proceedings without Indictment by Grand Jury or Trial by Petit Jury in certain cases; Vesting Jurisdiction in the Municipal Court of the City of Wilmington, the Courts of Common Pleas and the Justices of the Peace in certain cases; and Providing no Criminal Proceeding commenced prior to the Approval of this Act shall be Affected Hereby:—(a) Whoever shall unlawfully, maliciously and mischievously destroy or injure, or cause to be destroyed or injured, any real or personal property, or any other thing of value, to the value of One Hundred Dollars (\$100.00), or upwards, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, or by both such fine and imprisonment, in the discretion of the Court.

(b) Whoever shall unlawfully, maliciously and mischievously destroy or injure, or cause to be destroyed or injured, any real or personal property, or any other thing of value, to the value of less than One Hundred Dollars (\$100.00), shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned for a term not exceeding six (6) months, or by both fine and imprisonment, in the discretion of the Court.

(c) The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with the Court of General Sessions to inquire of, hear, try, and finally determine all offenses under Paragraph (b) of this Section committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State. The Courts of Common Pleas for the respective counties and the several Justices of the Peace shall have like concurrent jurisdiction to inquire of, hear, try, and finally determine all such offenses, except those committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State.

(d) The proceedings under Paragraph (c) of this Section shall be without indictment by Grand Jury, or trial by petit jury; provided, however, that every person convicted of this offense in any Court of Common Pleas, in any Magistrate's Court, or in the Municipal Court of the City of Wilmington shall have the right to an appeal to the Court of General Sessions of the County. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the Judge or Magistrate before whom such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five (5) days from the time of conviction.

Section 2. No criminal proceeding commenced prior to the date of approval of this Act shall be in any manner affected by this Act.

Approved June 5, 1951.

CHAPTER 309

OFFENSES AGAINST PRIVATE PROPERTY

RELATING TO FALSE STATEMENTS TO PROCURE BENEFITS

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO FALSE STATEMENTS TO PROCURE BENEFIT, MAKING, USING OR ADOPTING, AND PENALTIES; PROVIDING FOR PROCEEDINGS WITHOUT INDICTMENT BY GRAND JURY OR TRIAL BY PETIT JURY IN CERTAIN CASES; VESTING JURISDICTION IN THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, THE COURT OF COMMON PLEAS AND THE JUSTICES OF THE PEACE IN CERTAIN CASES; AND PROVIDING NO CRIMINAL PROCEEDING COMMENCED PRIOR TO THE APPROVAL OF THIS ACT SHALL BE AFFECTED HEREBY.

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

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 5219. Sec. 39., and by inserting in lieu thereof the following Section:

5219. Sec. 39 (a). False Statements to Procure Benefit; Making, Using or Adopting, Misdemeanor; Penalty; Proceedings and Trial; Jurisdiction:—Whoever shall knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay, of himself or any other person, firm or corporation, in whom he is interested, or for whom he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange, or promissory note for the benefit of either himself or of such person, firm or corporation,

to the value of One Hundred Dollars (\$100.00), or upwards, or whoever knowing that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of himself or such person, firm or corporation in which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit either of himself or of such person, firm or corporation either or any of the things of benefit hereinbefore mentioned, or whoever, knowing that a statement in writing has been made respecting the financial condition or means or ability to pay of himself or such person, firm or corporation in which he is interested, or for whom he is acting, represents on a later day, either orally or in writing, that such statement theretofore made, if then again made on said day, would be then true, when in fact said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation either or any of the things of benefit hereinabove mentioned, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and imprisonment, or either, according to the discretion of the Court.

(b) Whoever shall knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom he is interested, or for whom he is acting, for the purpose of procuring in any form whatsoever either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note for the benefit of either himself or of such person, firm or corporation to the value of less than One Hundred Dollars (\$100.00), or whoever, knowing that a false statement in writing has been made respecting the financial condition or means or ability to pay of himself or such person, firm or corporation in which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit either of himself or of such person, firm or corporation, either or any of the things hereinbefore mentioned, or whoever, knowing that a statement in writing has been made respecting the financial condition or means or ability to pay of himself or such person, firm or corporation in which he is interested, or for

whom he is acting, represents on a later day, either orally or in writing, that such statement theretofore made, if then again made on said day, would be then true, when in fact said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation either or any of the things of benefit hereinabove mentioned, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00), or imprisoned for a term not exceeding one year, or both, in the discretion of the Court.

(c) The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with the Court of General Sessions to inquire of, hear, try and finally determine all offenses under Paragraph (b) of this Section committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State. The Courts of Common Pleas for the respective counties and the several Justices of the Peace shall have like concurrent jurisdiction to inquire of, hear, try and finally determine all such offenses except those committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State.

(d) The proceedings under Paragraph (c) of this Section shall be without indictment by Grand Jury or trial by petit jury; provided, however, that every person convicted under this Section in any Court of Common Pleas, in any Magistrate's Court, or in the Municipal Court of the City of Wilmington shall have the right to an appeal to the Court of General Sessions of the County. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the Judge or Magistrate before whom such person was convicted at the time such appeal is taken. Such appeal shall be taken and bond given within five (5) days from the time of conviction.

Section 2. No criminal proceeding commenced prior to the date of approval of this Act shall be in any manner affected by this Act.

Approved June 5, 1951.

CHAPTER 310
STATE REVENUE

RELATING TO INCOME TAX BY REDEFINING THE WORD
"TAXABLE"

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO INCOME TAX BY REDEFINING THE WORD "TAXABLE" TO EXCLUDE SINGLE PERSONS WHOSE GROSS INCOME IS LESS THAN \$1,000.00 DURING THE INCOME YEAR AND MARRIED COUPLES WHOSE COMBINED GROSS INCOME IS LESS THAN \$2,000.00 DURING THE INCOME YEAR.

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 striking out Paragraphs (1), (2) and (3) under (b) of 144. Sec. 110. and inserting and enacting in lieu thereof the following:

(1) An unmarried natural person, including a minor, or a married natural person who is not living with his or her husband or wife, with a gross income of \$1,000.00 or more, who is a resident of the State of Delaware or who has been a resident of the State of Delaware at any time during the income year.

The word "resident" applies only to natural persons and includes any person domiciled in the State, except a person who, though domiciled in the State, maintains no permanent place of abode within the State, but does maintain a permanent place of abode without the State, and who spends in the aggregate not to exceed thirty days of the taxable year within the State. In addition, it includes any person who maintains a permanent place of abode within the State and spends in the aggregate more than seven months of the taxable year within the State, whether or not domiciled in the State during any portion of said period, and

such a person shall be taxed the same as though he had been domiciled in the State during the entire taxable year.

(2) A married couple living together with a combined gross income of \$2,000.00 or more who are residents (as defined in Paragraph (1) above) of the State of Delaware or who have been residents of the State of Delaware at any time during the income year.

Section 2. That all Acts or part of Acts inconsistent with this Act are hereby repealed only to the extent of such inconsistency.

Approved June 5, 1951.

CHAPTER 311

COURT OF COMMON PLEAS, KENT COUNTY

RESPECTING COMPENSATION OF CLERK

AN ACT TO AMEND CHAPTER 170 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "COURT OF COMMON PLEAS, KENT COUNTY," IN RESPECT OF THE COMPENSATION OF THE CLERK OR OTHER OFFICER OR OFFICERS OF SAID COURT.

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

Section 1. That the first paragraph of 5828, Sec. 7. of Chapter 170 of the Revised Code of Delaware, 1935, be, and the same is hereby amended by striking out all of said first paragraph of said Section, and substituting in lieu thereof a new paragraph, providing as follows:

The Judge shall appoint a Clerk for the Court, and such other officer or officers as he shall deem necessary to perform the business of the Court which said Clerk or other officer or officers shall hold office at the pleasure of the Judge and shall receive such salary or salaries as may be fixed from time to time by the Judge; provided, however, that the combined salary or salaries of such Clerk or other officer or officers shall not exceed in the aggregate in any one year the sum of Two Thousand Four Hundred Dollars. The salary of the Clerk shall be paid in equal monthly installments by the Levy Court of Kent County and the salary or compensation of such other officer or officers of the Court shall be paid by the Levy Court of Kent County upon presentation of bills for the same, which shall be approved by the Judge.

Approved June 5, 1951.

CHAPTER 312

JUVENILE DELINQUENTS AND PROBATION

RESPECTING COMPENSATION OF PROBATION OFFICER

AN ACT TO AMEND CHAPTER 116 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "JUVENILE DELINQUENTS AND PROBATION," IN RESPECT OF THE COMPENSATION OF THE PROBATION OFFICER FOR THE COURT OF GENERAL SESSIONS IN KENT COUNTY AND THE PROBATION OFFICERS OF THE JUVENILE COURT FOR KENT AND SUSSEX COUNTIES.

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

Section 1. That the first paragraph of 4318. Section 3, Article 1, Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by striking out all of Paragraph 1 of said Section and substituting in lieu thereof a new paragraph providing as follows:

The said probation officer shall be an officer of the Court of General Sessions, and shall receive as compensation an annual salary to be fixed by the Court, which shall not exceed Twenty-one Hundred Dollars in New Castle County, and Eighteen Hundred Dollars in Kent County and Sussex County respectively, and shall be paid monthly by warrants of the Levy Court of the respective Counties, upon vouchers to be approved by any of the Judges of said Court, and by the County Comptroller of the respective Counties.

Section 2. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by striking out the first sentence of 4353A. Sec. 38A. thereof and inserting in lieu thereof the following sentence:

"The compensation of the probation officer or officers for the said Juvenile Court shall be fixed by the Judge of the said

Court, provided that the total compensation to be paid to the Probation Officer or Officers shall not exceed Seven Thousand Dollars (\$7,000.00) annually."

Approved June 5, 1951.

CHAPTER 313

BLADES

AN ACT TO AMEND CHAPTER 155, VOL. 28, LAWS OF DELAWARE, 1935, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BLADES," WITH REFERENCE TO THE ELECTION, REMOVAL AND SALARY OF OFFICERS.

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

Section 1. That Chapter 155, Volume 28, Laws of Delaware, be amended by striking out all of Section 2 of said Chapter, and inserting in lieu thereof, the following Section to be known as Section 2:

Section 2. There shall be a Council of the Town of Blades to be composed of five members, one of whom shall be chosen by said Council to be President of said Council for the term of one year, or until his successor shall be elected. The Councilmen shall serve for two years or until their successors shall be elected and qualified. There shall also be elected in the said Town at the first annual election, a Mayor to serve for a term of two years, or until his successor shall be elected and qualified. The Town election shall be held on the first Monday in March of each year, and at the first Town election, or on the first Monday of March, 1951, there shall be three Councilmen elected for a term of two years and two Councilmen elected for a term of one year, and after that, on the first Monday in March of each year, the Councilmen whose terms are expiring, shall have their places filled for a period of two years. The election shall be held at some place in the Town of Blades, to be designated by the present Town Council, at which said election a Mayor shall be elected by the qualified electors of the said Town of Blades for a term of two years, or until his successor shall be elected and qualified. And thereafter, on the first Monday in March of each and every year, the Mayor and members of the Council whose terms are expiring,

shall have their offices filled at that election and their successors shall be elected for the term of two years. The Mayor and Assessor and each of said Councilmen, in order to qualify, must have taxes paid up to date and must have been a property owner for two years prior to the election, and must have been residents of the Town for three years, and each shall be at least twenty-five years of age, but any married man, resident of said Town, whose wife is a freeholder therein, may be elected Mayor or Councilman although he may not be the owner in his own right of any real estate within said Town. Any Councilman or Mayor may be removed from office by a majority vote of the remaining Councilmen and Mayor (in case of a Council member) or a quorum, at any regular or special meeting. Cause of removal shall be that an official is delinquent in his taxes, or has been absent from three consecutive regular meetings of the said Town Council without good and sufficient cause, or for any other acceptable reason. The remainder of the term of any Councilman removed from office in this manner, shall be filled by appointment of the Mayor and confirmed by a majority vote of the Council, or a quorum thereof, at any regular or special meeting. The remaining term of a Mayor removed from office in the above manner, shall be filled by a new Mayor elected by the people at a special election called by the members of the Council.

Any person, in order to be voted for as a member of the Council or for Mayor, shall file his name with the Secretary of the Council at least twenty days before the election, and the Secretary shall post in a public place, the names of such candidates at least ten days before the election. At such Town election, any citizen of the Town, twenty-one years of age or older, and being a resident of the Town, shall be entitled to vote, provided he has paid his or her taxes at least thirty days prior to said election.

The Town Council shall appoint a Secretary, Treasurer and Town Clerk, either from its own ranks or from the citizens of the Town, having the same qualifications as are necessary to run for Council. The same person may hold more than one of these offices simultaneously if the Council so desires. If the positions are filled by other citizens of the Town, then these officers shall have no vote in Council meetings.

The Mayor and Councilmen shall be paid a salary of Five Dollars (\$5.00) for each meeting of the Town Council that they attend, and in no case shall any member receive more than Seventy-five Dollars (\$75.00) annually. Regular meetings shall be held on the second Wednesday of each month. Special meetings, whenever required, shall be called by the Secretary, each person receiving at least two days' notice of such meeting. The Mayor and Councilmen shall be reimbursed for miscellaneous expenses incurred in conducting their offices. The Secretary and Treasurer of the Town shall each be paid Seven Dollars (\$7.00) per meeting, but the salary of neither shall exceed One Hundred Fifteen Dollars (\$115.00) annually. Any person holding more than one office shall receive in total payments, not more than Eight Dollars (\$8.00) per meeting, or a total not to exceed One Hundred and Forty Dollars (\$140.00) in any one year.

Approved June 5, 1951.

CHAPTER 314

APPROPRIATION

STATE BOARD OF HEALTH FOR CARE OF ADDITIONAL PATIENTS
AT BRANDYWINE AND EDGEWOOD SANATORIA

**AN ACT TO PROVIDE FOR THE CARE OF ADDITIONAL
PATIENTS AT BRANDYWINE AND EDGEWOOD SAN-
ATORIA, NOT PROVIDED FOR IN THE BUDGET.**

WHEREAS, there is now before the General Assembly of the State of Delaware a bill authorizing the construction and reconstruction of certain buildings at Brandywine and Edgewood Sanatoria and appropriating money for same; and

WHEREAS, the budget estimate for the maintenance of said institutions was based upon a bed capacity of one hundred seventy patients; and

WHEREAS, if said building construction is authorized by the General Assembly, or if additional beds are made available in already existent buildings, it will be necessary to provide for additional costs not anticipated in the budget; 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 State Board of Health from the General Fund of the State in the Treasury of the State of Delaware an amount not exceeding Fifty Thousand Dollars (\$50,000.00) for the fiscal year ending June 30, 1952, and Fifty Thousand Dollars (\$50,000.00) for the fiscal year ending June 30, 1953 for the above purpose, and the Treasurer is hereby directed to pay the said amounts from any funds not otherwise appropriated.

Approved June 5, 1951.

CHAPTER 315

AUDITOR OF ACCOUNTS

LIMITING PRICE WHICH MAY BE PAID FOR PASSENGER
MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 16 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "AUDITOR OF ACCOUNTS," BY LIMITING THE PRICE WHICH MAY BE PAID FOR PASSENGER MOTOR VEHICLES BY STATE DEPARTMENTS, BOARDS OR COMMISSIONS.

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

Section 1. That Chapter 16 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 445. Sec. 34. thereof and by inserting and enacting in lieu of the part so stricken out a new 445. Sec. 34. as follows:

445. Sec. 34. PASSENGER MOTOR VEHICLES; INITIAL COST NOT TO EXCEED TWENTY-TWO HUNDRED DOLLARS; WHEN:—On and after the passage and approval of this Act, no Department, Board or Commission of the State of Delaware shall purchase and pay for out of State funds any passenger motor vehicle to be used by such Department, Board or Commission, or by any of its officers or employees, for State purposes, when the initial cost of any such vehicle shall exceed Twenty-two Hundred Dollars, including the fair value or values of any motor vehicle or motor vehicles traded in as a part of a particular transaction.

Approved June 5, 1951.

CHAPTER 316

NEW CASTLE COUNTY LEVY COURT

AN ACT TO AMEND CHAPTER 43, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY FURTHER DEFINING THE POWERS AND DUTIES, DIRECTION, MANAGEMENT AND CONTROL OF THE BUSINESS AND FINANCES OF NEW CASTLE COUNTY BY THE LEVY COURT OF NEW CASTLE COUNTY.

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

Section 1. That Chapter 43, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the second paragraph thereof as added by Chapter 100, Volume 43, Laws of Delaware, 1941, and inserting a new second paragraph as follows:

“The said Levy Court shall have general jurisdiction over all matters pertaining to the County, its business, finances and general welfare, including, without limiting the general powers hereby granted, the power to act upon all matters pertaining to sewers, sewerage disposal plants, trunk line sewers and sewerage systems generally, garbage, garbage disposal, removal and incineration of ashes, garbage, trash and rubbish, and the operation of plants therefor, drainage, engineering, construction of public buildings, fire protection, ambulance service, general supervision of County offices, public welfare institutions, fire companies, and other matters of a public nature. In the performance of its duties as aforesaid, the Levy Court shall have power to employ such assistants, enter into contracts and generally to take such action as in its opinion it may deem necessary and proper and to the best interests of the County.’”

Approved June 5, 1951.

CHAPTER 317

STATE EMPLOYEES

ADDING SECRETARIES OF OFFICE OF ATTORNEY GENERAL
AS COVERED EMPLOYEES UNDER PENSION ACT

AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, KNOWN AS "THE DELAWARE STATE EMPLOYEES BENEFIT ACT," BY ADDING TO THE DEFINITION OF "COVERED EMPLOYMENT" THE POSITIONS OF SECRETARIES OF THE OFFICE OF THE ATTORNEY GENERAL 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 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, reading as follows:

Any other provisions of this Act notwithstanding the Secretaries of the office of the Attorney General of the State of Delaware, otherwise qualified under this Act (and regardless of the source from which their respective salaries were heretofore paid) shall be considered in Covered Employment under this Act and the time from which the period of service of said Secretaries shall be deemed to have commenced shall be the time when they began their respective services as Secretaries of the office of Attorney General.

Approved June 5, 1951.

CHAPTER 318

RELATING TO FENCE VIEWERS

AN ACT TO AMEND CHAPTER 103 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "FENCES," RELATING TO FENCE VIEWERS.

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

Section 1. That Chapter 103 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 4175. Sec. 3. thereof, and repealing and enacting in lieu thereof the following:

4175. Sec. 3. FENCE VIEWERS; APPOINTMENT; POWER; QUORUM; FEES; COSTS:—The Court of General Sessions shall annually appoint not more than eight nor less than five persons in each Hundred to be fence viewers, who shall be the sole judges of the sufficiency of any fences, of the charges of making or repairing partition, or other fences, and how borne, and of damages by animals trespassing.

Any three of them may act, and the majority of those acting may decide any pertinent matter.

The person whose name heads the list of fence viewers in the respective Hundreds shall act as chairman and in his absence the second person so listed shall be chairman, and in his absence the chairman shall be the next in order of the names listed. The chairman shall make a record of the terms of settlement in each dispute and shall keep such records available until all terms of settlement have been complied with. One month before the date of appointing fence viewers for the ensuing year, the chairman shall submit to the Clerk of the Peace of the respective Counties, the names of any present members who desire their names to be removed from the list of fence viewers, stating the reasons therefor.

The fence viewers shall be allowed Eight Dollars (\$8.00) per day and seven cents (\$.07) per mile for travel to and from

the point of dispute. The chairman shall receive in addition to fees received by other members the further sum of One Dollar (\$1.00) for each day as stated. Said fees and mileage allowances shall be paid for each necessary trip made in connection with a dispute.

The chairman shall submit and certify to the Levy Court of the County in which services as fence viewers have been performed, a list of the names of those fence viewers who have acted in each case specifying the amount of fees due to each fence viewer. The Levy Court of the County in which such list is submitted, properly certified to as aforesaid, shall make payment of the amount of money shown to be due thereon to each fence viewer out of any moneys in the County Treasury not otherwise appropriated.

Approved June 5, 1951.

CHAPTER 319

STATE BOARD OF HEALTH

RELATING TO FILING OF CERTIFICATE OF DEATH WITH
LOCAL REGISTRAR

AN ACT TO AMEND CHAPTER 25, REVISED CODE OF DELAWARE, 1935, RELATING TO "DEPARTMENT OF HEALTH," BY PROVIDING THAT AN UNDERTAKER MAY FILE A CERTIFICATE OF DEATH WITH THE LOCAL REGISTRAR IN THE HUNDRED WHERE THE DEATH OCCURRED OR WITH THE LOCAL REGISTRAR IN THE HUNDRED IN WHICH HE RESIDES.

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

Section 1. That 795. Sec. 52. of Chapter 25, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and deleting the second paragraph thereof and by inserting in lieu thereof a new second paragraph as follows:

"It shall be the duty of the undertaker or person acting as undertaker in charge in case of death to procure from the physician in attendance, or if there be no physician, then from the Coroner, when the case shall have come under his charge, a certificate prepared according to the form prescribed in the next following Section of this Chapter; and in no case shall interment or other disposition of a dead human body be made until such certificate shall be presented to the local registrar where the death occurred or, upon payment of a fee of 50c to the local registrar in the district where the undertaker resides, and a burial permit issued to him in accordance with the rules of the said Board of Health. All forms necessary for transferring death certificate shall be furnished by State Board of Health. Each registrar shall be furnished a list of all registrars appointed by the State Board of Health."

Approved June 5, 1951.

CHAPTER 320

EMPLOYERS AND EMPLOYEES

RELATING TO SUBCONTRACTORS

AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "EMPLOYERS AND EMPLOYEES," RELATIVE TO THE NAMES AND ADDRESSES OF SUBCONTRACTORS, THEIR QUALIFICATIONS, SUBSTITUTION THEREOF, AND PENALTIES FOR FAILURE TO UTILIZE 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 90 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 3647. Sec. 57. thereof, and by substituting in lieu thereof a new Section, to be known and designated as 3647. Sec. 57., as follows:

3647. Sec. 57. CONTRACTS IN EXCESS OF FIVE THOUSAND DOLLARS; NAMES AND ADDRESSES OF SUBCONTRACTORS; QUALIFICATIONS; SUBSTITUTIONS THEREOF; PENALTIES FOR FAILURE TO UTILIZE THE SAME:—Any contract exceeding Five Thousand Dollars in amount for the construction, alteration or repair of any public building of the State of Delaware, or any political subdivision thereof, shall be awarded to those bidders only whose bids are accompanied by a statement containing the names and addresses of the subcontractors whose services such bidder intends to use in performing the work.

It shall be unlawful for any such bidder to list himself, itself or themselves, as the case may be, in any such accompanying statement as the subcontractor of any part of such public work unless such bidder, in addition to being licensed as general contractor of the State, shall also be recognized in the trade and licensed by the State as a subcontractor in and for any such part or parts of such public work so listed in such accompanying

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LOCAL REGISTRAR

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

Section 1. That 795. Sec. 52. of Chapter 25, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and deleting the second paragraph thereof and by inserting in lieu thereof a new second paragraph as follows:

"It shall be the duty of the undertaker or person acting as undertaker in charge in case of death to procure from the physician in attendance, or if there be no physician, then from the Coroner, when the case shall have come under his charge, a certificate prepared according to the form prescribed in the next following Section of this Chapter; and in no case shall interment or other disposition of a dead human body be made until such certificate shall be presented to the local registrar where the death occurred or, upon payment of a fee of 50c to the local registrar in the district where the undertaker resides, and a burial permit issued to him in accordance with the rules of the said Board of Health. All forms necessary for transferring death certificate shall be furnished by State Board of Health. Each registrar shall be furnished a list of all registrars appointed by the State Board of Health."

Approved June 5, 1951.

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

Section 1. That Chapter 90 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 3647. Sec. 57. thereof, and by substituting in lieu thereof a new Section, to be known and designated as 3647. Sec. 57., as follows:

3647. Sec. 57. CONTRACTS IN EXCESS OF FIVE THOUSAND DOLLARS; NAMES AND ADDRESSES OF SUBCONTRACTORS; QUALIFICATIONS; SUBSTITUTIONS THEREOF; PENALTIES FOR FAILURE TO UTILIZE THE SAME:—Any contract exceeding Five Thousand Dollars in amount for the construction, alteration or repair of any public building of the State of Delaware, or any political subdivision thereof, shall be awarded to those bidders only whose bids are accompanied by a statement containing the names and addresses of the subcontractors whose services such bidder intends to use in performing the work.

It shall be unlawful for any such bidder to list himself, itself or themselves, as the case may be, in any such accompanying statement as the subcontractor of any part of such public work unless such bidder, in addition to being licensed as general contractor of the State, shall also be recognized in the trade and licensed by the State as a subcontractor in and for any such part or parts of such public work so listed in such accompanying

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

Section 1. That 795. Sec. 52. of Chapter 25, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and deleting the second paragraph thereof and by inserting in lieu thereof a new second paragraph as follows:

"It shall be the duty of the undertaker or person acting as undertaker in charge in case of death to procure from the physician in attendance, or if there be no physician, then from the Coroner, when the case shall have come under his charge, a certificate prepared according to the form prescribed in the next following Section of this Chapter; and in no case shall interment or other disposition of a dead human body be made until such certificate shall be presented to the local registrar where the death occurred or, upon payment of a fee of 50c to the local registrar in the district where the undertaker resides, and a burial permit issued to him in accordance with the rules of the said Board of Health. All forms necessary for transferring death certificate shall be furnished by State Board of Health. Each registrar shall be furnished a list of all registrars appointed by the State Board of Health."

Approved June 5, 1951.

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RELATING TO SUBCONTRACTORS

AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "EMPLOYERS AND EMPLOYEES," RELATIVE TO THE NAMES AND ADDRESSES OF SUBCONTRACTORS, THEIR QUALIFICATIONS, SUBSTITUTION THEREOF, AND PENALTIES FOR FAILURE TO UTILIZE 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 90 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 3647. Sec. 57. thereof, and by substituting in lieu thereof a new Section, to be known and designated as 3647. Sec. 57., as follows:

3647. Sec. 57. CONTRACTS IN EXCESS OF FIVE THOUSAND DOLLARS; NAMES AND ADDRESSES OF SUBCONTRACTORS; QUALIFICATIONS; SUBSTITUTIONS THEREOF; PENALTIES FOR FAILURE TO UTILIZE THE SAME:—Any contract exceeding Five Thousand Dollars in amount for the construction, alteration or repair of any public building of the State of Delaware, or any political subdivision thereof, shall be awarded to those bidders only whose bids are accompanied by a statement containing the names and addresses of the subcontractors whose services such bidder intends to use in performing the work.

It shall be unlawful for any such bidder to list himself, itself or themselves, as the case may be, in any such accompanying statement as the subcontractor of any part of such public work unless such bidder, in addition to being licensed as general contractor of the State, shall also be recognized in the trade and licensed by the State as a subcontractor in and for any such part or parts of such public work so listed in such accompanying

statement. Further, it shall be unlawful for the State, or any officer, agency, department or political subdivision thereof, to accept any bid or award any contract for any such public work unto any such bidder, as the general contractor, in the event any such bidder shall have listed himself, itself or themselves, as the case may be, as the subcontractor of any specialty work required to complete such public work, such as plumbing, electrical, wiring, heating, roofing, insulating, weather stripping, masonry, brick laying, plastering, or any other specialty work, unless it shall have been established to the satisfaction of the officer, agency, department or political subdivision of the State charged with the letting of such public work (a) that such bidder has customarily performed such specialty work by artisans regularly employed by such bidder in his, its or their organization; (b) that such bidder is duly licensed by the State to engage therein; and (c) that such bidder is recognized in the trade as a bona fide subcontractor in such specialty work.

After the contract for any such public work has been let unto any such bidder, thereafter it shall be unlawful for said bidder to substitute another sub-contractor for any subcontractor whose name is set forth in said bidder's accompanying statement, aforesaid, without the written consent and permission so to do having theretofore been given by the officer, agency, department or political subdivision of the State under whose jurisdiction such public work is being performed. No such express consent and permission so to do shall be given unless it shall be established to the satisfaction of such officer, agency, department or political subdivision, as the case may be, in good faith, that the subcontractor in question whose name is listed in the bidder's accompanying statement has defaulted in their performance of the part or parts of the work covered by his, its or their subcontract, or is no longer engaged in such business.

All such contracts shall contain a provision for withholding from, or requiring the payment by, the general contractor of such penalties as shall be provided for therein for the failure to utilize any or all subcontractors set forth in the bidder's accompanying statement, aforesaid, in the performance of the public work contemplated by such contract. Any sums so withheld from or paid by the contractor for any such failure or failures may be

remitted or refunded, in whole or in part, by the officer, agency, department or political subdivision of the State, as the case may be, charged with the letting of such public work, but only in the event it is established to the satisfaction of such officer, agency, department or political subdivision, in good faith, that the sub-contractor in question has defaulted or is no longer engaged in such business, as aforesaid.

Section 2. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed to the extent of any such inconsistency only.

Approved June 5, 1951.

CHAPTER 321

NEW CASTLE COUNTY LEVY COURT

ZONING

AN ACT GRANTING THE LEVY COURT OF NEW CASTLE COUNTY AUTHORITY TO ADOPT ZONING REGULATIONS.

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

Section 1. GRANT OF POWER:—The Levy Court of New Castle County is hereby empowered, in accordance with the conditions and procedure specified in the subsequent Sections of this Act, to regulate the location, height, bulk, and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, public activities, water supply conservation, soil conservation, or other similar purposes, in any portion or portions of New Castle County which lie outside of incorporated municipalities; provided that the territory lying within incorporated municipalities shall be included upon request made by the governing body or authority thereof.

Section 2. ZONING PLAN AND REGULATIONS:—For any or all of the purposes specified in Section 1 of this Act the Levy Court may divide the territory of New Castle County into districts or zones of such number, shape, or area as it may determine, and within such districts, or any of them, may regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts. The Levy Court shall provide for the manner in which regulations shall be enforced and shall designate the administrator of said regulations and the administrator so designated shall have authority to act as such throughout said County.

Section 3. PURPOSES IN VIEW:—Regulations adopted by the Levy Court of New Castle County, pursuant to the provisions of this Act, shall be designated and adopted for the purpose of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the State of Delaware, including, amongst other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, fostering the State's agricultural and other industries, and the protection of both urban and non-urban development.

The regulations shall be made with reasonable consideration, among other things, of the character of the particular district involved, its peculiar suitability for particular uses, the conservation of property values and natural resources and the general and appropriate trend and character of land, building and population development.

Section 4. ZONING COMMISSION:—In order to avail itself of the powers conferred by this Act, the Levy Court shall in June, 1951 appoint a permanent commission of five members, each of whom shall be a resident of New Castle County, outside the City of Wilmington or any other incorporated City or Town, which Commission shall be known as the New Castle County Zoning Commission. One of said members shall be appointed for a term of one year, one for two years, one for three years, one for four years, and one for five years. Thereafter all members shall be appointed for the term of five years. No more than three of the members of the said Commission shall be of the same political party. Members of the Regional Planning Commission, otherwise qualified, shall be eligible for appointment to the New Castle

County Zoning Commission. Any vacancy in the New Castle Zoning Commission shall be filled by the Levy Court.

Section 5. ASSISTANCE FROM AND COOPPERATION WITH OTHER AGENCIES; PERSONNEL:—The Zoning Commission is directed to make use of the expert advice and information which may be furnished by appropriate State, Federal, or other officials, departments and agencies and all officials, departments, and agencies within the State having information, maps, and data pertinent to County zoning are hereby authorized and directed to make the same available for the use of the Zoning Commission, as well as to furnish such other technical assistance and advice as they may have available for such purpose. The Zoning Commission may employ such experts, trained personnel, and staff as the funds provided therefor may permit. It shall be the duty of the said Levy Court to furnish the said Zoning Commission with appropriate office space and other facilities. The Levy Court may pay to the Regional Planning Commission of New Castle County for salaries and other expenses of the Zoning Commission an amount based upon a proportionate use of personnel and facilities of the Regional Planning Commission by the Zoning Commission.

Section 6. PREPARATION OF ZONING PLAN:—It shall be the duty of said Zoning Commission to make, as promptly as possible, for certification to the Levy Court, a zoning plan or plans, including both the full text of the zoning regulation or regulations and the maps and representing the recommendations of the said Zoning Commission for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, recreation, public activities, soil conservation, water supply conservation or other similar purposes.

When the efforts of said Commission shall have reached the stage of a tentative plan, the Commission shall hold at least one public hearing on each tentative plan to be separately submitted, notice of which hearing shall be published at least fifteen days

before the date of the hearing in a newspaper of general circulation in the County. The notice shall contain the time and place of hearing, and shall specify the place and times at which the tentative text and maps of the zoning regulations may be examined. For the purpose of any of its public hearing or hearings under this Act, the Commission shall have power to summon witnesses, administer oaths, and compel the giving of testimony.

Section 7. METHOD OF PROCEDURE BY LEVY COURT:
—After receiving the certification of a zoning plan from the Zoning Commission and before the adoption of any zoning regulations, the Levy Court shall hold a public hearing thereon, of the time and place of which at least thirty days' notice shall be given by one publication in a newspaper of general circulation in the County. Such notice shall state the place at which the text and maps as certified by the Zoning Commission may be examined. The Levy Court may conduct consultative hearings to aid it in determining the desirability of contemplated or recommended regulations. No change in or departure from text or maps, as certified by the Zoning Commission, shall be made unless such change or departure shall first be submitted to the Zoning Commission for its approval or disapproval or suggestions. The Zoning Commission shall have thirty days from and after such submission within which to send its report to the Levy Court, but the Levy Court shall not be bound by the report.

Section 8. CHANGES:—The Levy Court may, from time to time, make amendments, supplements, changes, modifications (herein called "changes") with respect to the number, shape, boundary or area of any district or districts, or any regulation of, or within, such district or districts, or any other provision of any zoning regulation or regulations, but no such changes shall be made or become effective until the same shall have been proposed by or be first submitted to the Zoning Commission. With respect to any proposed changes, the Zoning Commission shall hold at least one public hearing, notice of which hearing shall be published at least seven days before the date of the hearing in a newspaper of general circulation in the County. The notice shall contain the time and place of hearing, and shall specify the nature of the proposed change in a general way and shall specify the place and times at which the text and map relating to the proposed change may be examined. Unless such Zoning Com-

mission shall have transmitted its report upon the proposed changes within fifteen days after the submission thereof to it, the Levy Court shall be free to proceed to the adoption of the changes without further awaiting the receipt of the report of the Zoning Commission. In any event, the Levy Court shall not be bound by the report of the Zoning Commission. Before finally adopting any such changes, the Levy Court shall hold a public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the County.

Section 9. COOPERATION BETWEEN COUNTIES:—The New Castle County Zoning Commission may cooperate with other planning and zoning commissions within New Castle County and within other Counties and States, and with the planning, zoning, legislative and administrative authorities of incorporated or unincorporated municipalities, either within or without such County, with a view to coordinating and integrating the zoning of the County with the planning and zoning of other Counties or of municipalities. The said Zoning Commission shall also have power to appoint such committee or committees, and adopt such rules for the conduct of its business, as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions.

Section 10. THE BOARD OF ADJUSTMENT:—The Levy Court for New Castle County shall appoint a Board of Adjustment of three members. The members shall be appointed for a term of three years; provided that of the original members of said Board of Adjustment, one member shall be appointed for a term of one year; another member appointed for a term of two years; and another member appointed for a term of three years. The persons appointed to the Board of Adjustment shall be individuals with knowledge of and experience in dealing with problems of urban and rural development. At the time of appointment they shall not be candidates for, candidates elect for, or incumbents of an elective public office. Any member of the said Board may be removed for cause by the Levy Court upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of regular appointments. The Levy Court shall provide per diem compensation and provide for payment of necessary expenses for the members of the said

Board. It shall be the duty of the Levy Court to furnish the said Board with necessary office space and other facilities, and subject to the approval of the Levy Court, the said Board is hereby authorized to employ such secretarial and technical assistants as may be required to properly perform its functions.

The Levy Court shall provide and specify in its zoning or other regulations, general rules to govern the organization, procedure and jurisdiction of said Board of Adjustment, which rules shall not be inconsistent with this Act, and the Board of Adjustment may adopt supplemental rules of procedure not inconsistent with this Act or such general rules.

Section 11. APPEALS TO THE BOARD OF ADJUSTMENT:—Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning regulations. Appeals to the Board of Adjustment may be taken by any officer, department, board or bureau of the County affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning regulations. The time within which such appeal must be made, and the effect, form, or other procedure relating thereto, shall be as specified in the general rules provided by the said Levy Court to govern the procedure of such Board of Adjustment or in the supplemental rules of procedure adopted by such Board.

Upon appeals the Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning regulations.

- (2) To hear and decide, in accordance with the provisions of any such regulations, requests for special exceptions or for interpretation of the map or for decisions upon other special

questions upon which such Board is authorized by any such regulations to pass.

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning regulations.

Section 12. COURT REVIEW:—Any persons jointly or severally aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, board or bureau of the County may present to the Superior Court in and for New Castle County, a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such a petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the Court may allow a writ of certiorari, directed to the Board of Adjustment, to review such decision of the Board of Adjustment, and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the Court that testimony

is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 13. VIOLATIONS; ENFORCEMENT AND REMEDIES:—It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in or of any provision of, any zoning regulation, or any change thereof, enacted or adopted by the Levy Court under the authority of this Act. Any person, firm or corporation violating any such regulation, provision or change, or any provision of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00), or imprisoned not more than ten days, or both. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this Act or of any regulation or provision of any regulation, or change thereof, enacted or adopted by the Levy Court under the authority granted by this Act, the Levy Court, the attorney thereof or any owner of real estate within the district in which such building, structure or land is situated, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Section 14. NONCONFORMING USES:—The lawful use of a building or structure, or the lawful use of any land, as existing and lawful at the time of the enactment of a zoning regulation,

or in the case of a change of regulations, then at the time of such change, may, except as hereinafter provided, be continued although such use does not conform with the provisions of such regulations or change, and such use may be extended throughout the same building, provided no structural alteration of such building is proposed or made for the purpose of such extension. The Levy Court in any zoning regulations may permit the restoration, reconstruction, extension or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning regulations.

If the said County acquire title to any property by reason of tax delinquency and such properties be not redeemed as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning regulations of the County, or with any change of such regulations, equally applicable to other like properties within the district in which the property acquired by the County is located.

Section 15. LIST OF NONCONFORMING USES:—Immediately after the adoption of any zoning regulations or changes by the Levy Court, the said Zoning Commission shall prepare and publish a complete list of all nonconforming uses and occupations existing at the time of the adoption of said regulations or changes. Such list shall contain the names and addresses of the owner or owners of such nonconforming use and of any occupant, other than the owner, the legal description or descriptions of the land, and the nature and extent of land use. After any necessary corrections have been made under a procedure prescribed by the Levy Court, copies of such list shall, when approved by such body, be filed for record in the offices of the Zoning Commission, and of the Board of Adjustment, and shall be corrected yearly as the Levy Court may prescribe.

Section 16. FINANCES:—The Levy Court is empowered to appropriate out of the general county fund such moneys, otherwise unappropriated, as it may deem fit to finance the work of the said Zoning Commission and of the Board of Adjustment, and to enforce the zoning regulations and restrictions which are adopted, and to accept grants of money and service for these purposes, and other purposes, in accordance with this Act, from either private or public sources, State or Federal.

Section 17. CONFLICT WITH OTHER LAWS:—Whenever any regulations made under authority of this Act require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute or local regulation, the provisions of the regulations made under authority of this Act shall govern. Whenever the provisions of any other statute or local regulation, require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this Act, the provisions of such statute shall govern.

Approved June 5, 1951.

CHAPTER 322

STATE REVENUE

RESPECTING PENALTY FOR FAILURE OF MOTOR FUEL
DISTRIBUTOR TO REPORT TAXES**AN ACT AMENDING CHAPTER 6 OF THE REVISED CODE
OF DELAWARE, 1935, ENTITLED "STATE REVENUE,"
IN RESPECT OF THE PENALTY FOR FAILURE OF ANY
DISTRIBUTOR OF MOTOR FUEL TO REPORT OR PAY
TAXES PROMPTLY.**

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

Section 1. That Chapter 6 of the Revised Code of Delaware, 1935, be and the same hereby is amended by striking out the period at the end of 214. Sec. 180. thereof, substituting a colon therefor, and adding the following clauses thereto:

"Provided, (a) in the event any such report or payment be deposited in the United States Mail with postage prepaid in sufficient time to reach the State Highway Department in the ordinary course of such mails on or before the last calendar day of a given calendar month, or the next business day if the last calendar day thereof be a legal holiday, then in such event the same shall conclusively be deemed to have been duly and timely received by said Department on the last business day of such calendar month; and (b) in the event any such report and payment be filed and paid within five (5) business days after the time prescribed therefor by this Section, then in such event the penalty to be added thereto, as aforesaid, shall be but two per centum of the amount of the tax due, which penalty shall immediately accrue and thereafter the tax and such penalty shall bear interest until paid, as aforesaid."

Approved June 5, 1951.

CHAPTER 323

DOVER

CHANGING DATE OF LIEN OF TAXES

AN ACT TO AMEND CHAPTER 158 OF VOLUME 36 OF THE LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR," BY CHANGING THE DATE OF THE LIEN OF TAXES ASSESSED BY 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 Chapter 158 of Volume 36 of the Laws of Delaware (1929) be and the same is hereby amended by striking out the last paragraph of Section 49 of said Chapter, as amended by Chapter 99, of Volume 38 of the Laws of Delaware (1933), and inserting in lieu thereof the following paragraph:

The provisions of Article 6 of Chapter 79 of the Revised Code of Delaware, 1935, shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Act, except that the lien for the City or municipal taxes as prescribed in Article 6 of Chapter 79 of the Revised Code of Delaware, 1935, shall remain a lien for a period of three years from the first day of July of the year in which such tax shall have been imposed and no longer.

Approved June 5, 1951.

CHAPTER 324

STATE REVENUE

RELATING TO COIN OPERATED AMUSEMENT AND MUSICAL
MACHINES

**AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE
OF DELAWARE, 1935, ENTITLED "STATE REVENUE,"
AS AMENDED RELATING TO COIN OPERATED AMUSE-
MENT AND MUSICAL MACHINES.**

*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 13, Volume 45, Laws of Delaware, be and the same is hereby further amended by striking out all of Paragraph (c) in Section 2 of said Chapter 13, Volume 45, Laws of Delaware, and inserting in lieu thereof a new paragraph to be known as Paragraph (c), as follows:

(c) Music Machine Owner embracing every person engaged in the business of owning and operating either on his own account or by his agent, or by lease to another from such person or his agent, certain mechanical devices hereinbefore referred to for furnishing to the public, music by the playing of records or transcriptions and shall pay a fee for a license at the rate of Ten Dollars (\$10.00) for each machine so owned and operated, for the operation of which a five cent coin is required for the playing of each record or transcription, and shall pay a fee for a license at the rate of Twenty Dollars (\$20.00) for each machine for the operation of which a ten cent coin is required for the playing of each record or transcription.

Approved June 5, 1951.

CHAPTER 325

LAUREL

PROVIDING FOR CONNECTION TO WATER AND SEWER MAINS

**AN ACT AUTHORIZING MAYOR AND COUNCIL OF LAUREL
TO PROVIDE BY ORDINANCE FOR THE CONNECTION
OF PROPERTIES IN THE TOWN OF LAUREL WITH
THE WATER AND SEWER MAINS OF THE TOWN, AND
FOR THE COLLECTION OF THE COSTS, EXPENSES
AND PENALTIES FOR NON-COMPLIANCE, AND FOR
THE ESTABLISHMENT OF LIENS AGAINST SAID
PROPERTIES.**

*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. Mayor and Council of Laurel is authorized and empowered by Ordinance duly enacted to compel the connection of properties in the Town of Laurel with the water and sewer mains of the Town; to enforce compliance with the provisions of the Ordinance by the imposition of costs and penalties for non-compliance; to sue for and collect from the owner of any property the cost and expense of making connection in case the owner shall refuse or neglect to have such connection made, and any penalty imposed; and to establish as a lien against the property the cost and expense incident to the work necessary to be done in making connection, together with any penalty imposed.

Approved June 5, 1951.

CHAPTER 326

LAUREL

RELATING TO MEMBERS-AT-LARGE OF TOWN COUNCIL

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
LAUREL AS ESTABLISHED BY CHAPTER 164, VOL-
UME 29, LAWS OF DELAWARE, AND AS AMENDED BY
CHAPTER 65, VOLUME 47, LAWS OF DELAWARE, IN
REFERENCE TO MEMBERS-AT-LARGE OF THE TOWN
COUNCIL.**

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

Section 1. That Section 1. of Chapter 65, Volume 47, Laws of Delaware, be amended by adding to the Section designated as Section 7. of said Chapter the following:

And provided further, that if more than one person residing in the same Ward of the Town shall become candidates for the office of councilman-at-large, the qualified voters of the Town shall be entitled to vote for only one of the candidates, so that no one Ward of the Town shall be represented by more than two councilmen. The number or numbers of the Ward in which the said candidates shall live shall be designated on the ballots, which shall contain a direction, plainly printed, to vote for one of the candidates only, and also a proper direction to indicate the choice of the voters. A ballot containing the names of more than one of said candidates as having been voted for, for said office shall not be counted for either of said candidates for councilman-at-large.

Approved June 5, 1951.

CHAPTER 327

AUTHORIZING NEW MORTGAGE INDICES IN KENT COUNTY

AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN AND FOR KENT COUNTY TO MAKE NEW INDICES FOR MORTGAGES.

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

Section 1. That the Recorder of Deeds in and for Kent County be and he is hereby authorized and required to make, or cause to be made, pursuant to the Campbell System of Indices, complete indices, both mortgagor and mortgagee, of all the unsatisfied mortgages recorded in his office. In making said indices, the record of said mortgagees shall be examined to ascertain the satisfaction of all mortgages. The Recorder of Deeds is authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of 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 (2) commissioners, who shall examine said indices after the said Recorder of Deeds shall have completed the same and if they approve the correctness of said indices, they shall certify their approval on each record thereof and upon said certification said indices shall become and be the indices of all the unsatisfied mortgages in said County as the same are of record in the office of said Recorder of Deeds.

Section 3. That the said Recorder of Deeds shall receive for his services in making said indices a just and reasonable compensation to be determined and paid by the Levy Court of Kent County upon having filed with it the certification of said commissioners of their approval of said indices. The Recorder of Deeds is also authorized to employ necessary clerical assistance as 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 by and paid by the Levy Court of Kent County.

Approved June 5, 1951.

CHAPTER 328

APPROPRIATION

LIBRARY COMMISSION

AN ACT APPROPRIATING CERTAIN MONIES TO THE LIBRARY COMMISSION FOR THE STATE OF DELAWARE FOR THE OPERATION AND MAINTENANCE OF A BOOK-MOBILE, AND FOR THE SALARY OF AN OPERATOR-LIBRARIAN THEREOF.

WHEREAS, a citizen of Delaware, interested in the work of the State Library Commission of Delaware, has offered to purchase and present to the said State Library Commission a new Book-mobile at a cost of approximately Seven Thousand Dollars (\$7,000.00) for the purpose of making available the services of the said State Library Commission to portions of the State, not at present receiving such services, providing the State of Delaware makes provision to service, operate and maintain the Book-mobile so purchased and presented: 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 Twelve Thousand Dollars (\$12,000.00) be and the same is hereby appropriated to the Library Commission for the State of Delaware for the operation and maintenance of said Book-mobile and for the salary of an operator-librarian thereof.

Section 2. That of the amount hereby appropriated the sum of Six Thousand Dollars (\$6,000.00) shall be available to the Library Commission for the State of Delaware for the fiscal year beginning July 1, 1951 and ending June 30, 1952, and the sum of Six Thousand Dollars (\$6,000.00) shall be available to the said Commission for the fiscal year beginning July 1, 1952 and ending June 30, 1953 as follows:

	Year ending June 30,	
	1952	1953
Salaries	\$3,600.00	\$3,600.00
Additional books	2,000.00	2,000.00
Operation and maintenance....	400.00	400.00
	<hr/>	<hr/>
	\$6,000.00	\$6,000.00

Section 3. This Act 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 from funds not otherwise appropriated.

Approved June 5, 1951.

CHAPTER 329

SMYRNA

AN ACT TO AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, 1929, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA" BY AUTHORIZING THE TOWN OF SMYRNA TO ACQUIRE SUCH LANDS REQUIRED FOR SEWAGE DISPOSAL PLANT, ELECTRICAL SUB-STATION AND FOR ANY OTHER PURPOSE DESIRABLE FOR ANY MUNICIPAL SERVICES AND THE WELFARE OF THE CITIZENS OF THE TOWN OF SMYRNA, WITHOUT ITS CORPORATE LIMITS.

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

Section 1. That Chapter 192, Volume 36, Laws of Delaware, 1929, be amended by adding to Section 2. thereof a new paragraph at the end of present Section 2. which said new paragraph shall read as follows:—THE TOWN OF SMYRNA shall have the right and power to acquire in the name of THE TOWN OF SMYRNA such parcel or parcels of land, with or without improvements erected thereon, situated without the present corporate limits of THE TOWN OF SMYRNA at such location or locations and at such time or times hereafter as the Mayor and Council of THE TOWN OF SMYRNA may from time to time by resolution deem to be necessary or desirable for the establishment of sewage disposal plant and any sewage lines or other appurtenants thereto, and/or for the establishment of a sub-station or sub-stations in connection with the municipal electrical distribution system of THE TOWN OF SMYRNA and also any other buildings or improvements deemed necessary or desirable to be erected or acquired by resolution of the said Mayor and Council in connection with said electrical distribution system, and/or any parcel or parcels of land deemed necessary or desirable by resolution of the Mayor and Council for the improvement and/or extension of the water and/or sewer systems of the said THE

TOWN OF SMYRNA, and/or extension of the streets of THE TOWN OF SMYRNA, and also to acquire such other parcel or parcels of land as the Mayor and Council by resolution may hereafter deem necessary or desirable to protect the health of the citizens of said Town, to properly furnish adequate municipal services to the citizens of said Town and those certain persons residing in such proximity to but beyond the corporate limits of THE TOWN OF SMYRNA who can be furnished with such municipal services, in the discretion of the Mayor and Council, to the mutual benefit and advantage of THE TOWN OF SMYRNA and of such non-residents thereof, and also to acquire such parcel or parcels of land as the Mayor and Council by resolution may hereafter deem necessary or desirable as extension of or as separate facility to the bathing beach and other part or recreational facilities now or hereafter provided by the said THE TOWN OF SMYRNA. That the Mayor and Council shall have the right to acquire such parcel of land and premises by private negotiation and purchase and that the same shall be paid for and may be developed and improvements erected thereon from the general fund of THE TOWN OF SMYRNA and/or from the proceeds of any bond issue which may be authorized and sold for any of the purposes for which lands and premises are authorized by this Act to be acquired. That the Mayor and Council by resolution may do such other act or thing incidental, necessary or useful in connection with any of the matters in this Act duly authorized.

Approved June 5, 1951.

CHAPTER 330

SMYRNA

AN ACT AUTHORIZING "THE TOWN OF SMYRNA" TO BORROW NOT IN EXCESS OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF ESTABLISHING A SEWAGE DISPOSAL PLANT AND OF EXTENSION AND IMPROVEMENT OF THE WATER AND SEWER SYSTEMS, THE ELECTRICAL DISTRIBUTION SYSTEM AND THE STREETS OF THE TOWN OF SMYRNA.

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

Section 1. That The Town of Smyrna, a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of The Town of Smyrna a sum of money not in excess of Two Hundred and Fifty Thousand Dollars (\$250,000) for the purpose of establishing a sewage disposal plant and of extension and improvement of the water and sewer systems, the electrical distribution systems and the streets of The Town of Smyrna.

Section 2. That the Mayor and Council of The Town of Smyrna, for any one or more of the purposes set forth in Section 1. of this Act, shall have full power and authority to issue bonds of The Town of Smyrna to an amount not exceeding in the aggregate the sum of Two Hundred and Fifty Thousand Dollars (\$250,000) and that said bonds shall be known as Smyrna Sewage Disposal Plant, and/or Water and Sewer, and/or Electrical and/or Street Bonds, Series of 195___, the year in which the bonds are issued, the title of said bonds to state therein the purpose or purposes for which they are issued, but omitting from the title of said bonds any of the said authorized purpose or purposes for which the Mayor and Council decide not to issue any of said bonds.

Section 3. That the said bonds shall be issued in one or more series, shall bear interest date or dates, shall mature at such time or times, not exceeding twenty-five (25) years from their respective dates, shall bear interest at such rate or rates not exceeding four per centum per annum, shall be payable at such time or times and at such place or places and shall be in such denominations and shall contain such other provisions all as the Mayor and Council of The Town of Smyrna may duly provide by resolution and as shall be set forth in the said bonds.

The said bonds may be or may not be coupon bonds and may be registered or not registered as the Mayor and Council shall deem advisable. The bonds may be issued in serial form and with or without callable provision or provisions at par and at accrued interest, at such interest date or dates and upon the expiration of such period or periods of time thereafter, as the Mayor and Council may by resolution provided and as shall be set forth in the bonds and if the bonds contain any callable provision, the redemption shall be made upon such notice and in such manner and at such time or times as the Mayor and Council shall provide by resolution and as shall be set forth in the bonds. Interest on all bonds shall cease from the redemption date or the maturity date, as the case may be, and all other details and provisions of the bonds shall be as provided by resolution of the Mayor and Council and as set forth in the bonds.

Section 4. That the Mayor and Council of The Town of Smyrna shall direct and effect the preparation and sale of the bonds which are authorized by this Act, at such time or times, at such price or prices, not less than par, and upon such terms as the Mayor and Council shall deem advisable and provide by resolution, and the moneys arising from the sale of such bonds shall be used for the carrying out of any one or more of the purposes for which the said bonds are issued, provided that the expenses of the bond issue may be paid from the moneys arising from the sale of the bonds.

Section 5. That the form of said bonds and the form of any coupons which may be attached thereto shall be as prescribed by resolution of the Mayor and Council and all such bonds shall be signed by the Mayor of The Town of Smyrna and

by the Treasurer of The Town of Smyrna and shall be sealed with the corporate seal of the said municipal corporation and the said bonds shall be exempt from all state, county and municipal taxation. As the said bonds, and any coupons thereto originally attached, shall be paid, the same shall be cancelled as the Mayor and Council may direct. Facsimile signatures of the Mayor of The Town of Smyrna and of the Treasurer of The Town of Smyrna may be imprinted upon any and all coupons that may be attached to the bonds, in lieu of the signatures of the said Mayor and of said Treasurer in their own original handwriting, but the bonds shall each be signed by the said Mayor and the said Treasurer in their own original handwriting.

Section 6. That the Mayor and Council of The Town of Smyrna are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest on said bonds while all or any of said bonds remain unpaid, and also 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 Mayor or Council may at their discretion authorize for the redemption of the said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise pay and redeem any or all of said bonds at or before their maturity, in accordance with the terms of said bonds. Taxes for interest on said bonds and for the payment of said bonds shall be levied and raised as taxes for general municipal purposes in the said Town are levied and raised, and shall be in addition to the taxes levied and raised for any and all other 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 in different series as the Mayor and Council may from time to time determine, and authority to issue and sell 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 Two Hundred and Fifty Thousand Dollars (\$250,000). However the authority to issue bonds under this Act shall terminate on December 31, 1952 and if any part of the bonds so authorized by this Act have not actually been issued by December 31, 1952, then all authority to issue the remaining bonds so authorized by this Act shall cease. The bonds authorized to be issued under this Act shall

be in addition to all present existing and outstanding bonds of The Town of Smyrna and also in addition to any bonds which may hereafter be issued as a refunding of any or all of the present outstanding bonds of The Town of Smyrna.

Section 8. That the faith and credit of The Town of Smyrna are hereby pledged for the due payment of the interest and of the bonds that may be issued under the provisions of this Act.

Section 9. That before any bonds shall be issued under the provisions of this Act, the said bond issue shall be approved by a referendum vote of the qualified voters of The Town of Smyrna. Notice of the holding of such referendum election shall be authorized by resolution of the Mayor and Council, published once a week for at least three consecutive weeks in a newspaper published in The Town of Smyrna, and if there be none such then in a newspaper published elsewhere in Kent County, Delaware. Such notice shall set out in summary form the amount and the purpose or purposes of such bond issue, the date and place of the holding of such referendum election and the hours the polls will be open, and the polls shall be open at least five (5) hours.

At such referendum election every resident and also every non-resident taxable of said Town, of the age of twenty-one years or upwards, who has by the time of voting paid all town taxes theretofore assessed to him, and/or assessed against the property he owns at the time of the referendum election, shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar, of taxes paid by him according to the last town assessment and tax payment records preceding the referendum election. 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 the Town assessment and tax records.

In cases of jointly owned property, the votes of the owners of shares or interests therein shall be in accordance with their respective shares or interests, or if all owners of a property appear at the polls and so consent, all of the votes may be cast by the owner of any share or interest therein, except that the spouse first voting may cast all the votes in reference to property held by husband and wife, as tenants by the entirety. If both

husband and wife, holding property as tenants by the entirety, present themselves to vote at the same time, each shall have the right to vote one-half of the votes to which they are entitled as the joint owners of such property. Life tenants shall have the entire vote as to the property so held by them for life, and holders of remainder or other like interests only shall have no vote by reason thereof.

The Mayor and Council shall provide sufficient official ballots which shall have printed thereon "FOR BOND ISSUE" and "AGAINST BOND ISSUE." Each voter shall indicate his preference by making a clearly legible mark by pencil or in ink opposite the words showing his preference, or by merely striking out the alternative to which he is opposed, or 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 a ballot, except the number of votes noted thereon by the Judge, shall render such ballot void. No voting by proxy shall be permitted.

The Mayor and Council shall, prior to the date of the referendum, appoint one Judge and two tellers to pass upon the qualifications and number of votes of each voter and to conduct the referendum election, and a majority of the election officers so appointed who are 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 to which any voter is entitled. The Mayor and Council, prior to the date of the referendum election, shall designate either the Town Manager or other town employee familiar with the Town assessment and tax payment records to be present during the entire period of the election with the last Town assessment and tax payment records for the inspection of the election officers. The referendum election shall be held no sooner than thirty days after the approval of this Act by the Governor and may be held at such time thereafter as the Mayor and Council shall designate after first determining the need and extent of the present and probable future municipal requirements and after having first obtained such estimates of the probable cost of the same as the Mayor and Council deem necessary for their guidance.

The referendum election shall be held at such suitable place in the said Town as the Mayor and Council shall designate in

such published note and the hours of the opening and closing of the polls may be so advertised either as Eastern Standard Time or as Daylight Saving Time, whichever may be in general use in the said Town as of the date selected for such referendum election. The Judge of the election shall, in the case of a tie vote on the bond issue, cast the deciding ballot, otherwise such Judge of the election shall refrain from voting, but the election tellers may vote. The Mayor and Council may also appoint two or more clerks to assist the Judge and tellers. The election teller shall keep a separate tally sheet and their tally sheet shall be compared and must agree as to the total votes cast "FOR THE BOND ISSUE" and the total votes cast "AGAINST THE BOND ISSUE" and any difference between such tally sheets shall be resolved by the Judge of the election. Both tally sheets shall then be certified and signed as correct by at least two of the election officers and shall be delivered to the Mayor, or if he not be available, to the Secretary of Council, or if he also not be available, to any other member of the Council immediately following the counting of the ballots, the comparison of the tally sheets and the certification that the same are in agreement.

The Mayor and Council shall at the next regular meeting after the election, or at a special meeting at the discretion of the Mayor and Council, duly receive the result of the referendum election and shall make such result a part of the minutes of such regular or special meeting, whereupon if a majority of the votes cast were "FOR THE BOND ISSUE" this Act thereupon immediately shall become effective and the bonds herein provided may be issued and sold as in this Act provided, providing no bond shall be issued after December 31, 1952 under the authority of this Act, but if at such referendum election the majority of the votes cast were "AGAINST THE BOND ISSUE," then no bonds shall be issued nor shall any money be borrowed under the authority of this Act.

Section 10. That a statement appearing in the bonds, which may be issued lawfully under the provision 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 of said bonds that the terms and conditions of this Act have been fully met and complied with.

Approved June 5, 1951.

CHAPTER 331

LEVY COURTS

AUTHORIZED TO ISSUE BONDS FOR PURPOSE OF INSTALLING
FIRE HYDRANTS AND WATER MAINS IN CERTAIN SUBURBAN
COMMUNITIES

**AN ACT TO AUTHORIZE LEVY COURTS TO ISSUE BONDS
FOR THE PURPOSE OF INSTALLING FIRE HYDRANTS
TOGETHER WITH ADEQUATE WATER MAINS IN SUB-
URBAN COMMUNITIES UNDER CERTAIN CONDI-
TIONS; PROVIDING FOR TIME AND MANNER OF
ELECTIONS IN CONNECTION THEREWITH; DEFINING
"SUBURBAN COMMUNITIES"; PROVIDING FOR PETI-
TION REQUESTING FIRE HYDRANTS; DIRECTING
LEVY COURTS AND COUNTY ENGINEERS TO PER-
FORM CERTAIN DUTIES IN CONNECTION WITH SUR-
VEYS, PLOTS, HOLDING OF ELECTIONS; PROVIDING
FOR ASSESSMENTS AGAINST PROPERTIES ENJOYING
FIRE PROTECTION AS A RESULT OF INSTALLATION;
THE MANNER OF DETERMINING THE AMOUNT
THEREOF, AND COLLECTION OF SAME; PROVIDING
FOR THE DETERMINATION OF COST OF THE IM-
PROVEMENTS; PROVIDING THE AMOUNT, MATURITY,
INTEREST RATE AND FORMS OF BONDS TO BE IS-
SUED BY THE LEVY COURTS; PROVIDING FOR THE
SALE OF BONDS AND THE DISPOSITION AND THE
USE OF THE PROCEEDS THEREOF; PROVIDING FOR
AWARDING OF CONTRACTS AND APPROVAL OF PAY-
MENTS THEREUNDER; PROVIDING FOR RECORD TO
BE KEPT OF ASSESSMENTS; MAKING ASSESSMENTS
SPECIAL LIENS, AND PROVIDING FOR NOTICE
THEREOF; AUTHORIZING COLLECTOR OF TAXES TO
COLLECT DELINQUENT ASSESSMENTS; PROVIDING
FOR RETIREMENT OF BONDS AND PAYMENT OF IN-
TEREST THEREON; PROVIDING FOR DISPOSITION OF
SURPLUS FUNDS; AUTHORIZING LEVY COURTS TO
ADOPT PROCEDURE IN RESPECT TO CANCELLING
BONDS; PROVIDING THAT THE FULL FAITH AND
CREDIT OF THE COUNTIES SHALL BE PLEDGED TO
INSURE PAYMENT OF BONDS; AND PROVIDING THAT**

**ALL EXISTING ACTS IN CONFLICT WITH THIS ACT
SHALL BE REPEALED.**

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

Section 1. LEVY COURT AUTHORIZED TO ISSUE BONDS; THE AMOUNT, TYPE AND MATURITY THEREOF; WHEN MAY BE REDEEMED:—In order to carry out the provisions of this Act, the Levy Court of any county of this State is hereby authorized and empowered to issue bonds in an amount or amounts, and under such terms and conditions, not inconsistent with this Act, as may be determined by said Court; said bonds shall mature not later than twenty years after the date of issue, shall not bear interest in excess of three per cent, and the income therefrom shall not be subject to State taxation. Said bonds shall be non-registered, coupon bonds; providing, however, that any holder thereof, within ten days of acquiring ownership may make written demand upon the branch of the Farmers' Bank of the State of Delaware in the county in which said bonds are issued that his bonds be registered as to principal and interest. Said bonds may, at the discretion of the said Levy Court, be redeemable at par plus accrued interest at any interest rate.

Section 2. "SUBURBAN COMMUNITY," MEANING THEREOF:—A suburban community within the meaning of this Act is any unincorporated community within the State of Delaware (a) containing at least ten dwelling houses, (b) whose streets aggregate a minimum of five hundred linear feet of road surfacing, (c) which, in the opinion of the Levy Court is so situated as to form a unit which is reasonably and economically capable of being improved by the installation of fire hydrants and if necessary adequate water mains to serve such hydrants.

Wherever in this Act the words "Levy Court" are used, they shall be construed to mean the Levy Court of the county in which said suburban community is situated.

Wherever in the Act the words "Clerk of the Levy Court" are used, they shall be so construed to mean the Clerk of the

Peace of the county in which said suburban community is situated.

Section 3. PETITION TO LEVY COURT, CONTENTS THEREOF:—The freeholders of a suburban community owning fifty per cent or more of the front footage of property to be protected by the contemplated installation of fire hydrants and necessary water mains may present a petition to the Levy Court which said petition shall set forth (a) that in the opinion of the signers of said petition, said suburban community shall be improved by the installation of fire hydrants with adequate water mains; and (b) requesting the Levy Court to proceed in accordance with the provisions of this Act to issue bonds to provide the money for said improvements. Each and every such petition when and as presented as hereinabove provided shall have attached thereto as a part thereof a drawing showing the street layout, placement of fire hydrants and water mains and boundaries of the area to be protected by the installation thereof; a list of the names and post office addresses of all freeholders in said suburban 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; a proposal or suggested contract or contracts, including plans, specifications and estimates of cost of the contemplated improvements and a provision for service charges, if any, to the residents of such suburban community as tentatively accepted, approved or agreed to by the petitioners and the owners or operators of the local water distribution system chosen to install said improvements or their agents.

Section 4. LEVY COURT TO DETERMINE IF COMMUNITY IS "SUBURBAN COMMUNITY"; TIME FOR DETERMINATION:—Within fifteen days after receipt by the Levy Court of the petition provided in Section 3 hereof the Levy Court shall meet and determine whether said community is a suburban community as provided by this Act.

Section 5. COUNTY ENGINEER TO REVIEW AND APPROVE PLANS AND PROPOSALS OF PETITIONERS:—Immediately after the determination by the Levy Court that the community in question complies with all the requirements set out in Paragraphs (a), (b) and (c) of Section 2 hereof, the Levy

Court shall notify the County Engineer; who, upon receipt of such information, shall promptly review the plans and proposals submitted by the petitioners and the owners or operators of the local water distribution system chosen to install said improvements, and notify the Levy Court of his approval or disapproval thereof.

Section 6. 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 receipt of approval from the County Engineer, as provided in Section 5 hereof, 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 herein-after 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 receipt of said approval from the County Engineer. 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 owned by each freeholder to be protected by 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 7. 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 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 improve-

ments contemplated. The notice shall also set forth the total cost of the improvement or improvements as determined by Section 11 hereof; said notice shall also state the total amount of such bond issue and a clear and concise description of the improvements contemplated, together with the estimated cost of the improvements.

Section 8. PLACE AND TIME OF HOLDING ELECTION; MANNER OF VOTING; EXCEPTION TO VOTING RIGHTS; RULES IN RESPECT TO VOTING BY CERTAIN OWNERS:—

The election shall be held in the Levy Court Room in the county in which said suburban community is situated, and the polls shall be open from nine o'clock A.M. to six o'clock P.M. of the day of said election. 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 improvements contemplated. The Clerk of the Levy Court shall act as Judge of the election, and the voting list theretofore prepared by him 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 community subsequent to the preparation of the survey and plot made by said County Engineer 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 Judge of Election with the original or a 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 community who has died since the preparation of said voting list, or as trustee or guardian under the terms of the last will and testament of any such freeholder (who has died in said community since the preparation of said voting list) shall furnish the Judge of Election with the original or certified copy of the will or other document evidencing his ownership of, or interest in, the property of any such freeholder, and shall thereupon be entitled to vote in the place and stead of such deceased freeholder.

C. Wherever the property of such deceased freeholder in said suburban community 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 claiming 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 tenants or tenants in common shall determine the manner in which the vote shall be cast.

4. The vote of any life tenant shall be accepted over the person having a reversionary interest in said property in said suburban community.

Section 9. TABULATING VOTES; CERTIFICATE SHOWING RESULTS; TIME FOR RETAINING BALLOTS:—Promptly after the holding of the election, the Judge of Election shall tabulate the ballots and certify the results to the Levy Court under his hand and seal. The ballots shall be retained in the safekeeping of said Levy Court for one year before being destroyed.

Section 10. COUNTY ENGINEER TO BE NOTIFIED OF IMPROVEMENTS AUTHORIZED:—If the certificate of the Judge of Election reveals that a majority of the votes cast at said election is in favor of the issuance of bonds by the Levy Court to cover the cost of improvement or improvements contemplated, the Levy Court shall promptly notify, in writing, the County Engineer.

Section 11. ISSUANCE OF BONDS BY THE LEVY COURT; TERMS AND CONDITIONS THEREOF; USE OF GENERAL FUNDS OF LEVY COURT:—Provided the vote of the community is in the affirmative, the Levy Court shall promptly meet and by resolution authorize the issuance of bonds, except as hereinafter specifically provided, to defray the ex-

penses of the improvement or improvements favored by the freeholders of said community. Said resolution shall also state the total amount of said bond issue which said amount shall be determined from an estimate submitted to the Levy Court by the County Engineer and said amount may be in the amount of said estimate and up to ten per cent thereover, the purposes for the issue, the date of maturity, or that the bonds shall mature serially or be retired by lot, as the case may be, and all other terms and conditions under which said bonds are to be issued. Said Levy Court, before deciding upon the terms and conditions of said bond issue, shall seek the advice of at least two substantial bankers or brokers in Delaware accustomed to deal in municipal, county or state bond issues. In the event that the estimate or estimates from the County Engineer, as hereinabove provided, after making provision for ten per cent over and above estimated costs is or are less than Twenty Thousand Dollars, the Levy Court may use monies in its own general fund to defray costs of the improvements.

Section 12. PREPARATION OF BONDS; FORM THEREOF; SIGNATURES AND SEAL REQUIRED THEREON:—The said Levy Court shall direct and effect the preparation and printing of the bonds authorized by this Act, 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.

Section 13. SALE OF BONDS; BY WHOM; ADVERTISING REQUIRED:—The Levy Court shall negotiate the sale and delivery of said bonds, and the proceeds of the sale of said bonds shall be paid into the treasury of said Levy Court, to be used for the purposes provided in this Act; provided, however, any excess received from the sale of said bonds beyond the cost of the project shall immediately be transferred to the Special Sinking Fund created in Section 26 hereof. The Levy Court is hereby required and directed to advertise said bonds for sale in at least two issues

each of two newspapers, 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.

Section 14. REQUIREMENTS FOR BIDDING ON BONDS:

—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 ten per cent (10%) 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.

Section 15. REJECTION OF BIDS; OPINION REQUIRED:

—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 were validly issued in accordance with the provisions of this Act.

Section 16. CONTRACTS FOR IMPROVEMENTS; PRACTICE TO BE FOLLOWED:—Immediately upon consummation of the sale of said bond issue, the Levy Court shall proceed to enter into a contract or contracts for the required improvements with the owners or operators of the local water distribution system chosen to install said improvements or their agents, which contract or contracts shall be substantially in accordance with the proposal or suggested contracts originally submitted by the petitioners in accordance with Section 3 hereof, and which contract or contracts need not be let upon a competitive bid basis. The Levy Court may, at its discretion, request a statement of financial condition or such other evidence of financial responsibility as it shall deem appropriate, from the owners or operators of said local water distribution system or their agents.

Section 17. PAYMENT; APPROVAL BY COUNTY ENGINEER; UPON COMPLETION, IMPROVEMENTS TO BECOME PART OF THE WATER SYSTEM SERVING THE COMMUNITY; RESPONSIBILITY FOR MAINTENANCE THEREOF:—The Levy Court shall withhold ten per cent of all payments made under the terms of said contracts until final certification by the County Engineer that the work has been satisfactorily completed, in compliance with the terms of the contract.

Upon the certification by the County Engineer that the improvement or improvements have been satisfactorily completed, said improvement or improvements shall be incorporated into the water system serving the community, in accordance with the terms of the contract or contracts which shall provide that the owners or operators of said water system shall be responsible for the operation and maintenance of said improvement or improvements and that the Levy Court shall in no way be responsible for the operation or maintenance of said improvement or improvements.

Section 18. 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 County Engineer 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 within the area to be protected by the improvements, shall equitably bear its pro rata share of the costs of said improvement or improvements. In cases of irregular corner properties the County Engineer shall determine the footage in the area to be protected that shall be considered as front footage. 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 11, 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 26.

Section 19. LEVY COURT TO OBTAIN ADVICE AS TO APPORTIONING TOTAL ASSESSMENT; ASSESSMENT TO BE A LIEN; PAYMENT THEREOF; TO WHOM:—Promptly thereafter, said Levy Court shall seek the advice of at least two responsible brokers or bankers in the State of Delaware accustomed to dealing in municipal, school or county bond issues as to what proportion of his total assessment, or levy, shall be paid annually by each freeholder in said suburban community until the maturity of the bond issue, bearing in mind the terms and conditions of the particular issue, and whether all the bonds mature on the same day or are to be retired serially or by lot, as the case may be.

Having determined upon such proportionate annual amount of payment as will adequately insure the payment of the principal and interest upon said bonds, said Levy Court shall meet, and by resolution, declare the amount of the assessment, or levy, against the property of each freeholder a lien and fix the proportionate amount of the assessment, or levy, against each such property or properties to be paid annually by each freeholder. Any freeholder may at any time pay to the Receiver of Taxes of the county in which said suburban community is located, the full principal amount of the special lien placed against the property or properties together with accrued interest thereon to the next succeeding interest date.

Section 20. PREPARATION OF LIEN BOOK; BY WHOM; WHAT SAME SHALL INCLUDE:—Within thirty days after

the passage of said resolution, said Levy Court shall prepare in triplicate books, a list of the names of each freeholder in said suburban community, the amount of foot frontage of each said freeholder abutting on the improvement or improvements so contemplated, the total amount of the special assessment, or levy, in dollars against the property of each said freeholder, and the proportionate annual amount of payment of said special assessment, or levy, in dollars. Said books shall be entitled "Suburban Community Lien Book," specifying the name of the suburban community. One of the said books shall be retained by the Levy Court, one shall be placed in the office of the Prothonotary of the county in which said suburban community is situated, and another shall be placed in the office of the Receiver of Taxes in said county.

Section 21. NOTICE TO FREEHOLDERS OF ASSESSMENT; WHAT NOTICE SHALL INCLUDE; TIME FOR GIVING:—Within twenty days after the completion of the triplicate books mentioned in the preceding Section, the Receiver of Taxes shall send, by registered mail directed to each freeholder in said suburban community, a notice which shall contain the total amount of the special assessment, or levy, in dollars, against each such freeholder and the proportionate annual amount of the payment, in dollars, which each such freeholder will be required to make until the maturity of said bond issue. Said notice shall also specify that the total amount of such special assessment, or levy, constitutes a lien upon the property or properties of each such freeholder, which lien, unless sooner paid, shall attach against the property of such freeholder until the maturity of said bond issue. Said notice shall further state that if each freeholder in said suburban community does not pay to the Receiver of Taxes of the county in which said suburban community is situated the proportionate annual amount of said special assessment, or levy, within sixty days from the date of the mailing of said notice, interest at six per cent per annum shall be charged upon said proportionate annual amount of said special assessment or levy beginning sixty days after mailing of said notice and continuing until said assessment is fully paid.

Section 22. ENTRY TO BE MADE IN BOOKS OF BOARD OF ASSESSMENT; PURPOSE THEREOF:—Said Levy Court

shall direct the Board of Assessment for the county in which said suburban community is situated to cause the words "Special Community Lien" to be placed beside the name of each freeholder in said suburban community as the same appears on the books of the Board of Assessment for said county in order that persons such as prospective buyers of, or attorneys making title searches upon said properties, making inquiry at the office of the Board of Assessment in such county concerning county taxes may be informed that special liens exist against said properties in said suburban community.

Section 23. RECEIVER OF TAXES TO RECEIVE PAYMENTS; DISPOSITION THEREOF; BOND REQUIRED; BOOKS TO BE KEPT BY THE COUNTY TAX COLLECTOR:—It shall be the duty of the Receiver of Taxes for the county in which said suburban community is situated to receive payment of the proportionate annual amount of said special assessment or levy, and to turn over to said Levy Court all said moneys when received. Said Levy Court shall confer with said Receiver of Taxes and determine upon a satisfactory method for the setting up of books of account to be kept by said Receiver of Taxes concerning his collections of the proportionate annual amounts of said special assessment, or levy. Said Levy Court may require the Receiver of Taxes to enter into a bond conditioned upon the faithful performance of his duties in the making of said collections of the special assessments, or levies.

Section 24. STATEMENT OF ASSESSMENT; BY WHOM SENT:—Said Receiver of Taxes annually on the date of the sending of said written notice by said Levy Court as prescribed by Section 22 hereof shall mail to each freeholder in said suburban community a bill for the proportionate annual amount of said special assessment, or levy.

Section 25. COLLECTION OF ASSESSMENT IN DEFAULT; BY WHOM; PROCEDURE FOR:—If a freeholder in said suburban community fails to pay the full amount of his proportionate annual amount of said special assessment, or levy, within one year from the time within which same shall become payable, together with interest at six per cent thereon, the entire amount of said special assessment, or levy, shall immediately be-

come due and payable, and said Collector of Taxes shall proceed to collect the full amount of said special assessment, or levy, by any legal process available to him by statute for the collection of state, county or school taxes; providing, further, that if any property encumbered by the special lien herein provided for shall be sold by foreclosure or execution process and the proceeds from such sale should be insufficient to pay in full the amount of said special lien together with all interest and penalties thereon, then the unpaid portion of said special lien shall not be discharged by virtue of said sale.

Section 26. SPECIAL SINKING FUND; PURPOSE OF:—The Levy Court shall promptly deposit all funds received from said Receiver of Taxes from the collection of the special assessment, or levy, in a Special Sinking Fund account, which shall be used for no other purpose than the retiring of the bonds and interest accruing thereon.

Section 27. CANCELLATION OF BONDS:—The Levy Court may adopt such procedure as it deems proper in cancelling said bonds when paid.

Section 28. PAYMENT AND RETIREMENT OF BONDS:—Prior to the time of the retirement of the bonds, or any of them, or the time when interest shall become payable thereon, the Levy Court shall make available sufficient funds in the branch of the Farmers' Bank where the principal and interest are payable, to cover the retirement of such bonds or the payment of interest thereon.

Section 29. CREDIT OF COUNTY PLEDGED TO PAYMENT OF BONDS:—The full faith and credit of said county is pledged to insure the payment of any bond issue, and all interest thereon, created and sold under this Act.

Section 30. Any and all provisions of existing or prior laws inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved June 5, 1951.

CHAPTER 332

NEW CASTLE COUNTY LEVY COURT

DEBT LIMITATIONS

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE DEBT LIMITATIONS APPLICABLE TO THE LEVY COURT OF NEW CASTLE COUNTY.

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

Section 1. That 1176. Section 30., Chapter 43 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the last paragraph thereof as the same was added by Chapter 296, Volume 46, Laws of Delaware, and inserting in lieu thereof a new paragraph to read as follows:

The debt limit set forth in Paragraph 1 hereof shall not be interpreted to include any bonds, notes or other evidences of indebtedness issued for the purpose of securing funds for use at the New Castle County Airport, or the New Castle County Workhouse, or for use in financing sanitary districts, or sewerage system or sewer construction or acquisition of any sort, or sub-urban improvements or county roads or bridges.

Approved June 5, 1951.

CHAPTER 333

DOVER

AN ACT TO AMEND CHAPTER 158 OF VOLUME 36 OF THE LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR," BY AUTHORIZING THE SAID CITY TO BORROW A CERTAIN SUM OF MONEY FOR EMERGENCY CAPITAL EXPENDITURES UPON RESOLUTION OF THE CITY COUNCIL.

WHEREAS, it has been necessary for the City of Dover during the past year to make certain large expenditures for repairs to the incinerator, for the repair and rebuilding of the street lighting system and for replacement of worn out equipment of the said City, all of which said expenditures have been in the nature of capital expenditures; and

WHEREAS, the said City has made the said expenditures out of the general operating funds of the said City; and

WHEREAS, it is desirable and necessary for the said City of Dover, in order to carry on its normal governmental functions, to reimburse the general operating account of the said City for the said capital expenditures; 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 concurring therein):

Section 1. The City of Dover is hereby authorized and empowered to borrow a sum of money not exceeding One Hundred Thousand Dollars (\$100,000.00) and to issue bonds or other evidence of indebtedness therefor, to be repaid within ten years, for the purpose of reimbursing the general operating funds of the said City of Dover for emergency capital expenditures made from the said operating funds during 1950.

Section 2. The said sum of money not exceeding One Hundred Thousand Dollars (\$100,000.00) shall be borrowed and the

said bonds or other evidence of indebtedness shall be issued therefor upon resolution of the Council of the City of Dover approved by the Mayor of the said City, and the faith and credit of the said City of Dover shall be pledged for the payment of any such bonds or other evidence of indebtedness which shall be issued upon the authority of said resolution and under the provisions of this Act.

Approved June 5, 1951.

CHAPTER 334

DOVER

AN ACT TO AMEND CHAPTER 158 OF VOLUME 36 OF THE LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR," BY INCREASING THE AMOUNT OF MONEY TO BE RAISED BY TAXATION FOR GENERAL 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 Branch thereof concurring therein):

Section 1. That Section 48 of Chapter 158 of Volume 36 of the Laws of Delaware, as amended, be and the same is hereby further amended by striking out the words "One Hundred Thousand Dollars" in the fourth line of the first paragraph of said Section and inserting in lieu thereof the words "One Hundred Fifty Thousand Dollars."

Approved June 5, 1951.

CHAPTER 335

SMYRNA

AN ACT TO FURTHER AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA," AS AMENDED, BY PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION TO FILL ANY VACANCY IN THE OFFICE OF THE MAYOR OF THE TOWN OF SMYRNA AND PROVIDING THE QUALIFICATIONS AND FOR THE NOMINATION OF CANDIDATES AND THE TIME, PLACE AND MANNER OF HOLDING SUCH SPECIAL 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. That Section 3. of Chapter 192, Volume 36, Laws of Delaware, as heretofore amended by Chapter 166, Volume 41, Laws of Delaware and also as heretofore amended by Chapter 180, Volume 43, Laws of Delaware, be now further amended by adding a new paragraph at the end of said Section 3., as amended, which shall read as follows:

In the event of the death, resignation, disqualification, termination of residence in the Town of Smyrna or other inability of the Mayor of the Town of Smyrna to perform the duties of that office, such vacancy shall be filled by the holding of a special Town election which shall be held in 1951 not sooner than thirty (30) days after the approval of this Act by the Governor and in any other year not sooner than thirty (30) days after the office of Mayor becomes vacant through any cause as aforesaid, and such special election shall be held in 1951 not later than sixty (60) days after approval of this Act by the Governor and in any other year not later than sixty (60) days after the office of Mayor becomes vacant through any cause as aforesaid. The qualifications of candidates for the office of Mayor to be voted on at such special election and the method of nomination of candidates shall be the same as are provided in said Act for regu-

lar Town elections and the person so elected at such special election shall serve as Mayor for the period of the unexpired term of the former Mayor. Such special election shall be held in the same manner, the polls shall be open the same hours and other details of such special election shall be the same as provided for the election of a Mayor at a regular election, except that the Town Council shall cause notice of the vacancy in said office and the limit of time for the filing of nominations to be published at least once in a newspaper published in the Town of Smyrna, if there be none such, then in one published in Kent County, Delaware, prior to the time for filing nominations, and except also that notice of the time and place of the holding of such special election shall also be published in the same manner as provided for notice of nominations in at least one issue of said newspaper prior to the date of such special election, and except also that all persons qualified to vote at the last annual Town election preceding such special election and also all qualified residents who became twenty-one years of age between the time of the last annual election and such special election shall be eligible to vote at such special election whether the last Town taxes assessed to them have or have not been paid by the time of the special election and also whether such persons so becoming twenty-one years of age have or have not been listed on Town assessment and/or tax records. Any person who is a member of Council when such vacancy occurs and when such special election is held shall be eligible for nomination and election as Mayor if when so nominated and elected he has the required qualifications and he need not resign as a member of Council to be nominated or elected, but if duly elected as Mayor he shall resign as a member of Council before entering upon his duties as Mayor, and in such event the vacancy in Council so caused by his resignation shall be filled by the other members of Council for his unexpired term.

Approved June 5, 1951.

CHAPTER 336

DOVER

**AN ACT AUTHORIZING THE CITY OF DOVER TO BORROW
A SUM OF MONEY NOT EXCEEDING TWO MILLION
DOLLARS (\$2,000,000.00) AND TO ISSUE BONDS
THEREFOR FOR THE PURPOSE OF GENERAL IM-
PROVEMENTS TO THE CITY OF DOVER, INCLUDING
THE STREETS AND PUBLIC BUILDINGS AND THE
WATER, ELECTRICAL, AND SEWER FACILITIES
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 "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 Two Million Dollars (\$2,000,000.00) to be used for the purposes of general improvements to "The City of Dover," including the streets and public buildings and the water, electrical and sewer facilities thereof.

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 Two Million Dollars (\$2,000,000.00), to be known as "The City of Dover 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, shall be in such denominations and shall contain such other provisions as the Mayor and Council

of "The City of Dover" 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 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 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 sums 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 Two Million Dollars (\$2,000,000.00).

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 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 voter shall indicate his preference by making a clearly legible mark, by pencil or in ink, opposite the words showing his preference, or by merely striking out the alternative to which he is opposed, or 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 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 probable 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 Clerk 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 bonds herein provided for, not exceeding Two Million

Dollars (\$2,000,000.00), 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 of the Act as a whole have been fully met and complied with.

Section 11. The Mayor and Council of "The City of Dover" are hereby expressly authorized and empowered to separate the programs for the proposed improvements to the facilities of the said City, to determine the sums of money to be borrowed and the bonds to be issued under the provisions of this Act for each program, and to hold a referendum election as herein provided upon each program, if in their discretion it shall be advisable so to do, provided that the aggregate of the sums proposed to be borrowed and bonds proposed to be issued for all improvement programs under the provisions of this Act which shall be submitted to referendum elections as herein provided shall not exceed the sum of Two Million Dollars (\$2,000,000.00).

Approved June 5, 1951.

CHAPTER 337

MOTOR VEHICLES

RIGHTS OF APPEAL FROM CONVICTION

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE RIGHT OF APPEAL FROM A CONVICTION IN VIOLATION OF PROVISIONS IN CHAPTER 165, AND PROVIDING THAT AN APPEAL SHALL OPERATE AS A STAY AND AS A WAIVER OF THE RIGHT TO CERTIORARI.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 5685. Section 147, and inserting in lieu thereof the following paragraph:

5685. Sec. 147. Any person convicted under the provisions of this Chapter shall have the right of an appeal, unless otherwise stated in this Chapter to the Court of General Sessions of the County, upon giving bond in the sum of Five Hundred Dollars (\$500.00) to the State with surety satisfactory to the Mayor, Justice of the Peace, or a Judge before whom such person was committed, such appeal to be taken and bond given within fifteen (15) days from the time of conviction. Such appeal shall operate as a stay or supersedeas of all proceedings in the Court below in the same manner that a certiorari from the Superior Court now so operates. The taking of such appeal shall constitute a waiver by the appellant of his right to a writ of certiorari in the Superior Court.

Section 2. All Acts, or parts of Acts inconsistent herewith are hereby repealed to the extent of the inconsistency only.

Approved June 5, 1951.

CHAPTER 338

ALTERING QUALIFICATIONS OF MEMBERS OF STATE HOUSING
BOARD AND HOUSING AUTHORITY

**AN ACT TO AMEND CHAPTER 160, REVISED CODE OF
DELAWARE, 1935, RELATING TO THE STATE HOUS-
ING BOARD AND HOUSING AUTHORITY BY ALTER-
ING THE QUALIFICATIONS OF THE MEMBERS OF
THE BOARD AND THE ORGANIZATION OF THE
BOARD.**

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

Section 1. That Paragraph 5427. Sec. 4. be and the same is
hereby amended by striking out and deleting the first sentence
thereof and by enacting in lieu thereof the following:

"The State Board of Housing shall consist of five members,
residents of the State of Delaware, who have demonstrated an
interest in slum clearance and the promotion of better housing."

Section 2. That Paragraph 5428. Sec. 5. be and the same is
hereby amended by striking out and deleting the first two sen-
tences thereof and by inserting and enacting in lieu thereof the
following:

"The Board shall annually organize by electing a president
and a secretary who shall be members of the Board."

Approved June 8, 1951.

CHAPTER 339

EXTENSION OF AREA OF OPERATIONS OF HOUSING AUTHORITY

AN ACT TO AMEND ARTICLE 2, CHAPTER 160 KNOWN AS THE "HOUSING AUTHORITY LAW" BY PROVIDING FOR THE EXTENSION OF THE AREA OF OPERATIONS OF THE HOUSING AUTHORITY BY THE STATE BOARD OF HOUSING.

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

Section 1. That Chapter 160 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding to Article 2. 5456. Sec. 33. two new paragraphs to read as follows:

"Whenever the State Board of Housing shall have determined that there is need for public housing in any part of a county, and there is in a municipality in that county an existing Housing Authority, then the State Board of Housing shall have the right to extend the area of operations of the Housing Authority of said municipality beyond the corporate limits.

"If the area of operations of any Housing Authority operating within the corporate limits of a municipality is extended into the adjoining county by the State Board of Housing then the Governor may appoint a non-resident of the municipality as a commissioner of the said Housing Authority upon any vacancy occurring among the commissioners of the Authority; provided, however, that at no time may the number of commissioners living beyond the corporate limits of the municipality exceed two. The two commissioners so appointed must be residents of the county in which the Housing Authority is located."

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved June 8, 1951.

CHAPTER 340

WILMINGTON

TERMINATING ELIGIBILITY OF PENSIONS TO MEMBERS OF
FIRE AND POLICE BUREAUS

AN ACT TO AMEND CHAPTER 167, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT PROVIDING FOR THE PAYMENT OF PENSIONS AND DEATH BENEFITS TO MEMBERS OF THE BUREAU OF FIRE AND BUREAU OF POLICE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON" BY TERMINATING ELIGIBILITY THEREUNDER AND GRANTING THOSE PRESENTLY THEREUNDER THE OPTION TO RETURN TO COVERAGE UNDER CHAPTER 113, VOLUME 32, LAWS OF DELAWARE, AS AMENDED, AND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, AS AMENDED.

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

Section 1. That Chapter 167, Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof the following new Section:

"Section 13. The provisions of this Act shall apply henceforth only to those members of the Bureau of Fire and Bureau of Police of the Department of Public Safety of the City of Wilmington who shall have become members thereof during the period of time commencing on April 16, 1945 and ending on July 1, 1951 and to those who shall have become members prior to April 16, 1945, who have between that date and July 1, 1951 voluntarily agreed to accept the provisions of Chapter 167, Volume 45, Laws of Delaware, as amended.

"Any person who shall have become a member of the Bureau of Fire or Bureau of Police of the Department of Public Safety of the City of Wilmington during the period of time commencing on April 16, 1945 and ending on July 1, 1951 and all those

who shall have become members prior to April 16, 1945 and who have between that date and July 1, 1951 voluntarily agreed to accept the provisions of Chapter 167, Volume 45, Laws of Delaware as therein provided may elect to become covered by or to return to coverage under Chapter 113, Volume 32, Laws of Delaware, as amended, and Chapter 118, Volume 33, Laws of Delaware, as amended, as the case may be, by agreeing to pay to the Firemens Pension Fund or Police Pension Fund, as the case may be, the amount of money which would have been withheld or collected from them during the period of time when they were covered by Chapter 167, Volume 45, Laws of Delaware, as amended. Upon such election and upon agreement to pay the moneys as aforesaid either in monthly or semi-monthly installments, at least in an amount so as to enable full payment by the anticipated retirement date or in a lump sum, those persons shall be considered as covered under Chapter 113, Volume 32, Laws of Delaware and Chapter 118, Volume 33, Laws of Delaware, as the case may be, as full and complete as if they had in fact never during the time of eligibility been without coverage thereunder."

Section 2. That Chapter 167, Volume 45, Laws of Delaware, as amended, be and the same is hereby, in so far as it shall relate to or affect any person who shall henceforth become a member (as defined therein) of the Bureau of Fire or the Bureau of Police of the Department of Public Safety of the City of Wilmington, is repealed.

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed only to the extent of such inconsistency.

Approved June 8, 1951

CHAPTER 341

WILMINGTON

RETURNING CERTAIN MEMBERS OF BUREAU OF FIRE TO
COVERAGE UNDER PENSION ACT

**AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF
DELAWARE, AS AMENDED, ENTITLED "AN ACT PRO-
VIDING FOR A FIREMEN'S PENSION FUND FOR MEM-
BERS OF THE BUREAU OF FIRE OF THE DEPART-
MENT OF PUBLIC SAFETY OF THE CITY OF WILMING-
TON" BY RETURNING CERTAIN MEMBERS OF THE
BUREAU OF FIRE IN THE CITY OF WILMINGTON TO
COVERAGE THEREUNDER.**

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

Section 1. That Chapter 118, Volume 33, Laws of Delaware, as amended, be and the same is hereby further amended by striking out and repealing all of Section 11, Section 12, and Section 13 thereof.

Approved June 8, 1951.

CHAPTER 342

WILMINGTON

RETURNING CERTAIN MEMBERS OF POLICE FORCE TO
COVERAGE UNDER PENSION ACT

**AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF
DELAWARE, AS AMENDED, ENTITLED "AN ACT PRO-
VIDING FOR A POLICE PENSION FUND FOR MEM-
BERS OF THE POLICE FORCE OF THE CITY OF WIL-
MINGTON" BY RETURNING CERTAIN MEMBERS OF
THE POLICE FORCE IN THE CITY OF WILMINGTON
TO COVERAGE THEREUNDER.**

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

Section 1. That Chapter 113, Volume 32, Laws of Delaware, as amended, be and the same is hereby further amended by striking out and repealing all of Section 10, Section 11, and Section 12 thereof.

Approved June 8, 1951.

CHAPTER 343

STATE REVENUE

PROVIDING THAT SECRETARY OF STATE MAY MAKE CHARGE
FOR PHOTOSTATIC COPIES

**AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE
OF DELAWARE, 1935, ENTITLED "STATE REVENUE"
BY PROVIDING THAT THE SECRETARY OF STATE
MAY ISSUE AND MAKE A CHARGE FOR PHOTO-
STATIC COPIES OF INSTRUMENTS FURNISHED BY
HIS OFFICE AS WELL AS FOR ORIGINAL COPIES.**

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

Section 1. That Paragraph 95. Sec. 61. of Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end thereof a new Paragraph as follows:

Section 2. The Secretary of State may issue and shall collect and receive the above fees on photostatic copies of instruments furnished by his office as well as for original copies thereof.

Approved June 8, 1951.

CHAPTER 344

RELATING TO COVERAGE UNDER THE FEDERAL SOCIAL
SECURITY ACT**AN ACT TO PROVIDE FOR THE COVERAGE OF CERTAIN
OFFICERS AND EMPLOYEES OF THE STATE AND
LOCAL GOVERNMENTS, HOUSING AUTHORITIES AND
OTHER POLITICAL SUBDIVISIONS UNDER THE OLD-
AGE AND SURVIVORS INSURANCE PROVISIONS OF
TITLE II OF THE FEDERAL SOCIAL SECURITY ACT,
AS AMENDED, AND PROVIDING FOR AN APPROPRI-
ATION TO CARRY THIS ACT INTO EFFECT.**

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

Section 1. Declaration of Policy:—In order to extend to employees of the State and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the legislature, subject to the limitations of this Act, that such steps be taken as to provide such protection to employees of the State and its political subdivisions on as broad a basis as is permitted under the Social Security Act.

Section 2. Definitions:—For the purposes of this Act—

(a) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act;

(b) The term "employment" means any service performed by an employee in the employ of the State, local government, housing authority or any other political subdivision thereof, for such employer, except (1) service which in the absence of an agreement entered into under this Act would constitute "employ-

ment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the State and the Federal Security Administrator entered into under this Act;

(c) The term "employee" includes an officer of a State or political subdivision thereof;

(d) The term "State Agency" means The State Tax Department;

(e) The term "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such Act of employees of States and their political subdivisions;

(f) The term "political subdivisions" includes an instrumentality of a State, and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision; a housing authority created under the provisions of the Housing Authority Law, Chapter 160, Article 2, Revised Code of Delaware, 1935, shall be construed to be a political subdivision;

(g) The term "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," (including regulations and requirements issued pursuant thereto), as such Act has been and may from time to time be amended; and

(h) The term "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended.

Section 3. (a) Federal-State Agreement:—The State Agency, with the approval of the Governor, is hereby authorized to enter on behalf of the State into an agreement with the Federal

Security Administrator, consistent with the terms and provisions of this Act, for the purpose of extending the benefits of the Federal old-age and survivors insurance system to employees of the State or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in Section 2 of this Act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the State Agency and Federal Security Administrator shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that—

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The State will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages (as defined in Section 2 of this Act), equal to the sum of the taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into;

(4) All services which constitute employment as defined in Section 2 and are performed in the employ of the State by employees of the State, shall be covered by the agreement; and

(5) All services which (A) constitute employment as defined in Section 2, (B) are performed in the employ of a

political subdivision of the State, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the State Agency under Section 5, shall be covered by the agreement.

(b) **Interstate Instrumentalities:**—Any instrumentality jointly created by this State and any other State or States is hereby authorized, upon the granting of like authority by such other State or States, (1) to enter into an agreement with the Federal Security Administrator whereby the benefits of the Federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (2) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under Section 4 (a) if they were covered by an agreement made pursuant to subsection (a) of this Section, and (3) to make payments to the Secretary of the Treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (a) and other provisions of this Act.

Section 4. Contributions by State Employees:—(a) Every employee of the State whose services are covered by an agreement entered into under Section 3 shall be required to pay for the period of such coverage, into the Contribution Fund established by Section 6, contributions, with respect to wages (as defined in Section 2 of this Act), equal to the amount of tax which would be imposed by Section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act. Such liability shall arise in consideration of the employee's retention in the service of the State, or his entry upon such service, after the enactment of this Act.

(b) The contribution imposed by this Section shall be collected by deducting the amount of the contribution from wages as and when paid, but failures to make such deduction shall not relieve the employee from liability for such contribution.

(c) If more or less than the correct amount of the contribution imposed by this Section is paid or deducted with respect

to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the State Agency shall prescribe.

Section 5. Plans for Coverage of Employees of Political Subdivisions:—(a) Each political subdivision of the State is hereby authorized to submit for approval by the State Agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable provisions of such Act, to employees of such political subdivisions. Each such plan and any amendment thereof shall be approved by the State Agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the State Agency, except that no such plan shall be approved unless—

(1) It is in conformity with the requirements of the Social Security Act and with the agreement entered into under Section 3;

(2) It provides that all services which constitute employment as defined in Section 2 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(3) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) It provides for such methods of administration of the plan by the political subdivision as are found by the State Agency to be necessary for the proper and efficient administration of the plan;

(5) It provides that the political subdivision will make such reports, in such form and containing such information, as the State Agency may from time to time require, and comply with such provisions as the State Agency or the Federal Security Administrator may from time to time find necessary to assure the correctness and verification of such reports; and

(6) It authorizes the State Agency to terminate the plan in its entirety, in the discretion of the State Agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the State Agency and may be consistent with the provisions of the Social Security Act.

(b) The State Agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(c) (1) Each political subdivision as to which a plan has been approved under this Section shall pay into the Contribution Fund, with respect to wages (as defined in Section 2 of this Act), at such time or times as the State Agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the State Agency under Section 3.

(2) Each political subdivision required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Act, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in Section 2 of this Act), not exceeding the amount of tax which would be imposed by Section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of four per centum per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the

request of the State Agency, be deducted from any other moneys payable to such subdivision by any department or agency of the State.

Section 6. Contribution Fund:—(a) There is hereby established a special fund to be known as the Contribution Fund. Such fund shall consist of and there shall be deposited in such fund: (1) all contributions, interest, and penalties collected under Sections 4 and 5; (2) all moneys appropriated thereto under this Act; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund, and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this Act, the State Agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this Act.

(b) The Contribution Fund shall be established and held separate and apart from any other funds or moneys of the State and shall be used and administered exclusively for the purpose of this Act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the Secretary of the Treasury pursuant to an agreement entered into under Section 3; (B) payment of refunds provided for in Section 4 (c) of this Act; and (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(c) From the Contribution Fund the custodian of the Fund shall pay to the Secretary of the Treasury such amounts and at such time or times as may be directed by the State Agency in accordance with any agreement entered into under Section 3 and the Social Security Act.

(d) The Treasurer of the State shall be ex-officio treasurer and custodian of the Contribution Fund and shall administer

such fund in accordance with the provisions of this Act and the directions of the State Agency and shall pay all warrants drawn upon it in accordance with the provisions of this Section and with such regulations as the State Agency may prescribe pursuant thereto.

(e) (1) There are hereby authorized to be appropriated annually to the Contribution Fund, in addition to the contributions collected and paid into the Contribution Fund under Sections 4 and 5, to be available for the purposes of Section 6 (b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the Secretary of the Treasury which the State is obligated to make pursuant to an agreement entered into under Section 3.

(2) The State Agency shall submit to each regular session of the State Legislature, at least 90 days in advance of the beginning of such session, an estimate of the amounts authorized to be appropriated to the Contribution Fund by paragraph (1) of this subsection for the next appropriation period.

Section 7. Administrative Appropriation:—That the sum of Four Thousand Dollars (\$4,000.00) be and the same is hereby appropriated to the State Tax Department for the fiscal year beginning July 1, 1951, and ending June 30, 1952, and a like sum is hereby appropriated for the fiscal year beginning July 1, 1952, and ending June 30, 1953. This appropriation shall be paid out of the general funds of the State Treasury from funds not otherwise appropriated.

Section 8. Rules and Regulations:—The State Agency shall make and publish such rules and regulations, not inconsistent with the provisions of this Act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this Act.

Section 9. Studies and Reports:—The State Agency shall make studies concerning the problem of old-age and survivors insurance protection for employees of the State and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under this Act and shall

submit a report to the Legislature at the beginning of each regular session, covering the administration and operation of this Act during the preceding calendar year, including such recommendations for amendments to this Act as it considers proper.

Section 10. Separability:—If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 11. Repeal:—All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Section 12. Effective Date:—This Act shall take effect immediately.

Approved June 8. 1951.

CHAPTER 345

SLUM CLEARANCE AND REDEVELOPMENT AUTHORITY

AN ACT TO PROVIDE FOR THE CLEARANCE OF SLUM AND BLIGHTED AREAS FOR REDEVELOPMENT IN ACCORDANCE WITH PLANS APPROVED BY THE GOVERNING BODY OF THE CITY, TOWN OR COUNTY; TO CREATE FOR THIS PURPOSE A PUBLIC BODY CORPORATE AND POLITIC, TO BE KNOWN AS THE SLUM CLEARANCE AND REDEVELOPMENT AUTHORITY, IN EACH CITY, TOWN AND COUNTY OF THIS STATE; TO DEFINE THE DUTIES, LIABILITIES, EXEMPTIONS, AND POWERS OF SUCH AUTHORITIES, INCLUDING THE POWER TO ACQUIRE AND DISPOSE OF PROPERTY, EXERCISE THE POWER OF EMINENT DOMAIN, ISSUE BONDS AND OTHER OBLIGATIONS, AND GIVE SECURITY THEREFOR, AND ENTER INTO AGREEMENTS TO SECURE FEDERAL AID OR CONTRIBUTIONS AND COMPLY WITH CONDITIONS IMPOSED IN CONNECTION THEREWITH; TO PROVIDE THAT SLUM CLEARANCE AND REDEVELOPMENT AUTHORITIES, THEIR PROPERTY AND SECURITIES SHALL BE EXEMPT FROM TAXATION AND ASSESSMENT; TO AUTHORIZE EITHER THE TRANSACTION OF BUSINESS BY SUCH AUTHORITY OR THE EXERCISE OF THE DUTIES AND POWERS OF SUCH AUTHORITY BY THE CITY, TOWN OR COUNTY ITSELF OR BY A HOUSING AUTHORITY UPON APPROVAL BY THE GOVERNING BODY OF THE CITY, TOWN OR COUNTY; TO AUTHORIZE THE CREATION OF SUCH AUTHORITIES IN REGIONS COMPRISING COOPERATING CITIES, TOWNS AND COUNTIES; TO AUTHORIZE THE ACQUISITION AND DEVELOPMENT OF VACANT AREAS IN CONNECTION WITH THE REDEVELOPMENT OF SLUM OR BLIGHTED AREAS, UPON APPROVAL OF THE GOVERNING BODY OF THE CITY, TOWN OR COUNTY; TO AUTHORIZE PUBLIC BODIES TO FURNISH FUNDS, SERVICES, FACILITIES AND PROPERTY IN AID OF SLUM CLEARANCE AND REDEVELOPMENT PROJECTS HEREUNDER; TO AUTHORIZE CITIES, TOWNS

AND COUNTIES TO OBTAIN FUNDS THEREFOR BY THE ISSUANCE OF OBLIGATIONS, BY TAXATION OR OTHERWISE; TO PROVIDE THAT OBLIGATIONS ISSUED FOR SLUM CLEARANCE OR REDEVELOPMENT PROJECTS HEREUNDER SHALL BE LEGAL INVESTMENTS.

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

Section 1. SHORT TITLE:—This Act shall be known and may be cited as the "Slum Clearance and Redevelopment Authority Law."

Section 2. FINDINGS AND DECLARATION OF NECESSITY:—It is hereby found and declared that there exist in localities throughout the State, slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the State; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection and other public services and facilities, constitutes an economic and social liability, substantially impairs or arrests the sound growth of communities and retards the provision of housing accommodations; that this menace is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that the elimination of slum conditions or conditions of blight, the acquisition and preparation of land in or necessary to the development of slum or blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith, are public uses and purposes for which public money may be expended and private property acquired; and that the necessity in the pub-

lic interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Section 3. **DEFINITIONS:**—The following terms, wherever used or referred to in this Act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Authority" or "Slum Clearance and Redevelopment Authority" shall mean a public body, corporate and politic, created by or pursuant to Section 4 of this Act or any housing authority or community exercising the powers, rights and duties of a Slum Clearance and Redevelopment Authority pursuant to Section 4 of this Act.

(b) "Municipality" shall mean any incorporated city or town in the State.

(c) "Community" shall mean any municipality or county in the State.

(d) "Public body" shall mean the State or any municipality, county, township, board, commission, authority, district, or any other subdivision or public body of the State.

(e) "Governing body" shall mean the city council, town council, commissioners or other legislative body charged with governing the municipality or levy court commissioners or other legislative body charged with governing the county.

(f) "Mayor" shall mean the mayor of a municipality or the officer or body having the duties customarily imposed upon the executive head of a municipality.

(g) "Clerk" shall mean the clerk or other official of the municipality or county who is the custodian of the official records of such municipality or county.

(h) "Housing authority" shall mean any public body created by or pursuant to the Housing Authority Law, Chapter 160, of the Revised Code of Delaware, 1935, as amended or supplemented.

(i) "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(j) "Area of operation" shall mean in the case of a municipality the area within such municipality and the area within five miles of the territorial boundaries thereof, except that the area of operation of a municipality under this Act shall not include any area which lies within the territorial boundaries of another municipality unless a resolution shall have been adopted by the governing body of such other municipality declaring a need therefor; and in the case of a county, the area within the county, except that the area of operation in such case shall not include any area which lies within the territorial boundaries of a municipality unless a resolution shall have been adopted by the governing body of such municipality declaring a need therefor; and in the case of a regional authority, shall mean the area within the communities for which such regional authority is created; provided, however, that a regional authority shall not undertake a redevelopment project within the territorial boundaries of any municipality unless a resolution shall have been adopted by the governing body or such municipality declaring that there is a need for the regional authority to undertake such redevelopment project within such municipality. No authority shall operate in any area of operation in which another Authority already established is undertaking or carrying out a redevelopment project without the consent, by resolution, of such other Authority.

(k) "Slum area" shall mean an area in which there is a predominance of buildings or improvements (or which is predominantly residential in character), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

(l) "Blighted area" shall mean an area (other than a slum area) which by reason of the predominance of defective or inade-

quate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

(m) "Redevelopment project" shall mean any work or undertaking:

(1) To acquire slum areas or blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of such slum or blighted areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight;

(2) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan;

(3) To sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use or to retain such land for public use, in accordance with a redevelopment plan.

The term "redevelopment project" may also include the preparation of a redevelopment plan, the planning, survey and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project.

(n) "Redevelopment plan" shall mean a plan other than a preliminary or tentative plan for the acquisition, clearance, re-

construction, rehabilitation or future use of a redevelopment project area.

(o) "Redeveloper" shall mean any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract.

(p) "Redevelopment contract" shall mean a contract entered into between an Authority and a Redeveloper for the redevelopment of an area in conformity with a redevelopment plan.

(q) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(r) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, debentures, or other obligations issued by an Authority pursuant to this Act.

(s) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the Authority property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the Authority.

(t) "Person" shall mean any individual, firm, partnership, corporation, company association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof.

Section 4. CREATION OF SLUM CLEARANCE AND REDEVELOPMENT AUTHORITY:—(a) There is hereby created in each community (as herein defined) a public body corporate and politic, to be known as the "Slum Clearance and Redevelopment Authority" of the community; provided, however, that such Authority shall not transact any business or exercise its powers hereunder until or unless the governing body shall approve (by resolution, as herein provided) the exercise in

such community of the powers, functions and duties of an Authority under this Act; and provided further that, if it deems such action to be in the public interest, the governing body may, instead of such resolution, adopt a resolution approving the exercise of such powers, functions and duties by the community itself or by a Housing Authority, and in such event, the community or Housing Authority, as the case may be, shall be vested with all the powers, functions, rights, duties and privileges of a Slum Clearance and Redevelopment Authority under this Act.

(b) The governing body of a community shall not adopt a resolution pursuant to subsection (a) above unless it finds:

(1) That one or more slum or blighted areas (as herein defined) exist in such community, and

(2) That the redevelopment of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such community.

(c) If the governing body of each of two or more communities declares, by resolution, that there is a need for one Slum Clearance and Redevelopment Authority to be created for all of such communities, and has made the findings required by paragraph (b), a public body, corporate and politic, to be known as a Regional Slum Clearance and Redevelopment Authority (herein referred to as Regional Authority or Authority) shall thereupon exist for all of such communities and may exercise the powers and other functions of an Authority under this Act in such communities.

(d) The area of operation of a Regional Authority shall be increased from time to time to include one or more additional communities if the governing body of each of such additional communities adopts the resolution described in paragraph (c) and makes the findings required by paragraph (b), and the commissioners of the Regional Authority consent to the inclusion within its area of operation of such additional communities.

(e) When the governing body of a municipality adopts a resolution as aforesaid, it shall promptly notify the Mayor of such adoption. If the resolution adopted is one approving the exercise

of powers hereunder by a Slum Clearance and Redevelopment Authority, the Mayor, by and with the advice and consent of the governing body, shall appoint a Board of Commissioners of the Authority created for such municipality which shall consist of five commissioners, and when the governing body of a county adopts such a resolution, said body shall appoint a Board of Commissioners of the Authority created for such county which shall consist of five commissioners. The commissioners who are first appointed pursuant to this Act shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term.

(f) If a Regional Authority is created as herein provided, one person shall be appointed as a commissioner of such Authority for each community for which such Authority is created. When the area of operation of a Regional Authority is increased to include an additional community or communities as herein provided, one additional person shall be appointed as a commissioner of such Authority for each such additional community. Each such commissioner appointed for a municipality shall be appointed by the Mayor thereof, by and with the advice and consent of the governing body, and each such commissioner appointed for a county shall be appointed by the governing body thereof. The first appointment of commissioners of a Regional Authority may be made at or after the time of the adoption of the resolution declaring the need for such Authority or declaring the need for the inclusion of such community in the area of operation of such Authority. The commissioners of a Regional Authority and their successors shall be appointed as aforesaid for terms of five years except that all vacancies shall be filled for the unexpired terms.

If the area of operation of a Regional Authority consists at any time of an even number of communities, the commissioners of the Regional Authority already appointed in the manner described above shall appoint one additional commissioner whose term of office shall be as provided for a commissioner of a Regional Authority except that such term shall end at any earlier time that the area of operation of the Regional Authority shall be

changed to consist of an odd number of communities. The commissioners of such authority already appointed in the manner described above shall likewise appoint each person to succeed such additional commissioner; provided that the term of office of such person begins during the terms of office of the commissioners appointing him. A certificate of the appointment of any such additional commissioner of such Regional Authority shall be filed with the other records of the Regional Authority and shall be conclusive evidence of the due and proper appointment of such additional commissioner.

(g) A commissioner of an Authority shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the municipal or county clerk, as the case may be, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers hereunder vested in each Slum Clearance and Redevelopment Authority shall be exercised by the Board of Commissioners thereof. A majority of the commissioners shall constitute a quorum of such Board for the purpose of conducting business and exercising the powers of the Authority and for all other purposes. Action may be taken by the Board upon a vote of the majority of the commissioners present, unless in any case the by-laws of the Authority shall require a larger number. Meetings of the Board of an Authority may be held anywhere within the perimeter boundaries of the area of operation of the Authority. Any persons may be appointed as commissioners of the Authority if they reside within such area, and are otherwise eligible for such appointments under this Act.

The commissioners of an Authority shall elect a chairman and vice-chairman from among the commissioners. An Authority may employ an executive director, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an Authority may, with the approval of the governing body, call

upon the chief law officer of the communities within its area of operation or it may employ its own counsel and legal staff. An Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(h) For inefficiency or neglect of duty or misconduct in office, a commissioner of an Authority may be removed by the official or public body which appointed such commissioner, but a commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least 10 days prior to such hearing and have had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the municipal or county clerk, as the case may be.

(i) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of, or bonds issued by, an Authority, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of the appropriate resolution prescribed in subsection (a) or (c) above. Each such resolution shall be deemed sufficient if it authorizes the exercise of powers hereunder by the Authority or other public body and finds in substantially the terms provided in subsection (b) (no further detail being necessary) that the conditions therein enumerated exist. A copy of such resolution duly certified by the municipal or county clerk, as the case may be, shall be admissible in evidence in any suit, action or proceeding.

(j) No commissioner or employee of an Authority shall voluntarily acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned by the Authority to be included in any such project, or in any contract or proposed contract in connection with any such project. Where the acquisition is not voluntary such commissioner or employee shall immediately disclose such interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. If any commissioner or employee of an Authority presently owns or controls or owned or controlled within the preceding two years an interest, direct or indirect, in any property included or planned by the Authority to be included

in any redevelopment project, he immediately shall disclose such interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure such commissioner or employee shall not participate in any action by the Authority affecting such property. Any violation of the provisions of this Section shall constitute misconduct in office.

Section 5. POWERS OF AN AUTHORITY:—An Authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

(a) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this Act, to carry out the provisions of this Act.

(b) To prepare or cause to be prepared and recommend redevelopment plans to the governing body of the community or communities within its area of operation and to undertake and carry out redevelopment projects within its area of operation.

(c) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a redevelopment project; and (notwithstanding anything to the contrary contained in this Act or any other provision of law), to agree to any conditions that it may deem reasonable and appropriate attached to Federal financial assistance and imposed pursuant to Federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(d) Within its area of operation, to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property; to sell, lease, exchange, transfer, assign, subdivide, retain for its own use mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions and conditions as the Authority may deem necessary to a recurrence of slum or blighted areas or to effectuate the purposes of this Act; to make any of the covenants, restrictions or conditions of the foregoing contracts covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the Authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds and provide security for loans or bonds; to insure or provide for the insurance of any real or personal property or operation of the Authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this Act; provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by other public bodies shall restrict an Authority or other public body exercising powers hereunder, in such functions, unless the legislature shall specifically so state.

(e) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than redemption price, all bonds so redeemed or purchased to be cancelled.

(f) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial

assistance from the Federal Government, the State, county, municipality or other public body or from any sources, public or private, for the purposes of this Act, to give such security as may be required and to enter into and carry out contracts in connection therewith; an Authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the Federal Government for a redevelopment project such conditions imposed pursuant to Federal law as the Authority may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act.

(g) Acting through one or more commissioners or other persons designated by the Authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, and to issue commissions for the examination of witnesses who are outside of the State or unable to attend before the Authority, or excused from attendance; to make available to appropriate agencies or public officials (including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures or eliminating slums or conditions of blight within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, morals or welfare.

(h) Within its area of operation, to make or have made all surveys, appraisals, studies and plans (but not including the preparation of a general plan for the community) necessary to the carrying out of the purposes of this Act and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of such surveys, appraisals, studies and plans.

(i) To prepare plans and provide reasonable assistance for the relocation of families displaced from a redevelopment project area to permit the carrying out of the redevelopment project, to the extent essential for acquiring possession of and clearing such area or parts thereof.

(j) To make such expenditures as may be necessary to carry out the purposes of this Act; and to make expenditures from funds obtained from the Federal Government without regard to any other laws pertaining to the making and approval of appropriations and expenditures.

(k) To exercise all or any part or combination of powers herein granted.

Section 6. PREPARATION AND APPROVAL OF REDEVELOPMENT PLANS:—(a) An Authority shall not acquire real property for a redevelopment project unless the governing body of the community in which the redevelopment project area is located has approved the redevelopment plan, as prescribed in subsection (i) below.

(b) An Authority shall not prepare a redevelopment plan for a redevelopment project area unless the governing body of the community in which such area is located has, by resolution, declared such area to be a slum or blighted area in need of redevelopment.

(c) An Authority shall not recommend a redevelopment plan to the governing body of the community in which the redevelopment project area is located until a general plan for the development of the community has been prepared.

(d) The Authority may itself prepare or cause to be prepared a redevelopment plan or any person or agency, public or private, may submit such a plan to an Authority. A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to:

(1) The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein;

(2) A land use plan showing proposed uses of the area;

(3) Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment;

(4) A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances;

(5) A site plan of the area; and

(6) A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

(e) Prior to recommending a redevelopment plan to the governing body for approval, an Authority shall submit such plan to the planning commission of the community in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the community as a whole. The planning commission shall submit its written recommendations with respect to the proposed redevelopment plan to the Authority within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within said 30 days, then without such recommendations, an Authority may recommend the redevelopment plan to the governing body of the community for approval.

(f) Prior to recommending a redevelopment plan to the governing body for approval, an Authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and

convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, slums, or conditions of blight, and the provision of adequate, safe and sanitary dwelling accommodations.

(g) The recommendation of a redevelopment plan by an Authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission concerning the redevelopment plan; a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the redevelopment project; and a statement of a feasible method proposed for the relocation of families to be displaced from the redevelopment project area.

(h) The governing body of the community shall hold a public hearing on any redevelopment plan or substantial modification thereof recommended by the Authority, after reasonable public notice thereof by publication at least once a week for two consecutive weeks in a newspaper of general circulation in the community, the time of the hearing to be at least ten days from the last publication. The notice shall describe the time, date, place and purpose of the hearing and shall also generally identify the area to be redeveloped under the plan. All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views respecting the proposed redevelopment plan.

(i) Following such hearing, the governing body may approve a redevelopment plan if it finds that said plan is feasible and in conformity with the general plan for the development of the community as a whole; provided that if the redevelopment project area is a blighted area, the governing body must also find that a shortage of housing of sound standards and design, adequate for family life, exists in the community; the need for housing accommodations has been or will be increased as a

result of the clearance of slums in other areas under redevelopment; the conditions of blight in the redevelopment project area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the development of the blighted area for predominantly residential uses is an integral part of and essential to the program of the community for the elimination of slum areas.

(j) A redevelopment plan which has not been approved by the governing body when recommended by the Authority may again be recommended to it with any modifications deemed advisable. A redevelopment plan may be modified at any time by the Authority provided that, if modified after the lease or sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper or developers of such real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the governing body the modification must similarly be approved by the governing body.

Section 7. DISPOSAL OF PROPERTY IN REDEVELOPMENT PROJECT:—(a) An Authority may sell, lease, exchange or otherwise transfer real property or any interest therein in a redevelopment project area to any redeveloper for residential, recreational, commercial, industrial or other uses or for public use in accordance with the redevelopment plan, subject to such covenants, conditions and restrictions as it may deem to be in the public interest or to carry out the purposes of this Act; provided that such sale, lease, exchange or other transfer, and any agreement relating thereto, may be made only after, or subject to, the approval of the redevelopment plan by the governing body of the community. Such real property shall be sold, leased or transferred at its fair value for uses in accordance with the redevelopment plan notwithstanding such value may be less than the cost of acquiring and preparing such property for redevelopment. In determining the fair value of real property for uses in accordance with the redevelopment plan, an Authority shall take into account and give consideration to the uses and

purposes required by such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the redeveloper of, such property; the objectives of the redevelopment plan for the prevention of the recurrence of slum or blighted areas; and such other matters as the Authority shall specify as being appropriate. In fixing rentals and selling prices, an Authority shall give consideration to appraisals of the property for such uses made by land experts employed by the Authority.

(b) An Authority shall, by public notice by publication once each week for two consecutive weeks in a newspaper having a general circulation in the community, prior to the consideration of any redevelopment contract proposal, invite proposals from, and make available all pertinent information to private redevelopers or any persons interested in undertaking the redevelopment of an area, or any part thereof, which the governing body has declared to be in need of redevelopment. Such notice shall identify the area, and shall state that such further information as is available may be obtained at the office of the Authority. The Authority shall consider all redevelopment proposals and the financial and legal ability of the prospective redevelopers to carry out their proposals and may negotiate with any redevelopers for proposals for the purchase or lease of any real property in the redevelopment project area. The Authority may accept such redevelopment contract proposal as it deems to be in the public interest and in furtherance of the purposes of this Act, provided that the Authority has, not less than thirty days prior thereto, notified the governing body in writing of its intention to accept such redevelopment contract proposal. Thereafter, the Authority may execute such redevelopment contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such redevelopment contract. In its discretion, the Authority may, without regard to the foregoing provisions of this paragraph, dispose of real property in a redevelopment project area to private redevelopers for redevelopment under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subsection (a).

(c) An Authority may temporarily operate and maintain

real property in a redevelopment project area pending the disposition of the property for redevelopment, without regard to the provisions of subsections (a) and (b) above, for such uses and purposes as may be deemed desirable even though not in conformity with the redevelopment plan.

Section 8. EMINENT DOMAIN:—An Authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for a redevelopment project or for its purposes under this Act after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An Authority may exercise the power of eminent domain in the manner provided for condemnation proceedings for housing authorities in Chapter 160, of the Revised Code of Delaware, 1935, as amended or supplemented or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the municipality, the county or the State may be acquired without its consent. When an Authority has found and determined by resolution that certain real property described therein is necessary for a redevelopment project or for its purposes under this Act, the resolution shall be conclusive evidence that the acquisition of such real property is necessary for the purposes described therein.

Section 9. ACQUISITION AND DEVELOPMENT OF UNDEVELOPED VACANT LAND:—Upon a determination, by resolution, of the governing body of the community in which such land is located that the acquisition and development of undeveloped vacant land, not within a slum or blighted area, is essential to the proper clearance or redevelopment of slum or blighted areas or a necessary part of the general slum clearance program of the community, the acquisition, planning, preparation for development or disposal of such land shall constitute a redevelopment project which may be undertaken by the Authority in the manner provided in the foregoing sections. The determination by the governing body shall be in lieu of the declaration required by Section 6 (b) above but shall not be made until the

governing body finds that there is a shortage of decent, safe and sanitary housing in the community; that such undeveloped vacant land will be developed for predominantly residential uses; and that the provision of dwelling accommodations on such undeveloped vacant land is necessary to accomplish the relocation, in decent, safe and sanitary housing in the community, of families to be displaced from slum or blighted areas which are to be redeveloped; provided, however, that in the undertaking of redevelopment projects on a regional or unified metropolitan basis, involving the acquisition and development of undeveloped vacant land in one community as an adjunct to the redevelopment of slum or blighted areas in another community, each determination or finding required in this subsection shall be made by the governing body of the community with respect to which the determination or finding relates.

Section 10. ISSUANCE OF BONDS:—(a) An Authority shall have power to issue bonds from time to time in its discretion for any of its corporate purposes including the payment of principal and interest upon any advances for surveys and plans for redevelopment projects. An Authority shall also have power to issue refunding bonds for the purpose of paying or retiring or in exchange for bonds previously issued by it. An Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable:

(1) Exclusively from the income, proceeds, and revenues of the redevelopment project financed with the proceeds of such bonds; or

(2) Exclusively from the income, proceeds, and revenues of any of its redevelopment projects whether or not they are financed in whole or in part with the proceeds of such bonds;

Provided that any such bonds may be additionally secured by a pledge of any loan, grant or contributions, or parts thereof, from the Federal Government or other source, or a mortgage of any redevelopment project or projects of the Authority.

(b) Neither the commissioners of an Authority nor any person executing the bonds shall be liable personally on the bonds

by reason of the issuance thereof. The bonds and other obligations of the Authority (and such bonds and obligations shall so state on their face) shall not be a debt of the municipality, the county, or the State, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said Authority acquired for the purposes of this Act. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from all taxes.

(c) Bonds of an Authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

(d) The bonds shall be sold at not less than par at public sale held after notice published once at least ten days prior to such sale in a legal newspaper having a general circulation in the area of operation and in such other medium of publication as the Authority may determine; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the bonds authorized in connection with any project or projects are sold to the Federal Government, the balance of such bonds may be sold at private sale at not less than par at an interest cost to the Authority of not to exceed the interest cost to the Authority of the portion of the bonds sold to the Federal Government.

(e) In case any of the commissioners or officers of the Authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and suffi-

cient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable.

(f) In any suit, action or proceedings involving the validity or enforceability of any bond of an Authority or the security therefor, any such bond reciting in substance that it has been issued by the Authority to aid in financing a redevelopment project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this Act.

Section 11. POWERS IN CONNECTION WITH ISSUANCE OF BONDS:—(a) In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an Authority, in addition to its other powers, shall have power:

(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence;

(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired;

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or any thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any redevelopment project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it;

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to cove-

nant against extending the time for the payment of its bonds or interest thereon; and to covenant for the redemption of the bonds and to provide the terms and conditions thereof;

(5) To covenant (subject to the limitations contained in this Act) as to the amount of revenues to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds;

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(7) To covenant as to the use, maintenance and replacement of any or all of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys, and to warrant its title to such property;

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenants, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(9) To vest in any obligees of the Authority the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in any obligee or obligees holding a specified amount in bonds the right, in the event of a default by said Authority, to take possession of and use, operate and manage any redevelopment project or any part thereof, title to which is in the Authority, or any funds connected therewith, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with such obligees; to provide for the powers and

duties of such obligees and to limit the liabilities thereof; and to provide the terms and conditions upon which such obligees may enforce any covenant or rights securing or relating to the bonds; and

(10) To exercise all or any part or combination of the powers herein granted; to make such covenants (other than and in addition to the covenants herein expressly authorized) and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

(b) An Authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instruments, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any redevelopment project or any part thereof, title to which is in the Authority, to be surrendered to any such obligee;

(2) To obtain the appointment of a receiver of any redevelopment project of said Authority or any part thereof, title to which is in the Authority, and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of, carry out, operate and maintain such project or any part thereof and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said Authority as the court shall direct; and

(3) To require said Authority and the commissioners, officers, agents and employees thereof to account as if it and they were the trustees of an express trust.

Section 12. RIGHTS OF OBLIGEE:—An obligee of an Authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel said Authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said Authority and the fulfillment of all duties imposed upon said Authority by this Act; and

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said Authority.

Section 13. BONDS AS LEGAL INVESTMENTS:—All public officers, municipal corporations, political subdivisions and public bodies; all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by an Authority pursuant to this Act or by any public housing or redevelopment authority or commission, or agency or any other public body in the United States for redevelopment purposes, when such bonds and other obligations are secured by an agreement between the issuing agency and the Federal Government in which the issuing agency agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuing agency, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms

of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity, and such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this Section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. However, nothing contained in this Section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section 14. CONVEYANCE TO FEDERAL GOVERNMENT ON DEFAULT:—In any contract for financial assistance with the Federal Government the Authority may obligate itself (which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws) to convey to the Federal Government possession of or title to the redevelopment project and land therein to which such contract relates which is owned by the Authority, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject; such contract may further provide that in case of such conveyance, the Federal Government may complete, operate, manage, lease, convey or otherwise deal with the redevelopment project in accordance with the terms of such contract; provided, that the contract requires that, as soon as practicable after the Federal Government is satisfied that all defaults with respect to the redevelopment project have been cured and that the redevelopment project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall reconvey to the Authority the redevelopment project as then constituted.

Section 15. PROPERTY OF AUTHORITY EXEMPT FROM TAXES AND FROM LEVY AND SALE BY VIRTUE OF AN EXECUTION:—(a) All property including funds of an Authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against an Authority be a charge or lien upon its property; provided, however, that the provisions of this Section shall not apply to or limit the right of

obligees to foreclose or otherwise enforce any mortgage of an Authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an Authority on its rents, fees, grants or revenues.

(b) The property of an Authority is declared to be public property used for essential public and governmental purposes and such property and an Authority shall be exempt from all taxes of the municipality, the county, the State or any political subdivision thereof; provided that with respect to any property in a redevelopment project, the tax exemption provided herein shall terminate when the Authority sells, leases or otherwise disposes of such property to a redeveloper for redevelopment.

Section 16. COOPERATION BY PUBLIC BODIES:—(a) For the purpose of aiding and cooperating in the planning, undertaking or carrying out a redevelopment project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to an Authority;

(2) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished in connection with a redevelopment project;

(3) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places, which it is otherwise empowered to underetake;

(4) Plan or replan, zone or rezone any part of the public body or make exceptions from building regulations and ordinances if such functions are of the character which the public body is otherwise empowered to perform;

(5) Cause administrative and other services to be furnished to the Authority of the character which the public body is otherwise empowered to undertake or furnish for the same or other purposes;

(6) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Section;

(7) Do any and all things necessary or convenient to aid and cooperate in the planning or carrying out a redevelopment plan;

(8) Lend, grant or contribute funds to an Authority;

(9) Employ any funds belonging to or within the control of such public body, including funds derived from the sale or furnishing of property, service, or facilities to an Authority, in the purchase of the bonds or other obligations of an Authority and, as the holder of such bonds or other obligations, exercise the rights connected therewith; and

(10) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with an Authority respecting action to be taken by such public body pursuant to any of the powers granted by this Act. If at any time title to, or possession of, any redevelopment project is held by any public body or governmental agency, other than the Authority, authorized by law to engage in the undertaking, carrying out or administration of redevelopment projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency.

(b) Any sale, conveyance, lease or agreement provided for in this Section may be made by a public body without appraisal, public notice, advertisement or public bidding.

Section 17. GRANT OF FUNDS BY COMMUNITY:—Any community located in whole or in part within the area of operation of an Authority may grant funds to an Authority for the purpose of aiding such Authority in carrying out any of its powers and functions under this Act. To obtain funds for this purpose, the community may levy taxes and may issue and sell its bonds. Any bonds to be issued by the community pursuant to the provisions of this Section shall be issued in the manner and

within the limitations prescribed by the laws of this State for the issuance and authorization of bonds by a community for any public purpose.

Section 18. COOPERATION BETWEEN AUTHORITIES:

—Any two or more Authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of planning, undertaking or financing a redevelopment project or projects located within the area or areas of operation of any one or more of said Authorities. When a redevelopment project or projects are planned, undertaken or financed on a regional or unified metropolitan basis, the terms “governing body” and “community” as used in this Act shall mean the governing bodies of the appropriate communities and the appropriate communities cooperating in the planning, undertaking or financing of such project or projects.

Section 19. ANNUAL REPORT:—An Authority shall at least once a year file with the governing body of the community a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this Act.

Section 20. TITLE OF PURCHASER:—Any instrument executed by an Authority and purporting to convey any right, title or interest in any property under this Act shall be conclusive evidence of compliance with the provisions of this Act insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

Section 21. PREPARATION OF GENERAL PLAN BY LOCAL GOVERNING BODY:—The governing body of any community, which is not otherwise authorized to create a planning commission with power to prepare a general plan for the development of the community, is hereby authorized and empowered to prepare such a general plan prior to the initiation and carrying out of a redevelopment project under this Act.

Section 22. SEPARABILITY OF PROVISIONS:—Notwithstanding any other evidence of legislative intent, it is hereby de-

clared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 23. **INCONSISTENT PROVISIONS:**—Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Section 24. **ADDITIONAL CONFERRED POWERS:**—The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

Section 25. **EFFECTIVE DATE:**—This Act shall be in effect from and after its passage and approval.

Approved June 8, 1951.

CHAPTER 346

WILMINGTON

RELATING TO PENSIONS TO MEMBERS OF FIRE AND
POLICE BUREAUS**AN ACT TO AMEND AN ACT PROVIDING FOR THE PAYMENT OF PENSIONS AND DEATH BENEFITS TO MEMBERS OF THE BUREAU OF FIRE AND BUREAU OF POLICE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON (THE SAME BEING CHAPTER 167 OF VOLUME 45, LAWS OF DELAWARE).**

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

Section 1. That Chapter 167 of Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by adding to Section 4. a new paragraph to be designated as Section 4., Subdivision C:

C. Notwithstanding the provisions of this Act or of any general or special law to the contrary, any condition of impairment of health caused by tuberculosis or heart disease, resulting in total or partial disability of any member of the Police or Fire Departments of the Department of Public Safety of the Mayor and Council of Wilmington who successfully passes a physical examination on entry into such service, which examination failed to reveal any evidence of such condition, shall be presumed to have suffered or incurred such ailments in the line of duty, unless the contrary be shown by competent evidence. Any disability as specified in this paragraph which removes the member of the Police or Fire Departments from active service shall entitle the Firemen or Policemen to the benefits of this Act regardless of the period of service at the time the disability occurs.

Approved June 8, 1951.

CHAPTER 347

WILMINGTON

PROVIDING ADDITIONAL PENSION BENEFITS FOR MEMBERS OF
POLICE FORCE**AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF
DELAWARE, AS AMENDED, ENTITLED "AN ACT PRO-
VIDING FOR A POLICE PENSION FUND FOR MEM-
BERS OF THE POLICE FORCE OF THE CITY OF WIL-
MINGTON," BY PROVIDING ADDITIONAL BENEFITS
FOR TOTAL OR PARTIAL DISABILITY UNDER CER-
TAIN CONDITIONS.**

*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 113, Volume 32, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new paragraph thereto as follows:

"Notwithstanding the provisions of this Act or of any general or special law to the contrary, any condition or impairment of health caused by tuberculosis or heart disease, resulting in total or partial disability of any member of the Police Department of the Department of Public Safety of the Mayor and Council of Wilmington who successfully passes a physical examination on entry into such service, which examination failed to reveal any evidence of such condition, shall be presumed to have suffered or incurred such ailments in the line of duty, unless the contrary be shown by competent evidence. Any disability as specified in this paragraph which removes the member of the Police Department from active service shall entitle the Policemen to the benefits of this Act regardless of the period of service at the time the disability occurs."

Approved June 8, 1951.

CHAPTER 348

WILMINGTON

PROVIDING ADDITIONAL PENSION BENEFITS FOR MEMBERS OF FIRE AND POLICE BUREAUS

AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON" BY PROVIDING ADDITIONAL BENEFITS FOR TOTAL OR PARTIAL DISABILITY UNDER CERTAIN CONDITIONS.

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

Section 1. That Chapter 118, Volume 33, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new paragraph thereto as follows:

Notwithstanding the provisions of this Act or of any general or special law to the contrary, any condition or impairment of health caused by tuberculosis or heart disease, resulting in total or partial disability of any member of the Fire Department of the Department of Public Safety of the Mayor and Council of Wilmington who successfully passes a physical examination on entry into such service, which examination failed to reveal any evidence of such condition, shall be presumed to have suffered or incurred such ailments in the line of duty, unless the contrary be shown by competent evidence. Any disability as specified in this paragraph which removes the member of the Fire Department from active service shall entitle the Firemen to the benefits of this Act regardless of the period of service at the time the disability occurs.

Approved June 8, 1951.

CHAPTER 349
CORPORATIONS

**AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, 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 House thereof concurring therein):

Section 1. That Section 60. of Chapter 65 of the Revised Code of Delaware, 1935, as amended, being Section 2092. thereof, be and the same is hereby further amended by striking out all of said Section and inserting in lieu thereof the following:

2092. Sec. 60. CONSOLIDATION OR MERGER; STATUS OF OLD AND NEW CORPORATIONS:—When an agreement shall have been signed, acknowledged, filed and recorded, as in Section 59., Section 59B., or in Section 59C. of this Chapter is required, for all purposes of the laws of this State the separate existence of all the constituent corporations, parties to said agreement, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated or merged, and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, including in the case of Banks or Trust Companies, without any Order or other action on the part of any Court or otherwise, appointments, designations, and nominations and all other rights and interests as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, trustee of estates of lunatics and in every other fiduciary capacity, and all debts due to any of said constituent

corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the resulting or surviving corporation as they were of the several and respective constituent corporations, and the title to any real estate vested by deed or otherwise, under the laws of this State, in any of such constituent corporations, shall not revert or be in any way impaired by reason of this Chapter; provided, however, that all rights of creditors and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it. Provided, however, that in the case of a merger of Banks or Trust Companies, any party in interest shall have the right to apply to an appropriate court or tribunal for a determination as to whether the resulting corporation shall continue to serve in the same fiduciary capacity as the merged corporation, or whether a new and different fiduciary should be appointed.

Approved June 8, 1951.

CHAPTER 350

APPROPRIATION

DELAWARE COMMISSION FOR THE BLIND

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE BLIND FOR THE MAINTENANCE AND OPERATION OF SUNNYBROOK, A NURSERY SCHOOL FOR BLIND CHILDREN.

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 for the Blind the sum of Sixteen Thousand Dollars (\$16,000.00) for the fiscal year beginning July 1, 1951, and ending June 30, 1952, and the sum of Twenty Thousand and One Hundred Dollars (\$20,100.00) for the fiscal year beginning July 1, 1952, and ending June 30, 1953, to be used for the maintenance and operation of "Sunnybrook", a nursery school for blind children.

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 from funds not otherwise appropriated.

Approved June 8, 1951.

CHAPTER 351
CORPORATIONS

PROVIDING INCREASE IN FEES COLLECTED BY SECRETARY
OF STATE

**AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO CORPORATIONS,
BY PROVIDING AN INCREASE IN CERTAIN FEES
COLLECTED BY THE SECRETARY OF STATE.**

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

Section 1. That Paragraph 2104. Sec. 72. of Chapter 65, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and deleting the word "Two" as the same appears in the fourth line of the seventh paragraph and by inserting in lieu thereof the word "Five"; by deleting the word "Six" as the same appears in the ninth line of the same paragraph and by inserting in lieu thereof the word "Eight"; by deleting the word "Two" as the same appears in the fourth line of the eighth paragraph and by inserting in lieu thereof the word "Five"; by deleting the words "One Dollar" as the same appear in the sixth line of the ninth paragraph thereof and by inserting in lieu thereof the words "Two Dollars," by deleting the word "One" as the same appears in the eighth line of the ninth paragraph and by inserting in lieu thereof the word "Two"; and by deleting the word "Dollar" as the same appears in the ninth line of the ninth paragraph and by inserting in lieu thereof the word "Dollars."

Section 2. That Paragraph 95. Sec. 61. of Chapter 6, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the word "Two" as the same appears in the fourth line of the seventh paragraph and by inserting in lieu thereof the word "Five"; by deleting the word "Six" as the same appears in the ninth line of the same paragraph and by inserting in lieu thereof the word "Eight"; by deleting the word "Two" as the same appears in the fourth line of the eighth para-

graph and by inserting in lieu thereof the word "Five"; by deleting the word "One" as the same appears in the fifth line of the ninth paragraph thereof and by inserting in lieu thereof the word "Two"; by deleting the word "Dollar" as the same appears in the sixth line of the ninth paragraph thereof and by inserting in lieu thereof the word "Dollars"; and by deleting the words "One Dollar" as the same appear in the eighth line of the ninth paragraph and by inserting in lieu thereof the words "Two Dollars."

Approved June 8, 1951.

CHAPTER 352

CORPORATIONS

CONSOLIDATION OR MERGER OF NON-STOCK CORPORATIONS

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO CORPORATIONS TO PROVIDE FOR THE CONSOLIDATION OR MERGER OF NON-STOCK CORPORATIONS, WHETHER ORGANIZED FOR PROFIT OR NOT FOR PROFIT, WITH STOCK 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 59 of Chapter 65 of the Revised Code of the State of Delaware, being Section 2091. of said Code, be, and the same is hereby amended by adding thereto a new Section to be known as Code Section 2091D., Section 59D., as follows:

"2091D. Sec. 59D. CONSOLIDATION OR MERGER OF NON-STOCK CORPORATIONS, ORGANIZED FOR PROFIT OR NOT FOR PROFIT, WITH STOCK CORPORATIONS; PROCEEDINGS FOR:—Any one or more non-stock corporations, whether organized for profit or not organized for profit, organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more stock corporations, whether organized for profit or not organized for profit, organized under the provisions of this Chapter, or existing under the laws of this State, into a single corporation which may be any one of said constituent corporations or a new corporation to be formed by means of such consolidation or merger as shall be specified in the agreement hereinafter required. The new corporation or the surviving constituent corporation may be organized for profit or not organized for profit and may be a stock corporation or a membership corporation; the directors, or a majority of them, of such stock corporations

as desire to consolidate or merge and the members of the governing body, however called, or a majority of them, of such non-stock corporations as desire to consolidate or merge may enter into an agreement signed by them and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation or merger, the mode of carrying the same into effect, and stating such other facts required or permitted by the provisions of this Chapter to be set out in Certificates of Incorporation, as can be stated in the case of a consolidation or merger, stated in such altered form as the circumstances of the case require, as well as the manner of converting the shares of stock of a stock corporation and the interests of members of a non-stock corporation into shares or other securities of the corporation resulting from or surviving such consolidation or merger or of converting the shares of stockholders in a stock corporation and the interests of members of a non-stock corporation into membership interests of the non-stock corporation resulting from or surviving such consolidation or merger, as the case may be, with such other details and provisions as are deemed necessary; provided, however, that in such consolidation or merger the interests of members of a constituent non-stock corporation may be treated in various ways so as to convert such interests into interests of value, other than shares of stock, in the proposed new or resulting stock corporation or into shares of stock in the proposed new or resulting stock corporation, voting or non-voting, or into creditor interests or any other interests of value equivalent to their membership interests in their non-stock corporation, and further provided that the voting rights of members of a constituent non-stock corporation need not be considered an element of value in measuring the reasonable equivalence of the value of the interests received in the new or resulting stock corporation by members of a constituent non-stock corporation, nor need the voting rights of shares of stock in a constituent stock corporation be considered as an element of value in measuring the reasonable equivalence of the value of the interests in the new or resulting non-stock corporations received by stockholders of a constituent stock corporation, and the voting or non-voting shares of a stock corporation may be converted into voting or non-voting regular, life, general, special or other type of membership, however designated, creditor interests or participating interests, in the non-stock corporation resulting from or

surviving such consolidation or merger of a stock corporation and a non-stock corporation.

"Said agreement, in the case of each constituent stock corporation, shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in the manner provided by the first two paragraphs of Section 59. of this Chapter and, in the case of each constituent non-stock corporation, it shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in the manner provided by the first two paragraphs of Section 59C. of this Chapter. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the Office of the Secretary of State and a copy thereof duly certified by the Secretary of State, shall be recorded as provided in the second paragraph of Section 59. of this Chapter; and said agreement, when so recorded, shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the law of this State.

"In the consolidation or merger of Delaware and foreign stock and non-stock corporations, any one or more corporations, whether stock or non-stock corporations and whether organized for profit or not organized for profit, organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more other corporations, whether stock or non-stock corporations and whether organized for profit or not organized for profit, organized under the laws of any other State or States of the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger. The constituent corporations may merge into a single corporation, which may be any one of said constituent corporations, or they may consolidate to form a new corporation, which may be a corporation of the State of incorporation of any one of said constituent corporations, and the new or surviving corporation may be either a stock corporation or a membership corporation as shall be specified in the agreement hereinafter required.

"The method and procedure to be followed by said constituent corporations so consolidating or merging shall be as

prescribed in the first two paragraphs of this Section in the case of Delaware corporations; provided, however, that the agreement of consolidation or merger shall also set forth such other facts as shall then be required to be set forth in certificates of incorporation by the laws of the State, which are stated in said agreement to be the laws which shall govern the resulting or surviving corporation and that can be stated in the case of a consolidation or merger and said agreement, in the case of foreign corporations, shall be authorized, adopted, approved, signed and acknowledged by each of said constituent foreign corporations in accordance with the laws under which each is formed. The requirements of the concluding paragraph of Section 59. of this Chapter as to the appointment of the Secretary of State to receive process and the manner of serving the same in the event the new or surviving corporation is to be governed by the laws of any other State shall also apply to consolidations or mergers effected under the provisions of this Section."

Section 2. That Section 60. of Chapter 65 of the Revised Code of the State of Delaware, being Section 2092. of said Code, be and the same is hereby amended by striking out the words, "or in" between the words "Section 59B." and "Section 59C." and by inserting after the words "Section 59C." the additional words "or in Section 59D."

Section 3. That Paragraph 11 of Section 5. of Chapter 65 of the Revised Code of the State of Delaware, being Section 2037. of said Code, be, and the same is hereby amended by inserting "59D." after "59C." in the last line of said paragraph.

Section 4. That Section 61. of Chapter 65 of the Revised Code of the State of Delaware, being Section 2093. of said Code, be, and the same is hereby amended by striking out all of said Section and inserting in lieu thereof a new Section reading as follows:

"2093. Sec. 61. CONSOLIDATION OR MERGER; PAYMENT FOR STOCK OR MEMBERSHIP OF DISSATISFIED STOCKHOLDER OR MEMBER:—The corporation resulting from or surviving any consolidation or merger as aforesaid shall within ten days after the date on which the agreement of con-

solidation or merger has been filed and recorded, as aforesaid, notify each stockholder or member in any corporation of this State consolidating or merging as aforesaid, who objected thereto in writing and, in the case of a stock corporation, whose shares were not voted in favor of such consolidation or merger and, in the case of a non-stock corporation, who did not vote 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 or to said member at his last known address as appears on the books of the corporation and if any of such stockholders or of such members 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 or his membership, 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 or of his membership on the date of the recording 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 or any such member fail to agree as to the value of such stock or of such membership, any such stockholder or any such member 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 and of the memberships of all such members by an appraiser to be appointed by the Court.

“Upon the filing of any such petition by a stockholder or by a member, service of a copy thereof shall be made upon the corporation, which shall within ten days after such service file in the Office of the Register in Chancery in which said petition was filed a duly verified list containing the names and addresses of all stockholders and of all members who have demanded payment for their shares and memberships, respectively, and with whom agreements as to value for said shares and memberships have not been reached by the corporation. If the petition shall be filed

by the corporation, the petition shall be accompanied by such a duly verified list. The Register in Chancery shall give notice of the time and place fixed for the hearing of such petition by registered mail to the corporation and the stockholders and the members shown upon said list at the addresses therein stated and notice shall also be given by publishing a notice at least once a week for two successive weeks, the second publication to appear at least one week before the day of hearing, in a newspaper of general circulation published in the City of Wilmington, Delaware. The Court shall have power to direct such additional publications of notice as it may deem advisable. The forms of the notices by mail and by publication shall be approved by the Court.

"After the hearing of such petition the Court shall determine the stockholders and the members who have complied with the provisions of this Section and become entitled to the valuation of and payment for their shares and memberships, respectively, and shall appoint an appraiser to determine such value. Such appraiser shall have power to examine any of the books and records of the corporation or corporations the stock or memberships of which he is charged with the duty of valuing and he shall make a determination of the value of the shares and of the memberships upon such investigation as to him may seem proper. The appraiser shall also afford a reasonable opportunity to the parties interested to submit to him pertinent evidence on the value of the shares and of the memberships. The appraiser, also, shall have such powers and authority as may be conferred upon masters by the rules of the Court of Chancery or by the order of his appointment.

"The appraiser shall determine the value of the stock of the stockholders and the value of the memberships of the members 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 and the value of the memberships of the members entitled to payment therefor and shall direct the payment of such value, to-

gether with interest, if any, as hereinafter provided, to the stockholders and to the members entitled thereto by the resulting or surviving corporation upon the transfer to it of the certificates representing such stock and representing such memberships 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 or memberships of such dissenting stockholders and members 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. The interests of value other than shares of the surviving or resulting corporation into which the memberships of such dissenting members would have been converted had they assented to the consolidation or merger shall be cancelled.

"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 of 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 and upon the value of the memberships of the members entitled thereto.

"Any stockholder who shall have demanded payment of his stock as herein provided shall not thereafter be entitled to vote such stock for any purpose or be entitled to the payment of dividends or other distribution on said stock (except dividends payable to stockholders of record at a date which is prior to the date of the recording of said agreement) unless the appointment of an appraiser shall not be applied for within the time herein provided, or the proceeding be dismissed as to such stockholder, or unless such stockholder shall with the written approval of the corporation deliver to the corporation a written withdrawal of

his objections to and an acceptance of such consolidation or merger, in any of which cases the right of such stockholder to payment of his stock shall cease. Any member who shall have demanded payment for his membership as herein provided shall not thereafter be entitled to vote for any purpose or be entitled to the payment of any distribution on said membership (except sums payable to members of record at a date which is prior to the date of the recording of said agreement) unless the appointment of an appraiser shall not be applied for within the time herein provided, or the proceeding be dismissed as to such member, or unless such member shall with the written approval of the corporation deliver to the corporation a written withdrawal of his objections to and an acceptance of such consolidation or merger, in any of which cases the right of such member to payment for his membership shall cease.

"At the time of appointing the appraiser or at any time thereafter the Court may require the dissenting stockholders or members to submit their certificates of stock or of membership to the Register in Chancery for notation thereon of the pendency of the appraisal proceedings, and if any stockholder or member fails to comply with such direction the Court may dismiss the proceedings as to such stockholder or such member.

"This Section shall apply only to cases of agreements of consolidation or merger filed after the Fifteenth day of April, 1943. All prior cases shall be governed by the law in force immediately prior to the said Fifteenth day of April, 1943, which, as to such cases, and only such cases, is continued in force and effect."

Approved June 15, 1951.

CHAPTER 353

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 House thereof concurring therein):

Section 1. That Paragraph 9 of Section 2 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2034. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said Paragraph 9 and inserting in lieu thereof the following:

"9. To make donations for the public welfare or for charitable, scientific, or educational purposes."

Section 2. That the third paragraph of Section 17 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2049. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said paragraph and inserting in lieu thereof the following:

"The Certificate of Incorporation of any corporation may provide that at all elections of directors of such corporation, each stockholder shall be entitled to as many votes as shall equal the number of votes which (except for such provision as to cumulative voting) he would be entitled to cast for the election of directors with respect to his shares of stock multiplied by the number of directors to be elected, and that he may cast all of such votes for a single director or may distribute them among the number to be voted for, or for any two or more of them as he may see fit, which right when exercised, shall be termed cumulative voting."

Section 3. That Section 27 of Chapter 65 of the Revised

Code of Delaware, 1935, being Section 2059. of said Revised Code, as amended, be and the same is hereby further amended by striking out all of said Section and inserting in lieu thereof the following:

"2059. Sec. 27. Retirement of Preferred Stock:—Whenever any corporation organized under this Chapter shall have issued any preferred or special shares it may, subject to the provisions of its Certificate of Incorporation, (1) redeem all or any part of such shares, if subject to redemption, at such time or times, at such price or prices, and otherwise as shall be stated or expressed in the Certificate of Incorporation or (2) at any time or from time to time purchase all or any part of such shares, but in the case of shares subject to redemption, at not exceeding the price or prices at which the same may be redeemed, or (3) at any time or from time to time, by resolution of the board of directors, retire any such shares redeemed or purchased out of surplus. The corporation may apply to such redemption or purchase an amount out of its capital which shall not be greater than the sum of (1) that part of the consideration received for such shares which shall be capital pursuant to the provisions of Section 14 of this Chapter and that part of surplus which shall have been transferred and treated as capital in respect of such shares pursuant to the provisions of said Section and (2) any amounts by which the capital of the corporation shall have been increased by other transfers from surplus in accordance with the provisions of said Section 14, except those transfers, if any, which shall have been made in respect of other preferred or special shares. Whenever upon the conversion or exchange of preferred or special shares into or for other shares of the corporation the amount of capital represented by such preferred or special shares exceeds the total aggregate par or stated value represented by such other shares, the corporation by resolution of the board of directors may as herein provided reduce its capital at any time thereafter by all or any part of such excess. No such redemption or purchase, however, shall be made out of capital, and there shall be no such reduction of capital after such conversion or exchange, unless the assets of the corporation remaining after such redemption, purchase or reduction shall be sufficient to pay any debts of the corporation, the payment of which shall not have been otherwise provided for.

"Any such shares so redeemed or purchased by the application of capital or otherwise retired pursuant to the provisions of this Section, shall, upon the filing and recording of the certificate hereinafter in this Section provided for, and any shares of the corporation surrendered to it on the conversion or exchange thereof into or for other shares of the corporation shall, after such conversion or exchange, have the status of authorized and unissued shares of the class of stock to which such shares belong; provided, however, that if the Certificate of Incorporation prohibits the reissue of such shares, the authorized capital stock of the corporation of the class to which such shares belong shall, upon such redemption, purchase, retirement, conversion or exchange, be deemed to be, and shall, upon the filing and recording of an appropriate certificate, executed as hereinafter provided, be reduced to the extent of the aggregate par value of the shares so redeemed, purchased, retired, converted or exchanged or, if such shares are without par value, to the extent of the total number of such shares.

"Whenever any capital of the corporation is applied to the redemption or the purchase of shares or any shares are retired pursuant to the provisions of this Section 27, or whenever following the conversion or exchange of preferred or special shares of the corporation the capital of the corporation is to be reduced as herein provided, a certificate shall be made accordingly under the seal of the corporation and the hands of its President or a Vice-President and its Secretary or an Assistant Secretary and the President or such Vice-President shall acknowledge said certificate before an officer authorized by the Laws of Delaware to take acknowledgment of deeds; and said certificate, so executed and acknowledged, shall be filed in the office of the Secretary of State and a copy thereof, certified by said Secretary of State, shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded; and thereupon the capital of the corporation shall be deemed to be and shall thereby be reduced by the amount thereof so applied to such redemption or purchase or the amount thereof represented by the shares so redeemed or purchased, whichever shall be greater, or, in the case of shares redeemed or purchased out of surplus and so retired, by the amount of capital represented by the shares so retired, or, following the conversion or exchange of

preferred or special shares of the corporation, by the amount specified by resolution of the board of directors of the corporation as aforesaid, without the necessity of any other proceedings under any other Section of this Chapter. If the Certificate of Incorporation prohibits the reissue of the shares so redeemed, purchased, retired or surrendered to the corporation on the conversion or exchange thereof into other shares of the corporation, the filing and recording of such certificate containing a recital of such fact shall constitute an amendment to the Certificate of Incorporation effecting a reduction in the authorized capital stock of the corporation to the extent of the aggregate par value of the shares so redeemed, purchased, retired, or surrendered on conversion or exchange, or, if such shares are without par value, to the extent of the total number of such shares. If the shares so redeemed, purchased, retired, or surrendered on conversion or exchange constitute all the outstanding shares of any particular class and the reissue thereof is so prohibited, the filing and recording of such certificate, containing a recital of such fact, shall constitute an amendment to the Certificate of Incorporation effecting a reduction in the authorized capital stock of the corporation by the elimination therefrom of all reference to said particular class of stock.

"Nothing in this Section shall be construed as limiting the exercise of the rights given by Section 19 of this Chapter, or as in any way affecting the right of any corporation to resell any of its shares theretofore purchased or redeemed out of surplus for such consideration as shall be fixed from time to time by the board of directors."

Section 4. That Section 43 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2075. of said Revised Code, be and the same hereby is amended by striking out all of said Section and inserting in lieu thereof the following:

"2075. Sec. 43. Dissolved Corporations; Receivers For; How Appointed; Powers:—When any corporation organized, under this Chapter shall be dissolved in any manner whatever, the Court of Chancery, on application of any creditor or stockholder of such corporation, at any time, may either appoint one or more of the directors thereof trustees, or appoint one or more

persons to be receivers, of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such trustees or receivers may be continued as long as the Chancellor shall think necessary for the purposes aforesaid."

Section 5. That Section 62 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2094, of said Revised Code, be and the same hereby is amended by striking out all of said Section and inserting in lieu thereof the following:

"Any action or proceeding pending by or against any of the corporations consolidated or merged may be prosecuted as if such consolidation or merger had not taken place, or the corporation resulting from or surviving such consolidation or merger may be substituted in its place."

Section 6. That Article 11 of Chapter 65 of the Revised Code of Delaware, 1935, be and the same hereby is amended by adding, immediately following Section 217. thereof, a new Section to be designated as 2249A. Sec. 217A., as follows:

"2249A. Sec. 217A. Procedure for Foreign Corporation to Withdraw from State:—Any foreign corporation which shall have qualified to do business in this State under the provisions of Section 215. of this Chapter, may surrender its authority to do business in this State and may withdraw therefrom by filing with the Secretary of State:

"(1) A certificate signed by its President or a Vice-President and under its corporate seal, attested by its Secretary or an Assistant Secretary, setting forth (a) that it surrenders its authority to transact business in the State of Delaware and withdraws therefrom; and (b) the address to which the Secretary of State may mail any process against such corporation that may be served upon him; or

"(2) A copy of a Certificate of Dissolution issued by the proper official of the state of incorporation, certified to be a true copy under the hand and official seal of such official, accompanied by the information required by clause (b) of paragraph (1) above; or

"(3) A copy of an order or decree of dissolution made by any Court of competent jurisdiction or other competent authority of the state of incorporation, certified to be a true copy under the hand of the Clerk of the Court or other official body, and the official seal of such Court or official body or Clerk thereof accompanied by the information required by clause (b) of paragraph (1) above.

"Such foreign corporation so withdrawing from this State shall pay to the Secretary of State the sum of Ten Dollars in addition to a fee of Two Dollars for filing and/or indexing the certificate hereinbefore required, a fee of Five Dollars for certifying to and/or copying said certificate, and a fee of One Dollar for the Prothonotary of the Superior Court of each County of the State, to be paid over by the Secretary of State to each such Prothonotary upon the issuance of certificates as next provided.

"The Secretary of State shall thereupon issue a sufficient number of certificates under his hand and official seal, evidencing the surrender of the authority of the corporation to do business in this State and its withdrawal therefrom to the end that compliance may be had with the requirements next stated. One such certificate shall be furnished to the corporation so withdrawing and surrendering its right to do business in the State; one such certificate shall be delivered to each agent of the corporation designated as such immediately prior to such withdrawal; and one such certificate shall be issued to the Prothonotary of the Superior Court of each County of the State. Each such Prothonotary shall thereupon enter in the "Record of Agents of Foreign Corporations," maintained under the provisions of Section 217. of this Chapter, a proper notation of the receipt of such certificate of surrender and withdrawal and the effective date thereof.

"Upon the issuance of such certificates by the Secretary of State, the appointment of the authorized agent or agents of the

corporation in this State, upon whom process against the corporation may be served, shall be revoked and the corporation shall be deemed to have consented that service of process in any action, suit or proceeding based upon any cause of action arising in this State, during the time the corporation was authorized to transact business in this State, may thereafter be made by service upon the Secretary of State. In the event of service upon the Secretary of State as aforesaid, it shall be the duty of the Secretary of State forthwith to notify such corporation thereof by registered mail directed to such corporation at the address filed with the Secretary of State as above provided, accompanied by a copy of the process or other papers served upon him, and it shall be the duty of the plaintiff in any such action, suit or proceeding to serve process or other papers in duplicate and to pay to the Secretary of State the sum of Three Dollars, for the use of the State, which said sum shall be taxed as part of the costs in the said action, suit or proceeding, if the plaintiff shall prevail therein. The Secretary of State shall enter alphabetically in the process book, kept for that purpose, the name of plaintiff and defendant, the title and docket number of the cause in which such process has been served upon him, the return day thereof, and the day and hour when the service was made."

Section 7. That the second paragraph of Section 59 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2091. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said paragraph and inserting in lieu thereof the following:

"Said agreement shall be submitted, to the stockholders of each constituent corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the County wherein each such corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known post office address of each stockholder of each such corporation, at least twenty days prior to the date of such meeting, and at said meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or

rejection of the same, each share entitling the holder thereof to one vote; and if the votes of stockholders of each such corporation representing two-thirds of the total number of shares of its capital stock shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the Secretary or Assistant Secretary of each such corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the President or Vice-President and Secretary or Assistant Secretary of each of such corporations under the corporate seals thereof and acknowledged by the President or Vice-President of each such corporations before any officer authorized by the laws of this State to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and a copy of said agreement and act of consolidation or merger, certified by the Secretary of State, shall be recorded in the offices of the Records of the Counties of this State in which the respective corporations so consolidating or merging shall have their original Certificates of Incorporation recorded, or if any of the corporations shall have been specially created by a public Act of the Legislature, then said agreement shall be recorded in the County where such corporation shall have had its principal place of business, and the agreement, when so recorded, shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said corporations, and such record, or a certified copy thereof, shall be evidence of the agreement and act of consolidation or merger of said corporations, and of the observance and performance of all acts and conditions necessary to have been observed and performed precedent to such consolidation or merger."

Section 8. That the third paragraph of Section 59 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2091. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said paragraph and inserting in lieu thereof the following:

"Any one or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more other corporations

organized under the laws of any other State or States of the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger. The constituent corporations may merge into a single corporation, which may be any one of said constituent corporations, or they may consolidate to form a new corporation, which may be a corporation of the State of incorporation of any one of said constituent corporations as shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares or other securities of the corporation resulting from or surviving such consolidation or merger and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in Certificates of Incorporation by the laws of the State, which are stated in said agreement to be the laws that shall govern said resulting or surviving corporation and that can be stated in the case of a consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and, in the case of a Delaware corporation, in the manner provided in the two immediately preceding paragraphs. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and a copy thereof, certified by the Secretary of State, shall be recorded as provided in this Section with respect to the consolidation or merger of corporations of this State; and said agreement, when so recorded, shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this State."

Section 9. That Section 59A. of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2091A. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said Section and inserting in lieu thereof the following:

"2091A. Sec. 59A. Merger of Parent Corporation and Wholly Owned Subsidiary; Proceedings for:—Any corporation now or hereafter organized under the provisions of this Chapter or existing under the laws of this State, for the purpose of carrying on any kind of business, owning all the stock of any other corporation now or hereafter organized under the provisions of this Chapter or existing under the laws of this State, or now or hereafter organized under the laws of any other State of the United States of America, if the laws under which said other corporation is formed shall permit a merger as herein provided, may file in the office of the Secretary of State a certificate of such ownership in its name and under its corporate seal, signed by its President or a Vice-President, and its Secretary or Treasurer or Assistant Secretary or Assistant Treasurer, and setting forth a copy of the resolution of its board of directors to merge such other corporation, and to assume all of its obligations and the date of the adoption thereof; and a certified copy of said Certificate shall be recorded in the office of the Recorder of Deeds of the County in which the principal place of business of the parent corporation is located, and if the other corporation is also a Delaware corporation and its principal place of business is located in a different County, another certified copy of said Certificate shall be recorded in the office of the Recorder of Deeds of such other County. Thereupon, all of the estate, property, rights, privileges and franchises of such other corporation shall vest in and be held and enjoyed by such parent corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by such other corporation, and be managed and controlled by such parent corporation, and except as hereinafter in this Section provided, in its name, but subject to all liabilities and obligations of such other corporation and the rights of all creditors thereof. The parent corporation shall not thereby acquire power to engage in any business, or to exercise any right, privilege or franchise, of a kind which it could not lawfully engage in or exercise under the provisions of the law by or pursuant to which such parent corporation is organized. The parent corporation shall be deemed to have assumed all the liabilities and obligations of the merged corporation, and shall be liable in the same manner as if it had itself incurred such liabilities and obligations. The parent corporation may relinquish its corporate name and assume in place thereof the name of the

merged corporation, by including it in a provision to that effect in the Resolution of Merger adopted by the directors and set forth in the Certificate of Ownership, and upon the filing and recording of such Certificate the change of name shall be completed, with the same force and effect and subject to the same conditions and consequences as if such change had been accomplished by proceedings under the appropriate Section of this Chapter. Any plan of consolidation or merger which requires or contemplates any changes other than those herein specifically authorized with respect to the parent corporation, shall be accomplished under the provisions of Section 59 of this Chapter. The provisions of Section 61 of this Chapter shall not apply to any merger effected under this Section."

Section 10. That the second paragraph of Section 59B. of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2091B. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said paragraph and inserting in lieu thereof the following:

"Any one or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more joint-stock associations, except a joint-stock association formed under the laws of a State which forbids such consolidation or merger. Such corporation or corporations and such one or more joint-stock associations may merge into a single corporation which may be any one of such corporations, or they may consolidate to form a new corporation which shall be a corporation of this State. All of such corporations and such joint-stock association or joint-stock associations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said corporations and of the stock or shares of each of said joint-stock associations or financial or beneficial interests therein into shares or other securities of the corporation resulting from or surviving such consolidation or merger and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in Certificates of Incorporation by the laws of this State and that

can be stated in the case of such consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said corporations in the manner provided in the first two paragraphs of Section 59 of this Chapter, and in the case of said joint-stock associations in accordance with their Articles of Association or other instrument containing the provisions by which they are organized or regulated or in accordance with the laws of the State under which they are formed, as the case may be. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and a copy of said agreement, certified by the Secretary of State, shall be recorded as provided in Section 59 of this Chapter with respect to the consolidation or merger of corporations of this State; and said agreement, when so recorded, shall thenceforth be taken and deemed to be the act of consolidation or merger of said corporation or corporations and of said joint-stock association or joint-stock associations, for all purposes of the laws of this State."

Section 11. That the second paragraph of Section 59C. of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2091C. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said paragraph and inserting in lieu thereof the following:

"Said agreement shall be submitted to the members of each constituent corporation who have the right to vote for the election of the members of the governing body of their corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of the meeting, due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the County wherein each such corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known post office address of each member of each such corporation who has the right to vote for the election of the members of the governing body of his corporation at least twenty days prior to the date of such meeting, and at such meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each member who has the right to vote

for the election of the members of the governing body of his corporation being entitled to one vote; and—if the votes of two-thirds of the total number of members of each such corporation who have the voting power above mentioned shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the officer of such corporation performing the duties ordinarily performed by the Secretary or Assistant Secretary of a corporation, under the seal of each such corporation; and the agreement so adopted and certified shall be signed by the officers of each of such corporations performing the duties ordinarily performed by the President or Vice-President and Secretary or Assistant Secretary of a corporation, under the corporate seals thereof, and acknowledged by the officer of each such corporation performing the duties ordinarily performed by the President or Vice-President of a corporation before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the respective act, deed, and agreement of each of said corporations, and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and a copy thereof, certified by the Secretary of State, shall be recorded in the offices of the Records of the Counties of this State in which the respective corporations so consolidating or merging shall have their original Certificates of Incorporation recorded, or if any of the corporations shall have been specially created by public Act of the Legislature, then said agreement shall be recorded in the County where such corporation shall have had its principal place of business; and said agreement, when so recorded, shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said corporations, and such record, or a certified copy thereof, shall be evidence of the agreement and act of consolidation or merger of said corporations, and of the observance and performance of all acts and conditions necessary to have been observed and performed preceding such consolidation or merger. If, under the provisions of the Certificate of Incorporation of any one or more of the constituent corporations, there shall be no members who have the right to vote for the election of the members of the governing body of the corporation other than the members of that body themselves, the said agreement duly entered into as provided in the first paragraph of this Section shall be submitted to the members of the governing body of such corporation or

corporations, at a meeting thereof, called separately for that purpose; notice of said meeting shall be published and mailed to the members of said governing body in the same manner as is provided in the case of a meeting of the members of a corporation. If at said meeting two-thirds of the total number of members of said governing body shall vote by ballot, in person, for the adoption of the said agreement, that fact shall be certified on said agreement in the same manner as is provided in the case of the adoption of the agreement by the vote of the members of a corporation and thereafter the same procedure shall be followed to consummate the consolidation or merger."

Section 12. That the third paragraph of Section 59C. of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2091C. of said Revised Code, as amended, be and the same hereby is further amended by striking out all of said paragraph and inserting in lieu thereof the following:

"Any one or more non-stock, non-profit corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more other non-stock, non-profit corporations, organized under the laws of any other State or States in the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger. The constituent corporations may merge into a single corporation, which may be any one of said constituent corporations, or they may consolidate to form a new non-stock, non-profit corporation, which may be a corporation of the State of incorporation of any one of said constituent corporations as shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the memberships of each of said constituent corporations into memberships of the corporation resulting from or surviving such consolidation or merger, and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in Certificates of Incorporation by the laws of the State, which are stated in said agreement to be the laws that

shall govern said resulting or surviving corporation and that can be stated in the case of a consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and, in the case of a Delaware corporation, in the manner provided in the two immediately preceding paragraphs. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State, and a copy thereof, certified by the Secretary of State, shall be recorded as provided in this Section with respect to the consolidation or merger of corporations of this State; and said agreement, when so recorded, shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this State."

Section 13. That Section 36 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2068. thereof, as amended, be and the same hereby is further amended by striking out all of such Section and inserting in lieu thereof the following:

"2068. Sec. 36. Loans to Officers or on Corporation's Stock, Unlawful; Penalty; Exceptions:—No loans shall be made by a corporation to its officers or directors, and no loans shall be made by a corporation secured by its shares, and if any such loan be made, the officer or officers who make it or assent thereto shall be jointly and severally liable until the repayment of the sum so loaned with interest; provided, however, that the provisions of this Section shall not apply to corporations organized exclusively as Building and Loan Associations."

Section 14. That Chapter 65 of the Revised Code of Delaware of 1935, as amended, be and the same hereby is further amended by inserting following Code Section 2071. thereof a new Section to be numbered 2071A. Sec. 39A. and reading as follows:

"2071A. Sec. 39A. Revocation of Voluntary Dissolution; Proceedings For:—At any time prior to the expiration of three (3) years following the dissolution of a corporation pursuant to the provisions of Section 39 of Chapter 65, such corporation may revoke the voluntary dissolution proceedings theretofore taken by it by proceeding in the following manner:

"(1) The Board of Directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked and directing that the question of such revocation be submitted to a vote at a special meeting of stockholders.

"(2) Notice of such a meeting, stating that the purpose or one of the purposes of the meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be mailed, by first class mail, to each stockholder having voting power, at least twenty (20) days before the date fixed in said notice for said meeting.

"(3) At such meeting a vote of the stockholders entitled to vote thereat shall be taken on a resolution to revoke the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of at least two-thirds of all of the stock having voting power.

"(4) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed by the corporation by its President or a Vice-President and by its Secretary or an Assistant Secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (a) The name of the corporation;
- (b) The names and respective addresses of its officers;
- (c) The names and respective addresses of its directors;
- (d) A copy of the resolution adopted by the stockholders revoking the voluntary dissolution proceedings previously taken by the corporation;
- (e) The number of shares outstanding having voting power;
- (f) The number of shares voted for and against the resolution, respectively.

"(5) In lieu of the proceeding hereinbefore specified, the voluntary dissolution proceedings theretofore taken by a corporation may be revoked by proceeding in the following manner:

"Upon the execution of a consent in writing, signed by all the stockholders having voting power, to a revocation of the voluntary dissolution proceedings previously taken by the corporation, no meeting of directors or stockholders shall be necessary, but such consent shall be filed in the office of the Secretary of State, accompanied by a statement executed by the corporation by its President or a Vice-President and by its Secretary or an Assistant Secretary, and verified by one of the officers signing such statement, setting forth the following:

- (a) The name of the corporation;
- (b) The names and respective addresses of its officers;
- (c) The names and respective addresses of its directors;
- (d) A copy of the written consent signed by all the stockholders having voting power revoking such voluntary dissolution proceedings;
- (e) That such written consent has been signed by all the stockholders of the corporation having voting power or signed in their names by their attorney or attorneys thereunto duly authorized.

"(6) Upon the filing in the office of the Secretary of State of a statement of revocation of voluntary dissolution proceedings, whether by vote of the stockholders or by unanimous written consent as aforesaid, the Secretary of State, upon being satisfied that the requirements aforesaid have been complied with, shall issue his certificate that the voluntary dissolution proceedings previously taken by the corporation have been revoked, and said certificate of the Secretary of State shall be recorded in the office of the Recorder of Deeds of the County in which the principal office of the corporation was maintained, and thereupon the revocation of the voluntary dissolution proceedings shall become effective and the corporation may again carry on its business.

"(7) If after such dissolution proceedings become effective any other corporation organized under the laws of the State of Delaware shall have adopted the same name as such corporation,

or shall have adopted a name so nearly similar thereto as not to distinguish it from such corporation, then, in such case, such corporation shall not be reinstated under the same name which it bore when its dissolution proceedings became effective, but shall adopt and be reinstated under some other name which, under existing law, could be adopted by a corporation formed and organized under the provisions of this Chapter, and in such case the certificate to be filed under the provisions of this Section shall set forth the name borne by such corporation at the time its dissolution proceedings became effective and the new name under which such corporation is to be reinstated.

“(8) Nothing in this Sec. 39A. shall be construed to oust or affect the jurisdiction or power of the Court of Chancery under Sec. 43. of this Chapter.”

Section 15. That Section 16M. of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2048M. thereof, as amended, be and the same hereby is repealed.

Section 16. That Section 16X. of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2048X. thereof, as amended, be and the same hereby is further amended by striking out such Section and inserting in lieu thereof the following:

“Sec. 16X. Existing Attachment and Sequestration Laws Unaffected:—Nothing contained in Sections 16A. to 16W. shall be deemed to repeal, amend, or in any way affect the provisions of Sections 92, 93 and 94 of this Chapter or Section 8 of Chapter 117 of the Revised Code of Delaware of 1935, and to the extent that Sections 16A. to 16W. are inconsistent with such Sections, Sections 92, 93 and 94 of this Chapter and Section 8 of Chapter 117 of the Revised Code of Delaware of 1935 shall be controlling.”

Section 17. That Section 93 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2125. thereof, as amended, be and the same hereby is further amended by striking therefrom the last sentence thereof.

Section 18. That Paragraph 1 of Section 5 of Chapter 65 of the Revised Code of Delaware, 1935, being Section 2037. of said

Revised Code, as amended, be and the same is hereby further amended by striking out all of said Paragraph 1 and inserting in lieu thereof the following:

"1. The name of the corporation, which shall contain one of the words 'association,' 'company,' 'corporation,' 'club,' 'incorporated,' 'institute,' 'society,' 'union,' 'syndicate,' or 'limited,' or one of the abbreviations, 'co.,' 'corp.,' 'inc.,' or 'ltd.,' or words or abbreviations of like import in other languages (provided they are written in English characters or letters), and which shall be such as to distinguish it upon the records in the office of the Secretary of State from the names of other corporations organized under the laws of this State."

Approved June 15, 1951.

CHAPTER 354

APPROPRIATION

STATE HIGHWAY DEPARTMENT FOR DRAINAGE OF LANDS
NEAR FREDERICK DOUGLASS SCHOOL, SEAFORD

**AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR ADE-
QUATE DRAINAGE OF LANDS NEAR THE FREDER-
ICK DOUGLASS SCHOOL, SEAFORD, DELAWARE.**

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

Section 1. The State Highway Department is hereby authorized, empowered and directed to construct ditches and storm sewers as may be necessary for adequate drainage of lands surrounding the Frederick Douglass School at Seaford, Delaware.

Section 2. The sum of Five Thousand Dollars (\$5,000.00) 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 hereinabove set forth.

Section 3. 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 15, 1951.

CHAPTER 355
CORPORATIONS

INCREASING RATES OF FRANCHISE TAXES

AN ACT TO AMEND CHAPTER 6, REVISED CODE OF DELAWARE, 1935, RELATING TO STATE REVENUE, AS AMENDED, BY INCREASING THE RATES OF FRANCHISE TAXES PAID BY CORPORATIONS AND BY INCREASING THE MAXIMUM AND MINIMUM AMOUNTS OF FRANCHISE TAXES THAT MAY BE PAID BY CORPORATIONS.

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

Section 1. That 98. Sec. 64. of Chapter 6, Revised Code of Delaware, 1935, be and the same is hereby amended by striking and deleting the said paragraph and by inserting in lieu thereof the following new paragraph, entitled 98. Sec. 64., as follows:

98. Sec. 64. RATES OF FRANCHISE TAXES:—On and after January 1st, 1951, all corporations accepting the provisions of the Constitution of the State of Delaware and coming under the provisions of the General Corporation Law of this State, and all corporations which have heretofore filed or may hereafter file a Certificate of Incorporation under the provisions of said corporation law, shall pay to the State Tax Department as an annual franchise tax whichever of the applicable amounts prescribed by paragraphs (1) or (2), hereinafter set forth, is the lesser:

(1) Where the authorized capital stock does not exceed two hundred and fifty shares, Five Dollars and Fifty Cents (\$5.50); where the authorized capital stock exceeds two hundred and fifty shares but is not more than one thousand shares, Eleven Dollars (\$11.00); where the authorized capital stock exceeds one thousand shares but is not more than three thousand shares, Twenty-two Dollars (\$22.00); where the authorized capital stock exceeds three thousand shares but is not more than five

thousand shares, Twenty-seven Dollars and Fifty Cents (\$27.50); where the authorized capital stock exceeds five thousand shares but is not more than ten thousand shares, Fifty-five Dollars (\$55.00), and the further sum of Twenty-seven Dollars and Fifty Cents (\$27.50) on each ten thousand shares or part thereof.

(2) Five Dollars and Fifty Cents (\$5.50), where the assumed no-par capital of the corporation, found in the manner hereinafter in this paragraph (2) provided, does not exceed Twenty-five Thousand Dollars (\$25,000.00); Eleven Dollars (\$11.00), where such assumed no-par capital exceeds Twenty-five Thousand Dollars (\$25,000.00) but is not more than One Hundred Thousand Dollars (\$100,000.00); Twenty-two Dollars (\$22.00) where such assumed no-par capital exceeds One Hundred Thousand Dollars (\$100,000.00) but is not more than Three Hundred Thousand Dollars (\$300,000.00); Twenty-seven Dollars and Fifty Cents (\$27.50), where such assumed no-par capital exceeds Three Hundred Thousand Dollars (\$300,000.00) but is not more than Five Hundred Thousand Dollars (\$500,000.00); Fifty-five Dollars (\$55.00), where such assumed no-par capital exceeds Five Hundred Thousand Dollars (\$500,000.00) but is not more than One Million Dollars (\$1,000,000.00); and the further sum of Twenty-seven Dollars and Fifty Cents (\$27.50) for each One Million Dollars (\$1,000,000.00) or part thereof of such additional assumed no-par capital.

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

To the amount of tax attributable to the corporation's assumed no-par capital, computed as above prescribed, add One Hundred Ten Dollars (\$110.00) for each One Million Dollars or fraction thereof in excess of One Million Dollars (\$1,000,000.00) of an assumed par value capital, found by multiplying the number of authorized shares of capital stock having par value by the quotient resulting from dividing the amount of the total assets of the corporation, as shown in the manner hereinafter provided, by the total number of issued shares of all denominations and

classes; provided, however, that if the said quotient shall be less than the par value of any denomination or class of authorized shares having par value, the number of the shares of each such class shall be multiplied by their par value for the purpose of ascertaining the assumed par value capital in respect of such shares and the number of authorized shares having a par value to be multiplied by such quotient, as aforesaid, shall be reduced by the number of such shares whose par value exceeds such quotient; and where, to determine such assumed par value capital, it is necessary to multiply a class or classes of shares by such quotient and also to multiply a class or classes of shares by the par value of the shares, the assumed par value capital of the corporation shall be the sum of the products of such multiplications. Whenever the amount of the assumed par value capital, computed as above prescribed, is less than One Million Dollars (\$1,000,000.00), the amount of the tax attributable thereto shall be the amount that bears the same relation to One Hundred Ten Dollars (\$110.00) that the amount of such assumed par value capital bears to One Million Dollars (\$1,000,000.00).

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

In no case shall the tax on any corporation for a full taxable year, by whichever of the said paragraphs (1) or (2) the same is computed, be more than Fifty Thousand Dollars (\$50,000.00) nor less than Five Dollars and Fifty Cents (\$5.50).

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

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

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

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

Provided, however, that all corporations as herein defined which are regulated investment companies as defined by Section 170 of the Act of Congress commonly called "The Revenue Act of 1942" as now existing or as hereafter amended, shall pay to the State Tax Department as an annual franchise tax, a tax computed either under paragraph (1) hereof, or a tax computed under paragraph (2) hereof, or a tax at the rate of One Hundred Sixty-five Dollars (\$165.00) per annum for each One Million Dollars, or fraction thereof in excess of One Million Dollars (\$1,000,000.00), of the average gross assets thereof during the taxable year, whichever be the least. Said average assets for the purposes of this Section shall be taken to be the mean of the gross assets on January 1 and December 31 of the taxable year. Any corporation electing to pay a tax under this proviso shall submit to the Secretary of State at the time of filing its annual report as required by the next preceding Section of this Chapter,

a statement under oath made by its President, a Vice-President, its Treasurer or Secretary, certifying that such corporation is a regulated investment company as above defined, and stating the amount of its assets on January 1 and December 31 of the taxable year, and the mean thereof. The Secretary of State may investigate the facts set forth in said statement under oath and if it should be found that said corporation so electing to pay under said proviso shall not be a regulated investment company, as above defined, shall assess upon such corporation a tax under paragraphs (1) or (2) hereof, whichever be the lesser.

Approved June 15, 1951.

CHAPTER 356

CORPORATIONS

PROVIDING FOR FILING OF ANNUAL REPORTS BY
FOREIGN CORPORATIONS

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO CORPORATIONS BY PROVIDING THAT FOREIGN CORPORATIONS MUST FILE AN ANNUAL REPORT WITH THE SECRETARY OF STATE, BY PROVIDING PENALTY FOR FAILURE TO DO SO, AND BY PROVIDING AN INCREASE IN THE FEE FOR FOREIGN CORPORATIONS DOING BUSINESS IN THIS STATE.

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

Section 1. That 2247. Sec. 215. of Chapter 65, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and deleting the word "ten" as the same appears in the thirteenth line of said paragraph and by inserting and enacting in lieu thereof the word "twenty-five."

Section 2. That Chapter 65, Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new paragraph and Section to be known as 2247A. Sec. 215A., as follows:

"2247A. Sec. 215A. ANNUAL REPORTS:—Beginning with January 1, 1951, foreign corporations shall submit annually on or before the 30th day of June, 1952 and annually thereafter, by its President, Secretary, Treasurer, or other proper officer thereof, or by any two of its directors, or by any two incorporators thereof, in the event the Board of Directors thereof shall not have been elected, an annual report on a calendar year basis to the Secretary of State, stating specifically with the degree of particularity required by Paragraph 2, Section 5 of Chapter 65 of this Code, the location of its principal office in this State; the name of the agent upon whom service of process against said corporation may be served; the location or locations (city or cities, town or towns, street or streets, and number of same, if

number there be) of the place or places of business of said corporation without this State; the names and addresses of all the directors and officers of the corporation and when the terms of each expire; the date appointed for the next annual meeting of the stockholders for the election of directors; the number of shares of each class of the capital stock which is to be issued, if any, and the amount of the par value stock, and the number of shares actually issued of each class of the capital stock which is to be issued, if any, and the amount of par value actually issued; the amount of capital invested in real estate and manufacturing in the State of Delaware, and the tax paid thereon; and, if exempt from taxation for any cause, the specific facts entitling such corporation to exemption from such taxation.

"Upon failure, neglect or refusal on the part of any foreign corporation to file such annual report, the Secretary of State shall investigate the reasons therefor and shall terminate the right of said foreign corporation to do business within this State upon failure of said corporation to file an annual report within any two-year period.

"For receiving and filing and/or indexing the annual report provided by this Section the Secretary of State shall charge and receive a fee of Twenty-five Dollars (\$25.00)."

Approved June 15, 1951.

CHAPTER 357

MOTOR VEHICLES

RELATING TO REVOCATION OF LICENSES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE REVOCATION OF LICENSES AND ISSUANCE OF A NEW RESTRICTED LICENSE AFTER REVOCATION.

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

Section 1. That 5608. Sec. 70. of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by repealing all of said Section and substituting in lieu thereof the following:

5608. Sec. 70. New License After Revocation:—

A person whose license is revoked under this Chapter shall not be entitled to apply or to receive a new license to drive until the expiration of one year from the date such former license was revoked; provided, however, that the Department may, in its discretion permit any such person to apply for and receive a restricted license at the expiration of three (3) months if the penalty imposed did not exceed a fine of One Hundred Dollars (\$100.00) and costs, otherwise at the expiration of six months, from the date such former license was revoked if the Department finds that the revocation of such license has created an extreme hardship in the conduct of the business usually transacted by the licensee. In all such cases the applicant shall furnish the necessary proof of financial responsibility as required by this Chapter or by any other law heretofore or hereinafter enacted and shall be permitted to operate a motor vehicle upon the highways of this State to the extent, and only to the extent, that it shall be necessary to commute between such licensee's place of residence and usual place of employment, and return.

Approved June 18, 1951.

CHAPTER 358

OFFENSES AGAINST RELIGION, MORALITY AND DECENCY—
SABBATH BREAKING**AN ACT TO AMEND CHAPTER 153, SEC. 4. REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY CHAPTER 238 OF VOLUME 43, LAWS OF DELAWARE, BY CHANGING THE HOURS WHEN ATTENDANCE AT MOVING PICTURES AND OTHER WORLDLY ACTIVITIES IN INCORPORATED CITIES AND TOWNS IS PERMITTED ON SUNDAY.**

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

Section 1. That Chapter 153, Revised Code of Delaware, 1935, as amended by Chapter 238, Volume 43, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of the second paragraph of Code Section 5253. Sec. 4. thereof, and inserting and enacting in lieu thereof the following:

It shall be unlawful for any person, firm or corporation to engage in, participate in, or attend any of the activities mentioned in the preceding paragraph within the limits of any incorporated city or town of this State with a population of less than one hundred thousand (100,000) on Sunday before the hour of twelve noon and between the hours of six P.M. and eight P.M. and within the limits of any incorporated city or town of this State with a population of more than one hundred thousand (100,000) on Sunday before the hour of two P.M.

Approved June 18, 1951.

CHAPTER 359

MOTOR VEHICLES

RELATING TO FINANCIAL RESPONSIBILITY

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "MOTOR VEHICLES," AS AMENDED, RELATING TO THE GIVING OF PROOF OF FINANCIAL RESPONSIBILITY AND SECURITY BY OWNERS AND OPERATORS OF MOTOR VEHICLES AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO, AND PRESCRIBING PENALTIES FOR ANY VIOLATIONS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding after 5539. Sec. 1. paragraph (ff), the following new paragraphs to be known as paragraphs (ii) to (oo) inclusive, as follows:

(ii) "Judgment":—Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any State or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(jj) "License":—Any license, temporary instruction permit or temporary license issued under the laws of this State pertaining to the licensing of persons to operate motor vehicles.

(kk) "Non-resident's Operating Privilege":—The privilege conferred upon a non-resident by the laws of this State pertain-

ing to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this State.

(ll) "Proof of Financial Responsibility":—Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Five Thousand Dollars (\$5,000.00) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of two or more persons in any one accident, and in the amount of One Thousand Dollars (\$1,000.00) because of injury to or destruction of property of others in any one accident.

(mm) "Registration":—Registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of motor vehicles.

(nn) "State":—A State, territory, organized or unorganized, or district of the United States of America except that for the purposes of Article 7 of this Chapter the term "State" shall include any province of the Dominion of Canada.

(oo) "Operator":—Every person, other than a chauffeur who is in actual physical control of a motor vehicle upon a highway except that for the purpose of Article 7 of this Chapter the term "Operator" shall include a chauffeur.

Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of the following Sections: 5705. Sec. 167., 5706. Sec. 168., as amended by Chapter 233 of Volume 41, Laws of the State of Delaware; 5707. Sec. 169.; 5708. Sec. 170.; 5709. Sec. 171.; 5710. Sec. 172., as amended by Chapter 233 of Volume 41, Laws of the State of Delaware; 5711. Sec. 173., as amended by Chapter 261 of Volume 43, Laws of the State of Delaware; and 5712. Sec. 174., and inserting in lieu thereof the following new Sections to be styled as hereinafter stated, as follows:

5706. Sec. 168. SECURITY FOLLOWING ACCIDENT; EFFECT OF FAILURE TO REPORT ACCIDENTS:—The Com-

missioner shall suspend the license or any non-resident's operating privilege of any person who wilfully fails, refuses or neglects to make report of a traffic accident as required by the laws of this State.

5707. Sec. 169. SECURITY REQUIRED FOLLOWING AN ACCIDENT; SUSPENSION; EXCEPTIONS:—The Commissioner shall, within sixty (60) days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of One Hundred Dollars (\$100), suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a non-resident the privilege of operating a motor vehicle within this State, and if such owner is a non-resident the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the Commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the Commissioner to such operator and owner not less than ten (10) days prior to the effective date of such suspension and shall state the amount required as security.

This Section shall not apply under the conditions stated in Section 170 or to any of the following:

- (a) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;
- (b) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;
- (c) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Commissioner, covered by any other form of liability insurance policy or bond; or

(d) To any person qualifying as a self-insurer under Section 174X.

No such policy or bond shall be effective under this Section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this Section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than Five Thousand Dollars (\$5,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than One Thousand Dollars (\$1,000.00) because of injury to or destruction of property of others in any one accident.

Upon receipt of notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish for filing with the Commissioner a written notice that such policy or bond was in effect at the time of such accident.

5708. Sec. 170. EXCEPTIONS TO REQUIREMENT OF SECURITY:—The requirements as to security and suspension in Section 169 shall not apply:

(a) To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

(b) To the operator or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing or

parked and whether attended or unattended, except that the requirements of this Act shall apply in the event the Commissioner determines that any such stopping, standing or parking of the vehicle was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices when and as required by the laws of this State and that any such violation contributed to the accident.

(c) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission.

(d) If, prior to the date that the Commissioner would otherwise suspend license and registration or non-resident's operating privilege under Section 169, there shall be filed with the Commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a warrant for confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

5709. Sec. 171. DURATION OF SUSPENSION:—The license and registration of a resident's or non-resident's operating privilege suspended as provided in Section 169 shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until:

(a) Such person shall deposit or there shall be deposited on his behalf the security required under Section 169; or

(b) One year shall have elapsed following the date of such accident and evidence satisfactory to the Commissioner has been filed with him that during such period no action for damages arising out of such accident has been instituted; or

(c) Evidence satisfactory to the Commissioner has been filed with him of a release from liability, or a final adjudication

of non-liability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with subdivision (d) of Section 170; provided, however, in the event there shall be any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the Commissioner shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided, further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the Commissioner shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until (1) such person deposits and thereafter maintains security as required under Section 169 in such amount as the Commissioner may then determine, or (2) one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a Court in this State.

5710. Sec. 172. APPLICATION TO NON-RESIDENTS, UNLICENSED DRIVERS AND UNREGISTERED MOTOR VEHICLES:—In case the operator or the owner of a motor vehicle involved in an accident within this State has no license or registration, he shall not be allowed a license or registration until he has complied with the requirements of this Article to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

5711. Sec. 173. FORM AND AMOUNT OF SECURITY:—The security required under this Article shall be in such form and in such amount as the Commissioner may require but in no case in excess of the limits specified in Section 169 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the Commission or State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single

deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

The Commissioner may reduce the amount of security ordered in any case within six (6) months after the date of the accident if, in his judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 174.

5712. Sec. 174. CUSTODY, DISPOSITION AND RETURN OF SECURITY:—Security deposited in compliance with the requirements of this Article shall be placed by the Commissioner in the custody of the State Treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one (1) year after the date of such accident, or within one (1) year after the date of deposit of any security under subdivision (c) of Section 171, and such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the Commission has been filed with him that there has been a release from liability, or a final adjudication of non-liability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with subdivision (d) of Section 170, or whenever, after the expiration of one (1) year from the date of the accident, or within one (1) year after the date of deposit of any security under subdivision (c) of Section 171, the Commissioner shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

5712A. Sec. 174A. MATTERS NOT TO BE EVIDENCE IN CIVIL SUITS:—Neither the report required by Section 168, the action taken by the Commissioner pursuant to this Article, the findings, if any, of the Commissioner upon which action is based, nor the security filed as provided in this Article shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

5712B. Sec. 174B. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; COURT TO REPORT NON-PAYMENT OF JUDGMENTS:—Whenever any person fails within sixty (60) days to satisfy any judgment, it shall be the duty of the Clerk of the Court, or of the Judge of a Court which has no Clerk, in which any such judgment is rendered within this State, to forward to the Commissioner immediately after the expiration of said sixty (60) days, a certified copy of such judgment.

If the defendant named in any certified copy of a judgment reported to the Commissioner is a non-resident, the Commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the State of which the defendant is a resident.

5712C. Sec. 174C. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; SUSPENSION FOR NON-PAYMENT OF JUDGMENTS; EXCEPTIONS:—(a) The Commissioner, upon receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any non-resident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this Section and in Section 174F.

(b) If the judgment creditor consents in writing, in such form as the Commissioner may prescribe, that the judgment debtor be allowed license and registration or non-resident's operating privilege, the same may be allowed by the Commissioner, in his discretion, for six (6) months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any Installments thereof prescribed in Section 174F., provided the judgment debtor furnished proof of financial responsibility.

(c) Any person whose license, registration or non-resident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of this Article may be relieved from the effect of such judgment as hereinbefore prescribed in this Article by filing with the Commissioner an affidavit stating that at the time of the

accident upon which such judgment has been rendered the affiant was insured, that the insurer is liable to pay such judgment, and the reason, if known, why such insurance company has not paid such judgment. Such person shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the Commissioner may require to show that the loss, injury or damage for which such judgment was rendered, was covered by such policy of insurance. If the Commissioner is satisfied from such papers that such insurer was authorized to issue such policy of insurance at the time and place of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts required in this Act, the Commissioner shall not suspend such license or registration or non-resident's operating privilege, or if already suspended shall reinstate them.

5712D. Sec. 174D. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN:—Such license, registration and non-resident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in Sections 174C. and 174F. of this Act.

A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this Article.

5712E. Sec. 174E. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS:—Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied:

(a) When Five Thousand Dollars (\$5,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or.

(b) When, subject to such limit of Five Thousand Dollars (\$5,000.00) because of bodily injury to or death of one person, the sum of Ten Thousand Dollars (\$10,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When One Thousand Dollars (\$1,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

Provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this Section.

5712F. Sec. 174F. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; INSTALLMENT PAYMENT OF JUDGMENTS; DEFAULT:—

(a) A judgment debtor upon due notice to the judgment creditor may apply to the Court in which such judgment was rendered for the privilege of paying such judgment in installments and the Court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The Commissioner shall not suspend a license, registration or a non-resident's operating privilege suspended following non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

(c) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the Commissioner shall forthwith suspend the license, registration or non-resident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this Act.

5712G. Sec. 174G. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; PROOF REQUIRED UPON CERTAIN CONVICTIONS:—

(a) Whenever the Commissioner, under any law of this State, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the Commissioner shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

(b) Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the Motor Vehicle Laws of this State and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

(d) Whenever the Commissioner suspends or revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

5712H. Sec. 174H. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; ALTERNATE METHODS OF

GIVING PROOF:—Proof of financial responsibility when required under this Act may be given by filing:

1. A certificate of insurance as provided in Section 174I. or Section 174J.; or
2. A bond as provided in Section 174N.; or
3. A certificate of deposit of money or securities as provided in Section 174O.

5712. Sec. 174I. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; CERTIFICATE OF INSURANCE AS PROOF:—

(a) Proof of financial responsibility may be furnished by filing with the Commissioner the written certificate of any insurance carrier duly authorized to do business in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

5712J. Sec. 174J. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; CERTIFICATE FURNISHED BY NON-RESIDENT AS PROOF:—

(a) The non-resident owner of a motor vehicle not registered in this State may give proof of financial responsibility by filing with the Commissioner a written certificate or certificate of an insurance carrier authorized to transact business in the State in which the motor vehicle or motor vehicles described in such cer-

tificate is registered, or if such non-resident does not own a motor vehicle, then in the State in which the insured resides, provided such certificate otherwise conforms to the provisions of this Act, and the Commissioner shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified;

(1) Said insurance carrier shall execute a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this State relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the Commissioner shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

5712K. Sec. 174K. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; "MOTOR VEHICLE LIABILITY POLICY" DEFINED:—

(a) A "motor vehicle liability policy" as said term is used in this Act shall mean an owner's or an operator's policy of liability insurance, certified as provided in Section 174I. or Section 174J. as proof of financial responsibility, and issued, except as otherwise provided in Section 174J., by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: Five Thousand Dollars (\$5,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of two or more persons in any one accident, and One Thousand Dollars (\$1,000.00) because of injury to or destruction of property of others in any one accident.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this Act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Act.

(e) Such motor vehicle liability policy need not insure any liability under any Workmen's Compensation Law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (2) of subsection (b) of this Section.

(4) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the Act shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this Section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this Act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

5712L. Sec. 174L. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY:—Any insurance company may cancel any motor vehicle liability policy or bond, except such risks as may be assigned to it as provided in 5712EE. Sec. 174EE. for any reason it may deem proper; provided such insurance company shall refund to its insured the unearned portion of the premium paid by the insured.

Any insurance company may cancel any motor vehicle liability policy or bond issued to any person under the provisions of Section 5712EE. Sec. 174EE. of this Act by giving thirty (30) days' notice thereof to the Commissioner of Motor Vehicles, provided:

(1) The insured is not licensed to operate a motor vehicle under the Laws of this State; or

(2) The insured is affected with mental or physical infirmities or disabilities rendering it unsafe for him to operate a motor vehicle upon the highways; or

(3) The insured is in the opinion of the Commissioner of Motor Vehicles an habitually reckless or negligent driver of a motor vehicle; or

(4) The insured is an habitual drunkard; or

(5) The insured is addicted to the use of narcotic drugs; or

(6) The insured is engaged in an unlawful or illegal occupation; or

(7) The insured has refused or failed to pay the premiums due on such motor vehicle policy or bond; or

(8) The insured has refused or failed to cooperate with the insurance company as stated in such insurance policy or bond.

Before any insurance company shall cancel such policy of insurance for any of the reasons above enumerated, the insurance company shall first notify the Commissioner of Motor Vehicles in writing of its intention to cancel the policy. Thereupon the said Commissioner of Motor Vehicles shall forthwith send by registered mail a notice of such proposed cancellation to the insured. The insured may within ten (10) days after the receipt of such notice notify the Commissioner of Motor Vehicles in writing of his desire for a hearing on the facts. The Commissioner of Motor Vehicles shall thereupon fix the time for said hearing, giving to the insurance company and to the insured ten (10) days' notice in writing of the time and place for holding the hearing. At said hearing the Commissioner of Motor Vehicles, or someone designated by him, shall hear the testimony offered on behalf of the insurance company and on behalf of the insured and shall make such order as may be equitable and just.

5712M. Sec. 174M. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; ACT NOT TO AFFECT OTHER POLICIES:—

(a) This Act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this Act, may be certified as proof of financial responsibility under this Act.

(b) This Act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

5712N. Sec. 174N. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; BOND AS PROOF:—

(a) Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this State, or a bond with at least two individual sureties each owning real estate within this State, and together having equities equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in 5539. Sec. 1. (11). Such bond shall be filed with the Commissioner and shall not be cancellable except after ten (10) days' written notice to the Commissioner. Such bond shall constitute a lien in favor of the State upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such bond was filed, upon the filing of notice to that effect by the Commissioner in the office of the Prothonotary of any County in the State wherein any such real estate is located and such Prothonotary shall enter such lien in an appropriate docket kept by him for that purpose.

(b) If such a judgment, rendered against the principal on such bond shall not be satisfied within sixty (60) days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the State against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond in accordance with the provisions of Chapter 139 of the Revised Code of 1935 of the State of Delaware.

5712O. Sec. 174O. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; MONEY OR SECURITIES AS PROOF:—

(a) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him Eleven Thousand Dollars (\$11,000.00) in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of Eleven Thousand Dollars (\$11,000.00). The State Treasurer shall not accept any such deposit and issue a certificate therefor and the Commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the County where the depositor resides.

(b) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

5712P. Sec. 174P. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; OWNER MAY GIVE PROOF FOR OTHERS:—Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the Commissioner shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The Commissioner shall designate the restrictions imposed by this Section on the fact of such person's license.

5712Q. Sec. 174Q. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; SUBSTITUTION OF PROOF:—The Commissioner shall consent to the cancellation of any bond or certificate of insurance or the Commissioner shall direct and the State Treasurer shall return any money or securities to the

person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Act.

5712R. Sec. 174R. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; OTHER PROOF MAY BE REQUIRED:—Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for which required, the Commissioner shall, for the purpose of this Act, require other proof as required by this Act and shall suspend the license and registration or the non-resident's operating privilege pending the filing of such other proof.

5712S. Sec. 174S. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE; DURATION OF PROOF; WHEN PROOF MAY BE CANCELLED OR RETURNED:—The Commissioner shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the Commissioner shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of financial responsibility, or the Commissioner shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three (3) years from the date such proof was required when, during the three (3) year period preceding the request, the Commissioner has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or non-resident's operating privilege of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license and registration to the Commissioner.

Provided, however, that the Commissioner shall not consent to the cancellation of any bond or the return of any money or

securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one (1) year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the non-existence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Commissioner.

Whenever any person whose proof has been cancelled or returned under subdivision (c) of this Section applies for a license or registration within a period of three (3) years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such three (3) year period.

5712T. Sec. 174T. VIOLATION OF PROVISIONS OF ACT; PENALTIES; TRANSFER OF REGISTRATION TO DEFEAT PURPOSE OF ACT PROHIBITED:—This Act shall not prevent the owner of a motor vehicle, the registration of which has been suspended hereunder, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this Act nor prevent the registration of such motor vehicle by such transferee. This Act shall not in any wise affect the rights of any conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this Act.

5712U. Sec. 174U. VIOLATION OF PROVISIONS OF ACT; PENALTIES; SURRENDER OF LICENSE AND REGISTRATION:—Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this Act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the Commissioner shall immediately return his license and registration to the Commissioner. If any person

shall fail to return to the Commissioner the license or registration as provided herein, the Commissioner shall forthwith direct any peace officer to secure possession thereof and to return the same to the Commissioner.

5712V. Sec. 174V. OTHER VIOLATIONS OF PROVISIONS OF ACT; PENALTIES:—

(a) Any person whose license or registration or non-resident's operating privilege has been suspended or revoked under this Act and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not exceeding six (6) months, or both.

(b) Any person wilfully failing to return license or registration as required in Section 174U. shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or both.

(c) Any person who shall forego or, without authority, sign any notice provided for under Section 169 that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(d) Any person who shall violate any provision of this Act for which no penalty is otherwise provided shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than ninety (90) days, or both.

5712W. Sec. 174W. GENERAL PROVISIONS; EXCEPTIONS:—This Act shall not apply with respect to any motor vehicle owned by the United States, this State or any political subdivision of this State or any municipality therein; nor, except for Sections 168. and 174P. of this Act, with respect to any motor

vehicle which is subject to the requirements of Section 8C. and Section 21 of Chapter 165 of the Revised Code of 1935 of the State of Delaware.

5712X. Sec. 174X. GENERAL PROVISIONS; SELF-INSURERS:—

(a) Any person in whose name more than fifteen (15) motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Commissioner as provided in subsection (b) of this Section.

(b) The Commissioner may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the Commissioner may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgments shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

5712Y. Sec. 174Y. GENERAL PROVISIONS; REPEAL OF EXISTING LAWS:—This Act shall in no respect be considered as a repeal of the State Motor Vehicle Laws but shall be construed as supplemental thereto.

The existing Motor Vehicle Safety-Responsibility Act is hereby repealed except with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this State, occurring prior to the effective date of this Act.

5712Z. Sec. 174Z. GENERAL PROVISIONS; PAST APPLICATION OF ACT:—This Act shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this State, occurring prior to the effective date of this Act.

5712AA. Sec. 174AA. GENERAL PROVISIONS; ACT NOT TO PREVENT OTHER PROCESS:—Nothing in this Act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

5712BB. Sec. 174BB. GENERAL PROVISIONS; UNIFORMITY OF INTERPRETATION:—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those States which enact it.

5712CC. Sec. 174CC. GENERAL PROVISIONS; REPORTING:—The Commissioner shall require all persons involved in accidents, coming under Section 169 of this Bill, to make reports of such accidents on forms furnished by the Department of Motor Vehicles within five (5) days from the date of such accidents. These forms, the standard form as used in other States, shall be filed and used in determining the amount of security to be deposited, as well as constituting a complete record of owners and operators accidents in this State.

5712DD. Sec. 174DD. GENERAL PROVISIONS; ADMINISTRATION:—The Commissioner shall set up a separate department, under his supervision, for the handling of the filings of the Standard Forms as used in other States, and for the estimating of the security required, and for the suspending, revoking and reinstating of licenses and registrations as required by this Act. The Commissioner shall hire a Director of Safety Responsibility in Delaware at a salary of Thirty-six Hundred Dollars (\$3600.00) per year, another Thirty-six Hundred Dollars (\$3600.00) to be allowed for a secretary and an assistant; it shall be the responsibility of said Director to see that the accident reports are made and that sufficient security is filed with his department to cover all damages to persons or property; he shall follow the standard practices used in other States and shall use the Standard Forms as used in other States; it shall be the duty of the State Police to help enforce this law.

5712EE. Sec. 174EE. GENERAL PROVISIONS; ASSIGNED RISKS:—Any applicant for registration who in good faith has applied to two (2) insurance companies for a policy of insurance or surety bond under the provisions of this Act, but

who is unable to procure such insurance from said companies shall thereupon notify the Insurance Commissioner, in writing, and the Insurance Commissioner upon receipt of said notice shall thereupon assign said application to one of the insurance companies handling such insurance and doing business in this State and such insurance company shall promptly issue a policy at the rate then prevailing for such policies, adding an automatic surcharge of ten per centum (10%) over and above such rate then in force and effect, for similar policies of insurance. Surcharges of fifty per centum (50%) and twenty-five per centum (25%) shall be added to the then prevailing rate for such policies under the following circumstances:

A. Fifty per centum (50%) surcharge—if the certificate is required for a conviction of

1. Driving a motor vehicle while intoxicated, or
2. Failing to stop and report when involved in an accident, or
3. Homicide or assault arising out of the operation of a motor vehicle.

B. Twenty-five per centum (25%) surcharge—if the certificate is required for a conviction of

1. Driving a motor vehicle at an excessive rate of speed where an injury to person or damage to property actually results therefrom, or
2. Driving a motor vehicle in a reckless manner where an injury to person or damage to property actually results therefrom.

All such assignments may carry an expense charge of five per centum (5%).

The above surcharges shall be limited for three (3) years. The Insurance Commissioner shall notify the Commissioner of

Motor Vehicles of such assignments and the rate at which such assignments are made. The registration shall then be issued.

5712FF. Sec. 174FF. GENERAL PROVISIONS; APPROPRIATION AND DISBURSEMENTS:—There is hereby appropriated for the purpose of carrying into effect the provisions of this Act for the fiscal year beginning July 1, 1951 and ending on June 30, 1952, the sum of Thirty Thousand Dollars (\$30,000.00) and for the fiscal year beginning on July 1, 1952 and ending June 30, 1953, the sum of Twenty Thousand Dollars (\$20,000.00). 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.

5712GG. Sec. 174GG. GENERAL PROVISIONS; OPERATORS OF EXEMPT VEHICLES:—It is hereby stipulated that the operators of vehicles exempt under this law shall be required to show financial responsibility as required under this law.

5712HH. Sec. 174HH. GENERAL PROVISIONS; CONSTITUTIONALITY:—If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

5712II. Sec. 174II. GENERAL PROVISIONS; TITLE OF ACT:—This Act may be cited as the Motor Vehicle Safety-Responsibility Act.

5712JJ. Sec. 174JJ. GENERAL PROVISIONS; EFFECTIVE DATE OF ACT:—This Act shall take effect the first day of January, 1952.

Approved June 18, 1951.

CHAPTER 360

APPROPRIATION

STATE PARK COMMISSION

AN ACT AUTHORIZING AND EMPOWERING THE STATE PARK COMMISSION TO TAKE OVER THE TRAP POND PROJECT IN SUSSEX COUNTY FROM THE FEDERAL GOVERNMENT EITHER BY LEASE OR BY DEED AND APPROPRIATION THEREFOR.

WHEREAS, the Federal Government has expended approximately One Hundred Thousand Dollars (\$100,000.00) on the development of a park known as the Trap Pond project in Sussex County; and

WHEREAS, the Federal Government desires to turn this project over to the State of Delaware either by lease or by deed on or before April 1, A. D. 1951; and

WHEREAS, the people of the State of Delaware have enjoyed the facilities of this project to the extent of an estimated 75,000 visitors during the summer of 1950; and

WHEREAS, it is deemed advisable by the State to accept the responsibility and obligations of maintaining the said park for the use of its citizens; 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 Park Commission be and the same is hereby authorized and empowered to accept the Trap Pond project in Sussex County constituting approximately 1,000 acres either by deed or by lease on behalf of the State of Delaware from the United States of America.

Section 2. There is hereby appropriated to the State Park Commission of Delaware for the purpose of supervising and maintaining the said Trap Pond project the sum of Ten Thousand

Dollars (\$10,000.00) for the fiscal year ending June 30, 1952 and an equal sum for the fiscal year ending June 30, 1953.

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 21, 1951.

CHAPTER 361

PENSION BENEFITS FOR EMPLOYEES OF NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 301, VOLUME 46, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR THE PAYMENT OF PENSION BENEFITS TO CERTAIN EMPLOYEES OF THE COUNTY OF NEW CASTLE, FIXING THE 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."

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

Section 1. That Section 2, Chapter 301, 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 3, Chapter 301, Volume 46, Laws of Delaware, be and the same is hereby amended by repealing all of said Section and inserting in lieu thereof a new Section 3, as follows:

Section 3. COVERED EMPLOYEE DEFINED:—An employee shall be considered in "covered employment" within the meaning of this Act while the employee receives a regular salary or wages wholly or in part directly or indirectly from the Treasurer of the City of Wilmington or any department or agency thereof (except the Board of Public Education in Wilmington), or from the County Treasurer of New Castle County, or the State Treasurer of the State of Delaware; provided, however, that an employee shall not be considered in covered employment if he

is a part-time or seasonable employee who is not regularly employed for more than 120 working days in any one calendar year, or if his only employment is as a member of the following boards and commissions: Board of Directors of the Street and Sewer Department, Board of Harbor Commissioners, Board of Health, Board of Park Commissioners, Board of Public Utility Commissioners, Board of Water Commissioners, Department of Public Safety, Public Building Commission, New Castle County Bureau of Registration, New Castle County Department of Elections, Sinking Fund Commissioners and Zoning Commission.

In the case of an employee of New Castle County who is called to the Service of, or voluntarily enters the Armed Forces of the United States of America, or the National Guard of the State of Delaware when in continuous active service, the Board or Department employing such employee, is hereby authorized and directed to grant to such employee a leave of absence which shall cover the entire period of service, not exceeding four (4) years, upon the completion of such leave of absence and service, to reinstate such employee in the position which such employee held at the time that such leave of absence was granted.

In the event that any employee of New Castle County who shall have entered the Armed Services, as hereinbefore provided, shall have been employed in any Board or Department of New Castle County which shall come under any pension plan enacted or to be enacted by the Legislature of the State of Delaware, the time spent by such employee in the Armed Services shall accrue to his benefit in establishing his right to a pension. It is further provided that this Act shall be retroactive to protect the rights of any employee who shall have qualified as herein provided prior to the passage of this Act.

The provisions of this Section, in regard to time spent in the Armed Services of the United States of America in time of war, shall be deemed an exception to the provisions of Section 4 of this Act.

Section 3. That Section 5, Chapter 301, 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 4. That Section 15, Chapter 301, 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)"; and by striking out the words "Twenty-five Dollars" and the numerals "(\$25.00)," where they appear in said Section, and by inserting in lieu thereof the words "Thirty-seven Dollars and Fifty cents" and the numerals "(\$37.50)."

Section 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistencies.

Approved June 21, 1951.

CHAPTER 362

APPROPRIATION

STATE SOIL CONSERVATION COMMISSION

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. 1951, 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 116th 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 21, 1951.

CHAPTER 363

APPROPRIATION

STATE BOARD OF AGRICULTURE FOR MASTITIS ANALYSIS

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE FOR THE EMPLOYMENT OF A FULL TIME FIELD MAN TO COLLECT MILK SAMPLES FOR MASTITIS ANALYSIS.

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

Section 1. That the sum of Nine Thousand Dollars (\$9,000.00) be and the same is hereby appropriated to the State Board of Agriculture to defray the expenses of a full time field man to take and collect milk samples to be analyzed for bacteria of mastitis significance. Of the sum hereby appropriated, the sum of Thirty-six Hundred Dollars (\$3600.00) shall be allocated to salaries and wages, the sum of Two Hundred Dollars (\$200.00) shall be allocated to Office and Laboratory Supplies and the sum of Seven Hundred Dollars (\$700.00) shall be allocated to travel expenses for the fiscal year beginning July 1, 1951, and ending June 30, 1952, and like sums shall be allocated for the purposes respectively for the fiscal year beginning July 1, 1952, and ending June 30, 1953. 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 June 21, 1951.

CHAPTER 364

JUVENILE DELINQUENTS AND PROBATION

JUVENILE COURT OF KENT AND SUSSEX COUNTIES

AN ACT TO AMEND CHAPTER 116 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "JUVENILE DELINQUENTS AND PROBATION"—ARTICLE 4; CREATING A SEPARATE JUDGESHIP AND STAFF FOR THE JUVENILE COURT OF KENT AND SUSSEX COUNTIES, PROVIDING SALARIES THEREFOR, AND REDEFINING THE JURISDICTION AND GENERAL PURPOSE OF SAID COURT.

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

Section 1. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of 4346. Section 31. of said Chapter 116 the following new and additional Sections to be known as 4346A. Sec. 31A. and 4346B. Sec. 31B. as follows:

4346A. Sec. 31A. Purpose; Basic Principle and Construction:—The purposes of this Act are to secure for each child under its jurisdiction, such care, guidance and control, preferably in his or her own home, as will serve the child's welfare and the best interests of the State; and when such child is removed from his own family, secure for him, custody, care, and discipline, as nearly as possible, equivalent to that which should have been given by his own parents, and to give original and exclusive jurisdiction to one Court in which matters pertaining to a family, as hereinafter defined, may be adjudicated, the said Court to have jurisdiction over both civil and criminal matters, as herein after set forth; and to provide for investigation of circumstances, and such probation work as may remove the necessity for committing persons to the corrective institutions of the State, to the end that the home shall, if possible, remain unbroken, and the legal duty and responsibility existing between man and wife,

the parent and child, shall be recognized. The Sections of this Act shall be liberally construed that these purposes may be carried out.

Definitions:—When used in this Act without modification, the word “Court” shall mean the Juvenile Court of Kent and Sussex Counties. The word “Judge” shall mean the Judge of the Juvenile Court of Kent and Sussex Counties. The word “Child” shall mean a person who has not yet attained his or her eighteenth birthday.

The words “delinquent child” shall mean any child who violates any law of this State, or any charter, ordinance or regulation of a subdivision thereof, or who by reason of being wayward or habitually so deports himself or herself as to injure or endanger the morals or health of himself or herself or others.

The words “neglected child” shall mean any child who is abandoned by his or her parent, guardian or custodian; or whose parent, guardian or custodian cruelly abuses or wilfully neglects him or her or refuses to provide proper or necessary subsistence, education or other necessary care for his or her health, morals, or well-being; or who is found in a disreputable place, or who associates with vagrant, vicious or immoral persons, or who engages in an occupation forbidden by the law of this State, or by any charter, ordinance or regulation of a subdivision thereof, or injurious to the health or morals of himself or herself or others.

The words “dependent child” shall mean a child who is homeless or destitute or without proper support or care through no fault of his or her parent, guardian or custodian; or who lacks proper care by reason of the mental or physical condition of the parent, guardian or custodian.

The word “family” as used in this Act shall be construed to mean husband and wife, parent and child, guardian and ward, and also any group of persons residing together in one home or household and under one head or management, who are related or connected by blood, marriage or operation of law.

4346B. Sec. 31B. **Jurisdiction:**—The Court shall have ex-

clusive original jurisdiction in all proceedings in Kent and/or Sussex County:

(a) Concerning any child residing in Kent and/or Sussex County who is alleged to be delinquent, neglected or dependent;

(b) Concerning any child residing in said counties charged with having violated any law of this State or any charter, ordinance or regulation of a subdivision thereof;

(c) For the enforcement of any law, regulation or ordinance for the education, protection, care or support of children;

(d) For the prosecution and punishment of persons within a family charged with ill treatment, abuse, abandonment or neglect of children, or with contributing to their delinquency, neglect or dependency, or with any other offense, except felonies, against children;

(e) Wherein any husband 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 wherein any parent shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support of his or her child or children, under the age of sixteen years, whether born in wedlock or otherwise, as set forth in Paragraphs 3527. Sec. 2. to 3530. Sec. 14., inclusive, of Chapter 87 of the Revised Code of Delaware of 1935;

(f) Concerning maintenance of illegitimate children as set forth in Paragraphs 3558. Sec. 11. to 3572. Sec. 25. inclusive, and 3575. Sec. 28. of Chapter 88 of The Revised Code of Delaware of 1935;

(g) Concerning children of immoral or negligent parents as set forth in Article 3 of Chapter 88, Paragraphs 3554. to 3557., inclusive, of the Revised Code of Delaware of 1935;

(h) Concerning liability of relatives for the support of an inmate of the State Welfare Home or a poor person as provided by Paragraph 1634. Sec. 31. of Chapter 54 of the Revised Code of Delaware of 1935;

(i) Relative to cruel treatment of children, disposition of children for certain purposes and the appointment of a guardian for any minor upon conviction of person having control thereof and the right of entry and investigation, as provided by Paragraphs 2546. Sec. 48. to 2549. Sec. 51., inclusive, of Chapter 70 of the Revised Code of Delaware of 1935;

(j) Relative to the offense of abducting, taking or conveying away, without color of right, of a minor child under twelve years of age, as provided by Paragraphs 2553. Sec. 55. of Chapter 70 of the Revised Code of Delaware of 1935;

(k) Relative to the offenses of aiding escape or harboring, etc., of one committed to or on parole from Woods Haven School for Girls, the Ferris School for Boys, or the Kruse School, as provided by Paragraphs 2513. Sec. 15., 2524. Sec. 26., and 2531. Sec. 33 of Chapter 70 of the Revised Code of Delaware of 1935;

(l) All violations of the law regulating child labor, as provided by Paragraphs 3601. Sec. 11., to 3629. Sec. 39. of Article 3 of Chapter 90 of the Revised Code of Delaware of 1935;

(m) Relative to the unlawful placing or admitting a resident dependent child without the written consent of the State Board of Welfare and the unlawful bringing or sending a non-resident dependent child into this State without the written consent of the State Board of Welfare, as provided by Paragraphs 1125. Sec. 11., and 1126. Sec. 12. of Chapter 41 of the Revised Code of Delaware of 1935;

(n) Relative to the sale of deadly weapons to a minor, as provided by Paragraphs 233. Sec. 199. of Chapter 6; permitting minors under eighteen years of age to be present at games of chance, as provided by Paragraph 4064. Sec. 169. of Chapter 100; admitting a minor under eighteen years of age to, or permitting him to remain in certain places of amusement where intoxicating liquors are sold, etc., as provided by Paragraph 2552. Sec. 54. of Chapter 70; and the unlawful sale or delivery of certain drugs to a minor under sixteen years of age, as provided by Paragraph 949. Sec. 14. of Chapter 28—all of the Revised Code of Delaware of 1935;

(o) Now within the jurisdiction of the Juvenile Court for Kent and Sussex Counties, as now provided by law pursuant to the provisions of Article 3 of Chapter 116, Paragraphs 4346. Sec. 31. to 4353. Sec. 38., inclusive, of the Revised Code of Delaware of 1935, which jurisdiction by this Act is extended to all children until such children shall have attained their eighteenth birthdays.

AND FURTHER, the Court shall have concurrent jurisdiction in Kent and/or Sussex County:

(a) Relative to the charge and custody of minor children when the parents shall live in a state of separation without being divorced, as provided by Paragraph 2550. Sec. 52. of Chapter 70 of the Revised Code of Delaware of 1935;

(b) 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;

(c) Of all violations of the Liquor Control Act, wherein any person under the age of 18 years is involved.

Said Court also shall have jurisdiction, power and authority to receive, hear, try and dispose of all cases, arguments, motions, petitions, matters and business as, by certificates of the Judge of the Superior Court, Court of General Sessions or Orphans' Court for Kent and/or Sussex County, may be assigned or transferred to it by any of said Courts, pursuant to rules of said Courts made for that purpose.

All rulings, decisions, judgments or determinations of any character made by the Judge in any cause or matter assigned or transferred to it as herein provided shall be certified by said Judge of the Juvenile Court to the Court from which same was assigned or transferred and upon approval thereof by said last mentioned Court, with or without any further proceeding, shall be entered in said last mentioned Court as the ruling, decision, judgment or determination thereof.

Such jurisdiction shall extend to and include any amendment, supplement or addition heretofore, or hereafter, made in

relation to the matters and offenses above specified and shall include the right and authority to inquire of, hear, try and finally determine all such proceedings and to impose judgment by probation, fine or imprisonment, agreeable to the laws of this State, or to any charter, ordinance or regulation of a subdivision thereof in Kent and/or Sussex County.

The Court shall have authority to punish contempt, and to issue all process necessary for the exercise of its jurisdiction, which process may be executed in any part of the State, and it shall be the duty of any sheriff, county, town or city constable, or police officer, or State Police Officer within his respective jurisdiction, to execute the same when placed in his hands and to make proper return thereof, and any failure properly to execute the same and to make return as directed shall be punishable as a contempt of said Court.

The Court shall have the authority and jurisdiction of a Conservator of the Peace within Kent and/or Sussex County, and said Court shall have the jurisdiction and authority, as a committing magistrate, to commit for trial at the proper Court all persons charged with a breach of any of the laws of this State or with a breach of any charter, ordinance or regulation of a subdivision thereof; it shall commit or bind the defendant for his appearance at the proper Court to answer the charge and may bind witnesses for their appearance and may require surety of them as deemed necessary. The process issued by said Court, sitting as a committing magistrate, shall be the same as is issued by a Justice of the Peace in like cases, and all process shall be directed and shall be executed in like manner as other process issued out of the Court.

Said Court shall have no jurisdiction, other than that of a committing magistrate, in cases wherein a child, as herein defined, is charged with the commission of a capital felony.

Section 2. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 4347. Sec. 32. of said Chapter and inserting in lieu thereof a new Section, to be known as 4347. Sec. 32., as follows:

4347. Sec. 32. Judge; Power; Term; Salary:—The Governor of the State of Delaware shall appoint and commission a Judge of said Court, who shall be a resident of Kent or Sussex County. Said Judge shall hold office for a term of twelve years and shall be eligible for reappointment. He shall serve until his successor has been appointed and confirmed. His successor shall be appointed in the same manner as provided in this Section for the Judge first appointed, for a term of twelve years. If a vacancy shall occur in any manner except expiration of a term, the Governor shall fill said vacancy as aforesaid for the remainder of the unexpired term. During his tenure of office the Judge shall not be permitted to engage in any other gainful occupation or in any political activity whatsoever.

The Judge shall have full power to adopt a seal, make and publish general rules regulating the practice and proceedings of the Court and the keeping of its records, including a schedule of costs and fees, and providing for such deposits as may be deemed necessary, and shall have all the powers of a Court of record possessed by a Court of general jurisdiction of this State.

If a vacancy shall occur by expiration of term, the Governor shall fill said vacancy as aforesaid for the full term.

The salary of the Judge shall be Ten Thousand (\$10,000.00) Dollars per annum, payable monthly by the State Treasurer out of the General Fund of the State.

Section 3. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 4348. Sec. 33. of said Chapter and inserting in lieu thereof the following to be known as 4348. Sec. 33.:

4348. Sec. 33. Place for Holding Court; Expenses; How Paid:—It shall be the duty of the respective Levy Courts of Kent and Sussex Counties to select and set apart for the Juvenile Court for Kent and Sussex Counties suitable rooms, properly furnished and equipped for the use of the Court and its Officers.

All expenses of the Juvenile Court of Kent and Sussex Counties including telephone, supplies, office equipment, books, rec-

ords, writs and other papers necessary for the said Court to function in Kent and/or Sussex County as well as the travel expense of the staff personnel and Judge, shall be paid by the respective Levy Courts of Kent and/or Sussex County upon bills presented to the same, verified by the Judge of the Juvenile Court of Kent and Sussex Counties. For the purpose of this Act, travel expense of staff personnel and Judge shall be based upon the same schedule of payment as allowable by the State of Delaware to its employees in other departments.

Section 4. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 4349. Sec. 34. and inserting in lieu thereof the following to be known as 4349. Sec. 34.:

4349. Sec. 34. Clerks; Duties; Salary:—The Judge, by and with the approval and consent of the Levy Court of the respective County in which such shall be employed, shall appoint a Clerk with stenographic experience in each County, each of whom shall receive an annual salary of Three Thousand (\$3,000.00) Dollars payable monthly by the State Treasurer out of the General Fund of the State. The Clerks shall have care of the records of the Court in a respective County and shall receive all fees, fines and costs arising out of any proceeding had in the Court.

The Clerks may administer all necessary oaths, enter judgment to the State of Delaware in the sum of Five Thousand (\$5,000.00) Dollars, with sufficient surety, to execute faithfully all the duties of his or her office during his or her continuance therein, such bond to be approved by the Judge and the respective Levy Court; and should the Clerk so appointed fail to give bond from the date of his appointment, the Judge by and with the approval of the respective Levy Court shall make a new appointment.

The Clerks may administer all necessary oaths; enter judgments, issue commitments and execution to enforce the same, and make up and keep the records of the Court in all cases therein under the direction of the Judge. The Clerks shall issue all process under his or her hand and the seal of the Court and attest

the same in the name of the Judge, signing it by his or her title of office, and shall tax costs.

The Clerks may issue warrants, upon complaint filed in writing, and upon oath, in all cases within the jurisdiction of and returnable before the Judge.

The Clerks may take bail from persons arrested when the Court is not in session, subject to revision by the Court, and shall also under like direction of the Judge, do all other acts necessary to carry out the jurisdiction and process of the Court.

Section 5. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 4350. Sec. 35. and inserting in lieu thereof the following to be known as 4350. Sec. 35.:

4350. Sec. 35. Probation Officers; Appointment; Salary and Duties:—The Judge, by and with the approval and consent of the Levy Court of the respective County in which such shall be employed, shall appoint a Probation Officer in each County, each of whom shall receive an annual salary of Three Thousand (\$3,000.00) Dollars payable monthly by the State Treasurer out of the General Fund of the State. The Probation Officer shall hold office at the pleasure of the Judge by and with the approval of the Levy Court.

The Judge shall satisfy himself as to their education, ability, experience, personality, knowledge of and general adaptability to probation service. The word "experience" as used in this Section shall include knowledge gained in the supervision over or care of children and from personal contacts with adults and children.

The Probation Officers shall possess, and are hereby vested with all the power and authority of the sheriffs of Kent and Sussex Counties to make arrests and authority to go into the home of any delinquent, dependent, incorrigible or neglected child.

When any child is to be brought before the Court, it shall be the duty of the Probation Officer to make investigation of such

case and to be present in Court to represent the interests of the child when the case is heard, to furnish to the Court such information and assistance as the Court or Judge may require and to take charge of any child before and after the trial, as may be directed by the Court; and in all cases before final disposition of the case is made there shall be a social and psychological study of the child and in more serious cases a psychiatric study with the assistance of a mental hygiene clinic.

Section 6. Other Employees; Appointment of; Salary:—The Judge by and with the approval and consent of the Levy Court of the respective County in which such shall be employed, or by and with the approval and consent of the Levy Courts of both Counties in the event the employee is to operate in both Counties, shall appoint such other employees and officers as from time to time shall prove necessary, such as a negro family worker, gentleman Probation Officer to work with alcoholics, etc.; provided, however, that the total remuneration of such additional employees shall not exceed the sum of Twelve Thousand (\$12,000.00) Dollars. Said remuneration of said additional employees shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Section 7. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 4352. Sec. 37. and inserting in lieu thereof the following to be known as 4352. Sec. 37.:

4352. Sec. 37. Certain Sections of an Act Creating a Family Court for New Castle County to Apply to This Article:—Sections 12, 13, 15, 16, 17, 18, 19, 22, 23, 24 and 27 inclusive, of the Act Creating a Family Court for New Castle County, as approved April 20, 1945, shall apply to the Juvenile Court of Kent and Sussex Counties with the same force and effect and to the same extent as they now apply to the Family Court for New Castle County, and where the word Director appears it is to be construed to mean a Probation Officer, and when reference is made to other Courts within New Castle County it is to be construed to apply to the respective Courts of Kent or Sussex County as the case may be.

Section 8. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 4353A. Sec. 38A.

Section 9. Functions of Court During Illness or Absence of Judge:—In the event the said Judge of the Juvenile Court of Kent or Sussex County shall be unable to give his attendance to Court by reason of illness or otherwise, said Judge may, by and with the consent and approval of the Levy Court, appoint a member of the Bar of the respective County involved to hold Court in Sussex County and/or Kent County to preside over the Juvenile Court of Kent and Sussex Counties as a Deputy Judge during the absence of the Judge of the Court, and while so presiding said Deputy or Deputies shall receive such remuneration as shall be agreed upon by the Levy Court and the Judge out of funds allocated and provided for under Section 6 of this Act.

Section 10. Invalid Sections Shall Not Affect Other Sections:—If any word, section, paragraph, clause, or sentence of this Act shall be declared invalid by a Court of competent jurisdiction, the remaining sections, paragraphs, clauses and sentences shall not be affected.

Approved June 21, 1951.

CHAPTER 365

ORPHANS' COURT

RELATING TO APPOINTMENT OF GUARDIAN FOR AGED,
MENTALLY INFIRM OR PHYSICALLY INCAPACITATED PERSONS

AN ACT TO AMEND CHAPTER 118 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO THE ORPHANS' COURT BY PROVIDING THAT UPON PROPER PETITION THE ORPHANS' COURT OR ANY JUDGE THEREOF SHALL HAVE JURISDICTION TO HEAR CAUSES RELATING TO ADJUDGING AGED OR MENTALLY INFIRM OR PHYSICALLY INCAPACITATED PERSONS TO BE UNABLE TO CARE FOR THEIR PROPERTY AND SHALL HAVE AUTHORITY TO APPOINT A GUARDIAN FOR THE PROPERTY OF SUCH PERSONS TO BE GOVERNED BY THE PROVISIONS OF LAW RELATING TO THE MANAGEMENT OF THE ESTATES OF INFANTS UNDER GUARDIANSHIP, AND DEPRIVING SUCH PERSONS OF THE RIGHT TO CONTRACT WITH RESPECT TO THE PROPERTY WHICH IS THE SUBJECT MATTER OF SUCH GUARDIANSHIP, DURING THE PENDENCY THEREOF.

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

Section 1. That Chapter 118 of the Revised Code of Delaware, 1935, as amended by 43 Delaware Laws, Chapter 227, be and the same hereby is further amended by adding immediately following 4422A. Section 7A. of said Chapter a new Section to be known as 4422B. Section 7B. as follows:

4422B. Section 7B. Whenever any person, resident in this State, by reason of advanced age or mental infirmity or physical incapacity shall be unable to manage and care for his or her property, and in consequence thereof is in danger of dissipating or losing such property, or of becoming the victim of designing persons, it shall be lawful for such person, his or her mother, father, brother, sister, husband, wife, child, next of kin, creditor,

debtor, or, in the absence of such person or persons, or their inability to act, any other person, to present to the Orphans' Court of the County in which such aged or mentally infirm or physically incapacitated person resides, or to the Chancellor or a Judge of the Orphans' Court in vacation, at chambers, his or her petition, under oath, setting forth the facts, praying the Court to adjudge that such person is unable properly to manage and care for his or her property, and to appoint a guardian of the property of such person. Upon the filing of such petition, the Court shall appoint a time and place for a hearing, and shall cause at least ten days' notice thereof to be given to the person for whose property a guardian is sought, if such person is not the petitioner. If the Court, on such hearing, shall be satisfied that such person is not able, owing to advanced age or mental infirmity or physical incapacity, properly to manage and care for his or her property, then it shall be the duty of the Court to enter a decree accordingly and to appoint a guardian of such person's property. In all matters relating to the appointment, qualification, duties and liability to account, such guardian shall be governed by all of the applicable provisions of law relating to the management of the estates of infants under guardianship and may be removed by the Orphans' Court upon application of the ward, or otherwise, whenever it appears that the guardianship is no longer necessary. From the time of the Court's decree appointing a guardian, such person whose property is under guardianship shall be under disability to contract with regard to the property forming the subject matter of the guardianship, during the pendency thereof.

Approved June 21, 1951.

CHAPTER 366

APPROPRIATION

STATE HIGHWAY DEPARTMENT FOR CONSTRUCTION OF
TIDEWATER GATES IN NEW CASTLE COUNTY**AN ACT TO PROVIDE FOR THE CONSTRUCTION OF TWO
TIDEWATER GATES NEAR "RIVER ROAD," NEW
CASTLE COUNTY.**

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

Section 1. The State Highway Department is hereby authorized, empowered and directed to erect and build two tide-water gates for the protection of "River Road," New Castle County, the one gate to be between Port Penn and Delaware City and the other gate to be South of Augustine Beach.

Section 2. The sum of One Hundred Thousand Dollars (\$100,000.00) is hereby appropriated for such purpose 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 purpose hereinabove set forth.

Section 3. 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 21, 1951.

CHAPTER 367

FAMILY COURT—NEW CASTLE COUNTY

CHANGING COMPOSITION

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 TWO FULL TIME JUDGES WITH EQUAL AUTHORITY INSTEAD OF A JUDGE AND AN ASSOCIATE JUDGE; BY PROVIDING FOR THE APPOINTMENT, POWERS, DUTIES, QUALIFICATIONS AND SALARIES OF THE JUDGES; BY ELIMINATING A STATED SALARY, AND BY PROVIDING ADDITIONAL DUTIES FOR THE CLERK; BY INCREASING THE LIMITS OF THE TOTAL BUDGET OF THE COURT; BY PROHIBITING THE CRIMINAL PROSECUTION OF CHILDREN.

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 the second sentence of Section 2, Chapter 241 thereof, as amended by Chapter 306 of Volume 47, Laws of Delaware, beginning with the words "This Court shall be composed of," and by enacting and inserting in lieu thereof a new second sentence of said Section 2 as follows:

"This Court shall be composed of, be in charge of and be presided over by two Judges of equal authority and rank, 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 first paragraph of Section 3 of Chapter 241 thereof, as amended by Section 2 of Chapter 306, Volume 47, Laws of Delaware, and by enacting and inserting in lieu thereof a new first paragraph of said Section 3 as follows:

Section 3. DEFINITIONS:—When used in this Act without modification, the word "Court" shall mean the Family Court for New Castle County, Delaware. The word "Judge" shall mean either of the Judges of the said Court, except as modified by Section 6 of Chapter 241, Volume 45, Laws of Delaware, as amended. The word "Child" shall mean a person who has not yet attained his eighteenth birthday.

Section 3. That Volume 45, Laws of Delaware, be further amended by striking out Section 5 of Chapter 241 thereof, as amended by Chapters 212 and 213 of Volume 46, and by Chapter 306 of Volume 47, Laws of Delaware, and by enacting and inserting in lieu thereof a new Section 5 as follows:

Section 5. APPOINTMENT OF JUDGES; SALARIES; QUALIFICATIONS:—Upon the approval of this Act the Governor, by and with the consent of a majority of all members elected to the Senate shall appoint and commission two Judges, who shall have equal power and authority to hold and preside over the Court.

The Judges first appointed shall be appointed as assigned by the Governor for terms of six and twelve years respectively; each of said terms to begin on July 1, 1951. Each Judge shall serve until his successor has been appointed and confirmed.

The successors of the Judges first appointed shall be appointed in the same manner as provided in this Section for terms of twelve years; provided, however, that if a Judgeship vacancy shall occur in any manner except expiration of a term, the Governor shall fill such vacancy for the remainder of the unexpired term only.

It is herein provided that in the making of the original appointments pursuant to this Act, or in the making of subsequent appointments, or in the making of an appointment to fill any vacancy, there shall never be in office at the same time more than one Judge appointed from the same political party.

The salary of each of the Judges shall be Ten Thousand Dollars (\$10,000.00) per year.

The Judges shall be residents of New Castle County, duly admitted to the practice of law in the State of Delaware, and they shall be selected with reference to their interest and experience in and understanding of the problems of family and child welfare. Said Judges shall be eligible for reappointment. During their tenure of office, the Judges shall not be permitted to engage in the practice of law.

Section 4. That Volume 45, Laws of Delaware, be further amended by striking out Section 6 of Chapter 241 thereof, and by enacting and inserting in lieu thereof a new Section 6 as follows:

Section 6. POWER OF JUDGES; JOINTLY; SEPARATELY:—The Judges, when acting jointly, as shall be evidenced by their order in writing, signed by both Judges, shall have full power:

To adopt a seal; to establish a schedule of costs and fees; to require that all the process of the Court shall be tested in the names of either or both Judges; to provide for such deposits as may be deemed necessary; to determine the allocations of moneys within the Court's budget; to submit the Court's budget to the proper authorities; to provide for the keeping of the Court's legal and social records; to make Court rules and regulations establishing the Court's practices, processes and procedures, legal and social; to require bonds from such Court employees as they shall deem necessary; to appoint and to discharge employees, and to fix their duties and salaries, any language contained in any Section of Chapter 241 of Volume 45, Laws of Delaware, as amended, appearing to be to the contrary hereof notwithstanding.

Each of the said Judges, acting separately, shall have full power to exercise all other powers granted to "The Judge" under Chapter 241 of Volume 45, Laws of Delaware, as amended, and particularly to apply any of the Court's rules, regulations, practices, processes and procedures in any given cause, action or matter properly before the Court, and subject to the provisions of Chapter 241 of Volume 45, Laws of Delaware, as amended, and shall have all the powers of a Court of record possessed by a Court of general jurisdiction of the State.

Section 5. That Volume 45, Laws of Delaware, be further amended by striking out the first paragraph of Section 7 of Chapter 241 thereof, as amended by Chapter 213 of Volume 46, Laws of Delaware, and by enacting and inserting in lieu thereof a new first paragraph of said Section 7, as follows:

Section 7. CLERK:—The Judges shall appoint a suitable person to act as Clerk of the Court, who shall hold said office at the pleasure of the Judges, in manner and form as is set forth in Section 4 of this Act. He shall have care of the legal records of the Court and he shall receive all fees, fines, costs and cash bail, arising out of any proceeding had in this Court. After deducting the cost of the service of process of the Court and the costs of executing the orders of the Court, relating to matters properly before it, including a Court order under Section 17 of Chapter 241 of Volume 45, Laws of Delaware, he shall each month pay over the balance of the proceeds of fines, costs and forfeited bail bonds in his hands, one-half to the Mayor and Council of the City of Wilmington, and one-half to the Levy Court of New Castle County.

Section 6. That Volume 45, Laws of Delaware, be further amended by striking out Section 8 of Chapter 241 thereof, as amended by Chapter 212 of Volume 46, Laws of Delaware, and as further amended by Chapter 306 of Volume 47, Laws of Delaware, and by enacting and inserting in lieu thereof a new Section 8, as follows:

Section 8. APPOINTMENT OF DIRECTOR, PROBATION OFFICERS AND OTHER EMPLOYEES; SALARIES; BUDGET:—Subject to the provisions of Section 6 of Chapter 241, Volume 45, Laws of Delaware, as amended by this Act, and of Section 10 of said Chapter, the Judges shall select and appoint a Director, and such Supervisors and Probation Officers and other employees as they 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, 1951 and ending June 30, 1952, and for

each like fiscal year period thereafter, shall not exceed the sum of One Hundred and Thirty-five Thousand Dollars (\$135,000.00).

Section 7. That Volume 45, Laws of Delaware, be further amended by striking out the first paragraph of Section 14 of Chapter 241 thereof, and by enacting and inserting in lieu thereof new matter as follows:

Section 14. CRIMINAL PROSECUTION OF CHILDREN FORBIDDEN; PROCEEDINGS IN DELINQUENCY:—When any child is arrested with or without warrant, he shall not be taken before the Municipal Court of the City of Wilmington; the Court of Common Pleas for New Castle County, or before a Justice of the Peace, Alderman or any other Magistrate, but shall be taken directly before the Family Court if it be in session, or if it be not in session, then to the place of detention designated by either of the Judges of the Family Court.

No child as defined in this Act shall be charged with or prosecuted for any crime or unlawful act, other than a capital felony, in any Court in New Castle County.

The Family Court shall take exclusive jurisdiction of such arrested child and shall forthwith proceed in his interest as a delinquent child by petition as set forth in Section 12 of Chapter 241, Volume 45, Laws of Delaware.

Approved June 21, 1951.

CHAPTER 368

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, 1951 TO JUNE 30, 1953, 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, 1951 to June 30, 1953.

(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 Thirty Thousand Dollars (\$30,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(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 Five Thousand Dollars (\$5,000.00) for each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(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, 1951, the State Board of Education may, upon satisfactory proof of emergency, 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, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(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, 1951 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, 1951, the State Board of Welfare 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, 1951 to June 30, 1953; 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, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(j) To provide for additional teachers, janitors and/or other costs of public education for which adequate provision has not been made in other appropriation acts, the State Board of Education may be authorized to expend all or any part of an amount not to exceed One Million Dollars (\$1,000,000.00) for the fiscal year beginning July 1, 1951 and ending June 30, 1952, and not to exceed One Million Eight Hundred Thousand Dollars (\$1,800,000.00) for the fiscal year beginning on July 1, 1952 and ending June 30, 1953.

(k) To repair or replace any boiler which shall have been damaged, destroyed or condemned, but in an amount not to exceed the actual cost of such repair or replacement, any Department or Agency of this State may, upon submission of satisfactory proof of condition 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, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(m) To provide for the payment of special audit or audits made necessary as a result of unforeseen circumstances, and for transcripts, requisition and travel expenses, for additional equipment and for clerical and stenographic services, the Attorney General 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) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(n) To provide an appropriation to procure the services of certified public accountants, the same to be appointed by the Governor, to audit the accounts of any State Agency, Board, Commission or Department, the Governor 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, and 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, 1951 to June 30, 1953.

(o) 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 Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

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-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(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 Three Hundred Thousand Dollars (\$300,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(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, 1951, 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 Twenty-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(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 One Thousand Five Hundred Dollars (\$1,500.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(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, 1953.

(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 outbreak 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, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(j) To provide an appropriation to match Federal funds for Market Newsletter, 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 One Thousand Dollars (\$1,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(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 One Hundred Thousand Dollars (\$100,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(m) To match any funds made available by the Federal Government under the provision of the "Dingle Bill" for aid to Fisheries, the Game and Fish Commission 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 Thousand Eight Hundred Dollars (\$8,800.00) during the biennium ending June 30, 1953.

(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, 1951 to June 30, 1953.

(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, 1951 to June 30, 1953.

(p) To provide an appropriation for administration, operation, repairs and replacements in the event unforeseen demands require it, the Game and Fish Commission may, upon submission of satisfactory proof of need, 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, 1951 to June 30, 1953.

(q) 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 Fifteen Thousand Dollars (\$15,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953; 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.

(r) 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, 1951 to June 30, 1953.

(s) To provide an appropriation to match Federal funds for aid to the permanently and totally disabled under Title XIV, Public Law 734, 81st Congress, Chapter 809, 2nd Session, 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 Sixty Thousand Dollars (\$60,000.00) in each of the respective years of the biennium July 1, 1951, to June 30, 1953.

(t) To provide an appropriation for administration, operation and travel, the State Park Commission may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed One Thousand Dollars (\$1,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(u) To provide for deficiency in appropriations for any salary accounts, any State agency, department, board or commission may, upon submission of satisfactory proof of such deficiency, 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, 1951 to June 30, 1953.

(v) To provide for the purchase and/or leasing of equipment and other supplies required for the installation of a modern accounting and statistical system for economy and increased efficiency in the office of any State Agency, Department, Board or Commission, the Budget Commission may, upon submission of satisfactory proof of need, 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, 1951 to June 30, 1953.

(w) 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 Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(x) To provide an appropriation for administration, operation, repairs and replacements, due to unforeseen increase in patients at the State Welfare Home and the demands require 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-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(y) To provide an appropriation for assistance to the blind, the Delaware Commission for the Blind may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Fifteen Thousand Dollars (\$15,000.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953.

(z) To provide an appropriation for administration, operation, repairs and replacements in the event unforeseen demands require it, the Public Service Commission may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Nineteen Thousand Five Hundred Dollars (\$19,500.00) for the fiscal year beginning July 1, 1951 and ending June 30, 1952 and not to exceed Eighteen Thousand Dollars (\$18,000.00) for the fiscal year beginning on July 1, 1952 and ending June 30, 1953.

(aa) Upon satisfactory proof of an emergency not otherwise herein provided for, the State Board of Education may expend Fourteen Thousand Seven Hundred Sixty Dollars (\$14,760.00) in each of the respective years of the biennium July 1, 1951 to June 30, 1953 to be distributed as follows:

Instructional Service—Salary of Supervisors . . .	\$ 4,500.00
Service Bureau—Salaries	2,580.00
Student Driver Training—Salaries	1,680.00
Janitors (Small Schools)—Salaries	4,800.00
Auxiliary and Coordinate Activities—Firemen Training	1,200.00
Total	<u>\$14,760.00</u>

(bb) To provide an appropriation for Capital Outlay in the amount of One Hundred Ten Thousand One Hundred Fifty Dollars (\$110,150.00) for the fiscal year July 1, 1951 to June 30, 1952 and One Hundred Twenty-two Thousand Six Hundred Fifty Dollars (\$122,650.00) for the fiscal year July 1, 1952 to June 30, 1953 for school districts set forth below in the respective amounts computed on the basis of Fifty Dollars (\$50.00) per unit, the various schools may expend these amounts only upon submission of satisfactory proof of need and can certify the units herein provided.

Dist. No.	School District	1951-52		1952-53	
		Units	Amount	Units	Amount
	Sp. Alexis I. duPont.....	29	\$1450.00	29	\$1450.00
	Sp. Caesar Rodney	43	2150.00	43	2150.00
	Sp. Claymont	40	2000.00	40	2000.00
	Sp. Dover	73	3650.00	73	3650.00
	Sp. Georgetown	38	1900.00	38	1900.00
	Sp. Harrington	30	1500.00	30	1500.00
	Sp. Laurel	56	2800.00	56	2800.00
	Sp. Lewes	32	1600.00	32	1600.00
	Sp. Milford	57	2850.00	57	2850.00
	Sp. Mt. Pleasant	65	3250.00	65	3250.00
	Sp. Newark	71	3550.00	71	3550.00
	Sp. New Castle	60	3000.00	60	3000.00
	Sp. Rehoboth	14	700.00	14	700.00
	Sp. Seaford	60	3000.00	60	3000.00
	Sp. Smyrna	38	1900.00	38	1900.00
3	Arden	4	200.00	4	200.00
7	Alfred I. duPont.....	26	1300.00	26	1300.00
20	Richardson Park	35	1750.00	35	1750.00
21	Newport	29	1450.00	29	1450.00
29	Hockessin	4	200.00	4	200.00
38	Stanton	7	350.00	7	350.00
44	Christiana	6	300.00	6	300.00
47	Rose Hill - Minquadales..	27	1350.00	27	1350.00
52	Delaware City	11	550.00	11	550.00
53	Commodore MacDonough	8	400.00	8	400.00
60	Middletown	27	1350.00	27	1350.00
77	Marshallton	28	1400.00	28	1400.00
81	Townsend	9	450.00	9	450.00
91	Yorklyn	4	200.00	4	200.00

Dist. No.	School District	1951-52		1952-53	
		Units	Amount	Units	Amount
130	Oak Grove	25	1250.00	25	1250.00
131	Henry C. Conrad	30	1500.00	30	1500.00
106C	Newport Colored	11	550.00	11	550.00
120C	Middletown Colored ...	13	650.00	13	650.00
132C	Millside Colored	11	550.00	11	550.00
32	Frederica	7	350.00	7	350.00
50	Magnolia	4	200.00	4	200.00
54	Felton	16	800.00	16	800.00
96	Hartly	6	300.00	6	300.00
119	Clayton	12	600.00	12	600.00
8	Milton	19	950.00	19	950.00
23	Millsboro	23	1150.00	23	1150.00
28	Lord Baltimore	19	950.00	19	950.00
32	Selbyville	16	800.00	16	800.00
37	Gumboro	5	250.00	5	250.00
90	Bridgeville	25	1250.00	25	1250.00
91	Greenwood	16	800.00	16	800.00
97	John M. Clayton	18	900.00	18	900.00
125	Ellendale	5	250.00	5	250.00
163	Delmar	17	850.00	17	850.00
172	Blades	4	200.00	4	200.00
192C	William C. Jason	14	700.00	14	700.00
204C	Millsboro Colored	6	300.00	6	300.00
206C	Frankford Colored	5	250.00	5	250.00
210C	Selbyville Colored	5	250.00	5	250.00
220C	Bridgeville Colored	5	250.00	5	250.00
State Board of Educa-					
tion for 1-2-3 teacher					
schools					
		95	4750.00	95	4750.00
State Board of Education					
for distribution to the					
various districts accord-					
ing to increased enroll-					
ment, only so much as					
is necessary					
		311	15550.00	561	28050.00
Wilmington		529	26450.00	529	26450.00
TOTAL		2203	110150.00	2453	122650.00

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 21, 1951.

CHAPTER 369
PARKING AUTHORITY LAW

AN ACT CREATING AS BODIES CORPORATE AND POLITICAL "PARKING AUTHORITIES" IN INCORPORATED CITIES; PRESCRIBING THE RIGHTS, POWERS AND DUTIES OF SUCH AUTHORITIES; AUTHORIZING SUCH AUTHORITIES TO ACQUIRE, CONSTRUCT, IMPROVE, MAINTAIN AND OPERATE PARKING PROJECTS; TO CONDUCT RESEARCH OF THE PARKING PROBLEM, AND TO ESTABLISH A PERMANENT CO-ORDINATED SYSTEM OF PARKING FACILITIES, AND TO BORROW MONEY AND ISSUE BONDS THEREFOR; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND PRESCRIBING THE RIGHTS OF THE HOLDERS THEREOF; CONFERRING THE RIGHT OF EMINENT DOMAIN ON SUCH AUTHORITIES; EMPOWERING SUCH AUTHORITIES TO ENTER INTO CONTRACTS WITH, AND TO ACCEPT GRANTS FROM, THE FEDERAL GOVERNMENT, STATE, POLITICAL SUBDIVISIONS OF THE STATE OR ANY AGENCY THEREOF; EXEMPTING THE PROPERTY AND SECURITIES OF SUCH PARKING AUTHORITIES FROM TAXATION AND CONFERRING EXCLUSIVE JURISDICTION ON CERTAIN COURTS OVER RATES.

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

Section 1. **SHORT TITLE:**—This Act shall be known and may be cited as the "Parking Authority Law."

Section 2. **FINDINGS AND DECLARATION OF POLICY:**—It is hereby determined and declared as a matter of Legislative finding:

(a) That residential decentralization in incorporated cities has been accompanied by an ever increasing trend in the number of persons entering the business sections by private automobile as compared with other modes of transportation;

(b) That the free circulation of traffic of all kinds through

the streets of cities is necessary to the health, safety and general welfare of the public whether residing in the city or traveling to, through or from the city, in the course of lawful pursuits;

(c) That the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion on the streets of cities;

(d) That the parking of motor vehicles on the streets has contributed to this congestion to such an extent as to interfere seriously with the primary use of such streets for the movement of traffic;

(e) That such parking prevents the free circulation of traffic in, through, and from the city, impedes rapid and effective fighting of fires and the disposition of police forces in the district and endangers the health, safety and welfare of the general public;

(f) That such parking threatens irreparable loss in valuations of property in the city which can no longer be readily reached by vehicular traffic;

(g) That this parking crisis, which threatens the welfare of the community, can be reduced by providing sufficient off-street parking facilities properly located in the several residential, commercial and industrial areas of the city;

(h) That the establishment of a parking authority will promote the public safety, convenience and welfare;

(i) That it is intended that the authority cooperate with all existing parking facilities so that private enterprise and government may mutually provide adequate parking services for the convenience of the public;

Therefore, it is hereby declared to be the policy of the State of Delaware to promote the safety and welfare of the inhabitants thereof by the creation in incorporated cities of bodies corporate and politic to be known as "Parking Authorities" which shall exist and operate for the purposes contained in this Act. Such

purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain.

Section 3. DEFINITIONS:—The following terms whenever used or referred to in this Act shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(a) The term "Authority" shall mean a body politic and corporate created pursuant to this Act;

(b) The term "Board" shall mean the governing body of the Authority;

(c) The term "Bonds" shall mean and include the notes, bonds and other evidence of indebtedness, or obligations, which the Authority is authorized to issue pursuant to Section 5 of this Act;

(d) The term "Construction" shall mean and include acquisition and construction, and the term "to construct" shall mean and include to acquire and to construct, all in such manner as may be deemed desirable;

(e) The term "Municipality" shall mean any County, incorporated City or incorporated Town of the State of Delaware;

(f) The term "Federal Agency" shall mean and include the United States of America, the President of the United States of America, and any department or corporation agency or instrumentality heretofore, or hereafter created, designated or established by the United States of America;

(g) The term "Improvement" shall mean and include extension, enlargement and improvement, and the term "to improve" shall mean and include to extend to, enlarge and to improve, all in such manner as may be deemed desirable;

(h) The term "Persons" shall mean and include natural persons;

(i) The term "Project" shall mean any structure, facility or undertaking which the Authority is authorized to acquire, construct, improve, maintain or operate under the provisions of this Act;

(j) The term "City" shall mean incorporated City or Town;

(k) The term "Facility" or "Facilities" shall mean lot or lots, buildings and structures, above, at or below the surface of the earth, including equipment, entrances, exits, fencing and all other accessories necessary or desirable for the safety and convenience of the parking of vehicles.

Section 4. METHOD OF INCORPORATION:—

(a) Whenever the City Council or other governing body of a City shall desire to organize an Authority, under the provisions of this Act, it shall adopt an ordinance signifying their intention to do so.

In the event that such ordinance sets forth the proposed articles of incorporation in full it shall not be required, any law to the contrary notwithstanding, in publishing such ordinance, under the provisions of existing law, to publish such proposed articles of incorporation in full, but it shall be sufficient compliance with such law in such publication to set forth briefly the substances of such proposed articles of incorporation and to refer to the provisions of this Act. Thereafter the City Council shall cause a notice of such ordinance to be published at least one time in a newspaper published and of general circulation in the County in which such Authority is to be organized. Said notice shall contain a brief statement of the substance of said ordinance, including the substance of such articles, making reference to this Act, and shall state that on a day certain, not less than three days after publication of said notice, articles of incorporation of the proposed Authority will be filed with the Secretary of State of the State of Delaware.

(b) On or before the day specified in said notice the City Council shall file with the Secretary of State articles of incorporation together with proof of publication of the notice as aforesaid. Said articles of incorporation shall set forth:

- (1) The name of the Authority;
- (2) A statement that such Authority is formed under the provisions of this Act;
- (3) The name of the City, together with the names and addresses of its council members;
- (4) The names, addresses and term of office of the first members of the board of said Authority.

All of which matter shall be determined in accordance with the provisions of this Act. Said articles of incorporation shall be executed by the incorporating city by its proper officer and under its municipal seal.

(c) If the Secretary of State finds that the articles of incorporation conform to law he shall forthwith, but not prior to the day specified in the aforesaid notice, endorse his approval thereon, and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles. Upon the issuance of such certificate of incorporation by the Secretary of State, the corporate existence of said Authority shall begin when such certificate has been recorded in the office for the recording of deeds in the County where the principal office of the Authority is to be located. Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated, but proceedings may be instituted by the State to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this Section.

(d) When the Authority has been organized and its officers elected, the secretary shall certify to the Secretary of State the names and addresses of its officers, as well as the principal office of the Authority. Any change in the location of the principal office shall likewise be certified to the Secretary of State within ten (10) days after such change.

Section 5. PURPOSES AND POWERS; GENERAL:—

- (a) The Authority, incorporated under this Act, shall con-

stitute a public body corporate and politic, exercising public powers of the State as an agency thereof, and shall be known as the Parking Authority of the City, but shall in no way be deemed to be an instrumentality of the City or engaged in the performance of a municipal function. The Authority shall be for the purpose of conducting the necessary research activity, to maintain current data leading to efficient operation of off-street parking facilities, for the fulfillment of public needs in relation to parking, establishing a permanent coordinated system of parking facilities, planning, designing, locating, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, land and facilities to be devoted to the parking of vehicles of any kind; provided, however, that the Authority shall not have the power to engage in the sale of gasoline, the sale of automobile accessories, automobile repair and service or any other garage service and shall not engage in the sale of any commodity of trade or commerce.

The Authority shall have power to lease portions of the first floor of the parking facilities for commercial use where, in the opinion of the Authority, such leasing is desirable and feasible in order to assist in defraying the expenses of the Authority. Such leases shall be granted on a fair competitive basis.

(b) Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including, but without limiting the generality of the foregoing, the following rights or powers:

(1) To have existence for a term of fifty years as a corporation;

(2) To sue and be sued, implead and be impleaded, complain and defend in all courts;

(3) To adopt, use and alter at will a corporate seal;

(4) To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purpose of the Authority and to sell, lease as lessor,

transfer and dispose of any property or interest therein at any time required by it;

(5) To acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair and operate projects;

(6) To make by-laws for the management and regulation of its affairs;

(7) To appoint officers, agents, employees and servants; to prescribe their duties and to fix their compensation;

(8) To fix, alter, charge and collect rates and other charges for its facilities at reasonable rates to be determined exclusively by it, subject to appeal as hereinafter provided, for the purposes of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations or with the City. Any person questioning the reasonableness of any rate fixed by the Authority may bring suit against the Authority in the Superior Court of the County wherein the project is located. The Superior Court shall have exclusive jurisdiction to determine the reasonableness of rates and other charges fixed, altered, charged or collected by the Authority. Appeals may be taken to the Supreme Court within thirty days after the Superior Court has rendered a final decision;

(9) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations of the Authority; said bonds to have a maturity date not longer than forty years from the date of issue, except that no refunding bonds shall have a maturity date longer than the life of the Authority; and to secure the payment of such bonds or any part thereof by pledge, or deed of trust of all, or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security for said bonds and the rights of the holders thereof;

(10) To make contracts of every name and nature, and to execute all instruments necessary or convenient for the carrying on of its business;

(11) Without limitation of the foregoing to borrow money and accept grants from, and to enter into contracts, leases or other transactions with, any Federal Agency, State of Delaware, Municipality, Corporation or Authority;

(12) To have the power of eminent domain;

(13) To pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority, as security for all or any of the obligations of the Authority;

(14) To do all acts and things necessary for the promotion of its business and the general welfare of the Authority to carry out the powers granted to it by this Act or any other Acts;

(15) To enter into contracts with the State of Delaware, Municipalities, Corporations or Authorities for the use of any project of the Authority and fixing the amount to be paid therefor;

(16) To enter into contracts of group insurance for the benefit of its employees, and to set up a retirement or pension fund for such employees, similar to that existing in the municipality where the principal office of the project is located.

(c) The Authority shall have no power at any time, or in any manner, to pledge the credit or taxing power of the State of Delaware or any political subdivision, nor shall any of its obligations be deemed to be obligations of the State of Delaware, or of any of its political subdivisions, nor shall the State of Delaware or any political subdivision thereof be liable for the payment of principal or of interest on such obligations.

(d) In addition to the provisions in this Act provided for the financing of the costs of acquiring lands and premises and for the construction and improvement of parking projects, said Parking Authority may by resolution, as hereinafter provided,

establish a benefit district. One benefit district may be designated for the condemnation of lands for one or several parking stations. The Parking Authority shall determine the percentage of the costs of condemnation which shall be assessable to such benefit district; provided, that not more than eighty per cent of such costs shall be assessable to such benefit district or benefit districts.

(2) After a benefit district has been established, no further proceedings shall be taken unless there is filed with the Secretary of the Parking Authority within sixty days of the passage of the resolution creating the benefit district a petition requesting the establishment of such public parking station or stations. Such petition shall be signed by the resident owners of real estate owning not less than fifty-one per cent of the front feet of the real estate fronting or abutting upon any street included within the limits of the benefit district. In determining the sufficiency of the petition, lands owned by the City, County, State or United States or by non-resident owners of real estate within the benefit district shall not be counted in the aggregate of lands within such benefit district. After any petition has been signed by an owner of land in the benefit district, the change of ownership of said land shall not affect the petition. In any case where the owners of lands within the benefit district are tenants in common, each cotenant shall be considered a landowner to the extent of his undivided interest in said land. The owner of a life estate shall also be deemed a landowner for the purpose of this Act. Guardians of minors or insane persons may petition for their wards when authorized by the proper court so to do. Resident owner land, as defined herein, shall be any landowner residing in the City and owning land in the benefit district. No suit shall be maintained in any court to enjoin or in any way contest the establishment of such parking stations or the establishment of a benefit district unless said suit be instituted and summons served within thirty days from and after the date of the filing of such petition with the Secretary of the Parking Authority.

(3) Whenever the Parking Authority shall have acquired lands for public parking stations and shall have declared and ordered that not more than eighty per cent of the cost of establishing or improving public parking stations, as herein provided,

will be paid by the levy of special assessments upon real estate situate in any one or more benefit districts, it shall cause to be made by some competent person an estimate, under oath, of the cost thereof, which estimate shall be filed with the Secretary of the Parking Authority. The assessment against the benefit district shall be apportioned among the various lots, tracts, pieces and parcels of land within the benefit district in accordance with the special benefits accruing thereto, this apportionment of benefit assessments to be made by three disinterested property owners appointed by the Mayor of the City or if such City has no Mayor, by its chief executive officer within thirty days after the filing of the estimate of the cost of said improvement with the Secretary of the Parking Authority. As soon as the amount chargeable against each piece of property is ascertained, the Parking Authority of such City shall by resolution levy such amount against this said real estate in the benefit district, which resolution shall be published once in a newspaper of general circulation in such City. No suit to question the validity of the proceedings of the Parking Authority shall be commenced after thirty days from the awarding of a contract for such improvements and until the expiration of said thirty days the contractor shall not be required to commence work under his contract. If no suit shall be filed within such thirty days then all proceedings theretofore had shall be held to be regular, sufficient and valid.

(4) The cost of condemnation and improvement of such public parking stations may be levied and assessed in not to exceed ten installments, with interest on the whole amount remaining due and unpaid each year at a rate of interest not exceeding five per cent per annum. Any owner of land within the benefit district may, within thirty days after the assessment resolution is passed, pay the entire amount assessed against said land. Authority is given the Parking Authority of such City to assess, levy and collect the cost of condemnation and improvement of such public parking stations as is assessed against the privately owned property in the benefit district. Said assessment shall constitute a lien from the date the same is assessed by resolution, as hereinabove provided, against the respective premises against which the same is levied, in the same manner as City taxes on real estate are constituted a lien, and shall be collectible in the manner provided for the collection of taxes assessed

against the real estate of the City of Wilmington by monition process, as provided in Chapter 143, Vol. 36, Laws of Delaware.

Section 6. PURPOSES AND POWERS; BONDS:—

(a) The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof, and shall be of such series; bear such date or dates, mature at such time or times not exceeding forty years from their respective dates; bear interest at such rate or rates, not exceeding six per cent per annum payable semi-annually; be in such denominations; be in such form, either coupon or fully registered, without coupons; carry such registration, exchangeability and interchangeability privileges; be payable in such medium or payment and at such place or places; be subject to such terms of redemption, not exceeding one hundred five per cent of the principal amount thereof; and be entitled to such priorities in the revenues or receipts of such Authority, as such resolution or resolutions may provide. The bonds shall be signed by such officers as the Authority shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds, or the treasurer whose facsimile signature shall be upon the coupon, or any officer thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine; provided, that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine.

(b) Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (1) pledging the full faith and credit of the Authority for such obligations or restricting, the same to all

or any of the revenues of the Authority, from all or any projects or properties; (2) the construction, improvement, operation, extension, enlargement, maintenance and repair of the project, and the duties of the Authority with reference thereto; (3) the terms and provisions of the bonds; (4) limitations on the purposes to which the proceeds of the bonds then, or thereafter to be issued, or of any loan or grant by the United States, may be applied; (5) the rate of tolls and other charges for use of the facilities of, or for the services rendered by the Authority; (6) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (7) limitations on the issuance of additional bonds; (8) the terms and provisions of any deed of trust or indenture securing the bonds, or under which the same may be issued, and (9) any other additional agreements with the holders of the bonds.

(c) Any Authority may enter into any deeds of trust indentures, or other agreements, with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency, as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the Authority thereunder. Such deed of trust, indenture, or other agreement, may contain such provisions as may be customary in such instruments, or as the Authority may authorize, including provisions as to (1) the construction, improvement, operation, maintenance and repair of any project and the duties of the Authority with reference thereto; (2) the application of funds and the safeguarding of funds on hand or on deposit; (3) the rights and remedies of said trustee and holders of the bonds which may include restrictions upon the individual right of action of such bondholder, and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the State of Delaware.

Section 7. REMEDIES OF BONDHOLDERS:—

(a) The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to, and not in

limitation of, any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any deed of trust, indenture or other agreement under which the same may be issued. In the event that the Authority shall default in the payment of principal of, or interest on any of the bonds, after the said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the Authority shall fail or refuse to comply with the provisions of this Act, or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the County, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders for the purpose herein provided.

(b) Such trustee, and any trustee under any deed of trust, indenture or other agreement, may and upon written request of the holders of twenty-five per centum, or such other percentages as may be specified in any deed of trust, indenture or other agreement aforesaid, in principal amount of the bonds then outstanding, shall in his or its own name:

(1) By mandamus, or other suit, action or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the Authority to collect rates, rentals or other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority, and to require the Authority to carry out any other agreements with, or for the benefit of the bondholders, and to perform its and their duties under this Act;

(2) Bring suit upon the bonds;

(3) By action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders;

(4) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(5) By notice in writing to the Authority declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid, of the principal amount of the bonds then outstanding, to annul such declaration and its consequences.

(c) The Court of Chancery in and for the County wherein the Authority is located shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee when appointed, as aforesaid, or acting under a deed of trust, indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter and take possession of the facilities of the Authority or any part or parts thereof, the revenues or receipts from which are, or may be, applicable to the payment of the bonds so in default, and operate and maintain the same, and collect and receive all rentals and other revenues thereafter arising therefrom, in the same manner as the Authority or the board might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee, and of the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein, or incident to the general representation of the bondholders in the enforcement and protection of their rights.

(d) Nothing in this Section, or any other Section of this Act, shall authorize any receiver appointed pursuant to this Act for the purpose of operating and maintaining any facilities of the Authority to sell, assign, mortgage or otherwise dispose of, any of the assets of whatever kind and character belonging to the Authority. It is the intention of this Act to limit the powers of such receiver to the operation and maintenance of the facilities

of the Authority as the court shall direct; and no holder of bonds of the Authority, nor any trustee shall ever have the right in any suit, action or proceedings at law or in equity to compel a receiver, nor shall any receiver ever be authorized, or any court be empowered to direct the receiver to sell, assign, mortgage or otherwise dispose of, any assets of whatever kind or character belonging to the Authority.

Section 8. GOVERNING BODY:—

(a) The powers of each Authority shall be exercised by a board composed of five members, all of whom shall be residents of the City creating the Authority. The Mayor of the City or if such City or Town has no Mayor, its chief executive officer, shall appoint the members of the board, one of whom shall serve for one year, one for two years, one for three years, one for four years, and one for five years from the first day of July in the year in which such Authority is created as herein provided. Thereafter the said Mayor shall not sooner than sixty days, nor later than thirty days prior to July first in each year in which a vacancy occurs, appoint a member of the board for a term of five years to succeed the member whose term expires on the first day of July next succeeding. Vacancies for unexpired terms that occur more than sixty days before the end of a term shall be promptly filled by appointment by the Mayor. All such appointments shall be subject to the confirmation of the City Council or other governing body of the City. Any member of said board may be removed for cause by the Mayor, or if such City or Town has no Mayor, by its chief executive officer, with the concurrence of two-thirds of all the members of the council, or other governing body of said City or Town, and the person against whom such charges are made shall be given a reasonable opportunity to make his defense.

(b) Members shall hold office until their successors have been appointed and may succeed themselves. A member shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(c) The members of the board shall select from among themselves a chairman, a vice-chairman, and such other officers

as the board may determine. The board may employ a secretary, an executive director, its own counsel and legal staff, and such technical experts and such other agents and employes permanent or temporary as it may require, and may determine the qualifications and fix the compensation of such persons. Three members of the board shall constitute a quorum for its meetings. Members of the board shall not be liable personally on the bonds or other obligations of the Authority, and the rights of creditors shall be solely against such Authority. The board may delegate to one or more of its agents or employes such of its powers as it shall deem necessary to carry out the purposes of this Act, subject always to the supervision and control of the board. The board shall have full authority to manage the properties and business of the Authority and to prescribe, amend and repeal by-laws, rules and regulations governing the manner in which the business of the Authority may be conducted, and the powers granted to it may be exercised and embodied.

Section 9. ACQUISITION OF LANDS:—

The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such rights, title, interest or easement in such lands, as the Authority may deem necessary for any of the purposes mentioned in this Act; provided, however, that no property devoted to a public use, nor any property of a public service company, property used for burial purposes, places of public worship, nor property which at the effective date of this Act is used as a facility or facilities for the parking of motor vehicles, so long as said property is continuously so used, and so long as the operation of the said facility complies with parking and traffic ordinances of the City shall be taken under the right of eminent domain. The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by the Highway Department of the State of Delaware.

The right of eminent domain herein conferred by this Section may be exercised only within the City.

Court proceedings necessary to acquire property or property rights, for purposes of this Act, shall take precedence over all

causes not involving the public interest in all courts to the end that the provision of parking facilities be expedited.

Section 10. MONEYS OF THE AUTHORITY:—All moneys of any Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Said moneys shall be deposited, in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority, or of such other person or persons as the Authority may authorize to execute such warrants or orders. Every Authority shall have at least an annual examination of its books, accounts and records by a certified public accountant. A copy of such audit shall be delivered to the City creating the Authority. A concise financial statement shall be published annually at least once in a newspaper of general circulation in the City where the principal office of the Authority is located. If such publication is not made by the Authority the City shall publish such statement at the expense of the Authority. If the Authority fails to make such an audit then the auditor or accountant designated by the City is hereby authorized and empowered, from time to time, to examine at the expense of the Authority, the accounts and books of the Authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its finances, operation and affairs.

The Attorney General of the State of Delaware shall have the right to examine the books, accounts and records of any Authority.

Section 11. COMPETITION IN AWARD OF CONTRACTS:—

(a) All construction, reconstruction, repairs or work of any nature made by any Authority, where the entire cost, value or amount of such construction, reconstruction, repairs or work including labor and materials, shall exceed Five Hundred Dollars (\$500.00), except reconstruction, repairs or work done by employees of said Authority, or by labor supplied under agreement with any Federal or State agency with supplies and materials

purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the Authority with the lowest and best bidder, upon proper terms, after due public notice has been given, asking for competitive bids as hereinafter provided. No contract shall be entered into for construction or improvement or repair of any project, or portion thereof, unless, the contractor shall give an undertaking with a sufficient surety or sureties, approved by the Authority, and in an amount fixed by the Authority for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation was named therein, provided the action is brought within one year after the time the cause of action accrued. Nothing in this Section shall be construed to limit the power of the Authority to construct, repair or improve any project or portion thereof, or any addition, betterment, or extension thereto directed by the officers, agents and employees of the Authority or otherwise than by contract.

(b) All supplies and materials costing Five Hundred Dollars (\$500.00) or more shall be purchased only after due advertisement as hereinafter provided. Authority shall accept the lowest bid or bids, kind, quality and material being equal, but the Authority shall have the right to reject any or all bids or select a single item from any bid. The provisions as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market, or solely by a manufacturer's authorized dealer.

(c) The terms, advertisement or due public notice, wherever used in this Section shall mean a notice published at least ten (10) days before the award of any contract in a newspaper of general circulation published in a municipality where the Authority has its principal office, and if no newspaper is published therein, then by publication in a newspaper of general circulation in County where the Authority has its principal office.

(d) No member of the Authority or officer or employee thereof shall either directly or indirectly be a party to, or be in any manner interested in, any contract or agreement with the Authority for any matter, cause or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such Authority. If any contract or agreement shall be made in violation of the provisions of this Section the same shall be null and void and no action shall be maintained thereon against such Authority.

(e) Subject to the foregoing provisions any Authority may, but without intending by this provision to limit any powers of such Authority, enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable, or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof; provided, however, that the provisions of this Section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of Section Sixteen of this Act, nor to any contract in connection with the construction of any project which the Authority may have had transferred to it by any person or private corporation.

Section 12. USE OF PROJECTS:—The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority; provided, however, that the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority, or violate any agreements with them or for their benefits.

Section 13. LIMITATION OF POWERS:—The State of Delaware does hereby pledge to and agree with any person, firm or corporation, or Federal agency subscribing to, or acquiring the bonds to be issued by the Authority for the construction, extension, improvement, or enlargement of any project or part thereof, that the State will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued, to-

gether with the interest thereon, are fully met and discharged. The State of Delaware does further pledge to, and agree with, the United States and any other Federal agency, that in the event that any Federal agency shall construct or contribute any funds for the construction, extension, improvement or enlargement of any project, or any portion thereof, the State will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the Authority and any such Federal agency, and the Authority shall continue to have and may exercise all powers herein granted, so long as the same shall be necessary or desirable, for the carrying out of the purposes of this Act, and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof.

Section 14. **TERMINATION OF AUTHORITY:**—When any Authority shall have finally paid and discharged all bonds, which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project, it may, subject to any agreements concerning the operation or disposition of such projects, convey such project to the City creating the Authority. When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon, and settled all other claims which may be outstanding against it, it may convey all its property to the City and terminate its existence. A certificate requesting termination of the existence of the Authority shall be filed in the office of the Secretary of State. If the certificate is approved by the City creating the Authority by its ordinance or ordinances, the said Secretary shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the Board, which shall cause the same to be recorded in the office of the Recorder of Deeds of the County. Thereupon the property of said Authority shall pass to the City and the Authority shall cease to exist.

Section 15. **EXEMPTION FROM TAXATION, AND PAYMENTS IN LIEU OF TAXES:**—The effectuation of the authorized purposes of the Authorities created under this Act shall and

will be in all respects for the benefit of the residents of incorporated cities for the increase of their commerce and prosperity, since such Authorities will be performing essential governmental functions and for the improvement of their health, safety and living conditions, and, in effectuating such purposes, such Authorities shall not be required to pay any taxes or assessments upon any property acquired or used by them for such purposes; provided, however, that in lieu of such taxes or special assessments an Authority may agree to make payments to the City or the County or any political subdivision. The bonds issued by any Authority, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the State of Delaware.

Section 16. TRANSFER OF EXISTING FACILITIES TO AUTHORITY:—

(a) Any municipality or owner is hereby authorized to sell, lease, lend, grant or convey to any Authority any project, or any part or parts thereof, or any interest in real or personal property which may be used by the Authority in the construction, improvement, maintenance or operation of any project. Any municipality is also authorized to transfer, assign and set over to any Authority any contracts which may have been awarded by said municipality for the construction of projects not begun, or if begun not completed. The territory being served by any project, or the territory within which such project is authorized to render service at the time of the acquisition of such project by an Authority, shall constitute the area in which such Authority shall be authorized to render service.

(b) The Authority shall first report to and advise the City by which it was created of the agreement to acquire, including all its terms and conditions.

The proposed action of the Authority, and the proposed agreement to acquire, shall be approved by the City Council. Such approval shall be by two-thirds vote of all of the members of the Council.

(c) This Section without reference to any other law shall

be deemed complete for the acquisition by agreement of projects as defined in this Act located wholly within or partially without the City causing such Authority to be incorporated, any provisions of other laws to the contrary notwithstanding, and no proceedings or other action shall be required except as herein prescribed.

Section 17. CONSTITUTIONAL CONSTRUCTION:—The provisions of this Act shall be severable and if any of the provisions thereof shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this Act. It is hereby declared as the legislative intent that this Act would have been adopted had such unconstitutional provision not been included therein.

Section 18. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved June 21, 1951.

CHAPTER 370

AUTHORIZING THE STATE OF DELAWARE TO BORROW
\$7,548,917.00 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. That 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 Seven Million Five Hundred Forty-eight Thousand Nine Hundred Seventeen Dollars (\$7,548,917.00) in order to provide funds in the amounts specified for the following purposes, or so much as shall be appropriated by the 116th 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 constructing and

equipping an Education and Home Economics Building on the University campus located at Newark, Delaware, such buildings to include classrooms, research laboratories, and offices for instruction, research and activities relating thereto..... \$1,250,000.00

(b) To be expended by the Board of Trustees of the University of Delaware for constructing and equipping two or more dormitory buildings on the University campus located at Newark, Delaware, such buildings to include dormitory rooms, lounges, offices and other customary appointments and appurtenances 1,750,000.00

(c) To be expended by the State Board of Health to repair, remodel and construct additions to the present facilities of Brandywine and Edgewood Sanatoria, to construct and equip a resident physician's residence at Edgewood Sanitorium, and to extend the water supply and sewage treatment plant serving both these facilities..... 2,000,000.00

(d) To be expended by the Delaware Commission for the Feeble-Minded for the erection, construction and equipment of a central kitchen at Delaware Colony 125,000.00

(e) To be expended by the State Board of Trustees of the Delaware State Hospital at Farnhurst to complete the construction and furnishing of the new psychiatric unit, to complete the construction and furnishing of the Nurses' Home, to complete the remodeling, repairing and furnishing of the existing Annex Building, to complete the enlargement of the boiler plant and underground electric system and other utilities and to erect and furnish new residences for the employees on the grounds of the Delaware State Hosiptal at Farnhurst 1,100,000.00

(f) To be expended by the State Welfare Home for capital improvements..... 90,400.00

(g) To be expended by the State Soil Conservation Commission for the purchase of heavy earth-moving and other machinery needed in the Soil Conservation work of the State 100,000.00

(h) To be expended by the State Board of Welfare and Old Age Welfare Commission for the purchase, repair and renovation of the properties at 905 and 907 West Street in Wilmington, New Castle County, for the purchase of land and the erection of a suitable building in Georgetown, Sussex County, and for the repair, renovation and furnishing of the State-owned building in Dover which is now being used by the State Board of Welfare..... 200,000.00

(i) To be expended by the State Board of Education or other Boards of Education or School Trustees in the State for the purpose of maintaining public school buildings and grounds in a condition conducive to the health, safety and welfare of the pupils 933,517.00

\$7,548,917.00

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 Seven Million Five Hundred Forty-eight Thousand Nine Hundred Seventeen Dollars (\$7,548,917.00). 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 (\$1,000.00), 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 1951."

Section 6. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the "Issuing Officers" may adopt.

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 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." 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. 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, for the purpose of paying the costs and expenses incident to the issuance of said bonds, and for no other purpose whatsoever.

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, 1953, and the Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 117th 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 21, 1951.

CHAPTER 371

PUBLIC SERVICE COMMISSION

CHANGING AND ENLARGING POWERS

AN ACT TO AMEND AN ACT ENTITLED "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," BEING CHAPTER 254, VOLUME 47, LAWS OF DELAWARE, BY CHANGING AND ENLARGING THE POWERS OF THE COMMISSION IN EMPLOYMENT OF PERSONNEL; BY PRESCRIBING CERTAIN QUALIFICATIONS FOR COMMISSIONERS AND PERSONNEL; BY FIXING THE NUMBER OF COMMISSIONERS WHO SHALL CONSTITUTE A QUORUM; BY PROVIDING THAT INVESTIGATIONS, INQUIRIES AND HEARINGS MAY BE HELD BEFORE THE COMMISSION, OR BEFORE ANY MEMBER THEREOF OR AN EXAMINER DESIGNATED BY IT; BY EMPOWERING THE COMMISSION TO MAKE OR HOLD JOINT INVESTIGATIONS OR HEARINGS WITH REGULATORY BODIES OF OTHER STATES OR OF THE UNITED STATES; BY REDEFINING RAILROAD UTILITIES; BY REMOVING STEAM BOAT COMPANIES FROM THE PROVISIONS OF SECTION 3 (k) OF THE ACT; BY EMPOWERING THE COMMISSION TO PRESCRIBE INSURANCE REQUIREMENTS FOR CERTAIN MOTOR CARRIERS AND FIXING THE MINIMUM REQUIREMENTS THEREFOR; BY EMPOWERING THE COMMISSION TO REQUIRE PUBLIC UTILITIES TO GIVE NOTICE OF CERTAIN ACCIDENTS AND TO FILE ANNUAL AND OTHER REPORTS; BY ENLARGING THE POWERS OF THE COMMISSION TO PRESCRIBE SYSTEMS OF ACCOUNTS AND RECORDS AND TO REGULATE THE KEEPING OF THE SAME; BY EMPOWERING THE COMMISSION TO FIX RATES OR DEPRECIATION AND REGULATE DEPRECIATION ACCOUNTS; BY PROVIDING FOR ACCESS TO AND THE INSPECTION AND EXAMINATION OF BOOKS, AC-

COUNTS, RECORDS, PROPERTY AND FACILITIES OF PUBLIC UTILITIES AND REQUIRING PUBLIC UTILITIES TO FURNISH CERTAIN INFORMATION AND RECORDS TO THE COMMISSION; BY REQUIRING BOOKS, ACCOUNTS AND RECORDS OF PUBLIC UTILITIES TO BE KEPT IN THIS STATE EXCEPT IN CERTAIN INSTANCES; BY PROHIBITING CHANGES IN EXISTING RATES OF PUBLIC UTILITIES EXCEPT UPON CERTAIN NOTICE TO THE COMMISSION AND CHANGING THE TIME FOR MAKING CERTAIN REFUNDS FROM THIRTY TO NINETY DAYS; BY EMPOWERING THE COMMISSION TO FIX TEMPORARY RATES IN CERTAIN CASES; BY PROVIDING THAT THE BURDEN OF PROOF IN RATE PROCEEDINGS SHALL BE UPON THE PUBLIC UTILITY; BY REQUIRING APPROVAL OF THE COMMISSION FOR ASSUMPTION OF LIABILITIES OF OTHER PERSONS OR CORPORATIONS BY ANY PUBLIC UTILITY, AND REMOVING THE TIME LIMIT OF FIFTEEN DAYS WITHIN WHICH THE COMMISSION MAY APPROVE OR DISAPPROVE CERTAIN PROPOSED MERGERS, MORTGAGES, TRANSFERS, ISSUES OF SECURITIES OR ASSUMPTION OF LIABILITIES; BY REQUIRING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY IN CERTAIN CASES; BY EMPOWERING ANY MEMBER OR EXAMINER OF THE COMMISSION TO SIGN SUBPOENAS, ADMINISTER OATHS AND EXAMINE WITNESSES; BY CHANGING THE PROCEDURE FOR TAKING DEPOSITIONS; BY REQUIRING PUBLIC UTILITIES TO DESIGNATE RESIDENT AGENTS FOR SERVICE OF PROCESS; BY PROVIDING FOR THE SERVICE OF ORDERS OF THE COMMISSION AND EMPOWERING THE COMMISSION TO FIX THE EFFECTIVE DATE OF ITS ORDERS; AND BY PROVIDING FOR APPEALS FROM FINAL ORDERS OF THE COMMISSION BY ANY PUBLIC UTILITY, OR ANY ORIGINAL PARTY OR INTERVENOR AFFECTED BY SUCH ORDERS.

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

Section 1. That Chapter 254, Volume 47, Laws of Dela-

ware, be and the same hereby is amended by striking out and repealing the fourth paragraph of Section 1 thereof and by inserting and enacting in lieu thereof a new fourth paragraph, as follows:

The Commission shall have the power to appoint, fix the compensation and terms of service, and prescribe the duties and powers of, a secretary and such officers, accountants, attorneys, experts, engineers, inspectors, clerks and other persons, as it may deem necessary for the proper conduct of the work of the Commission.

Section 2. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by enacting and inserting immediately after the fourth paragraph and before the fifth paragraph in Section 1 thereof, a new paragraph as follows:

No person shall be eligible for appointment to or shall hold the office of Commissioner, or be appointed by the Commission to or hold any office or position under it, who occupies any official relation to any public service company or public utility. No Commissioner, and no employee, appointee or official engaged in the service of, or in any manner connected with, the Commission, shall hold any office or position, or be engaged in any business, employment or vocation, the duties of which are incompatible with the duties of this office as Commissioner, or his employment in the service or in connection with the work of the Commission.

Section 3. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by enacting and adding after the last paragraph of Section 1 thereof four new paragraphs as follows:

Two members of the Commission shall constitute a quorum who, for all purposes, including the making of any order or the ratification of any act done or order made by one of the Commissioners, must act unanimously.

Any investigation, inquiry or hearing which the Commission has power to undertake or hold, may be undertaken or held by or before the Commission, or any member or representative of

the Commission designated by it. All investigations, inquiries or hearings before or by a Commissioner, shall be and be deemed to be the investigations, inquiries and hearing of the Commission; provided, however, that any determination or order of a Commissioner upon any such investigation, inquiry or hearing undertaken or held by him shall not become and be effective until approved and confirmed by at least a quorum of the Commission; and upon such confirmation, such determination or order shall be the determination or order of the Commission. In any investigation, inquiry or hearing, the Commission may designate any qualified officer or employee of the Commission as an examiner who shall have the power to administer oaths, examine witnesses and receive evidence in any locality which the Commission, having regard to the public convenience and the proper discharge of its functions and duties, may designate. The testimony or evidence so taken or received shall have the same force and effect as if taken or received by the Commission, or by any one of the members thereof. Upon completion of such hearing or the taking of such testimony and evidence, said examiner shall submit to the Commission his findings and his recommendations thereon, which findings and recommendations shall be considered by the Commission and such action taken with respect thereto by the Commission as it shall decide to be proper.

All hearings before the Commission, or its designated representative, shall be public, and shall be conducted in accordance with the rules of practice and procedure prescribed by the Commission; provided, however, that in the conduct thereof the Commission shall not be bound by the technical rules of evidence. A full and complete record shall be kept of all proceedings had before the Commission, or its representatives, in any formal hearing, and all testimony shall be taken down by a reporter designated by the Commission, and the parties shall be entitled to be heard in person or by attorney, and to introduce evidence. After the conclusion of the hearing, the Commission shall make and file its findings with its opinion, if any, and its order thereon. Its findings shall be in sufficient detail to enable the court on appeal to determine the controverted question presented by the proceeding, and whether proper weight was given to the evidence.

The Commission is also empowered to make joint investigations, hold joint hearings within or without this State, and issue

joint or concurrent orders in conjunction with any official, board, commission or agency of any State or of the United States, whether in the holding of such investigations or hearings, or in the making of such orders, the Commission shall function under agreements or compacts between States or under the concurrent powers of States to regulate the interstate commerce, or as an agency of the Federal Government, or otherwise.

Section 4. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by striking out the words "any steam railroad" now appearing in Section 2 thereof and by substituting in lieu thereof the words "any railroad."

Section 5. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by striking out and repealing subsection (k) of Section 3 thereof and inserting and enacting in lieu thereof a new subsection (k) as follows:

(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, 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 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 6. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by enacting, adding and inserting after subsection (k) in Section 3 thereof,

three new subsections to be designated as subsections (l), (m) and (n), as follows:

(l) To prescribe by regulation or order, as to public carriers operating motor buses and automobile trucks, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters; provided, however, that all such motor carriers, whose current liquid assets do not exceed their current liabilities by at least One Hundred Thousand Dollars (\$100,000.00), shall cover each and every vehicle transporting passengers or property, with a public liability and property damage insurance policy or policies issued by an insurance company authorized to do business in this State, in such amounts as the Commission may prescribe, but not less than Five Thousand Dollars (\$5,000.00) for one and Ten Thousand Dollars (\$10,000.00) for more than one person injured or killed in any one accident, and not less than One Thousand Dollars (\$1,000.00) for loss or damage in any one accident to property of others, excluding cargo.

(m) To require every public utility as herein defined to give immediate notice to the Commission of the happening of any accident in or about, or in connection with, the operation of its service and facilities, wherein any person shall have been killed or apparently injured, or where complaint of injuries has been made, and furnish such full and detailed report of such accident within such time and in such manner as the Commission shall prescribe. Such report shall not be open for public inspection, except by order of the Commission, and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in such report.

(n) To require every public utility as herein defined to file with the Commission such annual and other periodical or special reports, at such times, in such form and of such content, and covering such period or periods of time, as the Commission may by rules and regulations or by order prescribe. The Commission may require any such public utility to file with it a copy

of any report filed by such public utility with any Federal department or regulatory body. All reports shall be made under oath or affirmation unless the Commission otherwise specifies.

Section 7. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by striking out and repealing subsection (d) of Section 4 thereof and substituting and enacting in lieu thereof a new subsection (d) as follows:

(d) To make, keep, and preserve for such periods of time, such accounts, records of cost accounting procedures, correspondence, memoranda, papers, books and other records as the Commission may by rules and regulations or order prescribe as necessary or appropriate for purposes of the administration of this Act. The Commission may prescribe systems of accounts and records to be kept by public utilities, or may classify public utilities and prescribe a system of accounts and records for each class, and the manner and form in which such accounts and records shall be kept. The accounting system of any public utility also subject to the jurisdiction of a Federal regulatory body shall correspond, as far as practicable, to the system prescribed by such Federal regulatory body; provided, however, that the Commission may require any such public utility to keep and maintain supplemental or additional accounts to those required by any such regulatory body. The Commission, after notice and opportunity for hearing, may determine by order the accounts in which particular outlays and receipts shall be entered, charged or credited. The burden of proof to justify every accounting entry questioned by the Commission shall be upon the public utility making, authorizing, or requiring such entry, and the Commission may suspend any charge or credit pending submission of satisfactory proof in support thereof.

Section 8. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by enacting and inserting after subsection (d) of Section 4 thereof a new subsection to be designated as subsection (e) as follows:

(e) To carry a reasonable and adequate depreciation account in accordance with such rules, regulations, orders and forms of account as the Commission may prescribe. The Com-

mission may, from time to time, ascertain and determine, and by order fix, the proper and adequate rates of depreciation of the several classes of property of each public utility or class of public utilities. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed.

Section 9. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by inserting and enacting immediately following Section 4 thereof and before Section 5 thereof a new Section to be designated as Section 4A. as follows:

Section 4A. The Commission, by or through its members or duly authorized representatives, shall at all times have access to and the right to inspect and examine any and all books, accounts, records, memoranda, property, plant, facilities and equipment of public utilities. It shall be the duty of every public utility to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect to its books, accounts, records, memoranda, property, plant, facilities, equipment, service, and operations, which the Commission may require in aid of any inspection, examination, inquiry, investigation, or hearing, or in aid of any determination of the value of its property, or any portion thereof, including copies of accounts, records, books, maps, inventories, appraisals, valuations, contracts, reports of engineers, and other data, records and papers; and to grant to all authorized agents of the Commission access to its premises, property, plant, facilities and equipment and its books, accounts, records and memoranda when requested so to do.

Every public utility shall keep such books, accounts, papers, records and memoranda, as shall be required by the Commission, in an office within this State, and shall not remove the same, or any of them, from this State, except upon such terms and conditions as may be prescribed by the Commission; but this provision shall not apply to a public utility engaged in the interstate commerce, whose accounts are kept at its principal place of business without this State, in the manner prescribed by any Federal regulatory body; provided, however, that such public utility, when required by the Commission, shall furnish to the

Commission, within such reasonable time as it shall fix, certified copies of its books, accounts, papers, records and memoranda, relating to the business done by such public utility within this State.

Section 10. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by striking out and repealing Section 5 thereof and by inserting and enacting in lieu thereof a new Section 5 as follows:

Section 5. Unless the Commission otherwise orders, no public utility shall make any change in any existing rate 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 for a proper determination of the lawfulness of such rate or rates, 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, condi-

tioned 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 ninety 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 11. That Chapter 254, Volume 47, Laws of Delaware, be and the same is further amended by inserting and enacting immediately after Section 5 and before Section 6 thereof, a new Section to be designated as Section 5A. as follows:

Section 5A. Whenever the Commission, after due consideration of pertinent facts and information, shall be of the opinion that any rates of any such public utility are producing a return in excess of a fair return upon what appears to be the fair value

of the property of such public utility, used and useful in the public service, and that a proceeding to determine all of the issues involved in a final determination of such rates will require more than ninety days, the Commission may, after reasonable notice to said public utility and opportunity to be heard thereon, if it be of the opinion that the public interest so requires, immediately enter a temporary order fixing a temporary schedule of rates to be charged by such public utility pending the final determination of such rate proceeding, which said order shall become operative and binding upon such public utility at the time prescribed by the Commission; provided, however, that the power of the Commission to order reductions in rates and charges of any public utility by means of such temporary order shall be limited to reductions which will absorb not more than the amount found to be in excess of the amount of operating income, as determined by the Commission, necessary to provide a fair return on what appears to be the fair value of the property of said public utility. The temporary rate so prescribed shall be effective until the final determination of the rate proceeding, unless sooner terminated or changed by the Commission. If, upon final disposition of the issues involved in such proceeding, the rates as finally determined are in excess of the rates prescribed in such temporary order, then such public utility shall be permitted to amortize and recover by means of a temporary increase over and above the rates finally determined, such sum as shall represent the difference between the operating revenues obtained from the rates prescribed in such temporary order and the operating revenues which would have been obtained under the rates finally determined if applied during the period such temporary order was in effect.

In any proceeding upon the motion of the Commission, or upon complaint, involving any proposed or existing rate or any public utility, or any proposed increase in rates, the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility. The Commission shall give to the hearing and decision of any such proceeding, preference over all other proceedings and decide the same as speedily as possible.

Section 12. That Chapter 254, Volume 47, Laws of Delaware, be and the same is hereby further amended by striking out

and repealing Section 6 thereof and by enacting in lieu thereof a new Section 6, as follows:

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 person or company, or sell, lease, assign, or 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; or (2) issue any stocks, stock certificates, or notes, bonds or other evidences of indebtedness payable in more than one year from the date thereof; or (3) assume any obligation or liability as guarantor, endorser, surety or otherwise in respect of any security of any other person or corporation, payable or maturing more than one year after the date of such issue or assumption of liability. Application for any such approval or authorization shall be made to the Commission in writing, verified by oath or affirmation, and be in such form and contain such information as the Commission may require. The Commission shall approve of any such proposed merger, mortgage, transfer, issue or assumption when it finds that the same is to be made in accordance with law, for a proper purpose and is consistent with the public interest. The Commission may make such investigation and hold such hearings in the matter as it may deem necessary, and thereafter may grant any application under this Section in whole or in part and with such modification and upon such terms and conditions as it may deem necessary or appropriate; provided, however, that the Commission shall grant, modify, refuse or prescribe appropriate terms and conditions with respect to, every such application or proposed merger, mortgage, transfer, issue or assumption, within thirty days after the filing of the application therefor, and in the absence of any such action within said period of time, any such proposed merger, mortgage, transfer, issue or assumption 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 13. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by striking out and repealing Section 8 thereof and inserting and enacting in lieu thereof a new Section 8, as follows:

Section 8. Subject to the provisions of Section 2 of this Act, no individual, copartnership, association, corporation, joint stock company, agency or department of the State, cooperative, or the lessees, trustees or receivers thereof, shall hereafter begin the business of a public utility nor shall any public utility hereafter begin any extension of its business or operations without having first obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the operation of such business or extension; provided, however, that this Section shall not be construed to require any public utility to secure such a certificate for any extension within or to any territory already served by it, or for any extension into a territory contiguous to a territory already served by it, and not theretofore served by a public utility of like character; and provided further that the Commission, after hearing on the complaint of any public utility claiming to be adversely affected by any proposed extension, as aforesaid, may make such order and prescribe such terms and conditions with respect to the proposed extension as may be required by the public convenience and necessity.

Section 14. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by striking out and repealing Section 9 thereof, and by inserting and enacting in lieu thereof a new Section 9, as follows:

Section 9. (a) The Commission shall have power to compel the attendance of witnesses and the production of tariffs, contracts, papers, books, accounts and all other documents. Any member of the Commission, or any examiner designated by it, shall have power to administer oaths to all witnesses who may be called before the Commission, any member thereof, or any such examiner, as the case may be. Subpoenas issued by the

Commission shall be signed by a member thereof or an examiner designated by it 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.

(b) The fees and mileage of witnesses required to attend before the Commission shall be computed at the rate allowed to witnesses in the Superior Court 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 witness 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.

(c) If a person subpoenaed to attend before the Commission, any member or examiner thereof, fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the Commission, any member or examiner thereof, refuse 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, any member or examiner thereof, the Commission or any 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 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 should 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 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 15. That Chapter 254, Volume 47, Laws of Delaware, be and the same hereby is further amended by striking out and repealing Section 10 thereof, and inserting and enacting in lieu thereof a new Section 10, as follows:

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 Commission, or any member or examiner 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 16. That Chapter 254, Volume 47, Laws of Delaware, be and the same is hereby further amended by striking out and repealing Section 11 thereof and inserting and enacting in lieu thereof a new Section 11, as follows:

Section 11. The Commission, or any party to proceedings before the Commission, may cause the deposition of witnesses residing within or without this State to be taken in the same manner as prescribed by law or by rules of the Superior Court for taking depositions in civil actions.

Section 17. That Chapter 254, Volume 47, Laws of Delaware, be and the same is hereby further amended by inserting

and enacting immediately after Section 11 and before Section 12 thereof, a new Section to be designated as Section 11A., as follows:

Section 11A. Every public utility as herein defined shall file with the Commission a designation in writing of the name and post office address of a person resident within this State upon whom service of any notice, order or process may be made under this Act. Such designation may, from time to time, be changed by like writing similarly filed.

Section 18. That Chapter 254, Volume 47, Laws of Delaware, be and the same is hereby further amended by striking out and repealing Section 12 thereof and inserting and enacting in lieu thereof a new Section 12, as follows:

Section 12. Every order made by the 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, or to the person designated by such public utility to accept service as provided in this Act; provided, however, that in any proceeding in which such person or public utility shall be represented by attorney, service may be made upon their attorney of record. All orders of the Commission shall become effective within such reasonable time as it shall prescribe; provided, however, that no order of the Commission requiring a change in rates shall become operative until at least thirty days after service thereof except upon the written consent of the public utility affected.

Section 19. That Chapter 254, Volume 47, Laws of Delaware, be and the same is hereby further amended by striking out and repealing Section 15 thereof and inserting and enacting in lieu thereof a new Section 15, as follows:

Section 15. Any public utility affected by any final order made by the Commission, or any other original party to or any intervenor in the proceedings before the Commission in which

such order was entered and affected thereby, may appeal from such order to the Superior Court of the State of Delaware within thirty days from the date upon which such order is served 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 all other parties to the proceeding below, other than the appellant. 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 and opinion, if any, 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.

Approved June 21, 1951.

CHAPTER 372

APPROPRIATION

STATE PARK COMMISSION FOR PURCHASE OF "BRANDYWINE SPRINGS PARK"

AN ACT APPROPRIATING MONEY TO THE STATE PARK COMMISSION OF DELAWARE FOR THE ACQUISITION AND PURCHASE OF THE PROPERTY IN NEW CASTLE COUNTY FORMERLY KNOWN AS "BRANDYWINE SPRINGS PARK," AND AUTHORIZING THE DEVELOPMENT AND MAINTENANCE OF THE PROPERTY SO TO BE ACQUIRED AS A PUBLIC RECREATIONAL AREA.

WHEREAS, that certain piece or parcel of land, situate in Mill Creek Hundred, New Castle County, Delaware, formerly known and operated as a private recreational area under the name of "Brandywine Springs Park" has for many years been undeveloped and unused and is reported to be available for acquisition and purchase as a public park or recreational area; and

WHEREAS, said parcel of land is one of the scenic and historic places in the State of Delaware which should be made available for public use and enjoyment, the history of said area having recently been brought to public notice in a book published by Mr. C. A. Weslager, entitled "Brandywine Springs, The Rise and Fall of a Delaware Resort"; NOW, THEREFORE,

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

Section 1. That a sum of money not exceeding the sum of Forty-five Thousand Dollars (\$45,000.00) be and the same is hereby appropriated to the State Park Commission of Delaware, to be used, to the extent necessary, for the acquisition and purchase, from the present owner or owners, of that certain piece or parcel of land, with any buildings and improvements thereon, situate in Mill Creek Hundred, New Castle County, Delaware, formerly known as "Brandywine Springs" and "Brandywine Springs Park."

Section 2. Any part of said appropriation not expended for the purpose stated shall revert to the General Fund of the State Treasury.

Section 3. After the purchase and acquisition of said property the same shall be and remain under the jurisdiction of the State Park Commission of Delaware and shall be developed and maintained as a public recreational area under the name "Brandywine Springs Park."

Section 4. 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 21, 1951.

CHAPTER 373

APPROPRIATION

STATE PARK COMMISSION FOR PROTECTION OF HISTORIC
FORT DELAWARE

**AN ACT TO APPROPRIATE CERTAIN MONEYS TO THE
STATE PARK COMMISSION FOR THE PROTECTION OF
HISTORIC FORT DELAWARE FROM VANDALS AND
FOR MAKING PEA PATCH ISLAND A STATE PARK.**

WHEREAS, historic Fort Delaware on Pea Patch Island in the Delaware River has become the prey of vandals and has been entirely neglected since its return to the State of Delaware by the United States of America; and

WHEREAS, the Fort because of its long history, because of the many volumes written about it, and because it is the only building in Delaware about which so many records exist in libraries and archives throughout the United States; and

WHEREAS, continued negligence may within the next few years render it an irreparable ruin; and

WHEREAS, the Fort and Island should be so maintained that it may eventually be made a shrine to the many members of the Union garrison from many states in the Union and to the many Confederate prisoners of war from every state in the South who died there during the War between the States; and

WHEREAS, in the interim, Pea Patch Island should be a State Park open to the public; 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 officers of the Fort Delaware Society be named as an advisory board to the State Park Commission to make such recommendations for the care and maintenance of the island as they see fit.

Section 2. That the sum of Five Thousand Dollars (\$5,000.00) is hereby appropriated to the State Park Commission for each of the next two fiscal years from any moneys in the Treasury of the State of Delaware not otherwise appropriated for the purpose of maintaining a caretaker on the Pea Patch Island to prevent further vandalism and to prepare for making the Island or that portion of it surrounding and including the Fort a State Park.

Approved June 21, 1951.

CHAPTER 374

APPROPRIATION

STATE HIGHWAY DEPARTMENT FOR CLEANING OF DRAINAGE
DITCH IN SUSSEX COUNTY

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT
TO CLEAN THE DRAINAGE DITCH IN SUSSEX COUNTY
RUNNING FROM CLENDANIEL'S POND TO THE
NORTH SIDE OF THE SCHOOL GROUNDS OF ELLEN-
DALE SCHOOL NO. 125 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 is hereby authorized, empowered and directed to clean the drainage ditch running from Clendaniel's Mill Pond to the North side of Ellendale School No. 125 for the purpose of relieving the water which has backed up on the school property, thereby causing an unsanitary condition.

Section 2. A sum not in excess of Two Thousand Dollars (\$2,000) is hereby appropriated for such purpose 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. That the said State Highway Department shall without delay proceed promptly to carry into effect the purposes of this Act and the said sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This Bill 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 sums not otherwise appropriated.

Approved June 21, 1951.

CHAPTER 375
GENERAL ELECTIONS

RELATING TO NUMBER OF BALLOTS TO BE PRINTED AND
DISTRIBUTED

AN ACT TO AMEND CHAPTER 60, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "GENERAL ELECTIONS," IN RELATION TO THE NUMBER OF BALLOTS TO BE PRINTED AND HOW DISTRIBUTED.

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, be and the same is hereby further amended by striking out and repealing all of 1817. Sec. 8. thereof and substituting and enacting in lieu thereof a new Section to be known as 1817. Sec. 8., as follows:

1817. Sec. 8. BALLOTS; NUMBER TO BE PRINTED; HOW DISTRIBUTED; PACKAGES OF; NUMBER OF VOTERS HOW ASCERTAINED; ADDITIONAL BALLOTS PRINTED, WHEN; PENCILS OR CRAYONS AND RUBBER BANDS FURNISHED; ENVELOPES; NUMBER OF; HOW DISTRIBUTED:—The Clerk of the Peace in each County shall cause to be printed, within the State of Delaware, in the forms and in the manner as in this Chapter provided, three ballots of each official ballot for every voter in each election district in his County; the number of voters shall be ascertained in each election district by reference to the highest number of votes polled therein at any preceding election, with due allowance for any estimated increase thereof. If a new election district has been established in his County, the number shall be estimated by said Clerk of the Peace according to the best information he can obtain.

It shall be the duty of the Clerk of the Peace in each County, in addition to the ballots mentioned in the preceding paragraph, to have printed and to deliver to the Department of Elections for his County, taking their receipt therefor, the ballots, and the official envelopes for absentee voters, authorized by the provi-

sions of the absentee voting law or laws of this State, as soon as possible after the final date of the filing of nominations but in any event forty-five days prior to the date of the ensuing general election. The quantity thereof shall not exceed two times the estimated number of absentee voters eligible to vote at the ensuing general election, as shall be estimated by the said Clerk of the Peace according to the best information he can obtain.

The Clerk of the Peace in each County, in addition to the above mentioned ballots, shall cause to be printed such further number of ballots as shall be directed by the Chairman of any committee of any political party, in any County; provided, however, that the said Clerk of the Peace shall not have printed any ballots upon the order or request of any Chairman of any political party unless the said request shall have been made to him in writing at least sixty-five days prior to the holding of the election at which the said ballots are to be used, nor unless a deposit sufficient to cover the cost of the ballots be made at the time they are ordered. The ballots so ordered by the said Chairman of the various political parties shall be delivered to the said Chairman or to their agents upon their request or order not more than ten days and not less than five days before the election at which the said ballots are to be used.

In addition to the ballots so ordered by the Chairmen of the various political parties, the Clerk of the Peace shall deliver to each Chairman of the various political parties, ballots totaling four-tenths (or 40 per cent) times the number of voters in each Election District who cast the ballots for the head of the ticket of such political parties, which ballot shall be furnished to the County Chairman free of all charges; provided, the total number of ballots so delivered shall not exceed eight-tenths (80 per cent) times the total number of voters in each Election District; and in the event there shall be more than two political parties with candidates on the official ballot the Clerk of the Peace shall make an equitable division thereof based upon the total vote received by each political party at the last general election, but the Chairman of each of the two major political parties shall receive not less than thirty per centum of such ballots. The Clerk of the Peace shall cause the ballots, other than those delivered to the Chairmen of the various political parties for each Election Dis-

trict, to be carefully wrapped and tied in two packages for each Election District in the County. One of such packages shall contain ballots totalling one and one-tenth (or 110 per cent) times the number of voters in each Election District in his County, and shall be retained by the Clerk of the Peace and the ballots therein contained shall only be used to take the place of any ballot that may have been destroyed or lost by any accident or casualty. The other packages of ballots shall each contain one and one-tenth (or 110 per cent) times the number of voters in each Election District and shall be delivered by the Clerk of the Peace in the manner hereinafter provided for use at the polls on Election Day. The Clerk of the Peace in each County shall also provide ungummed envelopes of a sufficient size to contain the ballot to be used at any election. Each envelope shall have printed thereon

OFFICIAL ENVELOPE

FOR

Representative District Number _____

Date of Election _____

Clerks of Election

and shall be so printed to enable the Clerks of Election to write their full names on the lines above the words "Clerks of Elections."

He shall have so prepared envelopes totalling two and two-tenths (or 220 per cent) times the number of voters in each Election District ascertained in the manner specified in the first paragraph of this Section, and shall cause the envelopes for each Election District to be carefully wrapped and tied in two packages, which shall be plainly marked and securely sealed with wax. The Clerk of the Peace in each County shall also provide, and enclose in each of said packages, not less than one dozen black or indelible pencils or crayons and a sufficient number of rubber bands to secure the number of envelopes in each Election District. One package shall contain one and one-tenth (or 110

per cent) times the number of voters in each Election District in his County, and shall be delivered by the Clerk of the Peace in the manner hereinafter provided, for use at the polls on Election Day. The other package shall contain one and one-tenth (or 110 per cent) times the number of voters in each Election District and shall be retained by the Clerk of the Peace, and the envelopes therein contained shall only be used to take the place of like envelopes that may have been destroyed or lost by any accident or casualty. All such latter packages containing the envelopes, pencils or crayons and rubber bands, if not used to replace like supplies destroyed or lost in the manner provided by 1820. Sec. 11. of this Chapter, shall not be destroyed, but shall be retained by the Clerk of the Peace for use at the next general or any special election, and it shall be his duty to make a full inventory thereof. At the next general or special election such envelopes and pencils or crayons shall be used and shall constitute a part of such supplies required to be furnished by the Clerks of the Peace by this Section, other than he shall provide and enclose in each of said packages a sufficient number of new rubber bands.

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 June 21, 1951.

CHAPTER 376

STATE BOARD OF AGRICULTURE

BONDS OF MILK DEALERS OR HANDLERS

AN ACT TO AMEND CHAPTER 21 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "STATE BOARD OF AGRICULTURE" WITH REFERENCE TO BONDS OF MILK DEALERS OR HANDLERS.

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 654. Sec. 87. thereof the following Sections to be known as 654A. Sec. 87A. to 654K. Sec. 87K., inclusive:

654A. Sec. 87A. MILK DEALERS OR HANDLERS REQUIRED TO FILE BONDS:—It shall be unlawful for a milk dealer or handler to purchase, acquire or receive on consignment or otherwise, milk from producers unless the milk dealer or handler shall file with the State Board of Agriculture a corporate surety, individual surety, or collateral bond, approved by the State Board of Agriculture. Except as otherwise herein provided, the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased, acquired or received by the dealer or handler from producers in any one month during the preceding calendar year, which value shall be computed according to such milk dealer's or handler's posted prices for such month, and shall not in any event exceed One Hundred Thousand Dollars (\$100,000.00). The bond shall be upon a form prescribed by the State Board of Agriculture, conditioned for the payment by the milk dealer or handler of all amounts due, including amounts due under this Act and the orders of the State Board of Agriculture, for milk purchased or otherwise acquired from producers by the milk dealer or handler during the license year, upon such terms and conditions as the State Board of Agriculture may prescribe.

In the case of a milk dealer or handler who pays producers in full each week for milk purchased, acquired or received by him from such producers, the bond shall be in a sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased, acquired or received by the dealer or handler from producers in any one month during the preceding calendar year, which value shall be computed according to such milk dealer's or handler's posted prices for such month, and shall not in any event exceed Fifty Thousand Dollars (\$50,000.00).

654B. Sec. 87B. COMPUTATION OF AMOUNT OF CERTAIN BONDS:—Milk purchased, acquired or received by a milk dealer or handler from producers outside the State and sold or distributed by such dealers or handlers as fluid milk within the State, shall be included in computing the amount of such dealer's or handler's bond, except where such dealer or handler has filed a bond for the protection of such producers with the state where in the milk is purchased, acquired or received or with such producers. In such computation, the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price.

A milk dealer or handler purchasing or acquiring or receiving or intending to purchase, acquire or receive milk from producers, but not so engaged during any month of the preceding calendar year, shall file a bond in a reasonable sum to be fixed by the State Board of Agriculture, and within the time for filing his application such dealer or handler shall request the State Board of Agriculture to fix such sum.

654C. Sec. 87C. TIME OF FILING; EFFECTIVE PERIOD OF BOND:—The bond herein required shall be filed with the dealer's or handler's application for a license, and shall be filed within the time for filing such application. The bond shall become effective upon its being filed with the State Board of Agriculture for the entire license year, or for that part of the license year in which the milk dealer or handler became engaged in the milk business. Any bond filed with the State Board of Agriculture shall become effective upon being filed, whether or not it is approved by the State Board of Agriculture, and shall no longer be of effect during the license year only when it has been

replaced by a bond approved by the State Board of Agriculture to be substituted therefor. The bond herein required shall be an obligation independent of the granting of a license and shall remain in full force and effect for and during the license year designated, as long as the dealer or handler purchases or receives milk from producers or is indebted to pay producers for any milk delivered during said license year, whether or not a license is granted the milk dealer or handler or a license granted the milk dealer or handler remains in force. The State Board of Agriculture shall determine within a reasonable time after the close of a license year which milk dealers or handlers have paid all amounts protected by their bonds filed with the State Board of Agriculture, and if the State Board of Agriculture finds that all amounts protected by the bond of a milk dealer or handler have been paid, it shall thereafter return the bond for said past license year to each such milk dealer or handler.

654D. Sec. 87D. REQUISITES OF BONDS; SUBSTITUTION:—A corporate surety bond shall be executed to the State by the milk dealer, as principal, and by a corporate surety company. The State Board of Agriculture shall have no power to reject any corporate surety bond which is so executed by a corporate surety company authorized to do business in this State as surety. An individual surety bond shall be executed to the State by the milk dealer, as principal, and by one or more individuals, as surety or sureties, who shall have sole title to real estate, the fair valuation of which, free and clear, or in excess, of all encumbrances, shall be at least equal to the amount of the bond. A collateral bond shall be executed to the State by the milk dealer, as principal, shall set forth therein the collateral posted with such bond, and shall have attached thereto the collateral properly assigned and transferred to the State of Delaware. The collateral posted with such bond shall be cash in an amount equal to the amount of the bond; or such bond shall be secured by an actual deposit with the State Board of Agriculture, or with a bank, bank and trust company, or national bank within the State, of money to the full amount of the bond; or by securities to such amount, consisting of interest-bearing obligations of the United States Government, of this State, or of any political subdivision of this State, or by any other security or securities approved by the State Board of Agriculture. The security or securities de-

posited therewith shall constitute a trust fund for producers from whom the dealer purchases milk.

The State Board of Agriculture may likewise grant to any milk dealer or handler the authority to substitute for any bond, surety or any collateral, another bond, surety or other collateral, provided that such other bond, surety or collateral meets all the requirements of this Act.

654E. Sec. 87E. FINANCIAL STATEMENT: — A milk dealer or handler shall, from time to time, when required by the State Board of Agriculture, make and file with the State Board of Agriculture a verified statement of his disbursements, or of any other facts in connection with his business, during a period to be prescribed by the State Board of Agriculture, which financial statement shall contain the names of the producers from whom milk was purchased, acquired, received or handled on consignment or otherwise, the amount due to the producers, and any other relevant facts required by the State Board of Agriculture pertinent to the dealer or handler or the dealer's or handler's surety or sureties.

In lieu of, and notwithstanding any and all provisions hereinbefore or hereinafter contained in this Act to the contrary, and in particular any and all provisions requiring a milk dealer or handler to file a corporate surety, or individual surety, or collateral bond, the State Board of Agriculture may accept of and from any milk dealer or handler who has been continuously engaged in such business in this State for a period of seven (7) years prior thereto a complete current financial statement of all the assets and liabilities of such dealer or handler, verified under oath by such dealer or handler or an authorized agent thereof; which financial statement shall be in such form and in such detail as the State Board of Agriculture shall prescribe from time to time. Any person who shall wilfully falsify any such financial statement, in whole or in part, shall be guilty of the crime of perjury and punished accordingly. In the event the State Board of Agriculture shall determine from such financial statement that the fair net worth of such milk dealer or handler is at least equal to the amount of corporate surety, or individual surety, or collateral bond which such milk dealer or handler would other-

wise be required to file, then in any such event the State Board of Agriculture is hereby authorized and empowered, in its discretion, to accept such milk dealer's or handler's bond and financial statement without requiring any corporate or individual surety thereon or collateral to be posted therewith.

654F. Sec. 87F. INCREASE OR DECREASE OF BOND:— If it shall appear from the dealer's or handler's financial statement, or from facts otherwise ascertained by the State Board of Agriculture, that the bond afforded to producers selling, supplying or making available on consignment or otherwise milk to such milk dealer or handler does not adequately protect such producers, the State Board of Agriculture may require such milk dealer or handler to procure an additional surety, or to give an additional bond or additional security for the collateral bond, in a sum to be determined by the State Board of Agriculture, which (1) shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased, acquired or received on consignment or otherwise by the dealer or handler from producers in any one month during the preceding or current year, which value shall be computed according to the prices applicable, or which (2) shall be a sum not exceeding by more than fifty per centum the amount found to be due and owing producers by such dealer on a particular date determined by the State Board of Agriculture, whichever sum is greater, but the total increase shall not in any event exceed Fifty Thousand Dollars (\$50,000.00). In the case of a milk dealer or handler who pays producers in full each week for milk purchased, acquired or received or handled on consignment or otherwise by him from such producers, any increase required hereunder shall not exceed more than twenty-five per centum of such value or amount, but the total increase in any event shall not exceed Twenty-five Thousand Dollars (\$25,000.00).

The State Board of Agriculture may grant a reduction of the bond or the collateral, or release an additional surety, if it shall appear that owing to a decrease in the milk purchased, received or handled by the dealer or handler, or to other causes, a bond in a lesser amount or with fewer sureties will protect producers selling, supplying or making available milk to such milk dealer or handler.

654G. Sec. 87G. DUTY OF STATE TREASURER:—All bonds, together with any moneys, or securities given as collateral therefor, received by the State Board of Agriculture from milk dealers pursuant to the provisions of this Section, shall be transmitted by the State Board of Agriculture to the State Treasurer for safekeeping subject to withdrawal in whole or in part at any time by the State Board of Agriculture.

654H. Sec. 87H. INTEREST OR DIVIDENDS UPON SECURITIES:—The milk dealer or handler shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer or handler with the State Board of Agriculture and transmitted by the State Board of Agriculture to the State Treasurer for safekeeping, in accordance with the provisions of this Act; provided, however, that the milk dealer or handler shall not be entitled to interest or dividends if there is on file with the State Board of Agriculture a valid unpaid claim of a producer against the milk dealer or handler, based on milk sold, supplied or made available by such producer to the milk dealer or handler.

654I. Sec. 87I. SUIT BY STATE BOARD OF AGRICULTURE:—The State Board of Agriculture shall have the power, in its discretion, to sue on the bond on behalf of producers. Suit may be brought in the name of the State upon relation of the State Board of Agriculture or of the Attorney General, in such manner as debts are now by law recoverable.

654J. Sec. 87J. EFFECT OF ORDER BY STATE BOARD OF AGRICULTURE:—If, by valid formal order refusing, suspending or revoking a license, after hearing with due notice to all those liable on the bond, the State Board of Agriculture has found a milk dealer or handler to be indebted thereunder, such order and the findings of fact in support thereof shall be conclusive evidence of the amount due under such bond in a suit thereon by the State Board of Agriculture, unless an appeal therefrom is pending and a supersedeas granted.

654K. Sec. 87K. PROCEDURE FOR DISBURSING PROCEEDS:—The State Board of Agriculture shall prescribe the procedure for the payment, out of the proceeds of any bond or

collateral required by this article, of the amounts found due to producers or handlers or dealers, based on sales or deliveries of milk by them to a milk dealer or handler who has posted a bond or collateral; provided, however, that if the proceeds of a bond or of collateral which has been posted by a milk dealer or handler shall be insufficient to pay in full the amounts due to producers who have sold or supplied milk to such milk dealer or handler, the moneys available shall be divided pro rata among such producers.

Approved June 21, 1951.

CHAPTER 377

NEW CASTLE COUNTY LEVY COURT

PROVIDING FOR INCINERATION PLANT

AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO PROVIDE FOR THE PURCHASE, ACQUISITION, CONSTRUCTION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF AN INCINERATION PLANT; TO AUTHORIZE THE PURCHASE OR ACQUISITION OF LAND AND INTERESTS HEREIN IN CONNECTION THEREWITH; TO AUTHORIZE THE EXERCISE OF THE POWER OF EMINENT DOMAIN IN CONNECTION THEREWITH; TO AUTHORIZE THE ISSUANCE OF BONDS FOR THE FINANCING THEREOF.

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 shall be and is hereby granted full power and authority to acquire land or any interest therein at any place within New Castle County that it shall deem advisable and to construct and operate upon the land so acquired an incineration or garbage disposal plant or plants. The Levy Court is authorized to enter into contracts and agreements with persons, firms or corporations relative to the purchase of the land and to the building, constructing and equipping of an incineration or garbage disposal plant or plants and may require from the said persons, firms or corporations proper security for the faithful performance of the work to be done. The Levy Court may engage the services of competent architects and engineers in connection with the construction of the said plant or plants and shall award any contract to the lowest responsible bidder with the right to reject any and all bids.

Section 2. The said Levy Court may acquire said land or interest therein either by purchase or by the exercise of the right of eminent domain which is hereby expressly granted. In any case in which the Levy Court shall consider it necessary to acquire the said land or interest therein by the right of eminent domain, the Levy Court shall proceed in accordance with the provisions

for the exercise of the power of eminent domain as contained in Chapter 101, Volume 43, Laws of Delaware, 1941. The right of eminent domain herein granted shall extend to and include the right to acquire the fee simple title to land, or an easement, or a right-of-way in, to, over or above such land or property as the Levy Court may deem necessary.

Upon the institution of condemnation proceedings by petition and notice aforesaid, the said Levy Court may, in its discretion, state in said petition that the possession, right to enter, or occupancy of said land or interest therein is necessary to the project without delay, and the title to said land in fee simple absolute, or such less estate or interest therein, as may be specified, shall immediately pass and vest to the said Levy Court, and said lands or interest therein shall be deemed to be condemned and taken for the use of said New Castle County, and the right to just compensation therefor shall vest in and to the person or persons entitled thereto. In the event of an immediate taking as herein specified, the said Court or Judge shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner, and to make such orders in respect to incumbrances, leases, taxes, rights, assessments, insurance, or other charges, if any, as shall be just and equitable. The right to take possession and title in advance of final order or judgment in condemnation proceedings as provided herein shall be in addition to any right, power or authority conferred by the Laws of the State of Delaware under which such proceedings may be conducted, and shall not be construed as limiting or modifying any such right, power or authority.

Section 3. The Levy Court shall have authority to enter into contracts, leases or agreements of any nature pertaining to the operation of the said incineration and garbage disposal plant or plants, including the right to sell such portion of land acquired as may not be necessary to use. The power to contract shall include the power to contract with any governmental agency of any sort whatsoever and to receive grants in aid from any such agency or any other person or organization. The Levy Court may adopt regulations and establish fees and charges for the services rendered by the said incineration and garbage disposal plant or plants.

Section 4. The Levy Court of New Castle County is hereby authorized and empowered to borrow money upon the faith and credit of the County as hereinafter provided for the purpose of acquiring land and property for the establishment of an incineration and garbage disposal plant or plants and for the construction of such a plant or plants in New Castle County and for the purpose of securing the payment of such sum to issue bonds in such denominations and bearing such rate of interest, not exceeding three per centum (3%) per annum and in such form as the Levy Court shall deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year after the date of issuance thereof.

Section 5. 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 twenty-five (25) 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 6. 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 7. 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 at public sale 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 members of the Levy Court for effecting the sale or negotiation of said bonds.

Section 8. 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 at 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 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 9. 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 21, 1951.

CHAPTER 378

NEW CASTLE COUNTY LEVY COURT

REGULATING THE DUMPING OF GARBAGE

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO REGULATE THE DUMPING OF GARBAGE, RUBBISH, ASHES AND OTHER WASTE MATERIAL WITHIN THE 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 is hereby further amended by adding at the end thereof the following new paragraph:

"The Levy Court shall have power to regulate or prohibit the dumping of garbage, rubbish, ashes or other waste material in or upon land within the County outside of any incorporated municipality and, for that purpose, to enact and from time to time amend or rescind, suitable ordinances, rules or regulations."

Approved June 21, 1951.

CHAPTER 379

STATE REVENUE

RELATING TO MERCHANTS' LICENSE FOR DEALERS IN
LIVE STOCK

**AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED
"STATE REVENUE" BY INCLUDING DEALERS IN
LIVE STOCK WITHIN CERTAIN EXEMPTIONS.**

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

Section 1. That 174. Section 140. of Chapter 6 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the first paragraph thereof and substituting and enacting in lieu thereof the following new first paragraph:

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

Approved June 21, 1951.

CHAPTER 380

SENATE JOINT RESOLUTION

AUTHORIZING THE GOVERNOR TO APPOINT ADDITIONAL MEMBERS TO THE NEW CASTLE TERCENTENARY COMMISSION TO AID IN COMPLETING AND EXECUTING PLANS FOR THE CELEBRATION OF THE THREE HUNDREDTH ANNIVERSARY OF DUTCH SETTLEMENT AT NEW CASTLE, COLONIAL CAPITAL ON THE DELAWARE RIVER AND FIRST CAPITAL OF THE FIRST STATE.

WHEREAS, pursuant to Act of the 115th Session of the General Assembly of the State of Delaware for the purpose of the preparation of plans for the fitting Celebration of the Three Hundredth Anniversary of the founding of New Castle by the Dutch, the Governor appointed seven Residents of this State who he had reason to believe were deeply interested in historical events; and

WHEREAS, the seven members so appointed have prepared such plans and reported them to this General Assembly; and

WHEREAS, by reason of the shortness of the time remaining for executing the plans before June 16, 1951, the assistance of additional members of the Commission is desired and needed; 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 Governor be and he is hereby authorized and requested to appoint not more than thirty additional members of the New Castle Tercentenary Commission within ten days of the passage of this Resolution. Said additional members shall include the President pro tempore of the Senate, the Speaker of the House, three members of the Senate to be designated by the President pro tempore, three members of the House

to be designated by the Speaker, the State Archivist, the President of the Lewes Memorial Commission, the President of the Historical Society of Delaware, the President of the New Castle Historical Society, the President of the Swedish Colonial Society, the President of the Wilmington Society of the Fine Arts, the President of the University of Delaware, the State Superintendent of Public Instruction, the Superintendent of the Public Schools of Wilmington, the Superintendent of the New Castle Special School District, four members to represent at large the City of Wilmington and each of the three counties of the State, and at least five residents of the City of New Castle; the Governor, the Mayor of Wilmington and the Mayor of New Castle shall be members of the Commission ex-officio.

Section 2. That it shall be the duty of the New Castle Tercentenary Commission to perfect and execute the plans for the Celebration on June 16, 1951, of the Dutch Tercentenary in a manner consistent with the dignity of the State and the importance of the Commemoration of the establishing by the Dutch of the beginning of self-government on Delaware soil; of the beginning of the Colonial Capital of the Delaware Counties the first meeting-place of the Colonial Assembly, and the first Capital of the First State.

Section 3. That the said New Castle Tercentenary Commission be and is hereby authorized to make such report or reports to the General Assembly of Delaware during its present session with such recommendations for further legislation by the General Assembly as it deems proper and necessary for the proper fulfillment of its duties.

Section 4. That the said New Castle Tercentenary Commission make its final report and submit it to the General Assembly in the year 1953.

Approved February 5, 1951.

CHAPTER 381

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. Denny, J. Gordon Smith 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 for the branch at Dover; and that Aaron Finger, John F. Porter and Pierre S. duPont, 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 R. Allen Cannon, 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 June 4, 1951.

CHAPTER 382

SENATE JOINT RESOLUTION

APPROPRIATING MONIES TO PAY CERTAIN CLAIMS RELATING TO THE EXPENSES OF THE SUPREME COURT.

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives 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 all expenses and services rendered the Supreme Court, which terminated May 9, 1951, for a period ending on May 9, 1951:

John C. Hayes—Bailiff	41 days @ \$5.00 per day	\$205.00
John Teat—Bailiff	53 days @ \$5.00 per day	265.00
Denny Coutright—Bailiff . . .	13 days @ \$5.00 per day	65.00
Harry McSherry—Crier	53 days @ \$5.00 per day	265.00
Caleb Lewis—Janitor	53 days @ \$5.00 per day	265.00
R. A. Saulsbury—Sheriff . . .	38 days @ \$5.00 per day	190.00
William Paskey—Sheriff	15 days @ \$5.00 per day	75.00
John B. Satterfield—Page . .	53 days @ \$3.50 per day	185.50
Delaware State News, printing calendar for 8 Sessions at \$50.00 each		400.00

Approved June 4, 1951.

CHAPTER 383

SENATE CONCURRENT RESOLUTION

**AUTHORIZING THE ADJOURNMENT OF THE SENATE
AND HOUSE OF REPRESENTATIVES OF THE 116TH
GENERAL ASSEMBLY UNTIL TUESDAY, JANUARY 9,
1951, AT 12:00 NOON.**

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that the Senate and House of the 116th General Assembly adjourn until Tuesday, January 9, 1951, at 12:00 noon, and that each House does hereby give to the other its consent to adjourn.

Approved February 19, 1951.

CHAPTER 384

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 116th General Assembly, the House of Representatives concurring therein*, that the two Houses of the General Assembly meet in joint session in the Senate Chambers at 12:30 P.M., on the 9th day of January, A. D. 1951, 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 February 19, 1951.

CHAPTER 385

SENATE CONCURRENT RESOLUTION

**AUTHORIZING THE ADJOURNMENT OF THE SENATE
AND HOUSE OF REPRESENTATIVES OF THE 116TH
GENERAL ASSEMBLY UNTIL MONDAY, JANUARY 15,
1951, AT 11:00 O'CLOCK A. M.**

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that the Senate and House of the 116th General Assembly adjourn until Monday, January 15, 1951, at 11:00 o'clock A. M., and that each House does hereby give to the other its consent to adjourn.

Approved February 19, 1951.

CHAPTER 386

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 116th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Monday, February 12, 1951, at two-thirty o'clock, P.M., for the purpose of attending the exercises and hearing the program arranged for in commemoration of the birthday anniversary of Abraham Lincoln.

Approved February 9, 1951.

CHAPTER 387

SENATE CONCURRENT RESOLUTION

EXTENDING GREETINGS TO THE HONORABLE ELBERT N. CARVEL, GOVERNOR OF THE STATE OF DELAWARE UPON HIS BIRTHDAY ANNIVERSARY.

WHEREAS, the Members of the Senate and the House of Representatives of the 116th General Assembly have with great pleasure learned that His Excellency, Elbert N. Carvel, Governor of the State of Delaware is today, the 9th day of February, A. D. 1951, celebrating the anniversary of his birth; and

WHEREAS, the Members of the Senate and House of Representatives have noted the untiring zeal and forthrightness of thought and expression of Governor Carvel in his service to the State; and

WHEREAS, Governor Carvel has unstintingly given of his time and effort, not only to this the 116th General Assembly of the State of Delaware but also to the 115th General Assembly as Governor of the State and to the Senate as its President during the 113th and 114th General Assemblies; and

WHEREAS, the General Assembly as it is composed of Senators and Representatives elected by the people of Delaware, sincerely hope, God willing, that Governor Carvel shall continue to enjoy many more happy birthday anniversaries; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the greetings and best wishes of the Members of the 116th General Assembly, both personally and as they represent the people of Delaware, are hereby extended to His Excellency, Elbert N. Carvel, Governor of the State of Delaware, upon the happy occasion of this, the 41st anniversary of his birth with the sincere wish that he may enjoy many more birthday anniversaries and that his service during the remainder of this session

of the General Assembly will continue to be a source of pleasure and inspiration to the Members of the General Assembly and the people of the State of Delaware.

Approved February 19, 1951.

CHAPTER 388

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 12, 1951, 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 116th 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 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 Committee who arranged the program for this occasion; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Glee Club of the Delaware State College.

Approved February 19, 1951.

CHAPTER 389

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO HEAR THE PRESENTATION OF THE INCODEL PROJECT.

WHEREAS, the Incodel Project has been concerned with a study of the problems concerning water and water pollution, and

WHEREAS, the subject of water pollution is of great interest to the entire State of Delaware, and

WHEREAS, it is desirable that the information and results gleaned from the study made under the Incodel Project be imparted to the Members of the 116th General Assembly as representative of the people of this State, and

WHEREAS, Mr. Clayton M. Hoff, the Executive Vice-President thereof is prepared to present the Incodel Project; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 116th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Thursday, February 15, 1951 at 2:30 P.M., in the Senate Chamber for the purpose of hearing the presentation of the Incodel Project.

Approved February 19, 1951.

CHAPTER 390

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO HEAR AN ADDRESS BY HON. CHARLES C. RALLS, NATIONAL COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES OF AMERICA.

BE IT RESOLVED *by the Senate of the 116th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Tuesday, February 20, 1951, at three-thirty o'clock, P.M., for the purpose of hearing an address by Hon. Charles C. Ralls, National Commander-in-Chief of the Veterans of Foreign Wars of The United States of America.

Approved March 8, 1951.

CHAPTER 391

SENATE CONCURRENT RESOLUTION

**AUTHORIZING THE ADJOURNMENT OF THE SENATE AND
HOUSE OF REPRESENTATIVES OF THE 116TH GEN-
ERAL ASSEMBLY UNTIL TUESDAY, FEBRUARY 20,
1951, AT 1:00 O'CLOCK IN THE AFTERNOON.**

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that the Senate and House of the 116th General Assembly adjourn until Tuesday, February 20, 1951, at 1:00 o'clock in the afternoon, and that each House does hereby give to the other its consent to adjourn.

Approved March 8, 1951.

CHAPTER 392

SENATE CONCURRENT RESOLUTION

EXTENDING THE SYMPATHY OF THE SENATE AND HOUSE OF REPRESENTATIVES UNTO HONORABLE EDWIN R. POWELL UPON THE DEATH OF HIS MOTHER, JENNIE E. POWELL.

WHEREAS, with profound sorrow we, the members of the Senate and House of Representatives of the 116th General Assembly of the State of Delaware, have learned of the death of Mrs. Jennie E. Powell, the mother of the Honorable Edwin R. Powell, who is now a member of the Senate from the Fourth Senatorial District, of Sussex County; and

WHEREAS, the members of the Senate and House of Representatives desire to concur in expressing unto the Honorable Edwin R. Powell their deep and sincere sympathy in this hour of his bereavement; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein, as follows:*

(1) That the heartfelt sympathy of the Senate and House of Representatives, and of each member thereof, is hereby extended unto the Honorable Edwin R. Powell and the members of his family for the great loss which he and they have suffered by reason of the death of his mother, Jennie E. Powell, on this 16th day of February, A. D. 1951; and, further,

(2) That we do humbly pray unto the Father of all Mercies to comfort and sustain the Senator from the Fourth Senatorial District of Sussex County, and the members of his family, in this hour of his and their bereavement; and, further,

(3) That a copy of this Concurrent Resolution be spread upon the respective Journals of the Senate and House of Representatives of this 116th Session of the General Assembly of the State of Delaware, and a further copy be forwarded unto the Honorable Edwin R. Powell, at Ocean View, Delaware, and a further copy be delivered to the Public Press.

Approved March 8, 1951.

CHAPTER 393

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO ATTEND THE EXERCISES ARRANGED IN COMMEMORATION OF THE BIRTHDAY ANNIVERSARY OF GEORGE WASHINGTON.

BE IT RESOLVED *by the Senate of the 116th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Thursday, February 22, 1951, at two-thirty o'clock, P.M., for the purpose of attending the exercises and hearing the program arranged for in commemoration of the birthday anniversary of George Washington.

Approved March 8, 1951.

CHAPTER 394

SENATE CONCURRENT RESOLUTION

**FIXING THE TIME AFTER WHICH NO NEW BILLS OR
JOINT RESOLUTIONS SHALL BE RECEIVED BY
EITHER HOUSE OF THE 116TH GENERAL ASSEMBLY
OF THE STATE OF DELAWARE, EXCEPTING GEN-
ERAL APPROPRIATION BILLS.**

*BE IT RESOLVED by the Senate of the 116th General
Assembly of the State of Delaware, the House of Representatives
thereof concurring therein, as follows:*

That no Bills or Joint Resolutions, excepting General Appropriation Bills, shall be received by the Senate or House of Representatives of the 116th General Assembly of the State of Delaware, at this present Session thereof, after the close of the fiftieth (50th) legislative day of this said present Session thereof.

Approved April 17, 1951.

CHAPTER 395

SENATE CONCURRENT RESOLUTION

**INVITING THE BOYS' STATE TO BE THE GUESTS OF THE
ONE HUNDRED AND SIXTEENTH GENERAL AS-
SEMBLY.**

BE IT RESOLVED by the Senate of the One Hundred and Sixteenth General Assembly of the State of Delaware (the House of Representatives 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 Sixteenth 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 twelfth, thirteenth and fourteenth days of April, A. D. 1951.

Approved April 17, 1951.

CHAPTER 396

SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE SENATE AND
HOUSE OF REPRESENTATIVES IN RESPECT OF THE
DEATH OF EDWARD HART, SR.**

WHEREAS, with profound sorrow we, the members of the Senate and House of Representatives of the 116th General Assembly of the State of Delaware, have learned of the death of Edward Hart, Sr., late of Townsend, New Castle County, Delaware, on Friday, March 16, A. D. 1951; and

WHEREAS, the said Edward Hart, Sr., served the State of Delaware with outstanding ability and distinction for three terms in the Senate and five terms in the House of Representatives, or a total of twenty-two years in all in the General Assembly of this State; and

WHEREAS, no other person in the history of our State has ever before served so many years in its General Assembly and but few if any have served so faithfully and well; and

WHEREAS, it is ever a matter of deep regret when a full active and irreplaceable life of ninety-one years upon this earth is brought to an end; and

WHEREAS, the members of the Senate and House of Representatives desire to concur in expressing unto his family their deep and sincere sympathy in this hour of their bereavement; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein, as follows:

(1) That the heartfelt sympathy of the Senate and House of Representatives, and of each member thereof, is hereby extended unto the members of the family of Edward Hart, Sr., who have survived him, for the great loss which they have suffered

by reason of his death on Friday, March 16th, A. D. 1951; and, further,

(2) That we do humbly pray unto the Father of all Mercies to comfort and sustain the members of his family, in this hour of their bereavement; and, further,

(3) That a copy of this Concurrent Resolution be spread upon the respective Journals of the Senate and House of Representatives of this 116th Session of the General Assembly of the State of Delaware, and a further copy be forwarded unto Mrs. James H. Carpenter, Townsend, Delaware, and a further copy be delivered to the Public Press.

Approved April 17, 1951.

CHAPTER 397

SENATE CONCURRENT RESOLUTION

**AUTHORIZING THE ADJOURNMENT OF THE SENATE AND
HOUSE OF REPRESENTATIVES OF THE 116TH GEN-
ERAL ASSEMBLY UNTIL TUESDAY, MARCH 27, 1951,
AT ELEVEN O'CLOCK IN THE FORENOON.**

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that at the close of the fiftieth Legislative Day both houses of the 116th General Assembly shall adjourn until Tuesday, March 27, 1951, at eleven o'clock in the forenoon, and that each house does hereby give to the other its consent to adjourn.

Approved April 17, 1951.

CHAPTER 398

SENATE CONCURRENT RESOLUTION

IN OPPOSITION TO ANY FORM OF WORLD GOVERNMENT.

WHEREAS, the Sovereignty Preservation Council of Delaware, composed of the Veterans of Foreign Wars, The American Legion, The National Sojourner's Council of Polish Societies and Clubs in the State of Delaware are interested in the Resolution presented below; and

WHEREAS, in 1943, a resolution was introduced into the General Assembly asking it to petition the Congress of the United States to call a conference of Nations to create a Limited World Government, and said resolution failed to pass; and

WHEREAS, again in 1949, a similar resolution was introduced into the General Assembly and it also failed to pass; and

WHEREAS, a World Government would deprive the citizens of the United States of inalienable rights, privileges and immunities now guaranteed by the Constitution of the United States; and

WHEREAS, in the present crisis it is highly important that the citizens of the United States present a united front against any and all forces that tend to destroy our American Heritage; and

WHEREAS, Delaware was the first State to ratify the Constitution of the United States and therefore should be the last to take any action which would weaken or destroy it; and

WHEREAS, the General Assembly is composed of Senators and Representatives, elected by the people of Delaware, who are sworn to uphold, protect and defend the Constitution of the United States and the Constitution of the State of Delaware;

THEREFORE, BE IT RESOLVED *by the Senate of the State of Delaware, the House of Representatives concurring therein*, that the General Assembly of Delaware is unalterably opposed to any and all plans, programs and proposals which tend toward the development of any form of World Government.

Adopted April 12, 1951.

CHAPTER 399

SENATE CONCURRENT RESOLUTION

OBJECTING TO THE PROPOSAL BY THE FEDERAL GOVERNMENT TO INCREASE THE FEDERAL GASOLINE TAX.

WHEREAS, it has been proposed that the one and one-half cent a gallon Federal tax on gasoline be doubled to three cents a gallon as one of the means of raising additional revenue; and

WHEREAS, this Federal gasoline tax at its present rate now costs the people of Delaware more than one million dollars (\$1,000,000.00) each year; and

WHEREAS, the proposed doubling of the Federal gasoline tax rate would make a total State and Federal tax of eight cents on every gallon of gasoline purchased in Delaware; and

WHEREAS, the Federal government entered the field of gasoline taxation in 1932 on a temporary, emergency basis, later increased the tax by fifty per cent to its present rate, and has tended to turn attention to this levy each time there appeared to be a need for additional revenue; and

WHEREAS, while there is an imperative need for increased Federal revenue on some scale to meet the demands of the national defense emergency, heavily-taxed gasoline is not a suitable subject for this additional taxation; and

WHEREAS, an increase in the Federal gasoline tax would make the total tax on this product so high as to jeopardize a major source of state revenue, impair vital transportation services, add to the cost of all kinds of consumer goods, spur inflationary price trends and threaten a condition of diminishing returns for both State and Federal gasoline tax revenues; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the State of Delaware, the House of Representatives concurring therein*; that this One Hundred and Sixteenth General Assembly of the State of Dela-

ware does hereby petition the Congress of the United States to refrain from increasing the Federal gasoline tax and to find some more equitable and economically feasible means of raising this portion of needed revenue; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States, and to the Chairman of the Ways and Means Committee of the Finance Committee of the Senate of the Congress of the United States, and to Honorable John J. Williams and Honorable J. Allen Frear, Jr., Senators from the State of Delaware in the United States Senate, and to Honorable J. Caleb Boggs, our Representative in Congress from the State of Delaware, urging them to oppose the unreasonable proposal to double the Federal gasoline tax and to strive for the substitution of a fair and sound method of raising this revenue.

Approved May 1, 1951.

CHAPTER 400

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE BOARD OF GAME AND FISH COMMISSIONERS OF THE STATE OF DELAWARE TO COMMUNICATE WITH THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA REQUESTING THE EXTENSION OF THE OPEN SEASON ON MIGRATORY FOWL.

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

WHEREAS, the Department of the Interior of the United States of America, as part of its fish and wild life service has set a split season consisting of two (2) fifteen (15) day periods during which it is lawful to take migratory fowl within the State of Delaware; and

WHEREAS, the overwhelming sentiment expressed by the citizens of this State favors the elimination of the aforementioned split season and for a single season of forty (40) rather than thirty (30) days; and

WHEREAS, the General Assembly of the State of Delaware desires to express the sentiments of the citizens of this State; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the Board of Game and Fish Commissioners of the State of Delaware communicate with the Secretary of the Interior of the United States of America requesting on behalf of the State of Delaware and its citizens that the open season for the taking of migratory fowl in Delaware be changed from a split season consisting of two (2) fifteen (15) day periods to a single season to extend for a continuous period of forty (40) days.

Approved May 7, 1951.

CHAPTER 401

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT SINE DIE.

BE IT RESOLVED by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives thereof concurring therein, as follows:

That at the close of the 80th Legislative Day both Houses of the 116th Session of the General Assembly of the State of Delaware shall adjourn sine die.

Approved May 7, 1951.

CHAPTER 402

SENATE CONCURRENT RESOLUTION

**WITH RESPECT TO THE DEATH OF THE LATE ARTHUR
H. VANDENBERG.**

WHEREAS, on the eighteenth day of April, A. D. 1951, the worldly labors of the late Honorable Arthur H. Vandenberg, senior Senator from the State of Michigan to the Congress of the United States, were terminated by his death; and

WHEREAS, his life epitomizes the highest order of selfless devotion to country and of statesmanship above partisanship; and

WHEREAS, high among his outstanding achievements is that of being the architect of the Bi-Partisan Foreign Policy of our Nation; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein, as follows:*

(1) That the Senate and House of Representatives of the State of Delaware, and each member thereof, hereby expresses their deep sense of personal loss and sympathy unto the members of the immediate family of the late Senator Arthur H. Vandenberg, of Michigan, by reason of his death on April 18, 1951; and, further,

(2) That we do humbly pray unto the Father of all Mercies to comfort and sustain them in this, the hour of their bereavement; and, further,

(3) That a copy of this Concurrent Resolution, bearing the approval of His Excellency, the Governor of the State of Delaware thereon be forwarded unto the family of the late Senator Arthur H. Vandenberg, and a further copy be delivered unto the Public Press.

Approved May 24, 1951.

CHAPTER 403

SENATE CONCURRENT RESOLUTION

APPROPRIATING MONEY TO REIMBURSE THE SECRETARY OF THE STATE, MULTIGRAPH DEPARTMENT, FOR CERTAIN MONIES EXPENDED FOR CERTAIN LABOR AND SUPPLIES NEEDED, FURNISHED TO AND USED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE 116TH GENERAL ASSEMBLY.

BE IT RESOLVED by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein:

1. That the sum of Seven Hundred Seventy-six Dollars and Forty Cents (\$776.40) be and the same is hereby appropriated out of any funds of the State Treasury of the State of Delaware not otherwise appropriated, unto the Secretary of the State, Multigraph Department, for certain monies expended for certain labor and supplies needed, furnished to and used by the Senate and House of Representatives of the 116th General Assembly as follows:

Monthly salary of Multigraph Operator for January and February @ \$225.00.....	\$450.00
Overtime of Operator—58 hours @ \$2.00.....	\$116.00
Operating costs and materials for Multigraph Machine	\$210.40
	<hr/>
	\$776.40

2. That the State Treasurer of the State of Delaware is hereby authorized and directed to pay the said sum of Seven Hundred Seventy-six Dollars and Forty Cents (\$776.40) unto the Secretary of the State, Multigraph Department, upon warrants approved by the Chairmen of the Printing Committees of the Senate and the House of Representatives.

Approved June 4, 1951.

CHAPTER 404

SENATE CONCURRENT RESOLUTION

APPROPRIATING MONEY TO REIMBURSE THE SECRETARY OF THE STATE, MULTIGRAPH DEPARTMENT, FOR CERTAIN MONIES EXPENDED FOR CERTAIN LABOR AND SUPPLIES NEEDED, FURNISHED TO AND USED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE 116TH GENERAL ASSEMBLY.

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein:*

1. That the sum of Nine Hundred Eighty-five Dollars and Fifty Cents (\$985.50) be and the same is hereby appropriated out of any funds of the State Treasury of the State of Delaware not otherwise appropriated, unto the Secretary of the State, Multigraph Department, for certain monies expended for certain labor and supplies needed, furnished to and used by the Senate and House of Representatives of the 116th General Assembly, as follows:

Operator's salary for March, April and May 15.	\$562.50
Overtime of Operator, 76½ hours @ \$2.00.	153.00
Materials and machine operating costs.	270.00
	<hr/>
	\$985.50

2. That the State Treasurer of the State of Delaware is hereby authorized and directed to pay the said sum of Nine Hundred Eighty-five Dollars and Fifty Cents (\$985.50) unto the Secretary of the State, Multigraph Department, upon warrants approved by the Chairmen of the Printing Committees of the Senate and the House of Representatives.

Approved June 4, 1951.

CHAPTER 405

SENATE CONCURRENT RESOLUTION

APPROPRIATING MONEY TO REIMBURSE HARRIS B. McDOWELL, JR., SECRETARY OF THE STATE, FOR CERTAIN MONIES EXPENDED FOR CERTAIN TELEPHONE SERVICES PAID OUT, NEEDED, FURNISHED TO AND USED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE 116TH GENERAL ASSEMBLY.

BE IT RESOLVED by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein:

1. That the sum of Two Hundred Fifty-eight Dollars and Forty-four Cents (\$258.44) be and the same is hereby appropriated out of any funds of the State Treasury of the State of Delaware not otherwise appropriated, unto Harris B. McDowell, Jr., Secretary of the State, for certain monies expended for certain telephone services paid out, needed, furnished to and used by the Senate and House of Representatives of the 116th General Assembly, as follows:

Reimbursement for Telephone Service during Legislative Session—1951.

Service charge—Direct	\$ 92.49
Service charge—Indirect	163.81
Toll calls	2.14
	<hr/>
	\$258.44

2. That the State Treasurer of the State of Delaware is hereby authorized and directed to pay the said sum of Two Hundred Fifty-eight Dollars and Forty-four Cents (\$258.44) unto Harris B. McDowell, Jr., Secretary of the State, upon warrants approved by the Chairmen of the Claims Committees of the Senate and the House of Representatives.

Approved June 4, 1951.

CHAPTER 406

SENATE CONCURRENT RESOLUTION

EXTENDING GREETINGS TO THE HONORABLE HARRY S. TRUMAN, PRESIDENT OF THE UNITED STATES OF AMERICA UPON HIS BIRTHDAY ANNIVERSARY.

WHEREAS, the Members of the Senate and House of Representatives of the 116th General Assembly of the State of Delaware have with great pleasure learned that the Honorable Harry S. Truman, President of the United States of America is today, the 8th day of May, A. D. 1951, celebrating the 67th anniversary of his birth; and

WHEREAS, it is only fitting that the Senate and House of Representatives of the 116th General Assembly of the State of Delaware extend to our nation's President their deep and sincere congratulations on this happy occasion; and

WHEREAS, the General Assembly, as it is composed of Senators and Representatives elected by the people of Delaware, sincerely hope, God willing, that President Harry S. Truman shall continue to enjoy many more happy birthday anniversaries; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the greetings and best wishes of the Members of the 116th General Assembly, both personally and as they represent the people of Delaware are hereby extended to the Honorable Harry S. Truman, President of the United States of America upon the happy occasion of this, the 67th anniversary of his birth with the sincere wish that he may enjoy many more birthday anniversaries; and

FURTHER, BE IT RESOLVED, that a copy of this Resolution be forwarded to the Honorable Harry S. Truman, President of the United States of America and that the action hereby taken be made a part of the record of the present Session.

Approved June 4, 1951.

CHAPTER 407

SENATE CONCURRENT RESOLUTION

IN RESPECT OF A NEW CASTLE TERCENTENARY SESSION OF THE MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

WHEREAS, the sixteenth day of June, A. D. 1951, has been set aside by appropriate Acts heretofore adopted by the General Assembly of the State of Delaware as a day of celebration on the occasion of the Three Hundredth Anniversary of the settlement by the Dutch at the present site of New Castle; and

WHEREAS, it is fitting that the members and officers of the current Session of the General Assembly of the State of Delaware, as a group, should convene together during said day at the City of New Castle, in New Castle County, Delaware and pay fitting tribute to the memory of these valiant and intrepid settlers of our State; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, as follows:

(1) That the Governor of the State of Delaware be, and he is hereby requested to issue a call unto the members and officers of the 116th Session of the General Assembly of the State of Delaware, as individuals and at their own proper expense, to convene together at an appropriate hour during the sixteenth day of June, A. D. 1951, in the Old State House in the City of New Castle, New Castle County, Delaware, and there to hold a "New Castle Tercentenary Session" of such members and officers of the General Assembly of the State of Delaware.

(2) That the sole purposes of such "New Castle Tercentenary Session" shall be to act as a group in the taking of such actions as may be appropriate to commemorate (a) the Colonial Assemblies that met in such historic shrine in former years, and (b) the landing of the Dutch settlers of our State thereat.

(3) That such "New Castle Tercentenary Session" shall be limited to said day; that said "Session" shall be without legal

significance; and that no legislation of any kind shall be enacted other than such actions as shall relate to the purposes stated in Section (2) of this Concurrent Resolution.

Approved June 4, 1951.

CHAPTER 408

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 116th 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 116th 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:

Emily W. Barnard—Supply Room Clerk.....	\$1,250.00
Doris J. Harrington—For services as Secretary of Budget Committee	350.00

Approved June 4, 1951.

CHAPTER 409

HOUSE JOINT RESOLUTION

APPOINTING A BILL CLERK FOR THE HOUSE OF REPRESENTATIVES AND A BILL CLERK FOR THE SENATE TO SERVE DURING THE 116TH SESSION OF THE GENERAL ASSEMBLY.

BE IT RESOLVED *by the House of Representatives and the Senate of the 116th Session of the General Assembly of the State of Delaware* that William J. Warwick 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 Leroy Desmond 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 February 5, 1951.

CHAPTER 410

HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER
SUPPLIES FOR THE 116TH 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 116th 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 9, 1951.

CHAPTER 411

HOUSE CONCURRENT RESOLUTION

EXTENDING THE SYMPATHY OF THE HOUSE OF REPRESENTATIVES AND SENATE UNTO HONORABLE HARVEY H. LAWSON UPON THE DEATH OF HIS BROTHER, BIRD LAWSON.

WHEREAS, with profound sorrow we, the members of the House of Representatives and Senate of the 116th General Assembly of the State of Delaware, have learned of the death of Mr. Bird Lawson, a brother of the Honorable Harvey H. Lawson, who was formerly a member of the Senate and who is now the Speaker of the House of Representatives of said General Assembly; and

WHEREAS, the members of the House of Representatives and Senate desire to concur with each other in the expression of their sincere sympathy unto the Honorable Harvey H. Lawson; NOW, THEREFORE,

BE IT RESOLVED *by the House of Representatives of the 116th General Assembly of the State of Delaware, the Senate concurring therein, as follows:*

(1) That the heartfelt sympathy of each member of the House of Representatives and Senate is hereby extended unto the Honorable Harvey H. Lawson for the loss he has suffered by reason of the death of the late Bird Lawson, his brother; and, further,

(2) That we do humbly pray unto the Father of all Mercies to sustain and comfort our present Speaker of the House of Representatives and former member of the Senate, in this the hour of his bereavement; and, further,

(3) That a copy of this Concurrent Resolution be spread upon the respective Journals of the House of Representatives and Senate of this present Session of the General Assembly, and a further copy be forwarded unto the Honorable Harvey H. Lawson, at Millsboro, Delaware, and a further copy be delivered unto the Public Press.

Approved February 9, 1951.

CHAPTER 412

HOUSE CONCURRENT RESOLUTION

EXTENDING THE SYMPATHY OF THE HOUSE OF REPRESENTATIVES AND THE SENATE TO THE FAMILY OF M. ALLEN WILSON.

WHEREAS, with profound sorrow we, the Members of the House of Representatives and Senate of the 116th General Assembly of the State of Delaware, have learned of the death of M. Allen Wilson, a resident of the City of Dover, State of Delaware, and Chief Engineer of the State Highway Department of the State of Delaware; and

WHEREAS, in addition to his official services with the State of Delaware, M. Allen Wilson has been a prominent citizen of his community and of this State, interested in many public improvements; and

WHEREAS, the Members of the House of Representatives and Senate desire to concur with each other in the expression of their sympathy to the family of M. Allen Wilson, and desire to express in this public manner their own feelings and sense of loss which is felt throughout the entire State of Delaware; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 116th General Assembly of the State of Delaware, the Senate concurring therein:

(1) That the Members of the House of Representatives and the Senate of the 116th General Assembly wish to give expression of regrets they experienced, many of them personally, at the passing of M. Allen Wilson, a prominent figure in his community and an official of the State of Delaware, to the family of the late M. Allen Wilson;

(2) That we humbly pray unto the Father of all Mercies to sustain and comfort the wife and family of the late M. Allen Wilson, in this the hour of their bereavement; and

BE IT FURTHER RESOLVED, that a copy of this Concurrent Resolution be spread upon the respective Journals of the House of Representatives and the Senate at this present Session of the General Assembly, and a further copy be forwarded to Mrs. Elizabeth W. Wilson, wife of the late M. Allen Wilson, at her home on Rodney Road in the City of Dover, State of Delaware, and a further copy be delivered unto the Public Press.

Approved March 9, 1951.

CHAPTER 413

HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER
SUPPLIES FOR THE 116TH GENERAL ASSEMBLY.**

BE. IT RESOLVED *by the House of Representatives, the Senate 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 Treasury of the State of Delaware for the purchase of postage stamps and other supplies to be used for the official business of the 116th 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 13, 1951.

CHAPTER 414

HOUSE CONCURRENT RESOLUTION

**RELATIVE TO GENERAL OF THE ARMY DOUGLAS MAC-
ARTHUR.**

WHEREAS, General of the Army Douglas MacArthur, one of our most distinguished soldiers, is returning to the United States after an absence of many years spent on foreign soil in valorous and exceptional service to his country, and

WHEREAS, it is appropriate that the House of Representatives and the Senate of the 116th General Assembly of the State of Delaware extend a welcome to General MacArthur and express their deep and sincere appreciation for his manifold services as a military leader and as a wise and able administrator of a conquered country; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 116th General Assembly of the State of Delaware, the Senate concurring therein:

That the Members of the House of Representatives and the Senate hereby extend to General of the Army Douglas MacArthur a most hearty welcome upon his return to the United States and express their profound appreciation for his many distinguished services to his country; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to General of the Army Douglas MacArthur and that the action hereby taken be made a part of the record of the present Session.

Approved May 14, 1951.

CHAPTER 415

HOUSE CONCURRENT RESOLUTION

PERMITTING THE INTRODUCTION OF NEW BILLS.

BE IT RESOLVED *by the House of the 116th 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 certain new bills entitled as follows:

"AN ACT TO FURTHER AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, ENTITLED 'AN ACT TO REINCORPORATE THE TOWN OF SMYRNA' AS AMENDED, BY PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION TO FILL ANY VACANCY IN THE OFFICE OF THE MAYOR OF THE TOWN OF SMYRNA AND PROVIDING THE QUALIFICATIONS AND FOR THE NOMINATION OF CANDIDATES AND THE TIME, PLACE AND MANNER OF HOLDING SUCH SPECIAL ELECTION."

"AN ACT AUTHORIZING THE CITY OF DOVER TO BORROW A SUM OF MONEY NOT EXCEEDING TWO MILLION DOLLARS (\$2,000,000.00) AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF GENERAL IMPROVEMENTS TO THE CITY OF DOVER, INCLUDING THE STREETS AND PUBLIC BUILDINGS AND THE WATER, ELECTRICAL, AND SEWER FACILITIES THEREOF."

"AN ACT TO AMEND CHAPTER 158 OF VOLUME 36 OF THE LAWS OF DELAWARE, ENTITLED 'AN ACT CHANGING THE NAME OF "THE TOWN OF DOVER" TO "THE CITY OF DOVER" AND ESTABLISHING A CHARTER THEREFOR,' BY INCREASING THE AMOUNT OF MONEY TO BE RAISED BY TAXATION FOR GENERAL PURPOSES."

"AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX COUNTY TO BORROW A SUM NOT IN EXCESS OF ONE MILLION DOLLARS (\$1,000,000.00) AND TO ISSUE BONDS THEREFOR TO BE EXPENDED FOR THE ACQUISITION OF LAND OR INTERESTS THEREIN AND FOR THE CONSTRUCTION AND EQUIPPING OF ADDITIONS AND ALTERATIONS TO THE COUNTY COURT HOUSE AT GEORGETOWN; TO AUTHORIZE THE SAID LEVY COURT TO EXERCISE THE RIGHT OF EMINENT DOMAIN AND PROVIDING FOR THE APPOINTMENT OF THE SUSSEX COUNTY COURT HOUSE COMMISSION."

"AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF STOCK CAR RACING IN THE STATE OF DELAWARE."

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE SUPREME COURT AND THE AUTHORIZATION OF WRITS OF ERROR IN FAVOR OF THE STATE IN CERTAIN CASES."

"AN ACT TO AUTHORIZE THE LEVY COURTS TO ISSUE BONDS FOR PARKS AND PARK IMPROVEMENTS IN SUBURBAN PARK COMMUNITIES UNDER CERTAIN CONDITIONS; PROVIDING FOR TIME AND MANNER OF HOLDING ELECTIONS IN CONNECTION THEREWITH; DEFINING 'SUBURBAN PARK COMMUNITY,' 'PARK' OR 'PARK AREA'; PROVIDING FOR PETITION REQUESTING PARK OR PARK AREA AND IMPROVEMENTS REQUIRED; PROVIDING FOR EXEMPTION OF PARK OR PARK AREA FROM TAXATION; DIRECTING LEVY COURTS AND COUNTY ENGINEERS TO PERFORM CERTAIN DUTIES IN CONNECTION WITH SURVEYS, PLOTS, HOLDING OF ELECTIONS; PROVIDING FOR ASSESSMENTS AGAINST PROPERTIES IN SUBURBAN PARK COMMUNITIES, THE MANNER OF DETERMINING THE AMOUNT THEREOF, AND COLLECTION OF THE SAME; PROVIDING FOR THE DETERMINATION OF COST FOR ACQUISITION OF PARK OR PARK

AREA AND OF THE IMPROVEMENTS THEREON REQUIRED; PROVIDING THE AMOUNT, MATURITY, INTEREST RATE AND FORMS OF BONDS TO BE ISSUED BY THE LEVY COURTS; PROVIDING FOR THE SALE OF BONDS AND THE DISPOSITION AND USE OF THE PROCEEDS THEREOF; PROVIDING FOR AWARDED OF CONTRACTS AND APPROVAL OF PAYMENTS THEREUNDER; PROVIDING FOR RECORD TO BE KEPT OF ASSESSMENTS; MAKING ASSESSMENTS, SPECIAL LIENS, AND PROVIDING FOR NOTICE THEREOF; AUTHORIZING COLLECTOR OF TAXES TO COLLECT DELINQUENT ASSESSMENTS; PROVIDING FOR RETIREMENT OF BONDS AND PAYMENT OF INTEREST THEREON; PROVIDING FOR DISPOSITION OF SURPLUS FUNDS; AUTHORIZING LEVY COURTS TO ADOPT PROCEDURE IN RESPECT TO CANCELLING BONDS; PROVIDING THAT PARK OR PARK AREA AND IMPROVEMENTS SHALL BE MAINTAINED BY A COUNTY PARK COMMISSION; AND PROVIDING THAT THE FULL FAITH AND CREDIT OF THE COUNTIES SHALL BE PLEDGED TO INSURE PAYMENT OF BONDS; AND PROVIDING FOR THE CREATION OF A COUNTY PARK COMMISSION."

"AN ACT AUTHORIZING AND EMPOWERING THE SOIL CONSERVATION DISTRICT OF SUSSEX COUNTY TO TAKE OVER THE TRAP POND PROJECT IN SUSSEX COUNTY FROM THE FEDERAL GOVERNMENT EITHER BY LEASE OR BY DEED AND APPROPRIATION THEREFOR."

"AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 358, VOLUME 47, LAWS OF DELAWARE, 1949, RELATING TO THE PROCEDURE FOR THE TERMINATION OF CONTRACTS OF PROFESSIONAL SCHOOL EMPLOYEES, BY PROVIDING FOR NOTICE TO EMPLOYEE WITH A RIGHT OF APPEAL TO THE STATE BOARD OF EDUCATION AND WITH A RIGHT OF APPEAL FROM THE STATE BOARD OF EDUCATION TO THE SUPERIOR COURT."

Approved May 22, 1951.

CHAPTER 416

HOUSE CONCURRENT RESOLUTION

PERMITTING THE INTRODUCTION OF NEW BILLS.

BE IT RESOLVED by the House of Representatives of the 116th 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 certain new bills entitled as follows:

"AN ACT TO FURTHER AMEND CHAPTER 67, REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE COMPENSATION OF THE SUPERINTENDENT OF THE PUBLIC BUILDING COMMISSION FOR THE CITY OF WILMINGTON AND NEW CASTLE COUNTY."

"AN ACT PROVIDING THAT THE STATE OF DELAWARE MAY ENTER INTO A COMPACT WITH ANY OTHER STATE FOR MUTUAL HELPFULNESS IN MEETING ANY CIVIL DEFENSE EMERGENCY OR DISASTER."

"AN ACT TO AMEND CHAPTER 184, VOLUME 43, LAWS OF DELAWARE, 1941, BEING AN ACT ENTITLED 'AN ACT CHANGING THE NAME OF "THE TOWN OF SEAFORD" TO "THE CITY OF SEAFORD" AND ESTABLISHING A CHARTER THEREFOR,' BY GIVING AUTHORITY TO THE CITY COUNCIL OF SEAFORD TO FURNISH ELECTRICITY OR WATER, AND TO PROVIDE SEWER AND DRAINAGE SYSTEMS THROUGHOUT THAT TERRITORY WITHIN ONE-HALF MILE OF THE LIMITS OF THE CITY AND BY AUTHORIZING SAID CITY COUNCIL TO ENTER INTO CONTRACTS FOR THE PURCHASE OF SAID FACILITIES IF CONSTRUCTED BY PRIVATE FIRMS OR INDIVIDUALS."

"AN ACT APPROPRIATING CERTAIN MONIES UNTO WILLIAM K. KRANTZ AND EVA K. KRANTZ, HIS WIFE, THE PARENTS AND NEXT-OF-KIN OF STAFF SERGEANT HOWARD LINWOOD KRANTZ, DECEASED, WHO WAS KILLED IN ACTION WHILE SERVING IN THE AIR CORPS OF THE UNITED STATES."

"AN ACT TO REGULATE THE CONSTRUCTION, ALTERATION, REPAIR, REMOVAL, DEMOLITION, EQUIPMENT, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN THE COUNTIES OF KENT AND SUSSEX FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY AND FOR THE PREVENTION OF FIRE HAZARDS; TO PROVIDE A CODE OF BUILDING REGULATIONS; TO CREATE THE OFFICE OF BUILDING INSPECTOR AND OTHER HELPERS AND ASSISTANTS AS MAY BE REQUIRED; AND TO PROVIDE PENALTIES FOR VIOLATIONS."

"AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE RIGHT OF APPEAL FROM A CONVICTION IN VIOLATION OF PROVISIONS IN CHAPTER 165, AND PROVIDING THAT AN APPEAL SHALL OPERATE AS A STAY AND AS A WAIVER OF THE RIGHT TO CERTIORARI."

"AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO CORPORATIONS."

"AN ACT TO AMEND CHAPTER 157, VOLUME 47, LAWS OF DELAWARE, 1949, ENTITLED '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."

"AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX COUNTY TO BORROW A SUM OF MONEY NOT IN EXCESS OF ONE MILLION DOLLARS (\$1,000,000.00) AND TO ISSUE BONDS THEREFOR TO BE EXPENDED FOR THE ACQUISITION OF LAND OR INTERESTS THEREIN AND FOR THE CONSTRUCTION AND EQUIPPING OF ADDITIONS AND ALTERATIONS TO THE COUNTY COURT HOUSE AT GEORGETOWN; TO AUTHORIZE THE SAID LEVY COURT TO EXERCISE THE RIGHT OF EMINENT DOMAIN AND PROVIDING FOR THE APPOINTMENT OF THE SUSSEX COUNTY COURT HOUSE COMMISSION."

Approved June 4, 1951.

CHAPTER 417

HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER
SUPPLIES FOR THE 116TH 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 116th 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 June 4, 1951.

CHAPTER 418

HOUSE CONCURRENT RESOLUTION

RELATIVE TO STAFF SERGEANT HOWARD LINWOOD KRANTZ.

WHEREAS, Staff Sergeant Howard Linwood Krantz, a former resident of St. Georges, New Castle County, Delaware, and lately a member of the Air Corps of the Armed Forces of the United States of America, having enlisted on or about December 9, 1938, and having been assigned Serial Number 6 978 501, was killed in action in the Pacific Area on December 28, 1942; and

WHEREAS, Staff Sergeant Howard Linwood Krantz did unselfishly and heroically give up his life upon the field of battle for his State and Nation; and

WHEREAS, the unstinting heroism of this youth is evidenced by the award to him by a grateful Nation of two Silver Stars, an Air Medal with Cluster, the Distinguished Flying Cross and the Purple Heart;

NOW, THEREFORE, BE IT RESOLVED *by the House of Representatives of the 116th General Assembly of the State of Delaware, the Senate concurring therein:*

That the members of the House of Representatives and the Senate of the 116th General Assembly hereby express the deep appreciation and gratitude of the people of the State of Delaware for the heroic and patriotic services of Staff Sergeant Krantz; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to William K. Krantz and Eva K. Krantz, parents of Staff Sergeant Krantz, in grateful recognition of the devotion of their son to his State and Nation; and

BE IT FURTHER RESOLVED, that the action hereby taken be made a part of the record of the present Session of the General Assembly.

Approved June 4. 1951.

CHAPTER 419

HOUSE CONCURRENT RESOLUTION

WITH REFERENCE TO LEGISLATIVE TELEPHONES.

WHEREAS, it has been called to the attention of certain Members of the Legislative Branch that the telephone service made available to the Legislators themselves has in certain instances been abused by the free use of said telephones on the part of unauthorized persons; and

WHEREAS, it is incumbent upon the General Assembly to provide essential services to its Members in the most efficient manner and at the lowest possible cost to the State, thereby holding to the essential minimum the burden of taxation upon the people; NOW, THEREFORE,

BE IT RESOLVED *by the House, the Senate concurring therein*, that the following recommendations be and are hereby made to succeeding Sessions of the General Assembly of the State of Delaware:

Section 1. That the telephones made available for the general use of the Members of the Legislature be only of that type commonly known as "pay telephones."

Section 2. That the Claims Committee of each House notify its Members that they will be reimbursed for essential and necessary telephone calls made by said Members during the Session when such calls are made on the said pay telephones in carrying out the duties of said Legislators.

Section 3. That successive Sessions of the General Assembly adopt necessary rules and regulations in order to carry out and place in effect the recommendations hereinabove made.

Approved June 4, 1951.

PROCLAMATIONS**CHAPTER 420****STATE OF DELAWARE****EXECUTIVE DEPARTMENT****PROCLAMATION**

Three hundred and twenty-nine years ago our forefathers arrived at Plymouth Rock, Massachusetts, and successfully began the first settlement of what is now the United States. They experienced overwhelming hardships and suffering as they attempted to adapt themselves to what was then a new country populated with strange and sometimes unfriendly people as their neighbors, while constantly harassed by a rugged, cold and uncomfortable climate.

After a time of privation, sickness, misunderstanding and failure of crops, these hardy pioneers, constantly keeping their faith in God, constantly working for better and happier conditions, successfully overcame the difficult obstacles which had constantly plagued them. Against great odds they built homes which protected them from the elements; they successfully grew their own food through the cooperation of the once unfriendly natives and they arrived at a time when the harvest had been bountiful, when the once unfriendly natives became their friends and when sickness and pestilence were overcome. Finally, through their faith in God, they arrived at a time when they had overcome these grievous obstacles. At this time they joined together in all humility and invited their neighbors to join with them in giving thanks for the blessings which had been showered upon them.

How much more should we, in all humility, join together with our neighbors and friends in humbly giving thanks for the many blessings that we have enjoyed in the past peaceful year of opportunity and plenty;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby set aside and proclaim

THURSDAY, THE TWENTY-FOURTH DAY OF
NOVEMBER, A.D. 1949 AS A DAY OF
PRAYER AND THANKSGIVING

and urge all of the people of our State to appropriately observe this day in houses of worship and in our homes or homes of our friends and relatives which are truly the hope and foundation of this great nation. Let us instruct our children of the importance of this day and let us teach them to humbly be thankful for the many blessings which have been ours. Let us all unite as one in a prayer of thankfulness for the many bounties we have received and work toward the day when universal peace shall be the accepted path of all nations.

In testimony of our acknowledgment of the many blessings that this great nation has bestowed upon us, let us display the flag of our State and country throughout the length and breadth of our beloved Delaware.

IN WITNESS WHEREOF, I have hereunto set my hand,
and affixed the Great Seal of the State of Delaware, this Eighteenth day of November 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-fourth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 421
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; and

WHEREAS, it is the duty of all residents of Delaware to cherish and revere the memory of the leadership which was given to our great United States by the Delaware Patriots who led the way to the forming of our great nation;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate and proclaim Wednesday, December 7, 1949, as

DELAWARE DAY

and urge all the people of our State to appropriately observe this day by displaying the flag of our State and nation and by conducting exercises and ceremonies in all of our schools, churches and civic organizations. It is indeed proper that the significance of this proud date in Delaware history be fully impressed upon all of the children and citizens of our 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
(GREAT SEAL) Thirtieth day of November 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 422
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, George Burton Pearson, Jr., Associate Judge of the State of Delaware, has tendered his resignation from that position to become effective at the close of court business on December 21, A. D. 1949; 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, Elbert N. Carvel, 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 twenty-second day of December, A. D. 1949, at 2:00 o'clock P.M. (standard time) to consider and act upon the following business, to wit:

To confirm the appointment which will be made to fill the vacancy in the office of 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, 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 hereunto affixed this Ninth day of December, 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 423

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, January 17 will mark the 244th anniversary of the Birthday of Benjamin Franklin, one of our three greatest Americans and called "Father of Our Liberty"; and

WHEREAS, 1950 is the 200th anniversary of Franklin's first election to the Assembly of Pennsylvania—of which later he became President and thereby Governor of the State. 1750 was his stepping stone into world politics, where he became "History's Greatest Diplomat"; and

WHEREAS, Dr. Franklin is renowned for his part with the Declaration of Independence, Treaty of Alliance with France, Treaty of Peace and the Constitution. "Poor Richard" was also a printer, editor, publisher, inventor, economist, scientist and a "Genius of Common Sense"; "Father of Advertising in America"; founder of circulating libraries on this Continent and the University of Pennsylvania; promoted in 1751 the Pennsylvania Hospital, the first in the Colonies and still in existence; founder of the State Militia, now the National Guard; a founder of the Navy; "Father of Daylight Saving" and "Father of Thrift in America"; Advocate of Peace; first Postmaster General, a philanthropist and true American Patriot; and

WHEREAS, recognition and celebration of Franklin's Birthday has been urged by many patriotic, military and other groups;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby call upon the citizens of our State to observe January 17th

BENJAMIN FRANKLIN'S BIRTHDAY ANNIVERSARY

with special programs planned to impress upon us the contribution of this great man to the welfare and glory of our Country.

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
(GREAT SEAL) to be hereunto affixed this Thirtieth day of
December, in the Year of Our Lord, One Thou-
sand 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 424
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the health, welfare and prosperity of our State and nation is dependent upon the maintenance and continued development of a sound agricultural program; and

WHEREAS, the farmers of our nation are being called upon to make major adjustments in their postwar farming operations; and

WHEREAS, the development of good pastures is the most effective way to conserve and improve the soils of our State and nation and to utilize idle acres; and

WHEREAS, pastures are the most efficient and economical means of providing feed nutrients, vitamins and other elements necessary for the production of quality livestock and livestock products and at the same time provide profits to the farmers and high-quality, low-cost food to the consumer;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the year of 1950 as

PASTURE YEAR

in Delaware and urge all agricultural agencies, farm groups and other people and organizations interested in farming to participate in this program by holding meetings and discussion groups to encourage and promote the development of good pasture practices, to adopt the slogan, "Prosper with Pastures," and to do everything within their power to encourage our farmers to move forward in the year of 1950 with a sound pasture program.

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 hereunto affixed at Dover this Eleventh day of January, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 425

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Howard S. Abbott, 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, Elbert N. Carvel, Governor of the State of Delaware do hereby issue this proclamation according to the provisions of Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

A. A. C. Corporation, A. C. Nowland Co., A. F. Gass Construction Co., A. Fink & Sons Company, A. J. Abel & Sons, Inc., A. L. Conder & Company, Inc., A. M. Aikman, Jr., Manufacturing Co., A. M. Daly, Inc., A. & W. Feed Company, The, Academy Fidelity Corporation, Adelaide, Inc., Aero Import & Export Corporation, Aero Research Corporation, Aerocrete Western Corporation, African Products Corporation, Agua Buena Sugar Company, Air Crew Publications, Inc., Air Freight Company, Inc. of N. Y. Air Mail Service Company, Air Travel, Inc., Aircraft Engineered Maintenance Corporation, Aircraft & Industrial Equipment Co., Aircraft Services Consolidated, Inc., Airnautics Research Foundation, Incorporated, Airoast Corporation, Airtec Industries, Inc., Airways Patent Corporation, Ajax Agency, Inc., Albar Corporation, Albo Export-Import Company, Album Corporation of America, Allan Trading Corporation, Allen Products Co., Inc., Allied Export Co., Inc., Allied Products, Inc., Aluminum Builders Materials Company, Amarel Corporation, Ambarann Corporation, The, Amer Trading & Export Co., America-Far East Trading & Engineering Corporation, American-Belgian Engineering Corporation, American Bookkeeping Corporation, American Capital Corporation, American Cargo Carriers Steam-

ship Corporation, American Commonwealth Corporation, American Economist, Inc., The, American-French Engineering Corporation, American Geo Company, American Grain Corporation, American International Sales Corporation, American Kid And Leather Company, American Marketing Associates, Inc., American National Exposition Company, American Ore Reduction Corporation, American Republics Importing and Exporting Co., Inc., The, American Textiles Corporation, American Tourist Associates, Inc., American Transportation Research, Inc., American War Veterans Association, Americas Air-Transport Corporation, Amphill Trading Corp., The, Anchor Corporation, The, Angeline Faye Corporation, Animated Designs, Inc., Animated Specialties, Inc., Antillian Corporation, Apex Corporation, The, Apex Mining & Leasing Co., Approved Refrigeration Company, Apte Brothers Canning Corporation of Delaware, Argyle Construction Company, Arlington Investment Co. Inc., Arm-Eze, Inc., Arnold Klehn, Inc., Ascot Process, Incorporated, Ascot Sales Corporation, Asia Theatres, Inc., Associated Broadcasting System, Inc., Associated Business Appraisers, Incorporated, Associated Export & Import Co. of Delaware, Inc., Associated Public Service Company, Atlantic Coast Corporation, Atlantic Corporation, Atlantic Engineering Corporation, Atlantic & Orient Steamship Corp., Atlantic Research Associates, Inc., Atlas Coated Products. Inc., Atlas Mining & Manufacturing Co., Audionics, Incorporated, Auto Bankers Credit, Inc., Automatic Orange Juicer Corporation, Automotive Specialty Corporation, Autopax Engineering Corporation, Ava Aircraft Corporation, Aviation Advancement, Incorporated, Aviation Transport Corporation, Aviation Vacation Association, Inc., Ayers, Davis & Company, Incorporated, American Helicoplie Airlines, Inc.

B & C Mining Co., B. & M. Oyster Co., B. and S. Market, Inc., Baby Services, Inc., Baker-Crosby, Inc., Barnhart Music Corporation, Bartex Products Corporation, Baruth Insurance Agency, Incorporated, Beaufort Chemical Corporation, Beaver Coal Co., Bel-Mon Properties, Inc., Bell Punch Company, Ltd., Bellevue Builders, Inc., Bellmore Apartments, Inc., Benj. C. Warnick & Co., Ltd., Best Incinerator Company, The, Beverly Hills Producing Co., Big Chief Ranch Co., Big Horn Basin Oil Company, Big Inch Natural Gas Transmission Co., Biological Scientist, Incorporated, The, Bixel Tool Company, Incorporated, Black Gold Pro-

duction Company, Blackford Company, Boadway Oil Co., Inc., Bobbi Car Acceptance Corporation, Bobbi Motor Car Corporation, Boger, Inc., Bossi Helicopter Corporation, Boston Worsted Corporation, Boulevard Land Co., Bowes-International, Incorporated, Breatheasy Distributors of Delaware, Inc., Breeding Truck Equipment Co., Breslau, Inc., Bricklayers Masons Club, Inc., Brother & Sister Shop of Albany, Inc., Brother & Sister Shop of Athens, Inc., Brother & Sister Shop of Lakeland, Inc., Brother & Sister Shop of Ocala, Inc., Brother & Sister Shop of Valdosta, Inc., Brother & Sister Shop of Waycross, Inc., Brown-Kershaw, Incorporated, Browning King & Company of Wilmington, Inc., Bruton-Walker, Inc., Buckaloo & Johnson Co., Inc., Buhl Optical Mfg. Co., Bunker Hill Mkt., Inc., Burnt Hickory Mines, Incorporated, Burress Automatic Oil Packer Company, Buying and Selling National Union Association Incorporated, Co.

C. M. & R. H. Crane Company, Inc., C. W. Flower Foundation, Inc., C. W. Leffler Company, Cactus Oil Company, The, Calphos-Co., Inc., Calvert Radio & Appliance Co., Camp Binslee Corporation, Candy Telegraph Delivery Association, Inc., Capital Company of Washington, D. C., The, Capitol, Inc., Capitol Surgical Supply Co., Inc., Carbogen Corporation, Caribbean Refrigerated Products, Inc., Carlton Apartments, Inc., Carr System of Virginia, Inc., Carr System of Minnesota, Inc., Cartridge Lighter Corporation, Cathay Oil Company, Catomance of America, Ltd., Cavalier Cab Company, Inc., The, Cedar Lake Ice & Fuel Company, Cello-Nu Products Inc. of Delaware, Celluwrap Packing Corporation, Central American Air Transport, Inc., Central Engineering Co., Central Hardwoods, Inc., Central Realty Company, Inc., Central States Lumber Company, Chapman Minerals Corporation, Chemical Development Company, Cheproma Company, The, Cheverly Manors, Inc., Cheyenne Rodeo & Cattle Corporation, China-Burma-India Traders, Inc., China Cotton Manufacturing Company, China Fidelity and Investment Corporation, China Investment Company, China Occidental Trading Company, Inc., Chinese-American Cold Storage Association, Inc., Chinese-American Enterprises, Inc.

Christensen-Katsalides Corporation, Cigarette-Cigar Telegraph Delivery Association, Inc., Circle Apparel, Inc., Cire Perdue Casters, Inc., Citizens, Inc., Clairemont Sterilized Egg Company, Cleveland and Buffalo Transit Company, The, Clifford, Coutu-

rier, Inc., Coast to Coast Air Lines, Incorporated, Coffee Vendors Company, Coin-O-Matic Hotel Radio and Television, Inc., Cokel, Inc., Colonial Chair Company, Colorite Laboratory, Inc., Columbia Publishing Company, Inc., Columbia-Southern Airfreight Lines, Inc., Columbia Sports Enterprises, Inc., Commerce & Industry Counsel, Inc., Commercial Tidewater Fisheries of Delaware, Inc., Commodities and Equipment Corporation, Concessionaire, Inc., Concord Radio Corporation, Connecticut Courts, Inc., Connecticut Galleries, Inc., Container Engineering Company, Coronado Development Corporation, Cos Cob Airlines, Inc., Cosmetic-Perfumer Telegraph Delivery Association, Inc., Cosmopolitan Industries, Inc., Council For Delaware Education, Inc., The, Court Lumber Company, Cowan Investment Corporation, Cowley-Kay Petroleum, Inc., Craftsmens Chrome Corporation, Crane Neck Corporation, Creole Minerals, Inc., Crescent Mines Co., Crow's Nest, Inc., Crusaders of Pennsylvania, Inc., The, Crystal Company, The, Cusack Products Corporation, Connecticut Mining and Milling Company, The.

D. C. K. Trading Co., Inc., D. & M. Investment Company, D. T. Small Contractors, Inc., Dale Mark, Inc., Daytime Clothes, Inc., Deering, Paskin & Sims, Inc., Defense Aviation Corporation, Deforest Motors, Inc., Del Mar Visual Aid, Inc., Del-Tex Produce Co., Inc., Delaire Corporation, Delanne Aircraft Corporation, Delaware Airmotive, Inc., Delaware Avenue Holding Company, Delaware Dialyzer Corporation, Delaware Hide & Fur Company, Delaware Metal Products Co., Delaware Oil Company, Delaware Peoples League, Inc., Delaware Post No. 1 American Legion Building Corporation, Delaware Sales Corporation, Delaware State Association of Naturopathic Physicians, The, Delaware Trucking Company, Delaware War Bond Center, Inc., Delaware Wreath Corporation, Delmarva Housing Corporation, Diamond Frozen Foods, Inc., Diamond Sales Corporation, Diemakers, Incorporated, Diplomat Properties, Inc., Diplomat Rental Corporation, The, District Commercial College, Inc., Dixie Properties, Inc. Domyet Corporation, Don Juan Co., Inc., Don Juan, Inc., Don Juan International Corporation, Dover Base Ball Club, Dover Brewing Company, Dover, Del. Charter Co., Dover Hotel Corporation, Dover Industries, Inc., Dubose and Company, Incorporated, Duchess Frozen Custard Co., Inc., Dura-Bilt Homes Corporation, Durite Detergent Co., Inc., Durite Laundry Supply Co., Inc., Durite Products Co., Inc., Duro Structures, Inc., Deaf

Smith County Food Products Company, Dean Anderson Campaigns, Inc.

E & G Cooperative Enterprises, Inc., Eagle Frosted Foods Corp., East Elk Basin Oil Company, Eastern Advertisers, Incorporated, Eastern Beer Distributing Company, Inc., Eastern Chiropractic Institute, Inc., The, Eastern Development Company, Eastern Finance Corporation, Eastern Milk Industries, Inc., Eastern Motor Carriers Labor Relations Council, Incorporated, Educational Pictures, Inc., El-Car Sales Corporation, El Dorado Gold Mines, Ltd., Elbee Holding Corporation, Electra Factors, Inc., Electronic Time, Inc., 11th & F St. Valet, Inc., Elizabeth Grier, Inc., Elma Lynn Portrait Studio, Inc., Elsie Zebley Talley, Inc., Embassy Apartments Inc., Emef Trading Company, Ltd., Emerson Productions, Inc., Empire Discount Corporation, Empire Lease & Royalty Company, Ltd., Endocrinology Company, Limited, Endole Pump Company, Endre's Company, Incorporated, Endy Bros. Exposition Shows, Inc., Enterprise Farms System, Inc., Erma Corporation, Eugene A. Smith, Incorporated, Evangel University, Inc., Exhibitors Distributing Corporation, Explosive Products Corporation, Eisemann Plastics Corporation.

F. B. Downing Corporation, F & F Realty-Investment Co., F. H. Black & Co., Inc., F M Broadcasters, Incorporated, Faber Photo Products Corporation, Fag Manufacturing, Inc., Farmers Fruit Growers Co-Operative Association, Farrel-Mallory Industries, Inc., Fayette-Walker Development Company, Inc., Federal Business Products, Inc., Federal Business Service, Inc., Federal Corporation, The, Federal Publishing Company, Ltd., Federal Steel Products Corporation, Fibroid Products Corporation, Fielder Realty, Inc., 55 M. Street, N. W., Inc., Filipinas Mercantile Corporation, Film Center of Washington, D. C., Inc., The, Film-Craft Laboratories, Inc., Finance Service of Macon, Inc., Fine Retailers, Inc., First State Bowling Academy, Inc., First State Mutual Insurance Company, First Unum Exchange Corporation, Fisher Drilling Company, Fleetwood Airways International Inc., Fletcher Products Corporation, Florida Assets Corporation, Flowell Oil Corporation, The, Folwell Engineering Company, Foreign Bond and Share Corporation, Fourth Ward Republican Club, Franam Corporation, Frances Carroll of Hollywood, Inc., Franco-Dominion Development Corporation, Frank B. Richardson, Inc., Frank C. Hurley, Inc., Frank Pelosi Productions, Inc., Frank

Tyson Development Corporation, Frasier River Mining Company, Fred A. Norris Transfer Company, Inc., Freeman Corporation, Freezer Foods Enterprises, Inc., Freezer Foods Management Corporation, Freight Flite, Inc., French Development Corporation, Frosted Food Distributors, Inc., Fryer-Simpson Drilling Corporation.

G. I. Mutual Aviation Company, G & J Restaurant Systems, Inc., G. M. Foster, Inc., G. W. Thompson & Company, Gardiner-Collier, Inc., Garey Construction Corporation, Garutso Optical Balance Company, Garval Industries, Inc., Gay-Hamill Company, Gear Equipment Company, The, General Cosmetics Incorporated, General Decorticating Corporation, General Equipment Corporation, General Health Corporation, General Housing & Development Co., General Magnesium Corporation, General Panama Canal Agencies, Inc., General Products, Inc., General United Industries, Inc., of Delaware, Gentil's Inc., George Process, Inc., Georgetown War Memorial Association, Georgetown Youth Association, German Roman Catholic St. Benedicts Beneficial Society, Geronimo Oil Company, Inc., Gibbs Supplies, Inc., Glenn Company, The, Global Products Company, Globe Aircraft Corporation, Globe American Development Corp., Globe Mutual Life and Accident Insurance Company of The United States, Globe Security Bond & Mortgage Co., Good Neighbors Investment Company, Inc., The, Good Properties, Inc., Gordon Brothers, Incorporated, Gordon W. Florian, Inc., Grace of Atlanta, Inc., Grace of Roanoke, Inc., Grain Processors Corporation, Grand Hotel Corp., Gray Trading Company, Inc., Green Airlines, Inc., Griscom Associates, Inc., Griswold Home Appliances, Inc., Gulf Coast Salvage Company, Gulf States Pipe Line Company.

H & E Pre-Heat Welding, Inc., H. L. Stevens, Inc., H. R. Mallinson & Co., Inc., Harber & Riddle, Inc., Harlee Lumber and Mfg. Company, Harold Crookes Agency, Inc., Harper-Berens, Inc., Harry, Inc., Harry L. Brumond Company, Inc., Harry's Pawnbrokers' Exchange, Inc., Hawley & Co., Inc., Hazel Shaffer, Inc., Heavy Equipment, Inc., Hedger Steamship Corporation, Hellenic Quarter, Inc., The, Hempfield Gas & Oil Co., Herald Publishing Company, Inc., The, Herculair Products Corporation, Hesser and Soden Motors, Inc., Hickory House, Inc., The, Hip Books, Incorporated, Hiram Memorial Park Company, The, Hobbs Gas Co.,

Holy Trinity Pentecostal Church of The Living God, Inc., Home Development Corporation, Home & Foreign Management Company, Home Owners Auto Supply Company, Home Owners' Service, Inc., Homler Beneficial Association, Horst Products Corporation, Hospital Research Corporation, Hotel Realty Company, Hotel Rodney, Inc., House of Regal, Inc., The, Housing Corporation, The, Howard C. Stevenson, Inc., Hudson Liquors, Inc., Hugh Marvel Company, Hunt Engineering Corporation, Hunt Power & Mining Co., Inc., Hunt Steamship Corporation, Huntingdon Chemicals & Plasticates, Inc., Hydraulic Products Company.

Ideal Homes Company, Imperial Valley Food Company, Inca Rubber Co., Inc., Independence Mining Company, Independent Fraternal Beaver Beneficial Association, Independent-Overseas Steamship Corporation, Industrial & Household Equipment Corporation, Industrial Maintenance and Supply Corp., Industrial Products Corporation, Industries, Inc., Industry Tools, Inc., Information Travel Service, Inc., Inglis Industries of Georgia, Inc., Inter State Trading and Distributing Agency, Inc., International Air Races Corporation, International Airlines, Inc., International Carpet & Home Service Incorporated, The, International Commercial Trading Company, International Finance and Exchange Co., Inc., The, International Oil Corporation, International Patent Brokerage Company, International Seed Pellet Company, International Service Supply Corporation, International Sweethearts of Rhythm, Incorporated, The, International Union of Building & Construction Workers, Interocean Trading Corp., Interstate Corporate Service Company, Isaacs and Steen Poultry Company, Isolantite Inc., Industrial Engineering and Sales Company.

J. A. Von Dohlen Steamship Company, J. D. Reese Company, J. G. Monnet & Co., Inc., James W. Taylor, Jr., Inc., Jamison, Fowler & Carter, Inc., Jannic Manufacturing Corporation, Jasco, Inc., Jay & Gildersleeve, Inc., Jene's Italian Rest., Inc., Jim Butler Mining Company, John Heldmyer, Jr., Inc., Joseph A. Daly, Inc., Joseph Bernhard Productions, Inc., Julia Kelley, Inc., Julian Rice Sports Research Guild, Inc.

K-C Realty Co., Inc., Kalisite Company, Kappa Alpha Fraternity Society, of Delaware College, Kay-Louie Company, Keefer Coal Company of Illinois, Keenad, Inc., Keeney Sand Mining

Company, Keller Company, Inc., The, Kendolph, Ltd., Kenton Canning Co., Inc., Kentucky Tennessee Natural Gas Corporation, King's Inc., Kleen Refrigerator, Inc., Kong Sun, Inc., Kroywen Corporation, Kurdistan Rug Corporation, Kuttner and Kuttner, Inc.

La Place Oil Corporation, Labor Health, Inc., Labor Housing, Incorporated, Labor Pictures, Inc., Laffayette Institute, Inc., Lake Improvement Company, The, Langley Aviation Corporation, League for Yiddish Culture, Inc., Lee De Forest, International, Inc., Lehigh Housing Corporation, Leonard Oil Development Company, Liberian Aviation, Inc., Liberty Airlines, Inc., Liberty Finance Co., Liberty Products Corporation, Liddell & Peterson, Inc., Liquid Measures, Inc., Liquor Telegraph Delivery Association, Inc., Lombard Grill, Inc., Lord's Augusta, Inc., Lord's Petersburg, Inc., Lord's Roanoke, Inc., Lucky Non-Partisan Association.

M. Cirelli, Inc., M. H. Pagenhardt and Company, M. K. L. Realty Company, Macdouglass, Inc., Mack C. Hyder Co., Inc., Mack and Jack, Inc., Mack King Trading Corporation, Madeline Berkman, Inc., Madison Agency, Inc., The, Madison Electrical Products Corp., Majestic Plastic Company, Inc., Mandarin Motion Picture Company, Inc., Marine Equipment Co., Inc., Marine Sales and Service Corporation, Market Holding Co., Inc., Marshall Petroleum Company, Marshallton Development Company, Martha Washington Landscape Association, Inc., Martin & Power Contracting Co., Mary K. Mines, Inc., The, Mason-Dixon Airlines, Incorporated, Mastercolor Corporation, Maternities In Cotton, Inc., Maurice Du Barry Beauty System, Inc., May Avenue Cabinet Shop, Inc., McGowan Oil Company, McNey Company, Inc., Medical and Scientific Foundation, Inc., Mediterranean & Caribbean Sea Products Corporations, Mercer Building Company, Inc., Mercury Messengers, Inc., Merit Homes, Inc., Merrill Development Corporation, Metal Supply Company, Metals Alliance Corporation, Metals Reclaiming Corporation, Metropole, Inc., Metropolitan Broadcasting Corporation, Metropolitan Eastern Corporation, Mexusa Corporation, Michael Todd Productions, Inc., Mickey's Grill, Inc., Microlator Corporation, Mid-Continent Gas Transmission Co., Mid-Gulf Oil & Refining Co., Midget Music, Incorporated.

Midway Milling Company, Midwest Manufacturing Company, Mike Martin Liniment Co., Millard Publishing Company Incorporated, Minerals International, Ltd., Mines, Minerals & Metals Corporation, Minks, Inc., Miss New Yorker, Inc., Model Cleaners & Dyers, Inc., Modern Products, Inc., Modern Wall Construction, Inc., Monarch Athletic Association, Monmouth County Spaniel Field Trial Association, Montague Corporation, Morbell Products Corporation, Mormon Basin Mines, Inc., The, Morris Skwersky Company, Inc., Most Worshipful African Harmony Grand Lodge Free and Accepted Ancient York Masons and Eureka Grand Court Heroines of Jericho of the State of Delaware, Mothproofing Services Corporation, Motion Picture Networks, Inc., The, Motive Industries, Inc., Motor Fire Apparatus Manufacturers Association, Motor Transport Engineers, Incorporated, Motorfrigerator Company, Moviegoers League of America, Inc., Moyar-Wells, Inc., Muir-Weaver Corporation, Multiflame Devices, Inc., Municipal Employee's Political Organization, Inc., Municipal Service Corporation, Mutual Home Developers, Inc., Mutual Steamship Corporation.

"N-2" Co., Nanyang Brothers Tobacco Company, Inc., National Aviation Associates, Inc., National City Company, National Concrete Corporation, National Engineering and Metals Co., National Industrial Publishing Corporation, National Poultry Canners Institute, Inc., The, National Prefabricated Homes Association, National States Operating Corporation, National Sun-Puft Popcorn Supplies, Inc., New Cozy Theatre Company, New Kent Securities Corporation, New York Cleaners & Dyers, Inc., Newspaper and Publishing Properties, Inc., Newsworld Syndicate, Inc., Normaline Foundations, Inc., North American Amusement Company, Inc., North American Engineering Company, Northeastern Corporation, Northwest Motors, Inc., Nunn Manufacturing Company, Nupros Corporation, Nusilver Corporation.

O'Connell Tennessee Lumber Corporation, O'Connell Tennessee Sales Corporation, Odell and Company, Office Services & Supply Co., Inc., Officers' Club For Men of The Armed Services, Oil Fields Development Company, Oil Industries Supply, Inc., Oklahoma Airways, Inc., Old Dominion Housing Corporation, Old New Orleans, Inc., One-Piece Chaplet Company, 1934 You St., Inc., Organizacija Derzawnoho Widrodzenia Ukrajiny-O. D. W. U.-Inc., Oriental Trading and Investment Co., Inc., Oscilla-

tion Manufacturing Corporation, Oscillation Therapy Products, Inc., Otis Proving Stand Corporation, The, Our Yesterdays, Inc., Overbrook Gardens, Inc.,

P. J. Meade Associates, Inc., Pacific Publishing Company, Pacific Securities of China, Incorporated, Package Closure Corporation, Packing and Bailing Company, Inc., Pallaine Lumber Company, Inc., Palmer Bottling Company, Palmetto Fibre Corporation, Pan American Agencies and Trading Co., Pan American Engineering Corporation, Pan American & Overseas Sales, Inc., Pan-American Television Corporation, Pan Continental Air Cargo, Inc., Panelectric Corporation, Paper Industries, Inc., Pari-Mutuel Totalizer Corporation, Parker, Smylie & Bickle, Incorporated, Parks Incorporated, Parlong Air-Conditioning Corporation, Parnassus Bookshop Inc., Parnosos Club, Inc., Patents, Inc., Pattison and Holland, Incorporated, Paul K. Stewart, Inc., Pedco Sales & Service, Inc., Peekskill Constructors, Inc., Pembroch Coal Company, Inc., The, Penna. Masonry-Brick Contracting Co., Inc., Pennson Corporation, Pension League of America, Inc., People's Development Corporation, Percival Aviation Corporation, Permaicide Chemical Corporation, Permaroc Corporation, Petroleum Conversion Corporation, Petroleum Supply Corporation, Philadelphia Apparel Association, Incorporated, Philadelphia-Florida Corporation,

Phonofilm, Inc., Photo-Sculptures, Inc., Pictures, Incorporated, Pilgrim Broadcasting Corporation, Pioneer Airlines, Inc., Pitel & Newman, Inc., Planco, Inc., Plastiques Research, Incorporated, Plaza Machinery Corporation, Pneumlevator Marine Corporation, Poffenberger & Mause, Incorporated, Polar Bear Air Conditioning, Inc., Polling, Incorporated, Polsen Automatic Dispensers Corporation, "Pop" Corn Sez Inc. of Detroit, Michigan, "Pop" Corn Sez Inc., of Greater New York, Popular Home Products Corp., Portable Block Machine Corporation, Postal Automatic Machines, Inc., Potash Soap Manufacturers of America, Inc., Power Appliances Corp., Pressurelube, Inc., Production Management Corporation, Professional Business Associates, Incorporated, Progress, Inc., Promenade, Inc., Property Management, Incorporated, Public Industrials Corporation, Puerto Rican Overseas Airways Corporation, Pure Water Utilities Company, Pyle Farms, Incorporated.

Quality Home Builders, Inc.,

R. & C. Decorative Arts Corporation, R. F. Hamilton, Inc., R. N. C. Investment Co., R & W Investments, Inc., Rabinowitz Poultry, Inc., Radiopac Corporation, Rainbow Airlines, Inc., Rangely Oil Ventures, Inc., Rappaco, Inc., Rayenergy Radio and Television Corporation of America, Reade Electric Corporation, Real Estate Service Company of Georgia, Realty Development Corporation (China), Record Album-Of-The-Month Club, Inc., Record Books, Inc., Regnier-Corbett, Inc., Rehoboth Bay Oyster Co., Inc., Reliance Machine and Tool Corporation, Repertory Players, Inc., Republic Radio Corporation, Research and Development Corporation, Research Foundation of America, Ltd., Rhodes, Nelson & Company, Richard A. Peters Company, Rigwagon Corporation, The, Rio Hondo Corporation, Ridsen Engineering and Mining Co., Rittenhouse Market, Inc., Riverside Gardens Community Association, Inc., The, Robenol School, Inc., Robert S. Cummins, Inc., Ronjan, Inc., Roosevelt Publishing Corporation, Roto Rhythm Corporation, Rowland Steel Co., Roxboro Steel & Carbon Corporation, Royal Service Station, Inc., Russell Jondreau and Company, Inc., Russian-American Milk Farm, Incorporated, Russian Ballet Arts, Inc.

S. Cantera & Son Co., Sales Incorporated, Sales Management Plans, Incorporated, Sales Productions Inc., Sally's, Inc., San Corporation, The, Sani-Gene Products Co., Inc., Scarloch Mines, Incorporated, Scherr & Smith Poultry Co., Schimmel-Binder, Inc., Sea Otter Syndicates, Inc., Seabord Engineering Co., Inc., Seafare Incorporated, Security Investors Corporation, Segers & Davies, Inc., Seismic Supply Inc., Serv-U-Lance, Inc., Servair Aviation Corporation, Settlement House Foundation, Inc., The, Seybolox, Inc., Sharon Frosted Food Corporation, Sherman Associates, Inc., Ship Supply Company, Inc., Shoher and Davis Co., Shoremen Cellulose & Trading Corporation, Silk-Eze Corporation, Silver Queen Sales, Inc., Simplex Air-Conditioning Corporation, Sinclair Oil & Refining Company, Sino-American Traders, Inc., Siskiyou-Minnesota Timber Company, 66 Pierce Street, Inc., Small Homes Research Co., Inc., Smith-Causey Corporation, Soluble Oil, Inc., Solvar Housing Corporation, Solvar International Construction Corporation, South American Coal & Iron Corporation, South Miami Heights Development, Inc., South Wilmington Athletic Club, Inc.

Southair, Inc., Southeastern LFC Corporation, Southern Beverage Journal, Inc., Southern Cinder Products, Inc., Southern Host, Inc., Southern Realty Company, Southwest Metals Company, Southwest Petroleum & Development, Inc., Southwestern Flight, Inc., Speedrill Corporation, The, Spic & Span Dairy Products Co., Sport Outfitters, Inc., Sports Incorporated, Springer Consolidated Mining Company, Springer and Jennings Incorporated, Springs Food Corporation, Standard Motor Corporation, Standard Oilshares, Inc., Stanlaw Merchandising Corp., Stardust Inn, Incorporated, Sterling's Inc., Sterling Refrigeration Company, Inc., Stirlen Corporation, The, Street Lighting Construction Company, The, Submergent Alloys Corporation, Sulphates Reduction Inc., Sun Lee Investment Company, Inc., Sundmark Corporation, The, Sunflower Oil Corporation, Sun-Kraft, Inc., Sunshine Farms, Inc., Super Beverage Corporation of America, Super-X Corporation of America, Surplus Materials, Inc., Swarthout-Yocke Products, Inc., Swenson Milling Co., Inc., System Design & Service Co., Inc.

T. B. McKenney Plumbing & Heating Co., T. W. Associates, Incorporated, Tabor Airlines, Inc., Tall Pine Lumber Corporation, Tamcor Engineering, Ltd., Tamcor International, Inc., Tax Service Inc., Taylor-Graves, Incorporated, Teal Boat Works, Inc., Telair Company, Terrell Electrical Products Company, Inc., Tex-Mont Corporation, Texan Incorporated Limited, Texas-New Mexico Airlines, Inc., Texas Sailplane Corporation, Thirtieth Street Company, Thomas J. Rauch, Inc., Thomas Jefferson Commemorative Committee, Inc., Thompson Process Chrome Corporation, Tientsin Clearing House, Inc., Tientsin Stock Exchange, Inc., Tobe Deutschmann Corporation, Tom-Tom Stables, Inc., Trackmar Corporation, Trade Association Service, Inc., Traders Import and Export Co., Trading Company-Transmarina Inc., Trans-American Marketing Company, Incorporated, Trans-Mississippi Airways, Inc., Treasure Island, Inc., Trek Publications, Incorporated, Tri-City Realty Corporation, Tri-Dico, Inc., Tri-State Aviation Corporation, Tri-State Millwork Co., Inc., Trinity University, Inc., Trustees of The Delaware Conference Of The African Methodist Episcopal Church, Inc., Tucker Aircraft Research Corporation, Ty-Designocraft, Inc.

U. N. O. Distributing Corporation, U-Rub-It Chemical Co., U. S. Aircraft Equipment Corporation, U. S. Machine Tool Mfg.

Corporation, U. S. Rockboard Company, Inc., Uninta Baisin Oil Corporation, United Breweries, Inc., United Commercial Services, Incorporated, United Enterprises, Incorporated, United Fabricators, Inc., United Grill, Inc., United Nations Airships, Inc., United Public Markets, Inc., United States Aluminum Corp., United States Broadcasting Company, United States Cooperative Association, Incorporated, United States Far Eastern Trading Corporation, United States Network, Incorporated, The, United Theatres, Inc., United War Fund of Delaware, Inc., Universal Airline, Inc., Universal Airways, Inc., Universal Communications, Limited, Universal Discount Corporation, Universal Electric Appliance Co., Universal Electronics Corporation, University of Eastern United States of America—(Union,) The, Uz-It, Inc.

Vacation Services, Inc., Vala Lines, Inc., Valco Products, Inc., Valdor, Inc., Van-Frank Corporation, Vapor Proof Sales, Incorporated, Varispeed Corporation, Vasco Products, Inc., Vaton, Inc., Vehicle Products Sales Corporation, Venezuelan Mining & Development Company, Veteran Lines Inc., Veterans Development Corporation, Inc., Veterans' Opportunities Inc., Veterans Political Committee Inc., Veterans World War II Tours and Taxicabs, Inc., Victory Machinery Movers of Michigan, Inc., Vienna Engineering Corporation, Virginia Oil & Refining Company, Vitafilm, Inc., Vunlit Corporation, The.

W. A. S. H. Broadcasting Company, W & J Trading Corporation, Wachob-Bender & Company, Wahl's Department Store, Inc., Water and Fire Proof Inventions, Incorporated, Watkins Packing Company, Watsons Mineral Water Company, Inc., Weber Restaurants, Incorporated, West End Republican Club, Western Engineering Service and Sales, Inc., Western Tin Co., The, Western Tin Mining Corporation, Whedon, Inc., Whiting Industries, Inc., Whitman Plan, Inc., The, Wicomico Lumber Company, Wilcon Processes Company, Wildwood Homes Incorporated, Williams Vitamin Corporation, Wilmington Chemical Corporation, Wilmington Distributing Company, Wilmington Stock Exchange, Inc., Wilmington Storage Co., Inc., Winona Council, No. 9, Junior Order United American Mechanics, Inc., Wire Processing Corporation, Wolcottville Foundry Corporation, Wolf Engineering Co., Inc., Woodco, Inc., Woodmoor Building Company, Inc., Woodrow Realty Company, World Industries Trading

Corporation, World Trading Company, Wright-Pike Corporation, The, Wyoming Oil and Gas Company Inc.

Yacht Sales, Inc., Yi Foong Company, Inc., Zeeco Corporation, Zero Bake, Inc., Zero-Freeze Equipment Co., Zimmer and Company, Zogcrete Products Company.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
affixed this Twentieth day of January, in the
(GREAT SEAL) year of our Lord One Thousand Nine Hundred
and Fifty, 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 426

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the future progress and prosperity of Delaware is dependent to a great degree upon the skills and efforts of those citizens who operate the many farms of the State; and

WHEREAS, the Future Farmers of America organization is composed of boys who are studying vocational agriculture in public secondary schools as preparation for careers in farming; and

WHEREAS, the major purposes of the Future Farmers of America organization are to develop leadership, encourage cooperation, promote good citizenship, teach sound methods of farming and inspire patriotism among the members; and

WHEREAS, Delaware now has 21 active chapters of the organization, with more than 750 presently active members and more than 3,000 former members; and

WHEREAS, the members of the Future Farmers of America perform valuable community services and provide important leadership in developing our agricultural economy and in building a better state;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week beginning February 18, 1950

DELAWARE FUTURE FARMER WEEK

and urge all citizens to take notice of the many contributions of the Future Farmers to our State and to encourage in every possible way the further growth of this splendid organization for our farm youth.

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 Seventeenth day of February, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 427
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, with the arrival of spring, the season for planting and renewing of all vegetation is now at hand; and

WHEREAS, the birth of spring gives us all new opportunities to dedicate ourselves to the improvement and conservation of existing trees, flowers and wildlife; and

WHEREAS, every citizen of Delaware can play an important part in conserving and building our natural resources by planting trees, shrubs and wildflowers and protecting our birds and wildlife;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, in compliance with the provisions of Section 2895 of the Revised Code of Delaware, do hereby designate Friday, March 25, as

ARBOR AND BIRD DAY

and do hereby urge and request its observance by all public and private schools and institutions of learning by the planting of trees and shrubs, and by stressing through school and community programs the importance of protecting and developing trees, forests and birdlife.

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 said State to be hereunto affixed at Dover this Twenty-first day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 428
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, cancer last year claimed the lives of 420 persons in this State and more than 200,000 in the nation; and

WHEREAS, medical authorities estimate that half of those who develop cancer should be saved today by early diagnosis and prompt, proper treatment; and

WHEREAS, the fate of millions now living who will have cancer depends on the work of a few hundred research scientists; and

WHEREAS, high-minded volunteers led by the American Cancer Society seek to spread information and to raise funds for research, education and service; and

WHEREAS, the American Cancer Society declares that knowledge of the cancer danger signals and of the value of periodic physical examinations may save thousands of lives;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the month of April, 1950, as

CANCER CONTROL MONTH

and I ask the people of Delaware to learn facts about cancer for their own protection and to rally for the good of all of us in support of the 1950 Cancer Crusade.

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 hereunto affixed at Dover this Twenty-second day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 429
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, Wednesday, March 29, 1950, will mark the three hundred and twelfth 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, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Wednesday, March 29, 1950, 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 WITNESS WHEREOF, I, Elbert N. Carvel, Governor,
(GREAT SEAL) have hereunto set my hand, and caused the Great Seal to be hereunto affixed, at Dover this Twenty-fourth day of March, in the year of our Lord, One Thousand Nine Hundred and Fifty 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 430
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the 17th Decennial Census of the United States will be conducted beginning on April 1, 1950; and

WHEREAS, all the inhabitants of the State of Delaware are to be enumerated in this Census; and

WHEREAS, the information collected in the Census serves many useful purposes, among which are apportionment of representation in Congress and other legislative bodies, measurement of markets and purchasing power of communities and their inhabitants, allotment of certain Federal and State Tax revenues and other financial aid to cities, determination of future needs for public utilities and services, and many other useful purposes; and

WHEREAS, the accuracy and completeness of the Census for the State of Delaware will determine its population rank among the other communities of the country;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim April 1, 1950 as

"ENUMERATION DAY"

and call upon every citizen of the State of Delaware to give their fullest cooperation to the Federal Census Enumerators when they visit our homes for the purpose of taking the Census during the month of April 1950.

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 hereunto affixed at Dover this Twenty-seventh day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 431
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is proper and fitting that a day be designated specially for stimulating and inspiring a greater love of country and flag and for the purpose of accentuating the confidence of the people in and support of our National Government and the Constitution of the United States; and

WHEREAS, it is highly desirable that the citizens of this great nation, by patriotic assembly, peacefully show unanimous protest and opposition to all subversive activity and anti-American influence; and

WHEREAS, the Veterans of Foreign Wars of the United States is the principal sponsor of the observance of LOYALTY DAY on May 1, 1950, and seeks to have the significance of this occasion brought to the attention of the general public;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Monday, May 1, 1950, as

"LOYALTY DAY"

in Delaware and urge all to participate in such ceremonies as will effectively note the observance.

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 hereunto affixed at Dover this Thirty-first day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 432

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the President of the United States has proclaimed Saturday, May 20, 1950 as "Armed Forces 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 Armed Forces of the United States wish to inform the people concerning their composition, 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 Saturday, May 20, 1950, as

"ARMED FORCES 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 Armed Forces, 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. I call upon my fellow citizens to display the flag of the United States at their homes and upon the civil authorities and civic bodies of the State to cooperate with the Armed Forces in suitable observances. 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 Delaware to be
(GREAT SEAL) affixed, this Fourteenth day of April, in the
Year of Our Lord One Thousand Nine Hundred
and Fifty, and of the Independence of the United
States of America, the One Hundred and Sev-
enty-fourth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 433
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Delaware, the First State, is justly proud of its national leadership in sponsoring many outstanding and important measures to safeguard and improve the mental health of its citizens; and

WHEREAS, there is much more to mental health than just freedom from mental illness; and

WHEREAS, it is important that our citizens realize their responsibilities in improving the mental health and well being of the people of our State;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim April 23-29, 1950, as

MENTAL HEALTH WEEK

and call upon all citizens in our State to participate in the observance of this important program by improving their knowledge of the problems and factors involved and by giving their support to continued enlightenment and progress of the understanding of the mental health program.

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 hereunto affixed at Dover this Nineteenth day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 434
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 Mother's Day; and

WHEREAS, it is meet and right that all of the people of our Nation join in the happy occasion of paying tribute, both humble and loving, to our Mothers; and

WHEREAS, their love, their devotion, their sacrifices and their guidance have been bestowed upon us and have done much toward making our State and our Nation great; and

WHEREAS, it is our Mothers to whom we owe a debt of eternal gratitude. Let us lift our prayers to Almighty God in thanks for their devotion, kindness and loving guidance;

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 14, 1950 as

"MOTHER'S DAY"

in the State of Delaware and urge the observance of the day by all of the people of the State. Attendance and participation in services of worship at our churches, homes and other proper places in honor and in memory of all Mothers everywhere. I further request that the flags of our Nation and State be displayed on Sunday, May 14, 1950 in solemn testimony of our love and affection for 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-first day of April, (GREAT SEAL) in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 435
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Congress of the United States, on May 20, 1933, designated May 22 as National Maritime Day and requested the President to issue annually a proclamation calling on the people of the United States to observe that day; and

WHEREAS, commerce between nations, which was interrupted during the war but which has now been restored, 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 the peace of the world through the transportation of needed goods to our neighbors overseas, thus serving the program of democracy and understanding throughout the world; and

WHEREAS, the maintenance of a Merchant Marine to handle the requirements of our trade and national defense is one of the policies of the United States; and

WHEREAS, the Steamship "SAVANNAH" made the first successful transoceanic voyage under steam propulsion on May 22, 1819, thereby becoming the forerunner of modern marine 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;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Monday, May 22, 1950 as

"NATIONAL MARITIME DAY"

in Delaware and urge that the people of our State observe that day by displaying the flags of our State and Nation at their home

and at 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.

(GREAT SEAL) 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 hereunto affixed at Dover this Second day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 436
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION
I AM AN AMERICAN DAY

May 21, 1950

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 21, 1950, as "I AM AN AMERICAN DAY"; and

WHEREAS, this great Nation has been endowed by Almighty God with a fullness of prosperity, liberty and happiness; and

WHEREAS, this nation is made up of a God-fearing, peace-loving people seriously and sincerely dedicated to the principles of Democracy and Righteousness; and

WHEREAS, the rights, privileges and responsibilities of citizenship will be taken on by a new generation of citizens, both native and foreign-born;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Sunday, May 21, 1950 as

"I AM AN AMERICAN DAY"

in Delaware and urge that on that day all Delawareans reaffirm their faith in the principles and ideals to which this Nation is dedicated. I also request that all patriotic, religious, civic and educational organizations conduct services and hold programs which are appropriately designated 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 and operation of this great Nation.

(GREAT SEAL) 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 hereunto affixed at Dover this Second day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 437
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we are honoring our Fathers this coming Father's Day, Sunday, June 18th, as "Moulders of Our Children's Future"; and

WHEREAS, the theme for this American holiday is "For A Safe World Tomorrow Teach Democracy Today"; and

WHEREAS, it is the Fathers of our land who primarily have built this great democracy through their teachings and sturdy devotion to liberty and love of freedom; and

WHEREAS, we look to the Father in the home as the foundation of our future and the teacher of our young in the importance of peace and brotherhood through the world;

THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Sunday, June 18, 1950 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, 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 hereunto affixed at Dover, this Thirty-first day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, 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 438

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 to 18, 1950 as

FLAG WEEK

and call upon all State officials to display the flag of the United States on all State buildings during the week, and invite all the people of the State to fly the flag and to take some part in special services and programs at their homes and other suitable places in order to give significance and meaning to our expressions of love of our country and its flag, our pride in our glorious history and heritage, our faith in the destiny of the nation, our devotion to the ideals and institutions by which we live and our determination to protect and preserve them now and for all time.

IN WITNESS WHEREOF, I have hereunto set my hand
(GREAT SEAL) and caused the Great Seal of the State of Delaware to be affixed at Dover, this Twelfth day of June, in the Year of Our Lord, One Thousand Nine Hundred and Fifty.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 439
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on September 17, 1787 the Constitution of the United States was adopted by the Constitutional Convention, was then 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 by way of Constitutional Amendments; 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 tranquility, promote the general welfare and glorify the blessings of liberty; and

WHEREAS, these many blessings have made possible, with God's help, our high state of civilization, the like of which is not to be found anywhere else in the world; and

WHEREAS, today, 163 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 Sunday, September 17, 1950, 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, 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 hereunto affixed at Dover this Sixteenth day of August, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 440

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Fourteenth of September is the 136th anniversary of the composition of our National Anthem—The Star Spangled Banner—by Francis Scott Key; and

WHEREAS, this thrilling anthem was composed during the bombardment of Fort McHenry in our second War of Independence—the War of 1812—at a moment when the very existence of our young Republic was at stake; and

WHEREAS, the Star Spangled Banner epitomizes the valor and gallantry in combat of our forefathers in that conflict which resulted in glorious victories upon both land and sea; and

WHEREAS, in the splendor of the National Anthem are expressed the ideals that engendered and preserved our great nation;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the Fourteenth of September, Nineteen Hundred and Fifty, to be

"NATIONAL ANTHEM DAY"

in the State of Delaware.

All citizens, the public schools and other educational institutions, and all patriotic, veterans' and service organizations are urged to observe this day with appropriate exercises and otherwise, to the end that there may be perpetuated the memory of the services rendered by the patriots in that conflict and by all others who have fought in defense of the lofty sentiments of freedom and liberty contained in our inspiring National Anthem.

(GREAT SEAL) 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 hereunto affixed at Dover this Eleventh day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 441
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the 171st anniversary of the death of Brigadier General Casimir Pulaski will be observed on the 11th day of October this year; and

WHEREAS, this great Revolutionary War Patriot, by his brave and heroic acts on the field of battle and his devotion to the cause of liberty and freedom, and through his supreme sacrifice at the siege of Savannah has cemented an eternal bond between the people of the United States and the liberty-loving Polish people;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the laws of this State do proclaim Sunday, October 8, 1950, 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
(GREAT SEAL) Twenty-fifth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 442

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Congress of the United States, by a joint resolution, approved October 11, 1945, has designated the first week in October of each year as "NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK," and the President has requested that all States of the Nation observe the week by enlisting the widest possible public interest in additional employment opportunities for the physically handicapped; and

WHEREAS, the State of Delaware has a large number 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, can, 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 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 1, 1950, 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, 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 hereunto affixed at Dover, this Twenty-fifth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 443

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, fires destroy hundreds of millions of dollars worth of property and needlessly end the lives of nearly 10,000 people every year; and

WHEREAS, this destruction of lives, homes, and jobs constitutes a tremendous tax on the nation that could be reduced almost to zero if every man, woman and child would do his part to prevent fires; and

WHEREAS, great progress has been made in reducing fire losses in the past and there is every prospect that a great deal more can be accomplished; and

WHEREAS, the week of October 8 to 14, 1950 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) Twenty-seventh day of September, in the Year of
Our Lord, One Thousand Nine Hundred and
Fifty, and of the Independence of the United
States of America, the One Hundred and Sev-
enty-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 444

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, October 24th is the anniversary of the completion of the fifth 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 people of the aims and achievements of the United Nations and to gain support for the work of this Organization; and

WHEREAS, the President of the United States has issued a Proclamation urging the people of the United States to observe October 24th as "United Nations Day"; and

WHEREAS, the Crusade for Freedom has designated October 24th for the dedication of the World Freedom Bell; and

WHEREAS, the Freedom Bell will ring out its message of world freedom and friendship from Berlin, Germany, in the shadow of the Iron Curtain at exactly 12:03 P.M. Eastern Standard Time on this day;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby urge the people of the State to observe October 24, 1950, as

UNITED NATIONS DAY

and do hereby ask that at exactly 12:03 P.M. Eastern Standard Time, all state departments, schools, churches, plants, organiza-

tions and individuals ring whatever bells are at their disposal for a period of five minutes, while the World Freedom Bell rings from Berlin and is broadcast over all stations of the major radio networks.

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 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
(GREAT SEAL) to be hereunto affixed at Dover this Eighteenth
day of October, in the Year of Our Lord, One
Thousand Nine Hundred and Fifty, and of the
Independence of the United States of America,
the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 445
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the men and women of the United States Marine Corps have served their country and their Corps well and faithfully throughout their long history from the American Revolution in 1775 to the shores and fields of Korea in 1950; and

WHEREAS, on November Tenth of this year, the United States Marine Corps shall celebrate its 175th Anniversary as a fighting force for liberty and justice under our American Government;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby call upon the people of the State of Delaware, to observe November 10, 1950 as the

175TH ANNIVERSARY OF THE UNITED STATES
MARINE CORPS

in an appropriate manner, whether publicly or privately, and ask that all citizens call to mind the motto of the Corps, "Semper Fidelis," Always Faithful, as we remember the heroes of the past and present and, particularly, ask God's blessing upon those Marines, both living and dead, who have fought for us in Korea against naked aggression and Godless tyranny.

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 hereunto affixed at Dover this Twenty-seventh day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 446
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Group Hospital Service, Incorporated, of Delaware, known as Blue Cross, is celebrating the completion of 15 years of furnishing prepaid hospital and surgical benefits to over 182,000 of the citizens of this State; and

WHEREAS, Group Hospital Service, Incorporated, has enrolled 54% of the state population, the highest percentage of all the states, in the Surgical Plan; and 57% of the state population in the Hospital Plan, making it second of the states; and

WHEREAS, Group Hospital Service, Incorporated, has made it possible for practically all of our citizens to purchase Blue Cross and surgical care at a minimum of cost; and

WHEREAS, Group Hospital Service, Incorporated, has paid out the total sum of \$10,737,384 on behalf of its members for hospital and surgical care to the hospitals and doctors of this State during that time; and

WHEREAS, Group Hospital Service, Incorporated, has by its services helped to raise the health standards of our State;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, in recognition of these achievements in the field of voluntary prepaid hospital and surgical coverage, do hereby designate the week of November 12 to November 18, 1950, as

BLUE CROSS WEEK

in the State of Delaware.

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
(GREAT SEAL) be hereunto affixed at Dover this Twenty-seventh
day of October, in the Year of Our Lord, One
Thousand Nine Hundred and Fifty, and of the
Independence of the United States of America,
the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 447

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

Three hundred and thirty years ago our forefathers arrived at Plymouth Rock, Massachusetts, and successfully began the first settlement of what is now the United States. They experienced overwhelming hardships and suffering as they attempted to adapt themselves to what was then a new country populated with strange and sometimes unfriendly people as their neighbors, while constantly harassed by a rugged, cold and uncomfortable climate.

After a time of privation, sickness, misunderstanding and failure of crops, these hardy pioneers, constantly keeping their faith in God, constantly working for better and happier conditions, successfully overcame the difficult obstacles which had constantly plagued them. Against great odds they built homes which protected them from the elements; they successfully grew their own food through the cooperation of the once unfriendly natives and they arrived at a time when the harvest had been bountiful, when the once unfriendly natives became their friends and when sickness and pestilence were overcome. Finally, through their faith in God, they arrived at a time when they had overcome these grievous obstacles. At this time they joined together in all humility and invited their neighbors to join with them in giving thanks for the blessings which had been showered upon them.

How much more should we, in all humility, join together with our neighbors and friends in humbly giving thanks for the many blessings that we have enjoyed during the past year of opportunity and plenty.

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby set aside and proclaim

THURSDAY, THE TWENTY-THIRD DAY OF NOVEMBER,
A.D. 1950 AS A DAY OF PRAYER AND THANKSGIVING

and urge all of the people of our State to appropriately observe this day in houses of worship and in our homes or homes of our friends and relatives which are truly the hope and foundation of this great Nation. Let us instruct our children of the importance of this day and let us teach them to humbly be thankful for the many blessings which have been ours. Let us all unite as one in a prayer of thankfulness for the many bounties we have received and work toward the day when universal peace shall be the accepted path of all nations.

In testimony of our acknowledgment of the many blessings that this great Nation has bestowed upon us let us display the flag of our State and country throughout the length and breadth of our beloved Delaware. .

IN WITNESS WHEREOF, I have hereunto set my hand,
and affixed the Great Seal of the State of Delaware, this Fourteenth day of November in the
(GREAT SEAL) Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 448
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION
ELBERT N. CARVEL
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 7th day of November, in the Year of our Lord One Thousand Nine Hundred and Fifty, 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-second 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	50,665
Henry McComb Winchester.....	35,908

KENT COUNTY

James Caleb Boggs	9,012
Henry McComb Winchester	7,986

SUSSEX COUNTY

James Caleb Boggs	13,636
Henry McComb Winchester	12,197

AND WHEREAS, the said returns of the election for the choice of a Representative of and for the said State in the 82nd Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for James Caleb Boggs.....73,313
Whole number of votes for Henry McComb Winchester...56,091

NOW, THEREFORE, I, Elbert N. Carvel, 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-second Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fourteenth day of November
(GREAT SEAL) in the Year of our Lord One Thousand Nine Hundred and Fifty and of the Independence of the said State the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 449
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL
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 7th day of November, in the Year of our Lord One Thousand Nine Hundred and Fifty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Attorney General of the State of Delaware.

AND WHEREAS, the official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Attorney General were cast as follows, to wit:

NEW CASTLE COUNTY

Hyman Albert Young	45,946
Thomas Cooch	40,039

KENT COUNTY

Hyman Albert Young	8,219
Thomas Cooch	8,696

SUSSEX COUNTY

Hyman Albert Young	12,763
Thomas Cooch	12,858

AND WHEREAS, the said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Attorney General the result appears as follows, to wit:

Whole number of votes for Hyman Albert Young	66,928
Whole number of votes for Thomas Cooch	61,593

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that Hyman Albert Young has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Attorney General of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fourteenth day of November
(GREAT SEAL) in the year of our Lord One Thousand Nine Hundred and Fifty and of the Independence of the said State the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 450
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL
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 7th day of November, in the Year of our Lord One Thousand Nine Hundred and Fifty 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

Ralph Waldo Emerson	47,754
Willard D. Boyce	38,028

KENT COUNTY

Ralph Waldo Emerson	8,736
Willard D. Boyce	8,172

SUSSEX COUNTY

Ralph Waldo Emerson	12,793
Willard D. Boyce	12,871

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 Ralph Waldo Emerson 69,283
Whole number of votes for Willard D. Boyce 59,071

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that Ralph Waldo Emerson 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 Fourteenth day of November
(GREAT SEAL) in the Year of our Lord One Thousand Nine Hundred and Fifty and of the Independence of the said State the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 451
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL
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 7th day of November, in the Year of our Lord One Thousand Nine Hundred and Fifty 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

George Daniel Enterline, Sr.	47,890
James Woodrow Wilson Baker	38,003

KENT COUNTY

George Daniel Enterline, Sr.	8,264
James Woodrow Wilson Baker	8,620

SUSSEX COUNTY

George Daniel Enterline, Sr.	12,702
James Woodrow Wilson Baker	13,031

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 George Daniel Enterline, Sr. . 68,856
Whole number of votes for James Woodrow Wilson Baker . 59,654

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that George Daniel Enterline, Sr., has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fourteenth day of November
(GREAT SEAL) in the Year of our Lord One Thousand Nine Hundred and Fifty and of the Independence of the said State the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 452
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL
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 7th day of November, in the Year of our Lord One Thousand Nine Hundred and Fifty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Insurance Commissioner of the State of Delaware.

AND WHEREAS, the official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Insurance Commissioner were cast as follows, to wit:

NEW CASTLE COUNTY

William Robert Murphy	48,012
William Edward Ferguson	37,927

KENT COUNTY

William Robert Murphy	8,198
William Edward Ferguson	8,683

SUSSEX COUNTY

William Robert Murphy	12,706
William Edward Ferguson	12,938

AND WHEREAS, the said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Insurance Commissioner the result appears as follows, to wit:

Whole number of votes for William Robert Murphy 68,916

Whole number of votes for William Edward Ferguson . . . 59,548

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that William Robert Murphy has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Insurance Commissioner of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fourteenth day of November
(GREAT SEAL) in the Year of our Lord One Thousand Nine Hundred and Fifty and of the Independence of the said State the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 453
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on December 7, 1787, Delaware, through the leadership of its distinguished citizens and patriots, arrived first at the Birth of the Nation by being the First State of the thirteen colonies to ratify the Constitution of the United States; and

WHEREAS, this is a heritage of which all Delawareans can be proud, and it is highly important that we inform and acquaint all of our citizens with the significance of this memorable event; and

WHEREAS, in recognition of the importance of this day, the General Assembly of the State of Delaware, by resolution on November 29, 1933, authorized and directed the Governor to issue a proclamation each year calling the attention of the people of Delaware to this historical occasion;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate and proclaim Thursday, December 7, 1950, as

DELAWARE DAY

and urge everyone in our State to appropriately observe this day by displaying our State and National flags and by conducting exercises and ceremonies in all of our schools, churches and civic associations.

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) Sixteenth day of November, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 454
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the term of William Watson Harrington as Chancellor of the State of Delaware expires at the close of court business on December 7, 1950; and

WHEREAS, the term of Associate Judge, Charles L. Terry, Jr., expires at the close of court business on December 7, 1950; 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, Elbert N. Carvel, 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 Eighth day of December, A. D. 1950, at 2:00 o'clock P. M. (Standard Time) to consider and act upon the following business, to wit:

To confirm the appointment which will be made to fill the vacancy in the office of Chancellor and in the office of Associate Judge in the State of Delaware.

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 hereunto affixed this Twenty-ninth day of November, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 455

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, commemoration should be made of the 245th anniversary of the birth of Benjamin Franklin on January 17, 1706, in Boston; and

WHEREAS, 200 years ago Franklin, skilled in medicine, promoted in 1751 in Philadelphia the founding of The Pennsylvania Hospital, the first in the colonies and still in existence—of interest to all who use hospitals; and

WHEREAS, in 1776 Dr. Franklin signed the Declaration of Independence, which he had helped to draft; he left that fall for France where his efforts as American envoy secured the Treaty of Alliance of February 6, 1778; he later signed the Treaty of Peace with England and the Constitution of the United States; and

WHEREAS, Franklin was a printer, publisher, author, editor, educator, advertising man, inventor, athlete, scientist, philosopher, diplomat, philanthropist, statesman, musician, cartoonist, humorist and, primarily, a Patriot; founder of the State Militia—now the National Guard of Pennsylvania; also later a founder of the U. S. Navy; founder of the circulating library system on this continent and the University of Pennsylvania, first chartered fire insurance company 1752, first anti-slavery society, also first thrift campaign in the colonies, as well as daylight saving; in 1752 “snatched the lightning from the skies”; also inaugurated Philadelphia’s police, fire, street-cleaning and street-lighting departments; and was first Postmaster General; and

WHEREAS, celebration of Franklin’s Birthday, though without a holiday, has been urged by Congresses of the Daughters of the American Revolution and Sons of the American Revolution; also by many other groups;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, hereby call upon the citizens of the State to appropriately pay tribute to the memory of Benjamin Franklin, one of the founders of our Nation, and one of the greatest men of all time. Let

BENJAMIN FRANKLIN'S BIRTHDAY ANNIVERSARY

on January 17 be patriotically celebrated — especially in the schools.

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 hereunto affixed this Twenty-ninth day of
(GREAT SEAL) December, in the Year of Our Lord, One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 456

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the future progress and prosperity of Delaware is dependent to a great degree upon the skills and efforts of those citizens who operate the many farms of the State; and

WHEREAS, the Future Farmers of America organization is composed of boys who are studying vocational agriculture in public secondary schools as preparation for careers in farming; and

WHEREAS, the major purposes of the Future Farmers of America organization are to develop leadership, encourage cooperation, promote good citizenship, teach sound methods of farming and inspire patriotism among the members; and

WHEREAS, Delaware now has 23 active chapters of the organization, with more than 780 presently active members and more than 4,000 former members; and

WHEREAS, the members of the Future Farmers of America perform valuable community services and provide important leadership in developing our agricultural economy and in building a better state;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week, beginning February 17, as

"DELAWARE FUTURE FARMER WEEK"

and urge all citizens to take notice of the many contributions of the Future Farmers to our State and to encourage in every possible way the further growth of this splendid organization for our farm youth.

(GREAT SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be affixed at the State Capitol in Dover, this Twentieth day of January, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 457

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Howard S. Abbott, 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, Elbert N. Carvel, Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed.

A B C Oil Corporation, A. B. Stayton Company, A. D. C., Inc., A. D. Cook Pump Corporation, A. J. Jarboe & Co., Inc., A. Stayton Hudson, Inc., Abbott Laundry-Dry Cleaning Plant, Inc., Adlite Distributing Corp., Advance Base Associates, Inc., Advance Industrial Corp., Aero-Graph, Inc., Aeronautical Consultants, Inc., Afdel, Inc., Agricultural and Industrial Equipment Corporation of America, The, Air Brushes, Inc., Air Carrier Incorporated, Air-Track Manufacturing Corporation, Aircraft Accessories Corporation, Aircraft Title & Guaranty Corporation, Airpark Corporation, Airports, Inc., Alaska Exploits, Inc., Alaska Radio, Inc., Albert Lee Company, Allen Package Co., Allied Distributors, Inc., Allied Minerals, Inc., Allied Projects, Inc., Allied Ship Terminals Corp., Allied Warehouse Service, Inc., Alspaugh Construction Company, Alta Vineyards Company, Alumi-Seal Storm Sash Co., Amalgamated Trading Corporation, Amara Trading Company, American Auxiliary Corporation, American Building Corporation, American Commerce and Overseas Corporation, American Development Company, American Educational Institute, Inc., American Export Research and Engineering Corporation,

American Federation of Wine and Food Societies Incorporated, The, American Film Services, Inc., American Fisheries Association Co-Operative, The, American & Foreign Engineering Corporation, American Foreign War Veterans of World War II, Inc., American Frozen Food Lockers, Incorporated, American Gold Corp., American Greek Center, Inc., American Industries Agencies, Inc., American Insurance Agency, Inc., American International Airways, Inc., American International Corporation, American Oceanic Corporation, American Oil-Burner Corporation, American Physicians Association, Inc., American Precision Castings Corporation, American Products Mfg. Co., Inc., American Sentinel, Inc., American Steel & Pipe Company, American Theological Seminary, Inc., The, American Travel Association, Inc., American Tube and Cap Corporation, American Universal Trades Corporation, Amermex Trade Corporation, Amortization Mortgage Company, The, Amos Treat & Co., Inc., Amphibious Amusement Co., Inc., Amusement Brokers, Inc., Amusement Promotions, Inc., Ancor Corporation.

Anderson Engineering Company, Andrews and Roe Incorporated, Anim-Ad Displays, Inc., Apache Oil & Gas Corporation, Apex Steel Corporation, Argus Construction Company, Arizona Petroleum Corporation, Ark-Tex Development Co., Inc., Arrow Machine & Tool Company, Inc., Ash & Smith, Inc., Associated Book Publishers, Inc., Associated Cosmetics Corporation, Associated Productions Incorporated, Astralight, Inc., Atlantic Central Airlines, Inc., Atlantic Coast Distributors, Inc., Atlantic Gas Corporation, Atlantic Marine and Commerce Corp., Atlas Cab Co., Inc., Atlas Crane and Excavating Company, Atlas Mutual Benefit Association, The, Atlas Steels Incorporated, Auto Money Corporation, Automatic Beverage Corporation of Southern California, Automatic Safe-T-Lock Company, Avenue Realty Company, Avery Corporation, Avisol, Inc., Axelgate Corporation, Ayers Coal Company, Inc., Acra-Cast, Inc., A. Flem Holloway, Incorporated.

B & G Construction Company, Inc., B. & H. Trucking, Inc., B-K Ranch Company, B. & S. Leather Manufacturing Co., Baby-teria, Incorporated, Bailey-Brennan-Chandler-Home, Inc., Bainbridge Garment Company, Inc., Baird Wagoner Corporation, Baker Manufacturing & Sales, Inc., Balderson Seed Company,

Inc., Ballard-Hassett Company, Band Box Solvent Corporation, Bankers Discount Corporation, Barrett & Ames, Inc., Bataan Enterprises Company, Inc., Battaglia Realty Company, Bear Meadows Farms, Incorporated, Bee and Cee Amusement Club, Inc., Beecher Trading Corporation, Beinhocker, Inc., Belham Company, The, Bellefonte Cab Co., Benjamin F. Fields and Associates, Inc., Bentley Brook, Inc., Berg Plastics & Die Casting Company, Inc., Berwin Holding Company, Best Catering Company, Bet-R-Way Overall Cleaners, Inc., Biffy's, Inc., Bishop Philatelic Agency, Inc., Blanchard Newark Company, B'nai Sholom Benevolent Society, Bob Lee, Inc., Bond Homes, Incorporated, Bonded-U-Drivit, Inc., Boone Industries, Incorporated.

Borger Scoop Company, Bowen-Mosvold-Young Corporation, Bowie Manufacturing Company, Boys Towne, Inc., Brand Products, Inc., Brandywine Apartment Company, Brandywine Metalcraft Corporation, Brandywine Record, Inc., Brazil Gold and Diamond Mines Corporation, Breeding Motor Coaches, Inc., Breeding Motor Freight Lines, Inc., Brenton Service Corporation, Bristol Operating Corporation, The, Bristow Cotton Oil Company, Bronze Research Services, Inc., Brook Haven Fur Farm, Inc., Brooklyn Instrument Co., Inc., Brookmire Investors, Inc., Brown-Wilson Packing Company, Inc., Browning King, Inc., Bruner Safety Signals, Inc., Bubble Up Bottling Company of Washington, D.C., Buckley & Linville, Inc., Bugliani, Inc., Builders Supply Company of Miami, Inc., Burklin Process Company, Inc., Burton Optical Co., Busbern Trading Company, Busch Beer Wholesalers, Inc., Business Corporation of America, Busy Bee Market, Inc., Buying Service Company (Los Angeles), Bow-Rey Mining Company, Inc., The.

C. A. Haines Co., C. E. Veitenthal & Co., Inc., C. H. Robinson Inc., C. W. Lucom and Company, Inc., Cairns Corporation, Caladon Corporation, California Woman, Inc., Camanche Sand & Gravel Company, Cambelaird Corporation, Camera and Instrument Designers, Inc., Canada River Timber Corporation, Cano Ruiz & Cia, Inc., Canoslo, Inc., Capital Catering Company, Inc., Capital Industries, Inc., Capital Kosher Sausage and Provision Company, Capitol Diamond Co., Inc., Capitol Holding Company, Inc., Capitol Park Hotel Corp., Capitol Salvage Engineering Co., Inc., Capon Water Company, Cardiff Company, Cardinal Record Company, Inc., The, Carjon Corporation, Carl Lipp, Inc., Carlo

Liquor Company, Carmichael-Fisher, Inc., Caroline Inter-City Coach Company, Cassa Foundation, Inc., The, Cassandra Trading Corp., Catalytic Engineering and Construction Company, Catholic Fidelis Society, Cauffiel & Company, Celebrity Cafe, Inc., Cement Products Research Company, Central Broadcasting Company, Central Coal & Realty Company, Central Lodge No. 10 Knight of Pythias of The State of Delaware In The Town of Dover, Century Venetian Blind Corporation.

Coraseal Sales Corporation of Washington, D. C., Certified Products, Inc., Chaiken, Inc., Champion Specialties Company, Chapel Oaks Development, Inc., Chapin Co-Op-Stores, Inc., Chaye's Restaurant, Inc., Cherie's of Connecticut Avenue, Inc., Cherry Grove Company, Ches & Ray's Rolling Market, Inc., Chicago Eastern Motor Express, Inc., China General Media Corporation, Chion Drug & Trading Corp., Christopher Terminals, Inc., Citizens Club, Inc., City Centre Aviation Supply Co., Clark & Campbell Drilling Company, Clark Drilling Corporation, Classroom Laboratories, Inc., Cleaver and Brown Co., Close International Corporation, Club Bengasi, Inc., Club Cab Company, Incorporated, Coating Corporation of America, Coffee-Cola Company, The, Cogan Opticians, Inc., Coggin's Jack's Pony Co., Cohen Baking Co., Cold-Trol Corp. of America, Colley Aircraft Corporation, Collingwood, Inc., Columbia Cafeteria, Inc., Columbia Loan Service, Inc., Columbia Management Corporation, Columbia Palace Corporation,

Columbia Tire Company, Inc., Commerce Associates, Inc., Community Housecraft, Inc., Community Theatres Corporation, Compo Inn Company, The, Concord Clothes, Inc., Concord Products, Corp., Concrete Block Machine Corporation, Consolidated Parcel Service, Incorporated, Consumers Airlines, Inc., Continent Frozen Foods, Corp., Continental American Finance Corporation, Continental Commodities, Inc., Continental Distributors, Inc., Continental Drug Company, Continental Investment Corporation, Continental Transit Corporation, Cooper-Wilford Beryllium, Ltd., Correspondex, Inc., Cover Dual Signal Systems, Inc., Cozy Homes Inc., Creo Chemical Company, Crescent Film Corporation, Crescent Hill Gold Mines Company of California, Crestview Club, Inc., Crowley's Dairy Products, Inc., Crystal Minerals, Inc., Culmac Associates, Inc., Cypress Corporation, The.

D and D Quick Apron Co., Inc., D. J. Hughes Co., Inc., D & P, Inc., Dale Chemical Industries, Inc., Dan Ostrow Construction Company, Inc., Dana Trading Corporation, Daniels Gardens, Inc., Daniels-Murtaugh Company, Danube Publishing Company, Darby Hosiery Finishing Co., Inc., Davis & Stewart Contracting Co., Day Brothers Co., Ltd., Dealers Supply Co., Inc., Decking and Insulating Service Corporation, Defense Building Corporation, Del-Mar-Va Kennel Club, Delaware County Bridge Club, Delaware Fabricators, Inc., Delaware Firework's Manufacturing, Inc., Delaware Holstein-Friesian Association, Delaware Hosiery Mills, Inc., Delaware-Lake Erie Manufacturing Corporation, Delaware Products Manufacturing Co., Inc., Delaware Radio Corporation, Delaware State Bottling Co., Inc., Delaware Steel-Metal Corp.,

Delaware Testing Laboratories, Inc., Delaware Trading Company, Inc., Delaware Transportation Co., Delaware Tucker Auto Sales, Inc., Delmar Feed Mills, Inc., Delmar Water Company, Delvesta Farms, Inc., Delward Productions Inc., Derma-Cura Laboratories Corporation, Designers-Engineers, Inc., Development Corporation of The Americas, Devonshire Chemicals Incorporated, Diamond State Distributors, Inc., Diamond State Gun Club, Inc., Diane Corporation, Dierks Lumber Company of Arkansas, Dietz Bakery, Inc., Distributors Blue Book of America Inc., Distributors to Industries, Inc., District Amusement Corporation, District Associates, Inc., Diving & Salvage Corporation of America, Dixie Metal Products, Inc., Dr. William Howard Hay Foundation, Inc., Dolly Upholstering Co., Dominick Holding Co., Dominion Nickel Corporation, Dor-Rod Products Corporation, Drayton Tunnel Kiln Company, Dreisonstok Associates, Incorporated, Dressed Poultry, Inc., Drimm Corporation, Druggists' Merchandising Corporation, Dulien Steel Products Inc. of Illinois, Dunlap Corporation, Durex Corporation, The.

E. C. Lattomus, Inc., E. D. Branzell Electrical Devices, Inc., E. J. Conklin Aviation Corporation, E. W. Grimshaw & Co., Inc., Earl Shirt Corporation, The, East Coast Industries, Inc., East Pondera Oil Company, East Side Realty Co., Eastern Ave. Development Co., Eastern Ave. Investment Co., Eastern Gulf Trading Company, Eastern States Products Co., Inc., Economy Meat Market, Inc., Edenfield Electric, Inc., Edgemere Land Develop-

ers, Inc., Educational Distributors Corporation, Edward F. Skinner and Company, Edwards Apartment, Inc., Efel Steel Products, Inc., Electra-Voice Corporation, Electric Glass Engineering Company, Electric Service Company, Electronic Engineering, Inc., Electronics, Incorporated, Eleventh Street Independent Club, Inc., Elshoff Coal Mining Co., Emil Realty Corporation, Empire South American Industries, Inc., Empire State Machinery Corporation, Employee Relations Institute, Englert Tire & Rubber Company, Akron, Ohio, U. S. A., Equi-Flow, Inc., Equipment Sales and Supply Corporation, Esperanza Farms Club, Esquire Liquors, Inc., Essex Construction Company, Eureka Process Corporation, Evers Revetment Corporation, Exports, Inc., Endy Bros. Shows, Inc.

F. P. Ernest Manufacturing Co., Falo, Inc., Family Book Club of America, Inc., The, Far Eastern Supplies, Inc., Farm Structures & Modernization Corporation, Fast, Inc., Federated Pictures Corporation, Feeder Airlines Association, Fergus Falls Holding Corporation, Fidelity Commercial Corporation, Fiesta, Inc., Film Library, Inc., The, Filter Method, Inc., The, Finance Realty and Investment Corp., Findex Services, Inc., First United Presbyterian Congregation of Wilmington, Delaware Incorporated, Flavor Royalties, Inc., Flu-O-Ray Corporation, Foldrite Collar, Inc., Food Processes, Inc., Foodomat National Inc., Foreign Assets Realization Corporation, Forget-Me-Nots, Inc., Formula Holding Corporation, Forse Corporation, Fourth Street Cafe, Inc., Fourth Street Realty Co., Fourth Ward Colored Republican Club, Inc., Frank W. Bennett & Co., Inc., Frank Properties, Inc., Frazier, Inc., Fredell Construction Company, Free Enterprise Publishing Co., Free Traders, Inc., Freeman's Cleaners, Inc., Fulton Iron Company, Future Problem Club, The, Franklin Oil Company, The.

G. H. Froebel and Co., Inc., G. P. Sturgis Oil Well and Exploration Company, Galley, Incorporated, The, Gambine Co., Inc., Garden Gate Restaurant, Inc., Garrett-Buckley Recording & Television Corp., Garrett Foundation For Psychological Research, Inc., Garutso, Inc., Garutso Service Corporation, Gawest Corporation, General Citrus Products Corporation, General Import & Export Corporation, General Personal Finance, Inc., General Plastics Fabricating Corporation, General Sales Corporation,

General Sludge Removal Corporation, General Trucking, Inc., General Willow Wood Company, George Norman, Inc., Georgine Hunt, Inc., Gershenovich & Magit Corporation, Getz-Absee & Company, Gilpin's Corner, Inc., Glengyle Farms, Inc., Global Air Transport Corporation, Globe Freight Airline, Inc., Goodard Washington Service, Inc., The, Gold Label Distributing Company, Inc., Goldman & Gelfand Realty Co., Inc., Gotham Distributing Corporation, Gottlieb's, Inc., Government Surplus, Inc., Grayson, Inc., Great Northern Development Corporation, Greater Southwest Corporation, Greek-American Tobacco Company, Green Hills, Inc., Grovar, Ltd., Guatemala Commodities Corporation, General Property Corporation.

H & H Builders, Inc., H. R. K. Inc., Haakenson Corporation, Hal-Capp Foods, Inc., Hall Manufacturing Company, The, Hampton Company, The, Hampton Fabrics Corporation, Hardwoods International, Inc., Harris's Loan Office, Inc., Harris Stores, Inc., Harvey Apartments, Inc., Hasatron Inc., Hasco Aviation Corporation, Hawk Welding Company, Hayslette Pure Distilled Water, Inc., Helicopter Air Transport, Inc., Helmer Tucker Sales, Inc., Helms Motors, Inc., Hendzer Co., The, Hercules Super Spring Company, Herzog Studios, Inc., Hi-Top Country Club, Inc., Highway Automobile Association, Highwood Coal Distributing Corporation, Hilltop Cafe, Inc., Hind-Holmes Pacific Industries, Ltd., Hix Royalty Co., Hockenbury System Corporation, Holcomb Motors Corporation, Hollis H. Arnold, Inc., Hollywood Safety Razor Company, Home Construction & Mortgage Corporation, Home Erectors, Incorporated, Home Service Corporation, Hood, Inc., Hortense Spier, Inc., Hoskins & Howell Co., Hotel Sylvania Company, House of Martin's Inc., House of Milo, Inc., Howard's Home Furnishing Co., Howell, Sparks and Cable Advertising, Incorporated, Hudson-Taylor Company, Hughes Pharmacal Company, Hull, Inc., Hummer Corporation, The, Husted Industries, Incorporated, Haimes Litho Laboratories, Inc., Hollywood In Miniature, Inc.

I. Reese, Inc., Iceberg International Corporation, Iceberg Refrigerated Locker Systems, Inc., Ideal Products Co., Illuminating Engineering & Service Co., Imperial Investments, Inc., Imperial Oil Co., Inc., Imperial Sales Co., Inc., Independent Circus Corporation, Independent Finance Company, Indiana Music Corporation, Industrial Acceptance Corporation of South America,

Industrial Steel Products Corp., Information Inc., Institute of Religious Research, Inc., Institutional Suppliers, Inc., Insurance Brokerage Corporation, Inter America Steamship Company, Inter-American Commerce Corporation, Inter-American Mercantile Corporation, Inter-American Steel Corp., Inter-Continental Engineering & Export Company, Inc., International Basic Research Corporation, International Business Information, Inc., International Congress of Pigeon Fanciers, Inc., International Factors, Inc., International Foundation For Mental Hygiene Incorporated, The, International Investment Corporation, International Marketing Services, Inc., International Plastic Corporation, International Radio & Scientific Co., International Sales, Inc., International Shipping, Inc., International Steamship Company, International Tobacco Brands, Inc., International Training, Administration, Inc., Intra-America, Inc., Invention Reporter, Inc., The, Inyo Realty Corporation, Ion Industries, Inc., Ipc Contracting Company, Inc., Ira Block and Associates, Inc., Iron Hill Hosiery Company, Irvine-Quinn, Inc., Imperial Chemical Corporation.

J. A. G. Transportation Co., J & B Research Laboratories, Inc., J. E. McClees & Co., Incorporated, J. P. Cab Company, The, J. W. Holloway Co., The, J. W. Newton Company, Inc., Jack's Motors, Inc., Jafry, Inc., James Dunn Productions, Inc., James Food Service, Inc., James Frank Thompson, Director of Funerals, Inc., James P. Fitch and Associates, Incorporated, Jay Building & Contracting Company, Jay Realty Company, Jay Robert Building & Construction Corporation, The, Jeans, Inc., Jeans of Washington, Inc., Jersey Sales and Service Company, Inc., Jewish Statesman, Inc., The, Jimmy Caras' Billiard Academy, Incorporated, JJA Corporation, The, John A. Beattie & Company, John E. Duff Company, John K. Walters & Co., John V. Bailey & Son, Inc., Johnson Aircraft Corporation, Joseph J. Heintz, Jr., Inc.

Kaufman Furniture Company, Kenco Products, Inc., Kendall Corporation, Kenilworth Super-Market, Inc., Kent Construction Co. of Dover, Inc., Kenwick Corporation, The, Keystone Rivet Company, King-Burrous Corporation, King Frost Stores, Incorporated, King of The Sea Restaurant, Inc., Knopf & Goldsberry, Incorporated, Keystone Industries, Inc., Konga International Inc., Kurt Wandel Industries Inc.

L. & L. Read Mining Company, The, L. T. W. Associates, Inc., La Salle Apartments, Inc., Laboratory Supplies, Incorporated, Lake Laboratories, Inc., The, Lakone Company, The, Lam's, Inc., Laminated Wood Products, Inc., Lancaster Theatres Corporation, Landover Land Company, Laraine Phyllis Corporation, Larchmont Manufacturing Corporation, Lawson-Cooper, Inc., Lee Company of Philadelphia, Lee's Ice Cream, Incorporated, Leipsic Hall Association, Leo J. Paulin Associates, Inc., Leschin Boston Corporation, Lessal Company, Inc., Lewis & Dorsey, Inc., Liberty Mining Company, Liftwood, Incorporated, Little Valley Inn, Inc., Littlefarm, Inc., Lillis Designs, Inc., Lincoln College of Naturopathic Physicians and Surgeons Inc., The, Lincoln Terrace, Inc., Line Oil Well Cementing Company, Linville-Olson, Inc., Loeb & Schoenfeld Company, Logar Steamship Corporation, Lombard Athletic Club, Lord's of Hendersonville, Inc., Lords, Inc., Los Angeles Grand Opera Association, Louis A. Tavis, Inc., Louis Schwartz Stores of Abilene, Inc., Louis Schwartz Stores of Beaumont, Inc., Louis Schwartz Stores of Butte, Inc., Louis Schwartz Stores of Corpus Christi, Inc., Louis Schwartz Stores of Corsicana, Inc., Louis Schwartz Stores of Fort Worth, Inc., Louis Schwartz Stores of San Antonio, Inc., Louis Schwartz Stores of Sherman, Inc., Louis Schwartz Stores of Tyler, Inc., Louis Schwartz Stores of Waco, Inc., Lucien Moutet, Inc., Lucmar Corporation, The, Luna Construction Company.

M. S. Distributing Company, M. T. Rust, Inc., Mac Millan and Sons Inc., Machine Steel Products Corp. of N. Y., Machinery & Equipment Corporation, Mack-Williamson Mining Company, Mackee Theatres Company, Macon Mining Company, Macwesen Foods, Inc., Madrigal & Company, Inc., Madrus House Publishers, Incorporated, Maesdan Navigation Company, Malatesta, Inc., Malmac Products Corporation, Malrock Enterprises, Inc., Management Consultants, Inc., Manhattan Paint Distributors, Inc., Maranatha Publishers, Inc., Marc Frederick Jewelers, Inc., Marche Development Corporation, Marjery Paris Bag Company, Inc., Mark Toys, Inc., Marsalis Construction Company, Martin Marine Transportation Company, Martin Sales Corp., Maryland-Nevada Mining Company, Matchless Mining Inc., Mayflower Accessories and Garage Company, Mazo Chemical Industries, Incorporated,

McAfee-Porter Sale Corporation, McDonald Furniture Corp., McKeesport Mining Company, McKeever and Moore, Inc., McMahon Distributors, Inc., Meadow Incorporated, Mediterranean House Italy, Inc., Melvin Construction Co., Merchantile Corporation of the Americas, Merle Norman Studio, Inc., Metal Spinning Engineers, Inc., Metals Products Manufacturing Corporation, Metropolitan Import & Export Corp., Metropolitan Parcel Delivery, Inc., Metropolitan Racing Association Inc., Mexican Gas & Development Corporation, Michael & Company, Inc., Michael Morris, Inc., Micheaux Pictures Corporation, Michigan Pacific Oil & Gas Company, Mid-Continent Coal and Dock Company, Mid-Continent Tank Cleaning Service, Inc., Mid West Air Filters, Inc., Midwest National Corporation, Mike's Manufacturing Company, Incorporated, Mike's Poultry, Inc., Mil-Del Motors, Inc., Miller-Wallace Securities Company, Mills Advertising Service, Inc., Milton Associates, Inc., Milwaukee Holding Corporation, Minnesota Quartzite Company, Mississippi Valley Railway and Power Company, Modern Automotive Painters, Inc., Modern Home Builders, Inc.

Modern Mode Furniture of Washington, Inc., Monarch Chemical Corporation, Monarch Distributing Company, Monarch Scoop Corporation, Monogram Southern Exchanges, Inc., Monte Pro Set Productions, Inc., Monval Broadcasting Corporation, More Coke Company, Inc., Morey Food Machinery Corporation, Morick & Company, Inc., Morris Plan Securities Corporation, The, Mortgage Investment Co., Mothimmune Laboratories Corporation, Moulin Rouge, Inc., Movie Screen Advertising Company of Hollywood, Muhlberger Insul-Crete Corporation, Multi-Brands, Inc., Muntz Car Company, Murray Clover's Hair Culture Products Mfg. Co., Murray-Michael Tobacco Company, Inc., Musicale Corporation of Washington, Mutual Sales Company, Mercury Transport Corporation.

Naftex Chemical Corporation, Nash Floor Service, Inc., National Accordion Manufacturing Co., National City Food Company, Inc., National Corporation Company, National Council of The American People Inc., National Engineering & Sales Co., Inc., National Home Shows, Inc., National Metal Mfg. Company, Inc., National Postal Distributing Company, The, National Safety Equipment Company, National Self Shaded House Corporation, National Skyway Freight Corp., National Tank Truck

Association, Inc., National Terminal Displays, Inc., National Trading Corporation, National Trading & Export Corporation, National Transportation Advertising Corporation, National Wholesale Garment Association, National Wonder Foods Sales Corporation, Natural Filler Corporation, Nebraska Orpheum Theatre Corporation, Nekot, Inc., Neppco Hatchery Division, Inc., Network Affiliates, Inc., New Castle Industries, Inc., New Deal Realty, Co., New England Beryllium Company Inc., The, New Entertainment Workshop, Inc., New Hardware News Publishing Co., New Horizons, Incorporated, New Jersey Machinery Corporation, New Way Company, The, New York International Theatrical and Television Co., Inc., The, Newark Consumers Co-Operative Society, Newsprint Corporation, Norbud Hosiery Shops, Inc., North American Mills, Inc., North Eastern Lime Cola Company, Incorporated, North Hills Homes, Inc., North and South Trading Corporation, Nory Export Corporation, Nostaw, Inc., "Nova" Company, Noyack Oil Corporation, Ny-Baco Corporation.

O'Connor Marine Contracting Company of Virginia, Inc., O'Donovan & Co., Inc., O'Reilly College of Aretism & Science, Inc., The, Oak Grove Company, Ocean, Inc., Oilfield-Industrial Export, Inc., Old Yorkville Brewery, Inc., The, Omohundro, Incorporated, 1423-1425 F. Street Corporation, Ontario Holding Company, Opinion, Inc., Or-Co Patent Holding Corporation, Order of American Patriots (Incorporated), Orlob Productions, Inc., Orsyn Corporation, Osiris Realty Inc., Otto R. Nemeth, Inc., Overseas Air Transportation Company, Overseas Trading Corporation, Oaks, Inc., The, Oxford Tool Company, Oxygen Products Corporation.

P & C Realty Corp., P. and G. Company, P. H. Self Triple Explosion Engine Corporation, P & L Enterprise Corporation, P. M. A. Morris, Inc., Pacific Asiatic Transito Limited, Pacific Books, Incorporated, Pacific National Corporation, Package Meat Distributors, Inc., Palace Laundry Realty Corp., of Delaware, The, Palisade Corporation, Pan American Greyhound Lines, Inc., Pan-American Pineapple Company, Incorporated, Panelox Inc., Paper Converters, Incorporated, Parkway Cafe, Inc., Pearplan Manufacturing Co., Inc., Pen-O-Matic Corporation, Pen Razor Sales Company, The, Penn Carriers, Inc., Penn-Harris Bond and Mortgage Company, Penn-Union Steel Corpora-

tion, Pennant Company, Penn Vue Delicatessen, Inc., Pennsylvania Fund For Aiding General and Religious Education Incorporated, The, Peoples' Political Action Committee, Inc., Perfection Metal Container Company, The, Permalite Corporation, Petromine Corporation, Photo Finishes, Inc., Pine Mountain Fuel Gas Corporation, Pine Realty Company, Pine Town Inn, Inc.

Pittsburgh Courier Charities Fund, Inc., Plastic Distributors, Inc., Plaza Corporation, Pointer's Meat Market, Inc., "Pop" Corn Sez Inc. of Chicago, Ill., Poplar Social Club, The, Potash Soap Association, Potomac Corporation, Pow-Lin and Company, Inc., Powder River Oil Company, The, Power Transmission Company, Incorporated, Pratt Steamship Line, Inc., Prefabricated Home Builders, Inc., Press Dispatch Corporation, Press Wireless Manufacturing Corporation, Presto Record Case, Inc., Prevan Shops, Inc., Prillaman Enterprises, Incorporated, Prince Georges Supply Corp., Prince Hall Craftsman, Inc., The, Progressive Publishers, Inc., Promotional Corporation of America, Pronto Pups of Maryland, Inc., Property Development Co., Prospect Drilling Company, Protecto Sales and Service, Incorporated, Proven Productions, Inc., Public Service Holding Corporation, Publishers' Reciprocal Program, Inc., Purebred Livestock Corporation, Purepac Corporation, Puritan Corporation, The, Purple Blade Corporation, Pythian Hall Association of N. A., S. A., E., A., A. & A., Potomac Hydrocarbon Process Corporation.

Quaker City Airmotive Co., Quaker Equipment Sales Corporation, Queen Club, The, Quick Realty Corporation, Quinby Jones, Inc.

R. A. Lewis, Inc., R. D. Publishing Company, Inc., Radar Corporation of America, Radio Capitol Services, Inc., Radio Devices, Inc., Rafmex International Corporation, Railroad Book Plan, Inc., The, Ramie Mills of Florida, Inc., Ramon Rios Company, Inc., Ranger Lodge, Inc., Ratio Structures, Inc., Rayvel Inc., Readex Microprint Corporation, Realty Associates, Incorporated, Realty Exchange, Inc., Record Realty Co., Inc., Recreation Development Corporation, Red Ball Games, Inc., Red Book Bottling Company of Cleveland, Red Rover Copper Company, Refrigerated Cargoes, Inc., Refrigerated Cargoes Terminals, Inc., Regal Steel Products Corp., Regarde, Ltd., Rehoboth Athletic Association, Rehousing Corporation of America in Delaware,

The, Reiber Indian Sales, Inc., Reliable Oil Development Corp., Reno Foods Corporation, Research Foundation, Inc., Ricard Corporation, Ring Grip Corporation, Ringwood Mines, Inc., Ritz Camera Center of Atlantic City, Inc.

Riverdale, Inc., Roberts, Ambrose & Depue, Incorporated, Roberts Research Laboratories, Inc., Robin Hood School, Inc., Rock River Bentonite Company, Rockcrest Realty Corporation, Rodd Industries, Inc., Rogers-Lamb Chemical Corporation, Romer Advertising, Inc., Rookie Ball Game, Inc., Rosewin Products Company, Rotoids Manufacturing Corporation, Roy Colbert, Incorporated, Roy Stanley Textile Corporation, Royal Investment Corporation, The, Royle Products, Inc., Rulon Laboratories, Inc., Rural Equipment Corp., The, Rurban Housing Enterprises, Limited, Russell J. Carroll, Inc., Ruth, Incorporated, Rutlee Chemical Company, Inc., Ryford Pipe Line Company, Rayner Publishing Company.

S & D Machine Products Corp., Saffells Laboratories, Incorporated, Sagua Line, Inc., St. James Corporation, Samuel P. Townsend Lawn Mower Co., Samuel Scott, Incorporated, Sandia Oil & Gas Company, Sands Enterprises, Inc., Scandinavian Trade Development Corporation, Schenley Stores, Inc., Schneider Construction Co., Schooner Columbia Co., The, Serv-Ice Inc., Service Sales Affiliate, Incorporated, Seventh Street Washington Corp., Shadowland, Ltd., Shamrock Products Company, Shave-Rite Products, Inc., Shaw-Best Realty Co., Shawley Manufacturing Co., Inc., Sheridan Products Company, Inc., Sidan Realty, Inc., Sidney Food Market, Inc., Sinter-Lite Corporation, Six States Coal Corporation, Sky Way Foods, Inc., Skyway Advertising, Inc., Skyway Theater Inc., Skywriting Corporation of America, The, Small Business Reports, Inc.

Small Estates Development Corporation, Smith's Incorporated, Snack Shops, Inc., Sodium Corporation of America, Solar Battery Corporation, Somerset Importers & Distributors, Inc., Soren Corporation, Sosee Mfg. Co., South Associates, Inc., Southern Construction Company, Inc., Southern Liquors, Inc., Southern Venetian Blind Company of Harrisburg, Inc., Southwest Builders Supply, Inc., Southwest Express, Inc., Southwest Sporting Goods, Inc., Spade-Lyster Iron Works, Inc., Spanish Development Corporation, Sparkton Products Company, Inc., Specialty

Trading Corporation, Spencer Bros. Inc., Spengrey Cap International Company, Spigo Oil Co., Inc., Sportsmen Service, Inc., Spray Basted Foods, Inc., Spray Drying Equipment Corporation, Spuncraft Sportswear Corp., Spund's Market, Inc.

Stamford Incorporated, Standard Fabrication, Inc., Standard Syrup Corporation, Stanley Oil Company, Star Construction Company, Star Dust Restaurant, Inc., Stebbing Engineering and Salvage Company, Inc., Stem International Corporation, Stepping Stones Salon Inc., Sterling Syndicate, Inc., Stiles-Anstee International, Inc., Stover Lock Nut and Machinery Corporation, Strand-Cassidy, Inc., Strickland Aircraft Corporation, The, Style Cleaners, Inc., Sucana Corporation, Summit-Meadows, Inc., Sundstrom-Gray, Inc., Superior Investment Company, Surprise Packages, Inc., Sussex Airport, Inc., Sydon, Ltd., Sylvan Woodcarver, Inc., Sylvester Land Co., Inc., Self Serve Stores, Inc.

T D & S, Inc., Tabler, Inc., Tarrytown Frocks, Inc., Tate-Jones International Export Corporation, Tax Service Institute of America, Inc., Taylo Products, Inc., Taylor Coal Corporation, Technical Products, Inc., Television Hall, Inc., Tempo Distributors, Inc., Tex's Grill, Inc., Thermocrete Panel Construction Co., Inc., Thomas F. Joyce Corporation, Thomas Garrett Kindergarten, Inc., The, Thomascolor Corporation of California, Thomascolor Incorporated, Tibbits Contractors Inc., Tile Craft, Inc., Today's Homes, Inc., Toggery, Inc., Tom Brown, Inc., Tom Dwyer, Inc., Top Hat Cleaners and Dyers, Inc., Tour-Aid, Inc., Touraine Food Delivery, Inc., Toyloc, Inc., Trabnel, Inc., Tractor Trailer Service Corporation, Trans-Atlantic Corporation, Trans-Atlantic Export Import Co., Trans-Globe Commodities, Inc.

Trans-Pacific Associates, Inc., Transatlantic Trading Company, Incorporated, Transcontinental General Export Corporation, Transfluent Drive Corporation, Transpan Overseas, Inc., Transport Research, Inc., Transport Statistics, Inc., Transportation Analysts, Inc., Traylor Crafts, Inc., Triple "S" Appliance Service, Inc., Tu-Way Metal Rolling Co., Tulsa Industrial Corporation, Tung-O Paint and Varnish Corporation, Twelfth Ward Billiard Association, Twin City Land Company, Twinkle Signs, Inc., Ty Properties, Inc., Tanlac Company Inc., The.

U. S. Manufacturers' Bureau, Inc., U. S. Variable Transmission Company, U. S. Vegetable Oil Corporation, Ubuild Corporation, Ullrich & Company, Underwood and Underwood of Washington, D. C., Inc., Union Ceramic Industry Co., Union Inter-Continental, Inc., United Cotton Gin-Compress Inc., United Home Equipment Co., Inc., United Overseas Corporation, United Raceways, Inc., United Salvage and Scrap Company, United States Copper Mining Company, United States Supply Company, Inc., United Subscription Literary Service, Inc., United Youth Foundation, Inc., Universal African Coptic Church, and St. Adorkor's Commercial League, Inc., Universal Aircraft Corporation, Universal Building Supply Co., Inc., Universal Dairy Products Company, Universal Investment Co., Universal Investment & Finance Corporation, University Foundation, Incorporated, The, Utilities Manufacturing Corporation, Utility Engineering, Inc.

V. Di Girolamo, Inc., Vacon Company, Inc., Van Ginhoven Engineering Co., The Vandalia Coal Corporation, Vatican Memorial Corporation, Venamco, Inc., Vendi-Freeze Distributing Corporation, Vendors Distributors, Inc., Ventilated Awning Manufacturers Association, Inc., Vermont Investment Company, Vet Dinette Corp., Veterans Club Inc., Victor R. Forte Construction Company, Inc., Victoria Company, The, Victory Machinery Movers of N. Y., Inc., Virginia Jockey Club, Incorporated, The, Vita Record Distributing Co. of Minnesota, Inc., Vita Record Distributing Co. of Tennessee, Inc., Voice of The Sky, Inc., The, Valley Supply Company.

W & H Home Builders, Inc., W. H. Valentine & Company, Inc., Wagner's Farms, Inc., Walter Cole Service Station, Inc., Walters, Inc., Ward's Super Market, Inc., Ward & Wilcox Associates, Inc., Warren Webster Interests, Inc., Washington Camp No. 2 Patriotic Order Sons of America, Inc., Washington Chinese Restaurant, Inc., Washington Circle Building, Inc., Washington Examiner Publishing Co., Washington International Corporation, Washington Lime-Cola Bottling Company, The, Washington Restaurant Corporation, Washington Tavern, Inc., The, Watson Alonso & Co., Inc., Watson, Inc., Watson Woolens, Inc., Weiner Realty Company, Welding Fittings, Inc., Weltman and Rose, Inc., Werner Gabler Co., Inc., Western Pacific Railroad Corporation, Western Plains Oil and Gas Company, Western University Cor-

poration, Westmoreland Chrome Mfg. Co., Westmoreland Manufacturing Corporation, Whaleship Tea Room, Inc., The.

White Acceptance Co., White Cross Pharmacy, Inc., White House, Inc., The, White-Oak Construction Co., Inc., Whitney Laboratories, Inc., Wicomico, Inc., The, Wilcut Corporation, Wildcat Prospecting Corporation, Willard Services, Inc., William Ryle & Co., Inc., Wm. Schwartz & Co., Willow Grille & Cafe, Inc., Wilmington Chapter, Delaware #1 of Spebsqsa, Inc., Wilmington Concert Band Association, Inc., Wilmington Marconi Club, Wilmington Rifle and Pistol Club, Wilmington Social Club, Winkin, Blinkin & Nod, Incorporated, Wisconsin Realty Corporation, Wolf Creek Mills, Inc., Woodside Motors, Incorporated, World At Home Shows, Inc., World Travel, Incorporated, World Wide Corporation, World-Wide Importing & Exporting Co., Inc., Wyngate Corporation, W. E. Welch Company, White & Jackson Corporation.

Z-Ro Transportation Corporation, Zatso Food Corporation.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
(GREAT SEAL) affixed this Twenty-fifth day of January, in the
Year of our Lord One Thousand Nine Hundred
and Fifty-one, and of the Independence of the
United States of America, the One Hundred and
Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 458

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, February 8, 1951, is the 41st anniversary of the founding of the Boy Scouts of America, chartered by the Congress of the United States, as a program for all the boys of America; and

WHEREAS, the Boy Scout Program has affected the lives of 17,750,000 American boys and men since 1910, and now has an active enrollment of 2,750,000; and

WHEREAS, the Movement is engaged in a Crusade to "Strengthen the Arm of Liberty" by giving more boys a richer experience and increase its usefulness to the nation; and

WHEREAS, the Boy Scouts of America, a great force for training youth in right character and good citizenship, marks its 41st anniversary by a nation-wide clothing collection to meet emergency needs abroad, increased participation in Civil Defense and the promotion of the conservation of the nation's natural resources;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of February 6th to 12th as

BOY SCOUT WEEK

and urge our citizens to recognize the patriotic volunteer service being rendered to our community by the volunteer Scout Leaders, and to help, in all possible ways, to further this wholesome youth program.

(GREAT SEAL) 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 hereunto affixed at Dover this First day of February, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 459
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the survival of freedom in our world depends on the ability of free men to unite in a common program supporting the democratic institutions that nourish and sustain freedom; and

WHEREAS, the purpose of world brotherhood is to promote justice, amity, understanding and cooperation among all people through spiritual interpretation of the universe, and the dispelling of ignorance through education and inter-group teamwork regarding problems that face us on the local, national and international levels; and

WHEREAS, the week of February 18 through 25 has been recognized as World Brotherhood Week under the provisions of the National Conference of Christians and Jews, during which time the true meaning of the practice of brotherhood is honored and observed;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate and proclaim that the week of February 18-25, 1951, be observed in the State of Delaware as

BROTHERHOOD WEEK

I further call upon schools, churches, civic organizations, business establishments and other organizations, and the people of the State, to observe Brotherhood Week with appropriate activities.

(GREAT SEAL) 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 Sixteenth day of February, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 460
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we who live in a land where trees and birds are a common component of our surroundings are prone to look upon them, if indeed we are at all conscious of them, as things to be taken for granted; and

WHEREAS, when by reflection we realize that by far the great majority of the trees that line our highways, our urban thoroughfares, or adorn our public parks and private homesteads are a heritage from other generations; and

WHEREAS, generations of Delawareans who, endowed with an appreciation of the benevolence bestowed upon a peaceful and understanding people, have planted, nurtured and protected these giants of the plant kingdom solely for the gifts of beauty, shade, comfort and inspiration available impartially to all and each to his choice and desire; and

WHEREAS, in recognition of the need for the perpetuation, respect and appreciation of these bountiful gifts we have made provision in our statutes for the setting apart of one day of the year for appropriate observance;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the authority vested in me by Section 2895 of the Revised Code of Delaware, 1935, do hereby designate and proclaim Friday, March 16, as

ARBOR AND BIRD DAY

and request its observance by all schools and other institutions, public and private, by the planting of trees for the adornment of the grounds thereof and by exercises appropriate to the advancement of understanding of the contribution trees and birds make

to our way of life and the promotion of an appreciative sentiment concerning them.

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 said State
(GREAT SEAL) to be hereunto affixed at Dover this Twelfth
day of March, in the Year of Our Lord, One
Thousand Nine Hundred and Fifty-one, and of
the Independence of the United States of Amer-
ica, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 461
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Thursday, March 29, 1951, will mark the three hundred and thirteenth anniversary of settlement and establishment of the Colony of New Sweden in 1638 at "The Rocks" now enshrined in Fort Christina State Park in the City of Wilmington; and

WHEREAS, Fort Christina, founded under the leadership of the intrepid Peter Minuit, became the seat of the first permanent settlement in the State of Delaware and in the Delaware River Valley as well and marked the introduction of government, religion, education, agriculture, commerce, and industry in our State; and

WHEREAS, the General Assembly of the State of Delaware passed a resolution directing the Governor to proclaim March 29th of each year as Delaware Swedish Colonial Day in cognizance of these contributions; and

WHEREAS, it is fitting and proper that this recurring anniversary of the founding of the first permanent settlement upon the soil of Delaware be commemorated by appropriate observance and exercises;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Thursday, March 29, 1951, 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 of 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, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand, and caused the Great Seal to be hereunto affixed, at Dover this Thirteenth day of March, in the Year of Our Lord One Thousand Nine Hundred and Fifty-one and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 462

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, one of every seven deaths in this State was caused by cancer last year; and

WHEREAS, one-third of these were needless and could have been prevented with early enough diagnosis and proper treatment of surgery or radiation; and

WHEREAS, the lack of knowledge about the early signs of cancer was a primary cause of these many deaths; and

WHEREAS, April has been designated "Cancer Control Month" by Act of Congress and Presidential Proclamation as a time for concentrating upon the problems of cancer control; and

WHEREAS, the American Cancer Society is conducting its annual Cancer Crusade during April which will bring to our people some of this vital information as well as raise the necessary funds to continue programs of research, education and service to cancer patients;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim April, 1951 as

CANCER CONTROL MONTH

and request that it be observed by all citizens as such by learning all they can about the disease, cancer, and furthermore by supporting the 1951 Cancer Crusade of the American Cancer Society.

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 hereunto affixed at Dover this Twenty-first day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 463

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the President of the United States in conformity with the provisions of Public Resolution 67, approved May 3, 1940, has designated Sunday, May 20, 1951, as "I AM AN AMERICAN DAY"; and

WHEREAS, the President in so designating has expressed that in this dense period of world history our Nation must strengthen its unity of purpose through increased devotion to the fundamental principles of individual liberty, equal opportunity, and justice for all; and

WHEREAS, it is especially fitting at this time that each and every citizen of the United States, whether native or naturalized, should renew his faith in the ideals that form the foundation upon which our country has been built into a mighty force for the advancement of freedom's cause;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Sunday, May 20, 1951, as

"I AM AN AMERICAN DAY"

in Delaware and urge that on that day all Delawareans reaffirm their faith in the principles and ideals to which this Nation is dedicated. I also request that all patriotic, religious, civic and educational organizations conduct services and hold programs which are appropriately designated 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 and operation of this great Nation.

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
(GREAT SEAL) to be hereunto affixed at Dover this Twenty-eighth
day of March in the Year of Our Lord, One
Thousand Nine Hundred and Fifty-one, and of
the Independence of the United States of Amer-
ica, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 464

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 Mother's Day; and

WHEREAS, our Mothers, guardians of our childhood, teachers of our youth and comforters of our more mature years are deserving of our humble and loving tribute; and

WHEREAS, it is our firm belief that their love, their kindness, their devotion and their sacrifices have been guiding factors in making our State and our Nation great; and

WHEREAS, it is to our Mothers that we owe an eternal debt of gratitude. Let us lift our prayers of grateful thanks to Almighty God for their devotion, kindness and loving guidance.

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 13, 1951, as

MOTHER'S DAY

in the State of Delaware and urge all people of the State to appropriately observe this significant occasion. Attend and participate in some service of worship, either in the church, the home or some other proper place in honor and in memory of all Mothers, everywhere. I further request that the flags of our Nation and our State be displayed on Sunday, May 13, 1951, in solemn testimony of our love and affection for our Mothers.

(GREAT SEAL) 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 April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 465
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is appropriate that our citizens should demonstrate to our Armed Forces who are engaged in conflict in Korea, their continuing devotion to the American ideals of liberty and freedom; and

WHEREAS, it is fitting and proper that these citizens should by peaceful assembly show unanimous protest and opposition to all subversive groups and anti-American influences; and

WHEREAS, the Veterans of Foreign Wars of the United States, acting on the slogan "Loyalty to One Ism—Americanism," has urged that a day be set aside dedicated to this premise;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Tuesday, May 1, 1951, as

LOYALTY DAY

in Delaware and urge all to participate in such ceremonies as will effectively note the observance.

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 hereunto affixed at Dover this Fifteenth day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. MCDOWELL, JR., Secretary of State.

CHAPTER 466

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the President of the United States has proclaimed Saturday, May 19, 1951, as "Armed Forces Day"; and

WHEREAS, the Armed Forces of the United States, having dedicated themselves unselfishly to the service of their country, are now fighting and dying on foreign soil in defense of the principles of freedom which this Nation has cherished since its birth; and

WHEREAS, it is appropriate that we dedicate one day each year to paying tribute to the Armed Forces and to rendering homage to them as the defenders of our people, our Nation, and our democratic way of life;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Saturday, May 19, 1951, as

"ARMED FORCES 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 Armed Forces, 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. I call upon my fellow citizens to display the flag of the United States at their homes and upon the civil authorities and civic bodies of the State to cooperate with the Armed Forces in suitable observances. 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 Delaware to be
(GREAT SEAL) affixed this Twenty-sixth day of April, in the
Year of Our Lord, One Thousand Nine Hundred
and Fifty-one, and of the Independence of the
United States of America, the One Hundred and
Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 467
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the mental health of our citizens is of vital importance to our personal, community and national welfare; and

WHEREAS, the new and effective methods for the treatment of mental illness, research, preventive measures, child guidance and counseling are keeping hundreds of thousands of personal and family disorders from becoming critical; and

WHEREAS, the personal welfare of our citizens and their ability to meet the civil and military requirements of the present situation are dependent on the broadest possible application of the principles of mental health; and

WHEREAS, public-spirited organizations interested in mental hygiene have selected this period as one to kindle and foster a better understanding of our mental health problems;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of May 2 to 8, 1951

MENTAL HEALTH WEEK

in Delaware, and urge every citizen and all civic and educational organizations to support the movement for better understanding of our mental health problems.

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 hereunto affixed at Dover this Twenty-sixth day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 468
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, an American-flag Merchant Marine adequate for the needs of trade, travel, and defense promotes the economy and security of our Nation, which are vitally important factors in the stabilization of world conditions; and

WHEREAS, the development and maintenance of such a Merchant Marine depend upon public understanding and appreciation of its functions; and

WHEREAS, the Congress, by a joint resolution approved May 20, 1933, (48 Stat. 73), designated May 22 as National Maritime Day in order to give recognition to the important role of the Merchant Marine by commemorating the anniversary of the first successful transoceanic voyage under steam propulsion, made by the steamship *Savannah*, which departed from Savannah, Georgia, on May 22, 1819;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Monday, May 22, 1951, as

"NATIONAL MARITIME DAY"

in Delaware and urge that the people of our State observe that day by displaying the flags of our State and Nation at their home and at 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, 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 hereunto affixed at Dover this Second day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 469

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the cause of freedom is being challenged throughout the world; and

WHEREAS, the aims and institutions of the United States, the character of its citizens and the conditions of life that exist among them are constantly being distorted by false propaganda; and

WHEREAS, it is the avowed purpose of communism to create disunity and incite hatred by propagating these falsehoods; and

WHEREAS, we are determined to meet this challenge and to make the truth prevail; and

WHEREAS, for many generations our country—with the help of Divine Providence—has drawn its strength from people of every nation and color and creed; and

WHEREAS, many millions of our citizens correspond with relatives and friends in other countries; and

WHEREAS, these personal messages are an effective means of making the facts known, promoting enlightenment in the world and advancing the democratic cause;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim May 21 to 27, 1951, as

LETTERS FROM AMERICA WEEK

and call upon all our citizens writing to relatives and friends abroad to participate in the Campaign of Truth called for by the President of the United States and to use their letters to cor-

rect misconceptions, create better international understanding and spread the truth about the United States and our American way of life.

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 hereunto affixed at Dover this Sixteenth day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 470
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Shut-In's Day Association, International has officially named the first Sunday in June as Shut-In's Day, at which time people are encouraged to visit the sick and disabled; and

WHEREAS, the observance of such a day serves to create an awareness of the struggle of those not blessed with good health, and the need for consideration on the part of those more fortunate; and

WHEREAS, a growing number of the shut-ins are war veterans, who patiently, cheerfully wait, some of them with no hope of sunshine in the open, but who must find sunshine in the thoughtfulness of those who visit them and send them books, magazines and flowers; and

WHEREAS, there are many ways in which invalids can be helped to participate in programs that are important to the welfare of all society and this sharing in the common interest and activity has a great therapeutic value;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the first Sunday in June, June 3, 1951, as

NATIONAL AND INTERNATIONAL SHUT-IN'S DAY

and urge the people of Delaware to observe this occasion by visiting, writing, or otherwise remembering their shut-in friends and neighbors.

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
(GREAT SEAL) to be hereunto affixed at Dover this Twenty-
third day of May, in the Year of Our Lord, One
Thousand Nine Hundred and Fifty-one, and of
the Independence of the United States of Amer-
ica, the One Hundred and Seventy-fifth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 471
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the 116th General Assembly on May 9, 1951, approved a Constitutional Amendment providing for a separate Supreme Court of the State of Delaware; and

WHEREAS, on May 16, 1951, the Governor sent to the Senate a communication nominating the three Justices of the new Supreme Court; and

WHEREAS, it is the policy of this Administration to request the Senate to give at least ten days' consideration of all judicial appointments;

NOW, THEREFORE, I, Elbert N. Carvel, 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 Fifth day of June, A. D. 1951, at 2:00 o'clock P. M. (Daylight Saving Time) to consider and act upon the following business, to wit:

To confirm the appointments which have been made to fill the vacancies in the offices of Chief Justice and Associate Justices of the Supreme Court of the State of Delaware.

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 hereunto affixed this Twenty-sixth day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 472
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we are honoring our fathers this coming Father's Day, Sunday, June 17th; and

WHEREAS, the theme for this American holiday is "A Good Home Means Good Citizenship"; and

WHEREAS, it is the fathers of our land who primarily have built this great democracy through their teachings and sturdy devotion to liberty and love of freedom; and

WHEREAS, we look to the father in the home as the foundation of our future and teacher of our young in the importance of good ethics, fair play, peace and brotherhood throughout the world;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Sunday, June 17, 1951, 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, 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 hereunto affixed at Dover, this Sixth day of June, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-fifth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 473
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the period of June 10 to 16, 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; and

WHEREAS, the Flag is a symbol of our liberty and our heritage as a free people;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim the period of June 10 to June 16, 1951, as

FLAG WEEK

and call upon all State officials to display the flag of the United States on all State buildings during the week, and invite all the people of the State to fly the flag and to take some part in special services or programs, either at their homes or other suitable places. In these perilous days of world unrest brought about by the threat of communist aggression, it is important to give added significance and meaning to renewed expressions of love of our country and its Flag. To millions of oppressed and endangered peoples all over the world our Flag is a symbol of hope. We must express to them the assurance that we understand the full responsibility of our position of world leadership.

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 State of Delaware to be affixed at Dover, this Tenth day of June, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 474
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the soil of our land supplies the food and fiber which feeds, clothes, and protects the people of our Nation. Its stewardship is a heritage received from our forebears which must be passed on to those who succeed us in temporary ownership; and

WHEREAS, it is our duty to preserve its productiveness and guard it from loss of fertility by the erosion of wind or water, by improper drainage or depletion of plant food, so far as it lies within our ability to do so; and

WHEREAS, on the Twenty-seventh of September, the Supervisors of the Soil Conservation District of Kent County, Delaware, with the cooperation of agricultural organizations within the State, propose to demonstrate the establishment of a Basic Soil Conservation Plan on a cooperating farm in Kent County, and Federal and State agencies are being invited to lend such appropriate assistance as lies within their sphere of activity;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the Twenty-seventh of September, Nineteen Hundred and Fifty-one, as

SOIL CONSERVATION DAY

in the State of Delaware and invite our citizens to consider their custodianship of the land and to witness the methods used in the establishment of a soil conserving plan.

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 hereunto affixed at Dover this Tenth day of August, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 475

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on September 17, 1787, the Constitution of the United States was adopted by the Constitutional Convention, was then 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 by way of Constitutional Amendment; 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 tranquility, promote the general welfare and glorify the blessings of liberty; and

WHEREAS, today, 164 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 Monday, September 17, 1951, 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, 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 hereunto affixed at Dover, this Sixteenth day of August, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 476

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Fourteenth of September is the 137th anniversary of the composition of our National Anthem—The Star Spangled Banner—by Francis Scott Key; and

WHEREAS, this thrilling anthem was composed during the bombardment of Fort McHenry in our second War of Independence—the War of 1812—at a moment when the very existence of our young Republic was at stake; and

WHEREAS, The Star Spangled Banner epitomizes the valor and gallantry in combat of our forefathers in that conflict which resulted in glorious victories upon both land and sea; and

WHEREAS, in the splendor of the National Anthem are expressed the ideals that engendered and preserved our great Nation;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the Fourteenth of September, Nineteen Hundred and Fifty-one, to be

"NATIONAL ANTHEM DAY"

in the State of Delaware.

All citizens, the public schools and other educational institutions, and all patriotic, veterans' and service organizations are urged to observe this day with appropriate exercises and otherwise, to the end that there may be perpetuated the memory of the services rendered by the patriots in that conflict and by all others who have fought in defense of the lofty sentiments of freedom and liberty contained in our inspiring National Anthem.

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 hereunto affixed at Dover, this Sixth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 477

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the 172nd anniversary of the death of Brigadier General Casimir Pulaski will be observed on the 11th day of October this year; and

WHEREAS, General Pulaski, by his devotion to the cause of liberty and freedom during the American Revolution, forever endeared himself to the American people, and through his supreme sacrifice at the siege of Savannah furnished them with an inspiration to preserve their precious liberty for which he died;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the laws of this State do proclaim Sunday, October 14, 1951, as

PULASKI MEMORIAL 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 Twentieth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 478
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, October 5, 1951, will be the seventh anniversary of the "Charter of Education for Rural Children," which was the outgrowth of The First White House Conference on Rural Education; and

WHEREAS, the Charter of Education for the Rural Children sets forth ten basic educational rights for every rural child; and

WHEREAS, "these are the rights of the rural child because they are the rights of every child regardless of race, color, or situation, wherever he may live under the United States flag";

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Friday, October 5, 1951, as

RURAL SCHOOL CHARTER DAY

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 hereunto affixed at Dover, this Twentieth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 479

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the lives of thousands of our fellow Americans—men, women, and children—are destroyed each year by fire and countless others suffer permanent disability from the same cause; and

WHEREAS, preventable fires also destroy an untold amount of irreplaceable natural resources and of private and public property, including forests and farms, schools and churches, hospitals, homes, and factories; and

WHEREAS, for these reasons the prevention of fires is of the utmost concern to every Delaware resident; and

WHEREAS, the week of October 7 to 13, 1951, 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, earnestly request that during that week all of us undertake a year-round campaign against destructive fires in our homes and in our communities. I also request that business, labor, and farm organizations, churches, schools, civic groups, and agencies of public information, including newspapers, magazines, and the radio and television industries, cooperate fully in the observance of

FIRE PREVENTION WEEK

I direct the appropriate agencies of the Local Government to assist in arousing public awareness of the need for active participation in this crusade against the frightful toll of life and property resulting from fires.

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 hereunto affixed at Dover, this Twentieth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 480
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, men everywhere are giving earnest thought to the preservation of the basic freedoms of mankind; and

WHEREAS, these freedoms can be permanently secured only if they are established upon those religious understandings of man and his destiny which are shared by the great religions of our Nation; and

WHEREAS, the maintenance of strong and courageous religious faith is necessary if our Nation is to assume the leadership expected of it in these troubled times;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, hereby proclaim the period beginning Sunday, September 30, and continuing through Sunday, October 7, 1951, as the twenty-first annual

CHRISTIAN EDUCATION WEEK

and request that our people consider in their homes, churches and community organizations how best they can make themselves and their groups centers of spiritual faith and power in order that we may find the will of God for ourselves and our society, having found it, follow it.

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 hereunto affixed at Dover, this Twenty-fifth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 481

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the American Library Association was founded in Philadelphia, Pennsylvania, on October 4, 1876, and marked the beginning of a new era in library development; and

WHEREAS, libraries and their services have become integral parts of the educational, cultural, social, and economic life of our Nation, and our State; and

WHEREAS, through its "Library Bill of Rights" the American Library Association has set forth policies which provide all citizens with access to information on the highest level of intellectual freedom; and

WHEREAS, throughout its 75th anniversary year, the American Library Association is conducting an educational program under community library leadership with the theme: "The Heritage of the U. S. A. in Times of Crisis"; and

WHEREAS, this 75th anniversary program is devoted to a restatement of the American Heritage in terms of present-day crisis and to a stimulation of general thinking on the problem of how to defend our freedom by understanding its origin and its application to the great problems of today; and

WHEREAS, in this way and through constant devotion to the great task of helping citizens think through their problems, our librarians render inestimable service; and

WHEREAS, October 4, 1951 has been designated National Library Day to commemorate the 75th anniversary of the founding of the American Library Association and to give special opportunity for our citizens to pay tribute to libraries and librarians;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim October 4, 1951, as

LIBRARY DAY

in the State of Delaware and call on all citizens and civic organizations to bring their attention and their expressions of appreciation to this occasion in their own communities throughout the State of Delaware.

(GREAT SEAL) 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 hereunto affixed at Dover, this Twenty-fifth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 482
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State of Delaware has a large number of physically handicapped men and women seeking employment; and

WHEREAS, the physically handicapped have demonstrated that they are capable workers when placed in jobs suited to their abilities, training, and experience, and constitute a valuable resource of manpower; and

WHEREAS, there is a continuing need for public support in securing employment for the physically handicapped on the basis of their demonstrated abilities; and

WHEREAS, the State of Delaware, through its many agencies has provided facilities and placement services for them in our various communities; and

WHEREAS, the Congress, by a joint resolution approved on August 11, 1945, designated the first week in October of each year as National Employ the Physically Handicapped Week, and requested the President to issue a suitable proclamation inviting Nation-wide support of programs calling for full opportunity for physically handicapped men and women in employment;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby call upon the people of our State to observe the week beginning October 7, 1951, as

NATIONAL EMPLOY THE PHYSICALLY
HANDICAPPED WEEK

and to cooperate with the Delaware State Committee on National Employ the Physically Handicapped Week. I also call upon the mayors of municipalities, and other public officials, as well as

leaders of industry and labor, of civic, veterans', agricultural, women's, and fraternal organizations, and of other representative groups, to lend their assistance and encouragement in the observance of the designated week, in order to enlist public interest in and support of programs for the employment of the physically handicapped.

(GREAT SEAL) 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 hereunto affixed at Dover, this Twenty-sixth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 483
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the poets of all ages have contributed much to the culture, happiness and vision of our world; and

WHEREAS, Delaware poets have brought credit and distinction by the excellence of their compositions; and

WHEREAS, the special recognition of poetry and poets can serve as an educational opportunity for our students and as a vital and stimulating force in the literary life of our State; and

WHEREAS, the Poet Laureate of Delaware, Mrs. Jeannette Slocomb Edwards, has urged that greater recognition be given to the creation and the creators of beautiful poetry in all of its facets and combinations;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Monday, October 15, 1951, as

POETRY DAY

and urge all cultural, educational and other interested individuals and groups to observe this day in recognition of the many blessings that poetry and poets have showered on the people of our State and Nation. I urge that all poets in Delaware come forth with their creations and their offerings to further stimulate and develop the many pleasures and benefits of this delightful Muse.

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 hereunto affixed at Dover, this Twenty-seventh day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 484

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on January 5, 1943, George Washington Carver, one of the foremost American scientists, died, and the whole world mourned his passing; and

WHEREAS, nothing ever has evoked more inspiration among all people than the rise of a person from obscurity to world-wide esteem solely by his own creative genius, industry, integrity and character; and

WHEREAS, such an achievement is a thousand-fold notable when the achiever has benefited the entire human race, surmounting not only physical handicap but unkind prejudice, to rise from the lowly status of slavery to pre-eminence in agricultural chemistry and dietetics—even to achieve an enviable reputation in the directly opposite field of the esthetic art of painting; and

WHEREAS, in recognition of the honor due his memory, the Federal Congress has officially proclaimed January 5, of each year, as George Washington Carver Day;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, in keeping with the thoughts and sentiment expressed by our Federal Congress, in showing appreciation to his memory in our State, and by virtue of the authority vested in me by our laws and our State Constitution, do hereby proclaim January 5, 1952, as

GEORGE WASHINGTON CARVER DAY

in Delaware, and urge all citizens to join with our churches, universities, schools, and other organizations in paying particular homage to this great and humble genius, under nation-wide sponsorship of The National Achievement Clubs, Incorporated, and

to lend their efforts toward focusing attention on the great achievements of this great American, and of the benefits which his great and unselfish mind passed on to all mankind.

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
(GREAT SEAL) to be hereunto affixed at Dover, this Third day
of October, in the Year of Our Lord, One Thou-
sand Nine Hundred and Fifty-one, and of the
Independence of the United States of America,
the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 485

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the motion picture industry is celebrating the fiftieth anniversary of the opening of the first theatre dedicated to the exclusive showing of motion pictures; and

WHEREAS, the motion picture has proved itself during that half a century and continues to be the greatest element devoted exclusively to entertaining our fellow citizens; and

WHEREAS, the motion picture industry has proved itself during those years the greatest force for carrying the American ideal to all of the nations of the earth where a free screen and discussion are tolerated; and

WHEREAS, the motion picture industry, as one of our largest and greatest industries, has contributed so vastly to our national prosperity and well-being; and

WHEREAS, the motion picture has proved itself one of the great means of enlightening and educating our people; and

WHEREAS, it is fitting that we pause to take cognizance of the vital place Motion Pictures occupy in our happiness, prosperity and national safety;

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of Delaware, do hereby proclaim the period October 1st to November 30th, 1951, as

IT'S MOVIE TIME, DELAWARE

and do urge all citizens to participate in the Golden Jubilee of the American motion picture theatre.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of Dela-
(GREAT SEAL) ware to be affixed, this Ninth day of October, in
the Year of Our Lord, One Thousand Nine Hun-
dred and Fifty-one, and of the Independence of
the United States of America, the One Hundred
and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 486

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, air pollution of all forms including smoke, is a menace to the health, comfort and economy of thousands of our fellow citizens—men, women and children—since air pollution must be considered in much the same light as the pollution of our streams and lakes; and

WHEREAS, preventable air pollution in any form is a public hazard that can be corrected through intelligent action involving engineering, equipment, research and education; and

WHEREAS, our highly industrialized economy requires the consumption of large quantities of fuels, our State cannot afford to waste these fuels through inefficient combustion and firing methods; and

WHEREAS, for these reasons the abatement of air pollution in all its various forms is of utmost concern to every American citizen;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate the week beginning October 21, 1951, as

CLEANER AIR WEEK

I earnestly request that during that week all of us undertake a year-round campaign to abate destructive air pollution from all sources, including smoke, soot, fly-ash, noxious fumes and gases in our homes and in our communities. I also request that the local governments, the Air Pollution and Smoke Prevention Association of America, Incorporated, the chambers of commerce, business, labor, churches, schools, civic groups and agencies of public information, including newspapers, magazines, and radio, television, and motion picture industries cooperate fully

in the observance of CLEANER AIR WEEK. I direct the appropriate agencies of the State Government to assist in arousing public awareness of the need for active participation in this fight for clean air.

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 hereunto affixed at Dover, this Seventeenth day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 487

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, October 24th is the anniversary of the completion of the sixth 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 people of the aims and achievements of the United Nations and to gain support for the work of this Organization; and

WHEREAS, the President of the United States has issued a Proclamation urging the people of the United States to observe October 24th as "United Nations Day"; and

WHEREAS, through the United Nations the opportunity is offered to men of good will of all nations to discuss and peacefully solve the mutual problems of these many nations in a wise and intelligent manner in surroundings which are conducive to progress, peace and friendship; and

WHEREAS, through the United Nations, as presently constituted, lies our hope for peace and happiness in the world today;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby urge the people of the State to observe October 24, 1951, as

UNITED NATIONS DAY

and I call upon the mayors of our towns and cities and all other public officials, as well as civic, educational and religious organ-

izations, upon the agencies of the press, radio and other media of information; upon individual citizens, to commemorate this day with public exercises and programs throughout the State.

(GREAT SEAL) 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 hereunto affixed at Dover, this Eighteenth day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 488
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the women of America generally, and those of the State of Delaware, particularly, are the very foundation of our homes and families and to whom we look for spiritual guidance, daily nourishment and constant loyalty; and

WHEREAS, during times of national stress women have ever been willing to sacrifice for the national good. They have used limited means to provide the necessities of life when shortages arrive, and they have constantly sought additional knowledge to provide greater comforts for their families and more pleasant surroundings in their homes; and

WHEREAS, women have always made great contributions through their service to the institutions we love and cherish and through their activities in churches, schools and community life; and

WHEREAS, the women of America are the homemakers of this Nation; and

WHEREAS, through petitions received from the members of the Delaware State Grange, I have been called upon to give special recognition and encouragement to the homemakers of our State;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby set aside the week of November 18 to 22, 1951, as

HOMEMAKERS WEEK

in the State, and call upon all citizens, especially husbands and fathers, during that Thanksgiving season to take due cognizance of the contributions made by our Homemakers to our continued

health and happiness, and their willing acceptance of great responsibilities. I call upon citizens everywhere to pay sincere tribute during that week to the moral and spiritual leadership which these first teachers provide for all of our future citizens.

(GREAT SEAL) 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 hereunto affixed at Dover, this Twenty-third day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

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 SIXTEENTH
GENERAL ASSEMBLY

Commenced and Held at Dover

On Monday, December 10, A. D. 1951

and

*In the Year of the Independence of the United States
of America, the One Hundred and Seventy-sixth*

* * * * *

VOLUME XLVIII

CHAPTER 489

EDUCATION

INCREASING UNIFORM STATE SUPPORTED SALARY SCHEDULE
FOR SUPERINTENDENTS, PRINCIPALS, TEACHERS, NURSES,
SECRETARIES, CLERKS, CUSTODIANS AND
CUSTODIAL PERSONNEL

AN ACT TO AMEND CHAPTER 48, VOLUME 46, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 195, VOLUME 47, LAWS OF DELAWARE, BY INCREASING THE UNIFORM STATE SUPPORTED SALARY SCHEDULE FOR SUPERINTENDENTS, PRINCIPALS, TEACHERS, NURSES, SECRETARIES, CLERKS, CUSTODIANS AND CUSTODIAL PERSONNEL OF THE VARIOUS SCHOOL DISTRICTS OF THE STATE; BY AUTHORIZING THE STATE BOARD OF EDUCATION AND THE BOARD OF PUBLIC EDUCATION IN WILMINGTON TO INCREASE THE SALARIES OF THEIR ADMINISTRATIVE AND SUPERVISORY EMPLOYEES; AND BY MAKING ADDITIONAL APPROPRIATIONS THEREFOR.

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 48, Volume 46, Laws of Delaware, as amended by Chapter 195, Volume 47, Laws of Delaware, be and the same is hereby amended by striking out all of A (1) and inserting in lieu thereof the following new salary schedule entitled A (1):

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:

<i>Years of Experience</i>	<i>No Degree</i>	<i>Bachelor's Degree</i>	<i>Master's Degree</i>	<i>Doctor's Degree</i>
0	\$2400	\$2800	\$3000	\$3400
1	2560	2960	3160	3560
2	2720	3120	3320	3720
3	2880	3280	3480	3880

4	3040	3440	3640	4040
5	3200	3600	3800	4200
6	3360	3760	3960	4360
7	3520	3920	4120	4520
8	3680	4080	4280	4680
9	3840	4240	4440	4840
10 or more	4000	4400	4600	5000

Section 2. That Section 2 of the aforesaid Chapter be and the same is hereby amended by striking out Section 2 and by substituting in lieu thereof a new Section, as follows:

Section 2. There is hereby established a permanent State Supported Uniform Salary Schedule for School secretaries and clerks in the various school districts of this 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:

<i>No. of Years' Experience</i>	<i>Salary per Month</i>
0	\$175.00
1	185.00
2	195.00
3	205.00
4	215.00
5	225.00
6	235.00
7	245.00
8	255.00
9	265.00
10 or more	275.00

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:

<i>No. of Years' Experience</i>	<i>Salary per Month</i>
0	\$158.33
1	166.33
2	174.33
3	182.33
4	190.33
5	198.33
6	206.33
7	214.33
8	222.33
9	230.33
10 or more	238.33

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 service rendered.

Section 3. That Section 3 of the aforesaid Chapter be and the same is hereby further amended by striking out the said Section 3 and by substituting in lieu thereof the following:

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:

<i>Years of Experience</i>	<i>Registered Nurse Without Public School or Public Health Experience</i>	<i>Registered Nurse with 15 Credits or 1 Year Public Health</i>
0	\$2300.	\$2500.
1	2460.	2660.
2	2620.	2820.
3	2780.	2980.
4	2940.	3140.
5	3100.	3300.
6	3260.	3460.
7	3420.	3620.
8	3580.	3780.
9	3740.	3940.
10 or more	3900.	4100.

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. That Section 4 of the aforesaid Chapter be and the same is hereby amended by striking out all of Section 4 of said Section and by substituting in lieu thereof a new Section, as follows:

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	\$3000. to \$3400.
Fireman	\$2400. to \$3000.
Custodian-Fireman	\$2300. to \$2900.
Custodian	\$2100. to \$2700.

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. The State Board of Education and the Board of Public Education in Wilmington are hereby authorized to increase the salaries of their supervisory and administrative employees engaged in educational pursuits not covered by the schedule in Section 1 of this Act, as the rules of the respective Boards shall provide, but no increase so granted from State funds to an employee shall be more than Four Hundred Dollars (\$400.00) per annum.

Section 6. The salaries paid to persons whose salaries are increased in Sections 1 through 5 of this Act shall be paid at the new rate beginning January 1, 1952.

Section 7. In addition to the sums appropriated in Chapter 195, Volume 47, Laws of Delaware, there is hereby appropriated to the State Board of Education as follows:

(A) For the purpose of carrying out the provisions of Section 1 for the fiscal year ending June 30, 1952, the sum

of Five Hundred Thirty Thousand Eight Hundred Dollars (\$530,800.00), and for the fiscal year beginning July 1, 1952, and ending June 30, 1953, the sum of Nine Hundred Eighteen Thousand Dollars (\$918,000.00).

(B) For the purpose of carrying out the provisions of Section 2 for the fiscal year ending June 30, 1952, the sum of Thirty Thousand Sixty Dollars (\$30,060.00), and for the fiscal year beginning July 1, 1952, and ending June 30, 1953, the sum of Fifty Thousand One Hundred Dollars (\$50,100.00).

(C) For the purpose of carrying out the provisions of Section 3 for the fiscal year ending June 30, 1952, the sum of Eleven Thousand One Hundred Sixty Dollars (\$11,160.00), and for the fiscal year beginning July 1, 1952, and ending June 30, 1953, the sum of Eighteen Thousand Six Hundred Dollars (\$18,600.00).

(D) For the purpose of carrying out the provisions of Section 4 for the fiscal year ending June 30, 1952, the sum of Fifty Thousand Two Hundred Twenty Dollars (\$50,220.00), and for the fiscal year beginning July 1, 1952, and ending June 30, 1953, the sum of Eighty-three Thousand Seven Hundred Dollars (\$83,700.00).

(E) For the purpose of carrying out the provisions of Section 5 for the fiscal year ending June 30, 1952, the sum of Nineteen Thousand Two Hundred Dollars (\$19,200.00), and for the fiscal year beginning July 1, 1952, and ending June 30, 1953, the sum of Thirty-two Thousand Dollars (\$32,000.00).

Section 8. 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 January 15, 1952.

CHAPTER 490

GENERAL PROVISIONS RESPECTING THE POLICE

PROVIDING FOR REMOVAL OF OBSTRUCTIONS TO PLACES
BELIEVED TO BE USED FOR GAMBLING

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, BY REPEALING CERTAIN PARTS THEREOF AND BY PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS TO PLACES BELIEVED TO BE USED FOR GAMBLING; NOTICE TO CERTAIN PERSONS; HEARING; PROVIDING A LIEN FOR EXPENSES OF REMOVAL AND THE COLLECTION THEREOF; MISDEMEANOR IF OBSTRUCTED WITHIN ONE YEAR AFTER REMOVAL; PENALTIES; FINES A LIEN; SUBSEQUENT OFFENSES; JURISDICTION.

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 100, Revised Code of Delaware, 1935, be and the same hereby is amended by striking out and repealing all of 4060. Sec. 165, and by substituting in lieu thereof a new Section to be known as 4060. Sec. 165, as follows:

4060. Sec. 165. Removal of obstructions to Places Believed to be used for Gambling; Notice; Hearing; Lien for Expense; Misdemeanor if Obstructed within One Year of Removal; Penalties; Fines a Lien; Subsequent Offenses; Jurisdiction:—(a) If any Captain of Police or Chief of Police in this State finds that access to any building, apartment or place, which he has reasonable cause to believe is resorted to for the purpose of gambling in violation of the laws of this State, is barred by any obstruction such as a door, window, shutter, screen, bar or grating of unusual strength, or any unnecessary number of doors, windows, or obstructions, other than what is usual and ordinary in the normal or usual use of such buildings or places he shall serve personally upon the owner or agent a notice to appear before the Judge or Judges of the Municipal Court of the City of Wilmington, if said property is located in the City of Wilmington, or

before the Judge or Judges of the appropriate Court of Common Pleas if such premises are without the City of Wilmington, and to show cause why such unusual obstruction or obstructions should not be removed by said owner or agent.

If any of the said officers cannot find either the owner or agent of said place or premises, said notice shall be posted upon the outside of said store or premises. Within seven (7) days after said posting, and if personal service is not theretofore had upon such owner or agent, the said officer shall bring the matter on for hearing before the appropriate Court as aforesaid for an order for the removal of such unusual obstruction or obstructions.

The said notice which shall be served either personally upon the owner or agent or which shall be posted upon the outside of said store or premises shall in all cases designate the name of the Court in which said rule will be heard, and shall further contain the time and the date upon which such rule will be brought on for hearing.

If the Court, after a hearing upon the aforesaid matters, shall find that there is reasonable cause to believe that the said premises or places are resorted to for the purpose of gambling and that such door, window, shutter, screen, bar or grating of unusual strength is other than what is usual and ordinary in the normal or usual use of such buildings or places, or that there are an unnecessary number of such doors, windows, or obstructions, the Court shall order the owner or agent to remove such obstruction.

In the event that such obstructions are not removed within a period of seven (7) days after such order, any of said officers shall cause such obstructions to be removed from such premises or places, and the expenses of such removal shall be collected by the Department of Public Safety of the City of Wilmington if the property is within said City, or by the Attorney General of the State of Delaware if the property is located outside said City, in the manner provided by statute for the filing and collection of a mechanic's lien.

In connection with the filing and collection of said expenses as a mechanic's lien, the said Department of Public Safety or

the said Attorney General, as the case may be, shall file a statement of claim and shall proceed otherwise in accordance with Chapter 79, as amended, Revised Code of Delaware (1935), as if the said Department of Public Safety or the said Attorney General were a "contractor" within the terms of said statute; provided, however, that the said Department of Public Safety or the said Attorney General may file and collect such lien or liens regardless of amount.

(b) If, within one year after removal of said obstruction, the premises are again obstructed as above defined, the Captain of Police or Chief of Police shall have the same power of removal as provided in the preceding Section, and in addition the owner or agent when such second order of removal is given, either by personal service or by posting on the building, upon a finding of guilt beyond a reasonable doubt, shall be punished by a fine of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), and the amount of said fine shall be a lien upon said building and shall be collected for the agency entitled to such fine by law in like manner as provided in the preceding Section. And for every subsequent obstruction as above defined, at any time within two years of the giving of the second notice, as above provided, said officers shall have the same powers as provided in the preceding Section for removing the obstructions, and the owner or agent at the time such third or subsequent order of removal is given, either by personal service or by posting on the building, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or may be punished by imprisonment for one year, and the amount of said fine shall be a lien upon the said building, and shall be collected in like manner as above provided. Obstructions as above defined, erected more than two years after the giving of the notice of the third offense, shall be construed to be a first offense under this Section. The Municipal Court for the City of Wilmington and the Courts of Common Pleas shall have jurisdiction of violations of this Section.

Approved January 22, 1952.

CHAPTER 491

STATE HIGHWAY DEPARTMENT

INCREASING AGGREGATE OF BOND ISSUE TO DEFRAY COSTS
OF CROSSING OF DELAWARE RIVER

AN ACT TO AMEND CHAPTER 275, VOLUME 45, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, TO AUTHORIZE AND EMPOWER THE STATE HIGHWAY DEPARTMENT TO ISSUE REVENUE BONDS TO DEFRAY THE COST OF CONSTRUCTION OF A CROSSING OVER THE DELAWARE RIVER," AS AMENDED, BY INCREASING THE AGGREGATE OF BONDS THAT MAY BE ISSUED THEREUNDER.

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 Section 1 of Chapter 275, Volume 45, Laws of Delaware, entitled "An Act to Amend Chapter 166 of the Revised Code of Delaware, 1935, to Authorize and Empower The State Highway Department to Issue Revenue Bonds to Defray the Cost of Construction of a Crossing over the Delaware River," as amended, be and the same is hereby further amended by striking out the words and figures "Forty-three Million Nine Hundred Thousand Dollars (\$43,900,000.00)" wherever the same appear in said Section 1 of said Chapter, as amended, and by substituting in lieu thereof the words and figures "Forty-six Million Four Hundred Thousand Dollars (\$46,400,000.00)."

Approved January 25, 1952.

CHAPTER 492

LEWES

REPEALING PENSION PLAN

AN ACT TO REPEAL CHAPTER 217, VOLUME 46, LAWS OF DELAWARE, 1947, WHICH AMENDED CHAPTER 199, VOLUME 22, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF LEWES" BY ESTABLISHING A PENSION PLAN FOR AGED EMPLOYEES OF COMMISSIONERS OF LEWES AND OF THE BOARD OF PUBLIC WORKS FOR THE SAID TOWN OF LEWES.

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

Section 1. That Chapter 217, Volume 46, Laws of Delaware, 1947, be and the same is hereby repealed in its entirety.

Approved January 28, 1952.

CHAPTER 493

GENERAL PROVISIONS RESPECTING THE POLICE

REGULATING PUBLIC UTILITIES IN FURNISHING PRIVATE
WIRE SERVICE IN FURTHERANCE OF GAMBLING**AN ACT TO REGULATE PUBLIC UTILITIES IN THE FURNISHING TO OTHERS OF PRIVATE WIRE SERVICE AND OTHER SERVICE FOR THE DISSEMINATION OR RECEIPT OF INFORMATION IN FURTHERANCE OF GAMBLING; TO PROHIBIT THE USE OF SAME FOR GAMBLING PURPOSES; TO MAKE ILLEGAL THE DISSEMINATION OF SUCH INFORMATION IN FURTHERANCE OF GAMBLING; MISDEMEANOR; PENALTIES; JURISDICTION.**

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 following words, terms and phrases shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

(a) "Dissemination" means the act of transmitting, distributing, advising, spreading, communicating, conveying or making known.

(b) "Person" means a corporation (including a public utility), partnership or association, as well as a natural person.

(c) "Private wire" means any and all service equipment, facilities, conduits, poles, wires, circuits, systems by means of which service is furnished for communication purposes, either through the medium of telephone, telegraph, Morse, teletypewriter, loudspeaker or any other means, or by which the voice or electrical impulses are sent over a wire, and which services are contracted for or leased for service between two or more points specifically designated, and are not connected to or available for general telegraphic, telephonic or teletypewriter exchange or toll service, and shall include such services known as

"special contract leased wire service," "leased line," "private line," "private system," "Morse line," "private wire," but shall not include the usual and customary telephone or teletypewriter service by which the subscriber may be connected at each separate call to any other telephone or teletypewriter designated by him only through the general telephone or teletypewriter exchange system or toll service.

(d) "Public utility" means a person, partnership, association or corporation, now or hereafter owning or operating in the State of Delaware, equipment or facilities for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

(e) "Call Service" means the furnishing of information upon request therefor or by prearrangement over general telegraphic, telephonic or teletypewriter exchange or toll service.

Section 2. It shall be unlawful for any public utility knowingly to furnish to any person any private wire for use or intended for use in the dissemination of information in furtherance of gambling or for gambling purposes, or for any person knowingly to use any private wire in the dissemination of or to receive information in furtherance of gambling or for gambling purposes.

Section 3. It shall be unlawful for any person to engage in the business of, or receive compensation in any form or measure for, the dissemination of or to receive information in furtherance of gambling or for gambling purposes by means of private wire or wires, or by means of a "call service."

Section 4. Any public utility shall, when it is advised in writing by any law enforcement agency acting within its jurisdiction that any service furnished by it is being used in the dissemination of information in furtherance of gambling, or for gambling purposes, revoke its contract to furnish any such service. No public utility shall be liable at law or in equity for any damages or penalties, either civil or criminal, for such revocation of contract.

Section 5. Any person or public utility who or which shall violate any of the provisions of this Act, shall be guilty of a

misdemeanor, and upon conviction thereof, shall be sentenced to pay the costs of prosecution and a fine of not less than Five Hundred Dollars (\$500.00), nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment for a period not to exceed twelve (12) months, or both, at the discretion of the Court.

Section 6. The Municipal Court of the City of Wilmington and the Courts of Common Pleas shall have concurrent jurisdiction of violations of this Act.

Section 7. The provisions of this Act are severable, and if any of its provisions shall be held 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.

Section 8. This Act shall be deemed an exercise of the police power of the State of Delaware for the protection of the public welfare, health, peace, safety and morals of the people of the State of Delaware, and all of the provisions of this Act shall be liberally construed for the accomplishment of this purpose.

Section 9. All laws and parts of laws insofar as they conflict with this Act, shall to that extent be and the same are hereby repealed.

Section 10. This Act shall take effect immediately upon its becoming a law.

Approved January 28, 1952.

CHAPTER 494

GENERAL PROVISIONS RESPECTING THE POLICE

PROVIDING FOR OFFENSE OF KEEPING, MAINTAINING,
CONTRIBUTING TO SUPPORT OF GAMBLING HOUSE

**AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE
OF DELAWARE, 1935, BY REPEALING A PART THERE-
OF, AND BY PROVIDING FOR THE OFFENSE OF KEEP-
ING, MAINTAINING, CONTRIBUTING TO SUPPORT OF
GAMBLING HOUSE; LETTING OR UNDERLETTING
THEREFOR, PENALTIES; JURISDICTION.**

*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 100 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new Section to 4061. Sec. 166 of the Revised Code of Delaware, 1935, to be known as 4061. Sec. 166 A.:

4061. Sec. 166 A. Keeping, Maintaining, Contributing to Support of Gambling House; Letting or Underletting Therefor; Penalties; Jurisdiction:—It shall be unlawful for any person to keep or maintain, or to contribute to the support and maintenance of any house or place where gambling is carried on or conducted, or to knowingly let or underlet, or transfer the possession of, any house or premises for use by any person for said purpose. A person who violates this Section is guilty of a misdemeanor and is punishable, upon conviction, of a first offense by a fine of not less than Twenty-five Dollars nor more than One Hundred Dollars, or by imprisonment for not less than ten days nor more than thirty days, or by both such fine and imprisonment; upon conviction of a second offense by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, or by imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment and for a third and all subsequent offenses by imprisonment for not less than one year nor more than three years.

The Municipal Court for the City of Wilmington shall have jurisdiction of the violations of this Section committed within the corporate limits of the said City of Wilmington and the Court of Common Pleas for New Castle County and the Court of Common Pleas for Kent County shall have jurisdiction of the violations of this Section committed within their respective counties concurrently with the jurisdiction of the Superior Court of the State of Delaware in and for New Castle, Kent and Sussex Counties.

Section 2. If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved January 28, 1952.

CHAPTER 495

PROVIDING THAT DISTRICT LIBRARY COMMISSIONS MAY RECEIVE AND HOLD DONATIONS FOR LIBRARY PURPOSES

AN ACT TO AMEND CHAPTER 34, REVISED CODE OF DELAWARE, 1935, ENTITLED "THE LIBRARY COMMISSION FOR THE STATE OF DELAWARE," BY PROVIDING THAT DISTRICT LIBRARY COMMISSIONS MAY RECEIVE AND HOLD DONATIONS FOR LIBRARY PURPOSES.

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

Section 1. That Chapter 34 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing 1047. Sec. 4 thereof and by substituting in lieu thereof the following:

1047. Sec. 4. SCHOOL DISTRICTS AND DISTRICT LIBRARY COMMISSIONS MAY RECEIVE AND HOLD DONATIONS FOR LIBRARY PURPOSES:—Any School District or District Library Commission in this State may receive and hold any devise, bequest or donation for the foundation and establishment or for the maintenance, support and increase of a free public library within the same.

Approved February 8, 1952.

CHAPTER 496

HOUSE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO HEAR AN EXPLANATION OF A BILL AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO ISSUE REVENUE BONDS IN RESPECT TO THE ACQUISITION OF THE PROPERTY OF THE DELAWARE - NEW JERSEY FERRY COMPANY.

BE IT RESOLVED *by the House of Representatives of the 116th General Assembly of the State of Delaware, in Special Session assembled, the Senate concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Thursday, the Thirteenth day of December, 1951, at two o'clock P.M., for the purpose of hearing an explanation of a bill authorizing the State Highway Department to issue revenue bonds in respect to the acquisition of the property of the Delaware - New Jersey Ferry Company.

Approved January 15, 1952.

CHAPTER 497

HOUSE CONCURRENT RESOLUTION

**RELATIVE TO THE DEATH OF WILLIAM J. WINCHESTER,
LATE MEMBER OF THE HOUSE OF REPRESENTA-
TIVES OF THE 116TH GENERAL ASSEMBLY OF THE
STATE OF DELAWARE.**

WHEREAS, the House of Representatives and the Senate of the 116th General Assembly of the State of Delaware have learned with deep regret of the death of William J. Winchester, late member of the House of Representatives from the first Representative District of New Castle County, who died on the Third day of January, A. D. 1952; and

WHEREAS, William J. Winchester faithfully served the State of Delaware in various important capacities, including membership in the House of Representatives at the 115th and 116th Sessions, and by his genial manner and devotion to duty earned the esteem and high regard of his many associates and friends; and

WHEREAS, it is fitting that the House of Representatives and the Senate of the 116th General Assembly of the State of Delaware, in Special Session assembled, should give expressions of sympathy to the family of the late member of the House of Representatives; NOW, THEREFORE,

BE IT RESOLVED that the House of Representatives and the Senate of the 116th General Assembly of the State of Delaware, in Special Session assembled, do extend to the family of the said William J. Winchester, late member of the House of Representatives of the State of Delaware, sincere sympathy in their loss and sorrow and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journal, a copy delivered to the press, and a copy hereof be sent to the family of the deceased.

Approved January 15, 1952.

CHAPTER 498

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 116th General Assembly, in Third 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 twelve o'clock noon on the 11th day of December, A. D. 1951, or as soon thereafter as is convenient, 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 January 17, 1952.

CHAPTER 499

SENATE CONCURRENT RESOLUTION

**APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR
THAT THE GENERAL ASSEMBLY IS ORGANIZED.**

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, in Third Special Session assembled, the House of Representatives concurring therein,* that the President 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 116th General Assembly, in Third 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 January 17, 1952.

CHAPTER 500

HOUSE JOINT RESOLUTION

APPOINTING A BILL CLERK FOR THE HOUSE OF REPRESENTATIVES AND A BILL CLERK FOR THE SENATE TO SERVE DURING THE SPECIAL SESSION OF THE 116TH GENERAL ASSEMBLY.

BE IT RESOLVED *by the House of Representatives and the Senate of the Special Session of the 116th General Assembly of the State of Delaware* that William J. Warwick be and he is hereby appointed Bill Clerk for the House of Representatives to serve during the present Special Session of the House of Representatives; and that William L. Pennington be and he is hereby appointed Bill Clerk for the Senate to serve during the present Special Session of the Senate, in accordance with 337 Section 1 of Chapter 10 of the Revised Code of Delaware, 1935.

Approved January 25, 1952.

CHAPTER 501

SENATE CONCURRENT RESOLUTION

APPROPRIATING MONEY TO REIMBURSE HARRIS B. McDOWELL, JR., SECRETARY OF THE STATE, FOR CERTAIN MONIES EXPENDED FOR CERTAIN TELEPHONE SERVICES PAID OUT, NEEDED, FURNISHED TO AND USED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE 116TH GENERAL ASSEMBLY, IN SPECIAL SESSION ASSEMBLED.

BE IT RESOLVED by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives concurring therein:

1. That the sum of Thirty-one Dollars and Fifteen Cents (\$31.15) be and the same is hereby appropriated out of any funds of the State Treasury of the State of Delaware not otherwise appropriated, unto Harris B. McDowell, Jr., Secretary of the State, for certain monies expended for certain telephone services paid out, needed, furnished to and used by the Senate and House of Representatives of the 116th General Assembly, in Special Session assembled, as follows:

Reimbursement for Telephone Service during this
Special Legislative Session—December 10, 1951 to
January 17, 1952.

Service charge Direct.....	\$16.25
Service charge Indirect	14.90
	<hr/>
	\$31.15

2. That the State Treasurer of the State of Delaware is hereby authorized and directed to pay the said sum of Thirty-one Dollars and Fifteen Cents (\$31.15) unto Harris B. McDowell, Jr., Secretary of the State, upon warrants approved by the Chairman of the Claims Committees of the Senate and the House of Representatives.

Approved January 28, 1952.

CHAPTER 502

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT SINE DIE.

BE IT RESOLVED *by the Senate of the 116th General Assembly of the State of Delaware, the House of Representatives thereof concurring therein, as follows:*

That both Houses of the 116th Session of the General Assembly, in Special Session assembled, shall adjourn sine die at the end of the Legislative Day on Friday, the 25th day of January, A.D. 1952.

Approved January 28, 1952.

CHAPTER 503

HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER
SUPPLIES FOR THE SPECIAL SESSION OF THE 116TH
GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Fourteen Hundred Dollars (\$1,400.00) 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 Special Session of the 116th 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 January 28, 1952.

CHAPTER 504

HOUSE CONCURRENT RESOLUTION

**REQUESTING THE PUBLIC HOUSING ADMINISTRATION
TO RECONSIDER ITS RECENT ACTION BY WHICH IT
INCREASED RENT IN CERTAIN AREAS.**

BE IT RESOLVED *by the House of Representatives of the 116th General Assembly of the State of Delaware, in Special Session assembled*, that the Public Housing Administration is hereby requested to reconsider, if possible, its recent action by which it raised rents 20% in the Pennside, Shipside, Millside and Riverside Housing areas, for the reason that a large portion of the persons affected thereby are veterans or families of servicemen to whom such increased rent is an added burden that many cannot afford.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Wilmington Housing Authority.

Approved January 28, 1952.

CHAPTER 505
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

Three hundred and thirty years ago a brave, liberty-loving people who had arrived in America the year before made preparations for a day of Thanksgiving.

They came to this new land seeking freedom and liberty. They came as pioneers, willing to make great sacrifices in the name of freedom.

Hunger, sickness, death and suffering were the price these pioneers had to pay to successfully settle this new land. Gradually their faith in God and in the principles of liberty was rewarded by their ability to overcome the many grievous obstacles with which they had been faced. Successful crops were harvested; peace was made with their potential enemies, the Indians, and houses were built to keep out the winter cold and rain. Properly, they decided to set aside a day of Thanksgiving where they might give thanks to Almighty God for the many bounteous blessings that He had showered upon them.

How much more important is it that we should join together with our friends and neighbors in humbly giving thanks to Almighty God for the many blessings, comfort and advantages that we have enjoyed in this land of bounteous plenty and opportunity during the past year.

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby set aside and proclaim

THURSDAY, THE TWENTY-SECOND DAY OF
NOVEMBER, A. D. 1951, AS A DAY OF
PRAYER AND THANKSGIVING

and urge all of the people of our State to appropriately observe this day in houses of worship and in our homes or homes of our

friends and relatives which are truly the hope and foundation of this great nation. Let us instruct our children of the importance of this day and let us teach them to humbly be thankful for the many blessings which have been ours. Let us all unite as one in a prayer of thankfulness for the many bounties we have received and work toward the day when universal peace shall be the accepted path of all nations.

In testimony of our acknowledgement of the many blessings that this great nation has bestowed upon us let us display the flag of our State and country throughout the length and breadth of our beloved Delaware.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the Great Seal of the State of Delaware, this Fifth day of November, in the Year of
(GREAT SEAL) Our Lord, One Thousand Nine Hundred and
Fifty-one, and of the Independence of the United
States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 506
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on December 7, 1787, Delaware, through the leadership of its distinguished citizens and patriots, arrived first at the Birth of the Nation by being the first state of the thirteen colonies to ratify the Constitution of the United States; and

WHEREAS, this is a heritage of which all Delawareans can be proud, and it is important that we inform and acquaint all of our citizens with the significance of this memorable event; and

WHEREAS, in recognition of the importance of this day, the General Assembly of the State of Delaware, by resolution on November 29, 1933, authorized and directed the Governor to issue a proclamation each year calling the attention of the people of Delaware to this historical occasion;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate and proclaim Thursday, December 7, 1951, as

DELAWARE DAY

and urge everyone in our State to appropriately observe this day by displaying our State and National flags and by conducting exercises and ceremonies in all of our schools, churches and civic associations.

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) Nineteenth day of November, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 507

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, patrolling of the coast line of the State of Delaware is of utmost importance in time of national emergency to assure its citizens that we are ever on guard against attack from without; and

WHEREAS, during World War II, that feat was successfully undertaken by a group of civilian airmen and women who volunteered their services to their state and nation; and

WHEREAS, through this service there was formed a Delaware Wing of the Civil Air Patrol, which has expanded its activities today so that it gives invaluable service to our State and National Civil Defense Program; and

WHEREAS, this group is about to mark its tenth year of service to the State of Delaware and the United States of America;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of November 25 through December 1, 1951, as

CIVIL AIR PATROL WEEK

to be marked concurrently with National Civil Air Patrol Week as set forth by CAP National Commander, General Lucas V. Beau, in Washington, D. C. I call upon all our citizens to take notice of this effort on the part of our civilian aeronautic enthusiasts who give of their time and talent in performing such duties as may, in the event of serious emergency, be of great comfort, not only to the citizens of Delaware, but those of neighboring states as well.

The sacrifice of leisure time by Civil Air Patrol members so they may be competently trained in the duties assigned to them

should merit our greatest pride in the Delaware Wing and we should lend to them our support, encouragement and grateful thanks for this outstanding patriotic contribution.

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 hereunto affixed at Dover, this Twentieth day of November, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 508
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; and

WHEREAS, House Substitute Number 1 for House Bill Number 471, entitled "An Act to Amend Chapter 274, Volume 45, Laws of Delaware, as Amended by Chapter 193, Volume 46, Laws of Delaware, In Respect to the Acquisition by the State Highway Department of any Ferry or Ferries in Operation Across the Delaware River," which was passed by the 116th General Assembly and approved by the Governor on May 3, 1951, specifies that in the event the State Highway Department was unable to acquire such ferry or ferries by purchase, it was to institute condemnation proceedings for the acquisition of any such ferry or ferries. The Act further states that the amount of damages ascertained in any such condemnation proceedings may be paid or tendered by the Department to the person or persons entitled to the same within four months after the same shall have been finally ascertained, and that upon the final ascertainment of such amount of damages, the General Assembly should be convened in special session for the consideration of the issuance of additional revenue bonds to provide for payment thereof under the provisions of the Act of Assembly of April 19, 1945, being Chapter 275, Volume 45, Laws of Delaware; and

WHEREAS, the Condemnation Commission has been duly appointed by the Court and has determined a purchase price for such ferry or ferries, and the determination of this Commission has not been appealed by either the State Highway Commission or the owners of the ferry or ferries within the legal time set by law; and

WHEREAS, it is my considered opinion that legislation

should be authorized to increase the salaries of teachers and professional educators in our State;

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 116th General Assembly of the State of Delaware shall convene at Dover, the Capital of the State of Delaware, on Monday, the 10th day of December, A. D. 1951, 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 consider legislation for the issuance of additional revenue bonds by the Delaware Memorial Bridge to provide for the acquisition of any ferry or ferries in the vicinity of said Bridge in operation across the Delaware River;

2. To consider legislation which would increase the salaries of teachers and professional educators throughout the State;

3. The 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
(GREAT SEAL) Twenty-ninth day of November, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 509

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Public Law 51 provides in Section 6 (c) (2) A that in any case in which the Governor of any State determines that the authorized strength of any organized unit of the National Guard cannot be maintained by enlistment or appointment (1) of persons who are not liable for training and service under such Act or (2) of persons who served honorably on active duty between September 16, 1940, and June 24, 1948 for a period of 90 days or more but less than 12 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; and

WHEREAS, Public Law 51 provides that after such a determination by the Governor of any State and the issuance of a Proclamation to that effect, any person who, prior to attaining the age of 18 years and six months, and prior to the issuance of orders for him to report for induction, enlists or accepts appointment in any such organized unit shall be deferred from training and service under such Act so long as he continues to serve satisfactorily as a member of such organized unit;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, in accordance with Public Law 51, 82nd 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 determine and 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 of Public Law 51.

AND I HEREBY direct the Adjutant General of Delaware to maintain a current list of those organized units of the Dela-

ware National Guard which have not reached or cannot be maintained at 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, 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 affixed at Dover, this First day of December, in the year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 510
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, many Delaware homes are saddened by holiday accidents of all types, especially on the highway, at this time of year—accidents that need not have happened—would not have happened with a little thought and effort; and

WHEREAS, although it is traditionally the happiest time of the year, the Christmas Season, ironically, is also the deadliest time of the year; and

WHEREAS, the last week of December—"the holiday season"—is that crowded, delightfully busy seven days during which we try to remove from our minds all cares and worries and to concentrate only on the happiness and religious significance of the season; and

WHEREAS, it is within our power to give the most valuable Christmas present in the world—SAFETY—freedom from accidents and the pain and cost and heartbreak they bring;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do earnestly call upon all Delawareans to join in the true spirit of Christmas by using extra care, common sense and courtesy to meet the unusual hazards of the holiday season, and insure yourself against an accident that could be a mockery of Christmas for you and your family.

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 hereunto affixed at Dover, this Nineteenth day of December, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 511

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, polio epidemics have been more widespread, with 1951 the fourth successive year in which this cruel disease wrought great havoc amongst the citizens of our country; and

WHEREAS, in rallying to the aid of boys and girls and young men and women stricken by infantile paralysis, the use of March of Dimes funds reached exceedingly great proportions; viz., the sum of \$79,000,000 for patient care alone in the last four years; and

WHEREAS, this amount was considerably in excess of the \$41,000,000 expended for the same purpose during the entire preceding decade; and

WHEREAS, 29 states have experienced their worst polio epidemics within the last four years, and no one can predict when this upward trend will be curbed; and

WHEREAS, the National Foundation for Infantile Paralysis, now planning the 1952 March of Dimes, requires the utmost public support if its great work is to continue; and

WHEREAS, the 1952 March of Dimes takes place January 2 to 31, 1952, during which time the National Foundation will ask for and deserve generous voluntary contributions from the people of our State and the entire Nation; and

WHEREAS, upon the success of the March of Dimes shall depend the hope and health and happiness of countless American youngsters and adults threatened by the grim visitation of polio;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim January 1952 as

MARCH OF DIMES MONTH

and call upon each and every citizen to join me in helping to assure the success of the 1952 March of Dimes fight against polio.

(GREAT SEAL) 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 hereunto affixed at Dover, this Thirty-first day of December, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 512
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, commemoration should be made of the 246th anniversary of the birth of Benjamin Franklin, January 17, 1706, in Boston; and

WHEREAS, 200 years ago Franklin flew his famous kite with its key to electricity; also promoted the first chartered fire insurance company in the colonies; and

WHEREAS, in 1776 Dr. Franklin signed the Declaration of Independence, which he had helped to draft; he left that fall for France where his efforts as American envoy secured the Treaty of Alliance of February 6, 1778; he later signed the Treaty of Peace with England and the Constitution of the United States; and

WHEREAS, Franklin was a printer, publisher, author, editor, educator, advertising man, inventor, athlete, scientist, philosopher, diplomat, philanthropist, statesman, musician, cartoonist, humorist and, primarily, a Patriot; founder of the State Militia—now the National Guard of Pennsylvania; also later a founder of the U. S. Navy; founder of the circulating library system on this continent and the University of Pennsylvania, first anti-slavery society, also first thrift campaign in the colonies, as well as daylight saving; in 1751 promoted this country's first hospital; "snatched the lightning from the skies"; also inaugurated Philadelphia's police, fire, street-cleaning and street-lighting departments; and was first Postmaster General; and

WHEREAS, celebration of Franklin's Birthday, though without a holiday, has been urged by Congresses of the Daughters of the American Revolution and Sons of the American Revolution; also by many other groups;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, hereby call upon the citizens of the State

appropriately to pay tribute to the memory of Benjamin Franklin, one of the founders of our Nation, and one of the greatest men of all time. Let Franklin's birthday, January 17, be patriotically celebrated—especially in the schools.

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 hereunto affixed at Dover, this Second day of January, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-one, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 513

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the real wealth of our nation lies in the hands and minds of its citizens who labor for the advancement of science, education and industry; and

WHEREAS, Thomas Alva Edison personifies the great progress which can result when one such person utilizes his knowledge and abilities for the benefit of all under a system of government which encourages individual initiative; and

WHEREAS, his contributions to America's scientific and industrial growth are exemplified by the incandescent light, the phonograph and the motion picture camera to name but a few of his 1,097 patented inventions which are in use throughout the world today; and

WHEREAS, his inventions and discoveries created new industries which provided employment and raised our living standards to unprecedented heights; and

WHEREAS, February 11th, 1952, marks the 105th birthday anniversary of this great American inventor whose birthday is observed internationally;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim February 11th, the inventor's birthday, as

THOMAS ALVA EDISON DAY

in fitting tribute to the memory of the man people throughout the countries of the world honor as their benefactor and I urge all citizens to consider the significant part which Thomas Alva Edison played in making their lives richer and more enjoyable.

(GREAT SEAL) 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 hereunto affixed at Dover, this Seventeenth day of January, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 514
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Howard S. Abbott, 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, Elbert N. Carvel, Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

A. S. Johnson Refrigeration Company, Abco, Inc., Abe Sachs, Inc., Abram E. Stern Company, Incorporated, Accounting Services, Inc., Ace Beverage Company, Inc., Ace Sales & Service, Inc., Acme Oil & Gas Corporation, Acousticon-Orrison Co., Adele Shops, Inc., Adequate Housing Inc., Aero Company, Inc., Aeromotive Services, Inc., Affiliated Liquidating Corporation, Agee Engineering Company, Ahtram Corporation, Air Industries, Incorporated, Air-Stop Storm Sash Company, Air Technical Services, Inc., Air Time Research Institute of America, Air Transport Corporation, Airborne Products, Inc., Aircraft & Diesel Equipment Corporation, Airline Equipment Corporation, Airports-Airways-Associates Incorporated, Alamill Oil Corp., Alamo Mining and Development Corporation, The, Alan, Inc., Albion Mining Co., Inc., Alcania Timber Syndicate, Inc., Alcon Restaurant, Inc., Aldoroco, Inc., All-America Stores, Inc.

Allen Howe Electronics Corp., Allied Petroleum Corporation, Allied Waterproofing Co., Inc., Aloupis Company, Incorporated, Alta Mines, Inc., Amalgamated Copper Corporation, Amasia Industrial Trade Institute, Inc., Amer - Ind Inc., America-Japan-Honshu Co. Inc., American-African Corporation, The, American Asiatic Medical and Dental Supply Co., Inc., American Bowling

Distributing Corp., American Brazilian Company, American and Brazilian Food Products, Inc., American Buyers Service, Inc., American Ceramics Sales Company, American Chrome and Magnesium Industries, Inc., American Distributing Company, American Dominion Oil Corporation, American Engineering Specialties, Inc., American Extension University, Ltd., American Industrial Engineers, Inc., American Institute of Radionics, Inc., American-Mayan Corp., American Monac Corporation, American Newspictures, Inc., American Plan Discount Corporation, American Quarter Horse Association, Inc., American Resources Company, American Students and Veterans Aid, A Non-Profit, Charitable Corporation, American Superior Products Corporation, American Trade Associates Export-Import Co., Inc., American Veterans' Housing Co-Operative of Delaware, Inc., American Veterans PX Stores, Inc., American World Trades Export-Import, Inc., American Yachting Association.

Amphac Laboratories, Inc., Anderson-Mock, Inc., Anglo-American Corporation, Anselm and Company, Inc., Ansonia Clock Manufacturing Corporation, The, Anton Koerber, Inc., Apex Finance Company, Apex Radio & Television Co., Apple Fruit Corporation of America, Ardesey Corporation, Ariston, Incorporated, Arnold Supply Company, Art Gift Shop, Inc., The, Aircraft Rubber Products, Inc., Associated American Industries, Inc., Associated Contractors Inc. of Washington, D. C., Associated Home Towns, Inc., Associated Industries Inc., Associated Publishers, Inc., Associated Service Stores of America, Inc., Associated Services, Inc., Atlantic & Pacific Industries, Ltd., Atlas-Brooke Steel Corporation, Atlas Motor Sales, Inc., Atwood Manufacturing Co., Autodrink Corporation, Automatic Guns, Inc., Automobile Accessories, Inc., Automotive Safety Mechanics of Delaware, Inc., Avery Land and Mining Corporation.

B. E. Cabbage, Inc., B & H Engineering Associates, Inc., Bagnoli, Stovall Co., Inc., Bailey Drug Co., Inc., Bam Mining Co., Inc., The, Bar M Ranch, Inc., Bardick Corp., Beacon Hotels, Inc., Beauty, Inc., Beauty Research, Incorporated, Beaver Dam Branch Drainage Company, The, Beaver Dam, Incorporated, Bee-C-Bee Music Corporation, Bee-Jay Corporation, The, Bell Cab, Inc., Belle Haven Lodge, Inc., Bellefonte Drug Co., Benham Corporation, The, Benjamin Topol, Inc., Bennett Design & Engineering Co., Betsy Ross Foods, In-

corporated, Bettendorf Metal, Inc., Beverage Laboratories, Inc., The, Big State Oil and Distributing Company, Inc., Bilicke & Servino, Inc., Bing's Mailing Service, Inc., Bivins Karlson Corporation, Black's Cigar Stores, Inc., Blanchart Corporation, Blue Banner Sales, Inc., Blue Bell Development Corporation, Bob White's, Inc., Bobb Construction Company.

Boehm & Young, Inc., Boise Pine Mills, Inc., Bolivian International Mining Corporation, Bonded Warehouse & Storage Company, Bonwill House, Inc., Boxwood, Incorporated, Bradley-Mansfield Construction Company, Incorporated, Bradly Clothes, Inc., Brandeis Foundation, Inc., The, Brandywine Associates, Inc., Bray-Scarff & Co., Brill's, Incorporated, Broad Arcade Bowling Academies, Inc., Broadcast Enterprises, Inc., Brookwall Realty Co., Brown & Degarmo Auto Sales, Inc., Bru Power Corporation, Buck Creek Coal Mining Company, Budget Finance Company, Burka Bros., Inc., Bush's Gun Club, Bushard Properties, Inc., Busman's Holiday, Inc., Butacet Corporation, The, Butler's Liquors, Inc., Bys Corporation.

C. B. C. Corporation, C. B. Sales, Inc., C. E. J. Holding Company, C. P. Whitney Industries, Inc., C. W. Cain Tailoring Company, Cab Ads, Inc., Cairo Catering, Inc., Cal-Agg, Incorporated, Calendar Corp., Callite Tungsten Corporation, Camramatic Corporation, The, Caneel Bay Corporation, Canler Corporation, Canteen Distributors, Inc., Capital City Boating Corporation, Capital Marine Supplies, Incorporated, Capitol Apparel Manufacturing Co., Inc., Capitol Marine Works, Inc., Capitol Sales, Inc., Carbon, Inc., Cardon Corporation, Carib Fruit Corporation, Caribbean Corporation, The, Carlton Construction Corporation, Carlyle Sheet & Tube Corporation, Carolina Linen and Laundry Service, Inc., Carolina Utilities Company, Carroll & Miller Corporation, The, Carrville Gold Company, Carsmith Realty Co., Carter Trucking Company, Casten's, Inc., Cathay-Grand Corporation, Catlin Lumber Co., Inc., Cattell and Company, Inc.

Celebrities, Incorporated, Cellutin Corporation, The, Centerville Clay Products Company, Central Conditioning Corporation, Central Engineering & Trading Co. Inc., Central State Corporation of Industries, Central Trading Corporation, Central Warehouse and Refrigeration Company, The, Century Discount Cor-

poration, Ceylon Spice Company, Inc., Chaard, Incorporated, Chain Club, The, Chalmers Co., Inc., Chapman & Stockfeld Incorporated, Charles K. Dunn, Incorporated, Chemical Formulas, Inc., Chemical Processes, Inc., Cherokee Oil Well Cementing Co., Inc., Chevy Chase Transfer & Storage Co., Inc., Chi-Am Trading Co., Inc., China Clipper, Inc., China Land & Investment Company, Ltd., China Motor Corporation, China Press, Incorporated, The, Chloride Mining Corporation, Cia Minera La Loma, S. A. Corporation, Cimarron Petroleum & Exploration Company, Cinnco Broadcasting Company, Ciro Hosiery Corporation, Ciroalo and Vassallo, Inc., City Center Realty Corporation.

Clark-Hutchison, Inc., Claymont Hills Corporation, Clean-'N-Wax Company, The, Cleary Company, Cleervue Television Corporation, Club 1101, Inc., Club 3238, Coast Line Corporation, Coastal Marine Repair, Inc., Coffee Concentrate Corporation, Coleman Realty Company, Inc., Colonial Shops, Inc., The, Color-Craft, Inc., Columbia Development Corporation, Columbia Equipment Corporation, Columbia International Trade Corporation, Columbia Trading Corp., Columbian International Associates, Inc., Columbian Steel Tank Company, Combs-Monorail Company, Comfort Products Corporation, Commemoration Associates Inc., Commercial Lumber Company, Commercial Travel Credit System, Inc., Commonwealth Aviation Corporation, Concrete Products, Inc., Connector Industries, Inc., Consolidated American Promotion Corporation, Consolidated Contracting Company, Consolidated Photographic Industries, Inc., Consolidated Services, Inc., Consolidated Skidmaster Corporation of America.

Consumers League of Delaware, Inc., Continental Air Express, Inc., Continental Commercial Co., Inc., Continental Gauge Corporation, Continental Service Corporation, Contract Haulers, Inc., Contractors Equipment Sales & Service Corporation, Coral Theatre Corporation, Corner Stores, Inc., The, Corporation Maintenance & Service Company, Cottage Construction Co., The, Courtley Cartoons, Inc., Courtley Music Corporation, Cragood Company, Creative Management Services, Incorporated, Crisconi Brothers, Inc., Crosbie Company of Washington, Inc., The, Cross Corporation, Crusaders Theological Seminary Inc., The, Cugat Music Corporation, Culpepper Lumber, Inc., Custom Kitchens, Inc., Cutler Motor Corporation, Cyclic Inc., Cyclic Oil Corporation, Cyclops Export Industries Corp.

D. C. Blake, Inc., D. E. Corporation, D. E. M., Inc., D. L. B. Inc., D & L, Inc., D & M Poultry Co., Dad's Root Beer Bottling Company of Baltimore, Daisey L. Reed, Inc., Daniel Metal Products, Inc., Daughters of The British Empire In The State of Delaware, Inc., Davis Motor Sales, Inc., Davis and Thomas, Inc., Davis Upholstery Co., Inc., Davy & Murphy Construction Co., Inc., Debutante Register Foundation, Inc., The, Decatur Holding Co. Inc., Defense and General Housing Corporation, Del-Air Flying Club, Del-Mar-Va Crop Dusting Company, Del Realty Company, Delapp Farmade Company, Delaware Auction, Inc., Delaware Avenue Realty Company, Delaware Block Company, Delaware Bottlers Association, Delaware Casualty Company, Delaware Drink-O-Mat Corp., Delaware Drug Co., Delaware Highway Trucking and Hauling Company, Delaware Labor Relations Council, Inc., Delaware Products Co., Inc., The, Delaware Social Hygiene Association, Incorporated, Delaware Wing, Civil Air Patrol, Inc.

Delbay Sea Foods Co., Inc., Delivery Vehicle Company, Inc., Delmar Farms, Incorporated, Delmar Motors, Inc., Delmarva Associates, Inc., Delmarva Oil Corporation of Texas, Delmont Yarns, Inc., Dencolo Sales Corporation, Desha Basin Corporation, Detroit Stables, Inc., Developers Financial Company, Inc., Diamond Ranches Corporation, Devonian Chemical Corporation, Diamond State Construction Company, Diamond State Sportsmen's Club, Dick's Inc., Direct Distributors, Incorporated, District Development Corporation, Dixie Visioneers, Inc., Dodson & Company, Dominion Commerce Corporation, Donelan Oil Co., Douglas Development Corporation, Douglas Iron & Metal Corp., Dry Cleaners Service Company, Dry Transfer Manufacturers Association, Inc., Du-Court Mills Inc., Dupont Circle Tobacco Shop, Inc., Dura-Built Homes of Washington, Inc.

E. B. Rogers, Inc., E. H. Harris, Inc., E. J. Mudge Trading Company, Inc., E. L. Lynch & Son, Inc., E. L. Rahm Company, E and M Construction Corporation, E. M. Corporation, E & S Construction Company, Inc., E-Z-Ski, Inc., Earle Products Corporation, East Coast Steel Corp., East Texas Steel Co., Eastern Ave. Bldg. Co., Eastern Ave. Housing Co., Eastern Ave. Realty Co., Eastern Cab Co., Inc., Eastern Courier, Inc., Eastern Fabricators, Inc., Eastern Investigation Bureau, Inc., Eastern Shore Athletic Association, Eastern Shore Nurseries, Incorporated, The,

Eberhall Corporation, Ed. Hart & Associates, Inc., Edward A. Martin Associates, Inc., Edward Motor Company, Inc., Edward P. Simon Research Corporation.

Edwards Concrete Conduit Co., El Mexico, Inc., El Rio Oils-Canada-Limited, Elair Corporation, Electrical Workers of Delaware, Incorporated, Electro-Mech Laboratories Corporation, Electro-Pain-Killer-Corporation, Electronic Neon Lights, Inc., Elite Book Club of America, The, Elite Paper Products Corporation, Elk Neck Rod & Gun Club, Elliott Transportation Co., Empire Motors, Inc., Empire Painting Co., Inc., Empire Properties Corporation, Empire Tractor Corporation, Engineering Materials Co., Inc., Engineering-Sales Associates, Ltd., Enterprise Trading Corporation, Equatorial Mining Corporation, Erdix Corporation, European Magazine Associates, Inc., Examinar Y Cia., Inc., Eze Golf Corporation, Export Research & Engineering Company, Inc.

F. Baruch Agency, Inc., The, F. & G. Construction Company, Fabric of The Month, Inc., Fairmount Athletic Club, Inc., Falls Church Supply Co., Inc., Fannettie Land Corporation, Far Eastern Asiatic Corporation, Farm & Home Products Co., Federal Distributors, Inc., Federal Industries, Inc., Federal Television Corporation, Ferla Systems, Inc., Fi-Re-Sist Products, Inc., Fiberlin Corporation, Fidelity Reality Corporation (China), Fiedler Corporation, The, Fifteen Twenty-Two Walnut Street Corporation, Finkelstein Sewing Machine Corporation, Fireside Housing Corporation, First Commonwealth Company, First National Corporation, First State Oil Company, Fishfinder Bait Company, 5828 Wilshire Boulevard Co., Inc., The, 5510 Woodlawn Avenue Co-Operative Building Corporation.

Flamingo Air Service, Inc., Flare Gas, Inc., Flasheat Boiler Sales, Inc., Flick Builders Incorporated, Flying Tiger Transport Inc., Food Specialties, Inc., Forakers' Inc., Forsum Cab Company, Inc., Forty-First Street Corporation, Foster California Corporation, Foster Motors, Inc., Frank Charmel Inc., Frank E. Lowe, Inc., Frank Miratti Hotel Corporation, Ltd., Franklin Credit-Finance Corporation, Fraternal Order of Firemen of Wilmington, Del., The, Fred A. Lallemand Corporation, Fred T. Bridges Associates, Inc., Frederica Council No. 22, Junior Order United American Mechanics, Frederick H. Walton, Inc., French

American Commodities Corporation, Fretz Market, Inc., Friendly Pharmacy, Inc., Friendship Hotel Corporation, Fuller Houses, Inc.

G. E. Veasey, Incorporated, G. L. Douglass Incorporated, G. M. Wick Corporation, Garden Court Apartments, Inc., Gardy's Atlantic Service Station, Inc., Garfield Development Corp., Gaunart Realty Corporation, Gem Market, Inc., General American Export-Import Corporation, General Aviation Equipment Company, Inc., General Beverage Co. of Oklahoma, General Citrus Corporation, General Contracting Corporation, General Distributing Company, Inc., General Enterprise, Inc., General Industries Corporation of America, General Patent and Licensing Corporation, General Roofing Paint Company, General Sand and Supply Company, General Steel Corporation, Geneva Optical Company, Geo-Frequenta Corporation, George Manufacturing Company, Inc., George N. Childs Incorporated, George P. Gould Corporation, The, Georgetown Motors, Inc., Georgia Avenue Corporation, The, Gerard J. Danco Inc., Girard Productions, Inc., Global Mills, Inc., Globe Industrial Development Company, Inc.

Globe Securities Company, Globe Trailer Parts Company, Gold Hill Mines, Inc., Gold Seal Leather Co., Inc., Goldcraft Portraits, Inc., Good Will Unlimited A Corporation, Gooding Building Materials Co., Inc., Gordon Motors, Inc., Gordon-Owen Corporation, Government Girl Shopper, Inc., Governor Printz Realty Company, Grace Company, Inc. of Delaware, The, Graduate Group, Incorporated, The, Graham-Townsend and Associates, Inc., Graphic Craftsmen, Inc., Graystrad, Inc., Gre-Nair Corporation, Great Circle Airways, Inc., Great Continent Air Service, Inc., Great Western Packing & Shipping Company, Inc., Greenhill Corporation, Gregorie Cafe, Inc., Grevo Corporation, Grey Gull Fishing Club, Inc., Griffith Broadcasters of El Paso, Inc., Group Pre-Paid Medical Association, Inc., Guaranty Holding Company, Guardian Management Corporation, Gulf-Pacific Corporation, Gulf Sulphur Corporation, Guy's N. E. Motor Co.

H. A. & J. M. Corporation, H. B. Wright Company, H & H Export Company, Inc., H. L. Decker Realty Corporation, Habey Corporation, The, Hageman Properties, Inc., Haggerty Corporation, The, Hair Refresher Co. Inc., Hair & Scalp Clinic, Inc., Haitian Riviera Development Corporation, Halvic Corporation, Hamilton Realty Co., Inc., Hamilton-Ward Advertising Corporation, Hancock Engi-

neering Company, The, Harbro Engineering Corporation, Hargreen Corporation, Harriman Associates, Ltd., Harris-Magruder, Incorporated, Harrison & Company, Harry Berman Incorporated, Harry Vogel and Associates, Inc., Hart Company, Inc., The, Hart Radio Features, Inc., Hartford Heat Treating Corporation, Healthflo Products Co., Helicopters, Inc., Henlopen Players, Incorporated, Henry Behrens, Inc., Herbert Spooner Greetings, Inc., High Tor Associates, Inc., Highbrook Inc., Highland Hall, Inc., Hillcrest Apparel Shop, Inc., Hirco, Inc., Hobart Publishing Company, Incorporated, Hod Carriers Building Common Laborers & Porters Protective Association of America, Hoge Broadcasting Corporation, Holst Yukon Gold "Goat Creek" Placers, Incorporated, Home Facilities, Inc., Home Owners Apartments, Incorporated, Homeward Farms, Inc., Honduras-American Lumber Company, Hotel Grande Restaurant, Inc., Housing Products Corporation, Houston-Pacific Corporation, Houston Tool Corporation, Hudson Industrial Corporation, Hughes Lumber & Supply Co., Inc., Hy-Grade Supply Co., Hydrozone Corporation of America.

Ideas, Incorporated, Imagineers International Trading Corp., Incote Corporation, Independent Amusements, Inc., Independent Farm Industries, Inc., Independent Investors Fund, Inc., Industrial Distributing Corporation, Industrial Enterprises Company, Industrial Holding and Accepting Corporation, Industrial Machine Key Corporation, The, Industrial and Marine Equipment Corporation, Industrial Relations Publishing Corporation, Industrial Trade Services, Inc., Inland Carbon & Chemical Company, Inlet Company, Inc., The, Institute of American Trade, Inc., Insulation Associates, Inc., International Commerce, Incorporated, International Food Trading Co., Inc., International Forwarding Corporation, International Industrial Development Company, International Petroleum Corporation, International Publishers, Inc., International Radio, Inc., International Tartacol Corporation, The, International Tele-Film Company, Inc., International Textiles, Inc., International Theatrical and Television Corporation of Missouri, International Trade Relations Agency, Inc., International Trading Company of Rhode Island, International Veterans Airlines, Inc., Interstate Mortgage Company, Interstate Sales Company.

J. E. Hostetter, Incorporated, J. Francis Truitt, Inc., J. Howard Goodwin & Company, J. P. Smith Drilling Company, Jack

and Charlies's, Inc., Jack P. Hennessy Sales Company, Incorporated, Jack Salmon Company, Inc., The, Jacobs Sports Magazines, Inc., Jade American Ltd., James J. Paulman, Incorporated, Jame-son Battery & Equipment Co., Jefferson Freight Lines, Incorporated, Jennifer Business College, Incorporated, Jiffimeals, Inc., Jiffy Auto Laundry, Inc., Jimcor Distributors, Inc., John Brown & Co., Inc., John F. Schumacher, Inc., John J. Monaghan Co., Johnson Engineering Company, Inc., Joliet Chemicals, Inc., Jomodo Mining Company, Inc., Jorosa Mining Company, Inc., Joseph Ginoris, Inc., Joseph O'loughlin Co., Jot System, Inc., The, Joy Shoppe, Inc., Junior Order United American Mechanics, Vigilant Council Number 19, Incorporated.

K-F Food Co., Incorporated, K-F Motors of Hartford, Inc., K. Gee & Company, Inc., (China), Kaleidoscope, Inc., Kathryn Kagan Homes, Inc., Kay-Mann Corporation, Kelger Corporation, The, Keller Motors Corporation, Kelly Realty Company, Kelly-Woolley Construction Co., Kemp and Clements, Inc., Kenilworth Auto Co., Kenilworth Land Company, Kent County Farm Labor and Cooperative Association, Kern Laboratories, Inc., Keystone Pen-Pencil-Penholder Company, Incorporated, Kiangnan Industries, Inc., Kin Associates, Inc., Kleaner Klothes, Inc., Knowl Trading Company, Inc., Kolb Motor Co., Inc., Koppelon, Inc., Kroma Chemical Company, Inc., Kwik-Kafe' of Washington, D. C., Incorporated.

L. D. Coady, Inc., L. M. Rauch Corporation, La Societe Des 40 Hommes Et 8 Chevaux Voiture Locale No. 1, Inc., Ladies International Orange Association, Lakota Oil and Gas Company, Lane-Saoutchik, Ltd., Laurel Processing, Inc., Lawrence Du Pont Sales, Inc., Lee Garling Associates, Inc., Leeder Finance Company, Lehan's Radio & Appliance Sales Agency, Inc., Lehigh Briquetting Company, Leland Company, The, Leventhal Patents, Incorporated, Levner Manufacturing Co., Inc., Libby Construction Co., Inc., Liberia Hotel Company, The, Liberia Products Company, The, Liberty Laundry Co., Liberty Printing Company, Inc., Liebling & Co., Inc., Liefeld Ear, Nose and Throat Hospital, Inc., Lincoln Holding and Investment Corp., Lingo, Incorporated, Liquid Purification Corp., Lloyds and Bim, Inc., Loma Trading & Export Corporation, Longfield Corporation, Lott Multimatic Grinder Corporation, Lou's Market, Inc., Loyal Order of Coprals,

Inc., The, Loyham Tractor & Implement Corporation, Luminaire Distributing Corporation, Lyon Investment Company.

M. C. Mining Corporation, M. M. Kramer Co., Meccommon Company, Incorporated, The, Machinery Patent and Finance Corporation, Magmatic Minerals Corporation, Maierform of America, Inc., Mail-Me-Monday of Delaware, Inc., Main Industries, Inc., Majestic Grill, Inc., Majestic Raceways, Inc., Majestic Records, Inc., Majestic Vendo Co., Mallory Airport Lighting System, Inc., Manchester Investment Company, Mansfield Broadcasting Company, Inc., Manufacturers' Merchandising Company, Mapleton, Inc., Maritime Pulp and Paper Sales Corporation, Marpro Incorporated, Marquette Heights Commercial Co., Martin Balick, Inc., Marvel Chemical Corp., Maryland-Nevada Operating Company, Inc., Master-Craft Construction Corporation, Matam Corporation, Mayes Publishing Company, Inc., Media, Incorporated, Medical Bureaus of Information, Inc., Medical Gum Laboratories, Inc., Melrose Mining Corporation, Memorial Investment and Management Corp., Merchants Parking Corporation, Mercury Airfreight Corporation, Meridian Hill Corporation, Meridian Hill Restaurant Corporation, Meritone Corporation, The.

Merner & Boylan, Inc., Mervis Motor Company, Meryle, Incorporated, Metal Corporation of America, Metalube Corporation, Metaplast Tape Corporation, Metropolitan Hotel Corporation, Mexia Development Corporation, Miami Valley Mining Co., Inc., Mica Research Corporation, Michael Holding Company, Mid-South Equipment Company, Midwest Trading Corporation, Milk Packaging Corporation, Miller, Chester and Conway, Inc., Miller Durable Floors, Inc., Minit-Man Operating Corporation, Mission Eastern Sales Corporation, Mitchell Construction Company, Mode De France, Ltd., Modern Construction Corporation, Modern Development Corporation, Modern Machines Corporation, Modern Real Estate Co., Inc., Morgan Acid, Incorporated, Mossberg Motor Corporation, Mouldings, Inc., Mount Vernon Boulevard Development Co., Inc., Mountain Air Service, Inc., Multiple Electronic Signs, Inc., Muns Construction Company, Music of The Month, Inc., Mutual Savings and Loan Association.

Name-Bands, Inc., Napoli, Inc., National Aluminum Products Corporation, National Business Systems of Washington, Inc., National Capital Co-Operative Apartments, Inc., National Con-

struction Materials, Inc., National Controlled Air Corporation, National Display Advertising Corporation, National Electronic Refrigeration Corporation, National Electronics Corporation, National Fly-Ur-Self System, Inc., National Mail Order Guild, Inc., National Mills, Inc., National Mining and Mineral Company, Inc., National Royalties Corporation, National Safety Road Markers, Inc., National Television Broadcasting Co., Inc., National Underwriters, Inc., Naval Coast Patrol, Inc., Negro Servicemens Protective Association, Incorporated, Nelson-Pollard Corporation, Neptune Grill, Inc., New Era Mines, Incorporated, Nicholas & Hadges, Inc., Nicotine Free Tobacco Company of America and Canada, The, Nonpareil Manufacturing Company, North American Land Corp., North American Photography, Inc., North American Shares Corporation, The, North-Ashland Building Corporation, North Fairfax Sanitary Corporation, North-Monroe Building Corporation, Northern Mutual Association, Inc., Nu-Zest Pure Juice Co., Inc., Nullo, Inc., Nutri Cola Bottling Co. of Philadelphia.

O'Brien Associates, Inc., O'Neill & Dooling Construction Company, Oakford Gas & Appliance Company of Long Beach, Oklahoma Steel Bldg. Co., Old World Incorporated, Omaha Scientific Supply Corp., Oman Construction Company, Inc., 1948 Associates, Inc., Orba Corporation, Orzel Steel-Crete Corporation, Overseas Health Packages, Inc., Overseas Veterans Non-Partisan Political Council, Inc., Oxford Engineering Company.

P. F. O'Brien & Sons, Inc., P & M Sales Company, Inc., P. T. Development and Research Corporation, Pacific Atlantic Steel Corporation "Pasco," Pacific Eastern Company, Pacific Forwarding Association, Pacific Trading Corporation, Pan American Development Corporation, Pan-American Lumber Corp., Pan American Prospecting & Mining Co., Inc., Pan-American Trade and Investment Corporation, Pan-American Transport, Inc., Pan-World Trading Corporation, Panship of Delaware, Inc., Pantepec Petroleum Companies, Paramount Novelty Company, Park Mercantile Co., Ltd., Parkside Athletic Club, Pasadena-Sunset Canning Company, Patterson Mills, Inc., Paul J. Davis, Inc., Pegasus Airfreight, Inc., Pelman, Inc., Penn Motor Co., Inc., Penn-Warren Steel Company, Peoples Radio and Electrical Supply Company, Inc., The, Perlo Construction Corp., Permacrete Construction Corporation, Peter Gold Mutual Association, Inc., The, Philadelphia Export Company, Photo Sales, Inc., Piggy Pops, Inc., Pinos

Altos Mining Company, Inc., Pioneer Placer Dredging and Development Corporation, Pipe Line Supply Corporation, Pirnie, Lee & Company, Incorporated, Plas-Tk Bits, Inc., Plaster Products, Inc., Plastic Injection, Inc., Plastic Materials, Inc., Plastics Engineering & Manufacturing Company, Platt-Victoria Sales Corp., Playboy Motor Car Corporation, Playwell Inc., Plaza Auto Sales, Inc., Pleasantaire Corporation, Plowmobile Corporation Of America, The, Plumb Manufacturing Company, The, Pneumatic Cap & Seal Corporation, Potomac Associates, Inc., Potomac Distributors, Inc., Potomac International Corporation, Pre-Fab Industries Corporation, Precioustones, Inc., Precision Manufacturing Corporation, Prentice Company, The, Prescription Center, Inc., The, Printz Products, Inc., Procurement Service, Incorporated, Production Credit Corporation, Products Development Corp., Public Opinion Engineers, Inc., Public Service Association, Incorporated, The, Publishers and Advertisers, Inc., Px Canteen Corporation.

Quaint American Reproductions, Inc., Quapaw Development Company, Inc., Quick Service Cleaners & Tailors, Inc.

R. G. Corporation, R. & L. Baking Co., R. M. Muir, Inc., Radford Pictures, Incorporated, Radix Corporation, Ranch Homes, Inc., Ranch, Inc., The, Randle Estates, Inc., Randle & Garvin, Inc., Randle Highlands Company, Rauschenberg Industries, Inc., Raymond De-Icer Co., Inc., Rayon Equities, Inc., Realty Appraisal & Title Company of Washington, D. C., Reardon Bros., Inc., Red Bar, Inc., The, Red Rock Cola Bottling Company of Connecticut, Refrigeration Workers Union, Inc., Regal Productions Inc., Register Supplies Corporation, Rehoboth-Indian Beach Water Corp., Related Products Corporation, Reliable Builders, Inc., Reliance Appliance & Engineering Company, Renanne, Inc., Research Associates, Inc., Research & Planning, Inc., Rhode Island Task Enterprises, Inc., Richmond Motors, Inc., Rite Construction Co., Inc., The, Rock Creek Real Estate Company, Inc., Roditi Corporation of Italy, The, Rogers-Peerless Manufacturing Company, Rojges Coutouriers, Inc., Roller & Golibart, Inc., Rollo Corporation, The, Roman Choir From The Vatican Churches Company, The, Ropeez, Inc., Ross Federal Service, Inc., Ross Finance Corporation, Royal Industrial Corporation, The, Royal Screw Company, Russell Carburetor Company, Ryce Wilson Company, Inc.

S. G. Outfitters, Inc., S. P. Socket Company, Inc., S. S. S. Operating Corporation, Safeway Container Corporation, Saffady Corporation, The, Salvage Power Corporation San Jacinto Drilling Company, Sapp Construction Company, Scalp Treatments, Inc., Scheherazade By Its Original Paris Creators, Inc., Scriptoscope Company, The, Sea-King Sea Food Markets, Inc., Seaboard Consultants, Inc., Second Potomac Investment Company, Seneca Stamping & Machine Co., Inc., 738 Twenty-Third Street, Inc., 75th Division Veterans Association, 77 Development Corporation, Shahmoon Incorporated, Shahmoon Management Company, Shanghai Airlines Club, Shantung Traders, Inc., Shelton Bros. Trucking Co., Inc., Sherman Plan, Inc., Shoreham Supplies, Inc., Short Corporation, Shull Insurance Agency, Inc., Sidley Construction Corporation, Sigma Tau Phi Fraternity-Delta Chapter, Inc., Silver-Knight Development Co., Ltd., Silver Motors, Inc., Simplicity Merchandiser, Inc., Siralop Steamship Company, Inc., Sixteen Hundred Hinman Avenue Corporation, Skinner Aircraft Engines, Inc., Skipper's Seafood House, Incorporated, Skyparks, Inc., Smith, Brennan & Company, Smith Marine Transportation Company, Smith & Strevig, Inc., Smyrna Business Association, Soap and Detergent Manufacturers' Association, Solomon E. Shahmoon Company, Sound Vue, Inc.

South American Enterprises, Inc., South American Parra Fuel Corp., Southeast Business Men's Athletic Club, Southern Broadcasters, Incorporated, Southern Investigation Bureau, Inc., Southern Plastics, Inc., Southern Sales Corporation, Southern Sauces, Inc., Southern States Oil & Land Company, Southwestern Investors, Incorporated, Soya International, Inc., Special Policemen's Association, Inc., Spickard Tire & Supply Company, Sport Shoes, Inc., Sportsmen's Republican Club, Standard Coat, Apron & Linen Supply, Inc., Standard Structures Incorporated, Standley Sales & Manufacturing Co., Inc., Stanley Steam Motors Corporation, Stanton Market, Inc., Star Grill, Incorporated, Starr County of Texas Oil & Gas Development Corp., State Drugs, Inc., States Oil and Gas Corporation, Steam Motive Power, Incorporated, Stebbing, Inc., Steel Engineers, Inc., Stephen R. Jackson & Company, Sterling Handcraft, Inc., Sterling Sales Company, Inc., Stone Setting, Inc., Stores Associated For Veterans' Economy, Inc., Strandberg Farming Corporation, Strategic Ores Company, Inc., Stratford Corporation, The, Structural Homes, Inc., Suburban

Drive-In Theatre Corp., Sugar Management, Inc., Suitland Manor Food Center, Inc., Sullivan-Waldron Products Company, Sun Clothes of California, Inc., Super Electric Corporation, Superior Incinerator Company, Inc., Surety Engineering Corporation, Surf Amusements, Inc., Sussex Farms & Poultry Co., Sussex Inc., Sussex Oil Company, Swann Investment Corporation, Swiss Chalet and Hunt Club, Sycamore Corporation, Sydney Originals, Inc.

T. J. O'Sullivan Company, Inc., Tabulating Forms Corporation, Tanker and Transport Corporation, Tankers & Freighters, Inc., Teachers Mutual Investment Society, Teckna Company, Inc., Tekton Construction Company, Inc., Tel-A-Key Trading Corporation, Tel-Rad Message Service, Inc., Tele-Vision News of Washington, Inc., Tele-Vu Corporation, Telecasting Publications, Inc., Telequiz Corporation of New York, The, Television Corporation of America, Television and Film Productions, Inc., Telicon Corporation, Texas-Alberta Oil Fields, Inc., Texas Home & Auto Stores (Inc.), Texas Royalties Corporation, Theatre Consultants, Inc., Therm-O-Gas Corporation, Third Ward Veterans Club of Wilmington Delaware, Inc., Thomas, Adams and Davis, Inc., Thomas Brothers, Inc., Thomas Harvey Corporation, Thor Construction Company, The, Thoroughbred Turf Club, Tieman & Burke, Inc., Tillotson Manufacturing Company, The, Timberline Guest Ranches, Ltd., Titan Tractor & Implement Corporation, Townsend Manufacturing Company, Townsend Methods Inc., Toy Pop Corporation, The.

Trading Company of America, Inc., Trainer Corporation, The, Trans-America Steel Mills Corporation, Trans-America Traders, Inc., Trans Atlantic Airlines, Inc., Trans-World Syndicate, Inc., Transit Broadcasting Company of New York, Travis Royalty Company, Inc., Tri-State Homes, Inc., Tri-State Realty Co. of Washington, Tri-State Yacht Sales, Inc., Tri States Power Corporation, Trident Corporation, The, Triple "D" Home Builders, Inc., Tristate Royalty Company, Tristate Royalty Corporation, Tropical Beverage Company, Tropical Broadcasting Company, Trumbull Steel & Tube Corporation, Tucker Corporation, Tucker Export Corporation, Tucker Motor Company, The, Tulsa Rental Estates, Inc., Tuolumne Gold Dredging Corporation, Twin Cities Office Supply Corp., Twin Safety Tire Corporation, 228 South Wabash Avenue Corporation.

U. P. A. D. Incorporated, U. S. Aeroplane Carriers, Inc., U. S. Sabotage Guards and Inspection Service, Inc., Union Brewing Company, Union Chemical Products, Inc., Union Constructors, Incorporated, Union Deposit and Savings Company, The, Union Music Corporation, United Asia Commercial Company, United Clearance Corporation, The, United Contractors, Builders and Laborers Association, Incorporated, United District Agencies, Inc., United Farm Equipment Co., Inc., United Federation of Labor, Inc., The, United Heating Industries, Inc., United Motor Industries Corporation, United Purchasing Corporation, United States Airways, Inc., United States Forest Products Corporation, United States Industries, Incorporated, United Welding and Construction Company, Inc., Universal Air Service, Inc., Universal Instruments, Incorporated, Universal Metal Products Co., Universal Window Corporation, Uptown Beauty Salon, Incorporated, "Us" Farmers Union of America, Utah Elaterite Products Corporation, Utility Counselors & Service, Inc., Utility Rate Auditing Company.

V. G. Chris Company, Vacation Clubs of America, Inc., Valley Liquor Stores, Inc., Van Tine Corporation, Van Vorhees Development Corporation, Vanity Razor Company, The, Vatican Choir Company, The, Velvet Power Company, Inc., Veterans' Co-Op of El Paso, Inc., Veterinary Laboratories, Inc., Via-Pacific Traders, Inc., Victor Home Studios, Inc., Victory Export and Merchandising Corporation, Victory Investment Corporation, Viking Engineering Co., Vincent C. Moss & Co., Vinolum Products Co., Inc., Virginia Plastering Company, Inc., Vita-Rich Dairy Products, Incorporated, Vitavision International, Inc., Vulcan Pipe Corporation.

W. C. Thompson, Inc., W-E-S Engineering Corporation, W. Pantazes Vending Corporation, W-W Corporation, The, Wake Production Corporation, Wallace International, Inc., Washburn Lignite Company, Washington Associates, Inc., Washington Circle Construction Co., Inc., Washington Finance Corporation, Washington Motors, Inc., Washington Steel & Supply Co., Inc., The, Washington Tucker Sales, Inc., Weather-Proof Company, Weather Road Sign Corporation, The, West End Realty Company, Westco Finance Company, Western Chemicals Recovery Co., Inc., Westover Manor Development, Incorporated, Whelan & Garner Co., Inc., White Inc., Whiting Engineering Equipment Co.,

Inc., Wicacoe Riding Club, William A. Brady's Picture Plays Inc., The, William H. Harman Corporation, William J. Lacy & Co., Inc., Williams Potato Chips, Inc., Willjay Corporation, Wilmington Finance Company, Wilmington Store Fixture Co., Wilson-Moore Enterprises, Inc., Wilson, Wright & Associates, Inc., Winton Oregon Timber Company, Wire Recording Corporation of America, Womack Service Inc., Woodbridge Corporation, The, World Federation of Education Associations Travel Bureau, Inc., World's Market, Inc., World Wide Merchandising Corporation, World Wide Sales Corporation, Writing Fellowships, Inc.

Yah Foong Trading Company, Yangtsepoo Hospital, Inc., Yankee Realty Corporation, Young Men's Progressive Club, Inc., Youth Pioneer Manufacturing Company.

Zenobia Mining Company, Inc., The, Zimmerman & Co., Inc.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
affixed this Twenty-second day of January, in
(GREAT SEAL) the Year of our Lord One Thousand Nine Hundred
and Fifty-two, and of the Independence of the
United States of America, the One Hundred and
Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

STATE OF DELAWARE

DEPARTMENT OF STATE

DOVER

February 1, 1952

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 second day of January, A. D. 1951 and ended on Saturday, the twenty-sixth day of May, A. D. 1951; at the Special Session commenced on Monday, the tenth day of December, A. D. 1951 and ended on Friday, the twenty-fifth day of January, A. D. 1952.

HARRIS B. McDOWELL, JR.
Secretary of State

**ACTS AMENDING REVISED STATUTES OF 1935
FOUND IN VOLUME XLVIII, LAWS OF DELAWARE
REGULAR AND SPECIAL SESSIONS 1951-1952**

R.C.—Revised Code

S—Section

C—Chapter

R.C. 1 S1 C1	517	R.C. 1058 S15 C34	561
R.C. 29 S7 C5	627	R.C. 1059 S16 C34	561
R.C. 95 S61 C6	862, 908	R.C. 1060 S17 C34	562
R.C. 98 S64 C6	938	R.C. 1061 S18 C34	563
R.C. 139 S105 C6	256	R.C. 1062 S19 C34	563
R.C. 142A S108A C6	258	R.C. 1063 S20 C34	564
R.C. 143 S109 C6	257	R.C. 1064 S21 C34	564
R.C. 144 S110 C6	786	R.C. 1107 S4 C39	542
R.C. 163 S129 C6	623	R.C. 1136 S1 C42	300
R.C. 174 S140 C6	1081	R.C. 1136 S1 C42 (Par. 2)	505
R.C. 197 S163 C6	107	R.C. 1155 S9 C43	255
R.C. 214 S180 C6	814	R.C. 1176 S30 C43	843
R.C. 222 S188 C6	519	R.C. 1180 S34 C43	170
R.C. C6	108	R.C. 1181 S34 C43	170
R.C. 344 S8 C10	378	R.C. 1194 S48 C43	172
R.C. 369 S7 C12	655	R.C. 1241 S95 C43	625
R.C. 373A S11A C12	405	R.C. 1249 S103 C43	609
R.C. 403 S6 C15	637	R.C. 1251 S105 C43	598
R.C. 445 S34 C16	795	R.C. C43	1080
R.C. 493 S32 C20	138	R.C. 1258 S1 C44	754
R.C. 654 S87 C21	1070	R.C. 1372 S32 C45	239, 240
R.C. 667 S100 C21 (Par. 1A)	594	R.C. 1406 S66 C45	626
R.C. 678A S111A C21	80	R.C. 1478 S3 C46	476
R.C. 716 S8 C23	194	R.C. 1538 S20 C49	592
R.C. 795 S52 C25	800	R.C. 1540 S22 C49	102
R.C. 1044 S1 C34	551	R.C. 1565 S2 C51 (Par. 10)	574
R.C. 1045 S2 C34	552	R.C. 1588 S1 C52	758
R.C. 1046 S3 C34	552	R.C. 1598 S7 C53	239
R.C. 1047 S4 C34	553, 1284	R.C. 1607 S4 C54	514
R.C. 1048 S5 C34	553	R.C. 1610 S7 C54	514
R.C. 1049 S6 C34	554	R.C. 1654 S10 C55	480
R.C. 1050 S7 C34	554	R.C. 1694 S50 C55	181
R.C. 1051 S8 C34	555	R.C. 1729 S24 C56	101
R.C. 1052 S9 C34	555	R.C. 1817 S8 C60	1065
R.C. 1053 S10 C34	555	R.C. 1881 S72 C60	150
R.C. 1054 S11 C34	557	R.C. 2034 S2 C65 (Par. 9)	918
R.C. 1055 S12 C34	558	R.C. 2037 S5 C65	935
R.C. 1056 S13 C34	559	R.C. 2048X S16 C65	935
R.C. 1057 S14 C34	559	R.C. 2049 S17 C65	918
		R.C. 2059 S27 C65	919

R.C. 2068 S36 C65	932	R.C. 4266 S6 C110	648
R.C. 2071A S39A C65	932	R.C. 4267 S7 C110	648
R.C. 2075 S43 C65	921	R.C. 4268 S8 C110	648
R.C. 2091 S59 C65	924, 925	R.C. 4269 S9 C110	648
R.C. 2091A S59A C65	926	R.C. 4270 S10 C110	648
R.C. 2091B S59B C65	928	R.C. 4271 S11 C110	648
R.C. 2091C S59C C65	928, 931	R.C. 4272 S12 C110	648
R.C. 2092 S60 C65	905, 913	R.C. 4318 S3 C116	789
R.C. 2093 S61 C65	910	R.C. 4346 S31 C116	982
R.C. 2094 S62 C65	922	R.C. 4347 S32 C116	987
R.C. 2104 S72 C65	908	R.C. 4348 S33 C116	988
R.C. 2125 S93 C65	935	R.C. 4349 S34 C116	989
R.C. 2247 S215 C65	943	R.C. 4350 S35 C116	990
R.C. 2249 S217 C65	922	R.C. 4352 S37 C116	991
R.C. 2275 S18 C66	605	R.C. 4353A S38A C116 ...	789
R.C. 2288 S31 C66	653	R.C. 4401 S35 C117	103, 606
R.C. 2411 S3 C67	780	R.C. 4422A S7A C118	993
R.C. 2462 S54 C67	722	R.C. 4423 S8 C118	616
R.C. 2515 S17 C70	763	R.C. 4701 S16 C129	518
R.C. 2716 S94 C71	109	R.C. 4704 S19 C129	618
R.C. 2719 S97 C71	504	R.C. 4752 S32 C131	584
R.C. 2821 S20 C74	498, 681	R.C. 4753 S33 C131	583
R.C. 2869 S68 C74	267	R.C. 4804 S13 C133	661
R.C. 2885 S84 C74	478	R.C. 4989 S4A C142	549
R.C. 2993 S192 C74	578	R.C. 5111 S42 C143	185
R.C. 3106 S6 C77	604	R.C. 5113 S44 C143	175
R.C. 3321 S197 C78	25, 113, 550, 757	R.C. 5200 S20 C150	742
R.C. 3550 S3 C88	279	R.C. 5201 S21 C150	778
R.C. 3551 S4 C88	280	R.C. 5218 S38 C150	747
R.C. 3579 S1 C89	601	R.C. 5219 S39 C150	783
R.C. 3603 S13 C90	491	R.C. 5239 S59 C150	781
R.C. 3647 S57 C90	801	R.C. 5246 S2 C152	737
R.C. 3666 S9 C92	266	R.C. 5253 S4 C153 (Par. 2)	946
R.C. 3841 S43 C98	614	R.C. 5343 S48 C155	765, 769
R.C. 4007 S112 C100	19	R.C. 5349 S6 C156	488
R.C. 4058 S163 C100	738	R.C. 5356 S13 C156	488
R.C. 4060 S165 C100	745, 1274	R.C. 5361 S18 C156	495
R.C. 4061 S166 C100	1282	R.C. 5362 S19 C156	608
R.C. 4063 S168 C100	740	R.C. 5420 S1 C159	154
R.C. 4145 S28b C101	573	R.C. 5427 S4 C160	856
R.C. 4175 S3 C103	798	R.C. 5428 S5 C160	856
R.C. 4236 S2 C108	603	R.C. 5454 S31 C160	245
R.C. 4244 S10 C108	495	R.C. 5456 S33 C160	857
R.C. 4245 S11 C108	493	R.C. 5485 S13 C161	485
R.C. 4246 S12 C108	516	R.C. 5539 S1 C165	947
R.C. 4261 S1 C110	648	R.C. 5545 S7 C165	628
R.C. 4262 S2 C110	648	R.C. 5546 S8 C165	750
R.C. 4263 S3 C110	648	R.C. 5550 S12 C165	
R.C. 4264 S4 C110	648	(Par. B)	242
R.C. 4265 S5 C110	648	R.C. 5564 S26 C165	110, 136

R.C. 5589 S51 C165	735	R.C. 5685 S147 C165	855
R.C. 5595 S57 C165		R.C. 5719 S181 C165	775
(Par. B and C)	621	R.C. 5819 S13 C169	494
R.C. 5605 S65 C165		R.C. 5828 S7 C170	788
(Par. A)	622	R.C. 6078 S8 C175	610
R.C. 5608 S70 C165	945	R.C. 6080 S10 C175	
R.C. 5625 S87 C165	183	(Par. A)	539
R.C. 5626 S88 C165	629	R.C. 6080 S10 C175	
R.C. 5631 S93 C165	248	(Par. B)	539
R.C. 5638 S100 C165		R.C. 6080 S10 C175	
(Par. B)	734	(Par. C)	539
R.C. 5638 S100 C165C		R.C. 6096 S26 C175	71
(Par. C)	486	R.C. 6118 S48 C175	490
R.C. 5683 S145 C165			
(Par. A)	548		

Acts Amended (Revised Code of 1935)

Ch. 1, relating to rules of construction.....	517
Ch. 5, relating to Judicial and Chancery reports.....	627
Ch. 6, relating to coin operated machines, revenue stamps...	107
Ch. 6, relating to coin operated machines, revenue stamps...	108
Ch. 6, relating to inheritance tax	256
Ch. 6, relating to estate tax	257
Ch. 6, relating to inheritance tax	258
Ch. 6, relating to motor fuel taxes	519
Ch. 6, relating to delinquent taxes, interest on	623
Ch. 6, relating to income tax	786
Ch. 6, relating to taxes collected by motor fuel distributor...	814
Ch. 6, relating to fees for photostatic copies	862
Ch. 6, relating to fees on corporations	908
Ch. 6, relating to corporate franchise taxes	938
Ch. 6, relating to license for live stock dealers.....	1081
Ch. 10, relating to printing of legislative journals	378
Ch. 12, relating to state officers' salaries	405
Ch. 12, relating to salaries of judiciary	655
Ch. 15, relating to servicing of state bonds	637
Ch. 16, relating to purchase of motor vehicles by state.....	795
Ch. 20, relating to reserves on insurance	138
Ch. 21, relating to State Board of Agriculture, Bang's disease	80
Ch. 21, relating to State Board of Agriculture, liming material	594
Ch. 21, relating to bonds of milk dealers.....	1070
Ch. 23, relating to distribution of trees	194
Ch. 25, relating to certificates of death	800
Ch. 34, relating to Library Commission	551
Ch. 34, relating to donations to District library commission..	1284
Ch. 39, relating to dependent children	542
Ch. 42, relating to additional Notaries Public	300
Ch. 42, relating to Notaries Public in financial institutions...	505
Ch. 43, relating to streets in New Castle County	170

Acts Amended (Revised Code of 1935) (Continued)

Ch. 43, relating to Kent County Volunteer Firemen's Association	172
Ch. 43, relating to tax limitation in New Castle County	255
Ch. 43, relating to indigent sick in New Castle County	598
Ch. 43, relating to indigent sick in Sussex County	609
Ch. 43, relating to publication of delinquent tax list	625
Ch. 43, relating to New Castle County debt limitations	843
Ch. 43, relating to incinerator plant, New Castle County	1080
Ch. 44, relating to valuation and assessment of property	754
Ch. 45, relating to New Castle County officers' salaries	239
Ch. 45, relating to New Castle County treasurer	240
Ch. 45, relating to publication of delinquent tax list	626
Ch. 46, relating to New Castle County Comptroller	476
Ch. 49, relating to deputy coroners	102
Ch. 49, relating to coroners, burial of bodies	592
Ch. 51, relating to New Castle Hundred Police	574
Ch. 52, relating to times when county offices shall be open ..	758
Ch. 53, relating to New Castle County, increased salaries of employees	239
Ch. 54, relating to old age welfare assistance	514
Ch. 55, relating to State Highway Department, road specifications	181
Ch. 55, relating to State Highway Department, vacating roads and bridges	480
Ch. 56, relating to compensation of election registrars	101
Ch. 60, relating to compensation of election officers	150
Ch. 60, relating to printing and distribution of ballots	1065
Ch. 65, relating to corporations	905-943
Ch. 66, relating to State Bank Commissioner	605
Ch. 66, relating to Bank Advisory Board	653
Ch. 67, relating to Building Commission	722
Ch. 67, relating to Municipal Court of Wilmington, bail bonds	780
Ch. 70, relating to Woods Haven School for Girls	763
Ch. 71, relating to Free Public Schools, sites	109
Ch. 71, relating to Free Public Schools, assessed valuation ..	504
Ch. 74, relating to dog training areas	267
Ch. 74, relating to hunting and fishing license for members of armed forces	478
Ch. 74, relating to open season for squirrels in New Castle County	498
Ch. 74, relating to length of rockfish	578
Ch. 74, relating to open season for muskrat	681
Ch. 77, relating to copies under the Statute of Frauds	604
Ch. 78, relating to Department of Public Safety, Wilmington.	25
Ch. 78, relating to Saturday, a Bank Holiday	113
Ch. 78, relating to Motor Vehicle Department	550
Ch. 78, relating to Motor Vehicle Department	757
Ch. 88, relating to parents and children, adoption	279
Ch. 88, relating to parents and children, adoption	280

Acts Amended (Revised Code of 1935) (Continued)

Ch. 89, relating to appointment of guardians	601
Ch. 90, relating to certificates of age of minors.....	491
Ch. 90, relating to sub-contracts	801
Ch. 92, relating to corporations	266
Ch. 98, relating to affidavit for probate of debts.....	614
Ch. 100, relating to oleomargarine	19
Ch. 100, relating to gaming table or device.....	738, 1282
Ch. 100, relating to bets and wagers	740
Ch. 100, relating to obstruction to gambling places.....	745, 1274
Ch. 101, relating to New Castle County Workhouse	573
Ch. 103, relating to fence viewers	798
Ch. 108, relating to Court crier	493
Ch. 108, relating to Court bailiff	495
Ch. 108, relating to court reporters and stenographic supplies	516
Ch. 108, relating to Kent County Superior Court.....	603
Ch. 110, relating to Supreme Court	648
Ch. 116, relating to probation officers compensation.....	789
Ch. 116, relating to Juvenile Court of Kent and Sussex Counties	982
Ch. 117, relating to trustees and guardians	103
Ch. 117, relating to trustees and guardians	606
Ch. 118, relating to Orphans Court, appointment of guardians	616
Ch. 118, relating to Orphans Court, guardian for aged	993
Ch. 129, relating to copies, as evidence	518
Ch. 129, relating to photographic copies as evidence	618
Ch. 131, relating to deficiency in number of grand or petit jurors	583
Ch. 131, relating to payment of jurors	584
Ch. 133, relating to attachment of wages for taxes	661
Ch. 142, relating to landlord and tenant	549
Ch. 143, relating to filing of accounts by assignees or trustees	175
Ch. 143, relating to bonds of assignees	185
Ch. 150, relating to larceny	742
Ch. 150, relating to issuance of worthless checks	747
Ch. 150, relating to receiving stolen goods	778
Ch. 150, relating to malicious mischief	781
Ch. 150, relating to false statements to procure benefits	783
Ch. 152, relating to false complaint to police officers	737
Ch. 153, relating to Sabbath breaking	946
Ch. 155, relating to searches and seizures	765
Ch. 155, relating to Uniform Arrest Act	769
Ch. 156, relating to judgements	488
Ch. 156, relating to search fees	488
Ch. 156, relating to fees of public officers	495
Ch. 156, relating to unclaimed witness fees	608
Ch. 159, relating to Board of Boiler Rules	154
Ch. 160, relating to State Housing Board	245
Ch. 160, relating to State Housing Board	856

Acts Amended (Revised Code of 1935) (Continued)

Ch. 160, relating to State Housing Board	857
Ch. 161, relating to Real Estate commission	485
Ch. 165, relating to cost of replacing number plates	110
Ch. 165, relating to registration fee for diesel propelled vehicles	136
Ch. 165, relating to speed limits	183
Ch. 165, relating to transfer of registration and number plates	242
Ch. 165, relating to insurance coverage for school buses	248
Ch. 165, relating to traffic lights	486
Ch. 165, relating to arrest without warrant	548
Ch. 165, relating to changing expiration date of license plates	621
Ch. 165, relating to registration of U. S. Government motor vehicles	628
Ch. 165, relating to trucks using right hand side of highway..	629
Ch. 165, relating to stop signs	734
Ch. 165, relating to restricted drivers' license	735
Ch. 165, relating to operator license, new residents of state...	750
Ch. 165, relating to trackless trolley coach operators	775
Ch. 165, relating to motor vehicle offenses, appeals	855
Ch. 165, relating to revocation of licenses	945
Ch. 165, relating to Financial Responsibility Law	947
Ch. 169, relating to compensation of Clerk of Court of Com- mon Pleas, New Castle County	494
Ch. 170, relating to compensation of Clerk of Court of Com- mon Pleas, Kent County	788
Ch. 175, relating to Industrial Accident Board Bonds	71
Ch. 175, relating to workmen's compensation in Elsmere.....	490
Ch. 175, relating to Industrial Accident Board payments of compensation	539
Ch. 175, relating to Industrial Accident Board, payments.....	610

Acts Repealed (Laws of Delaware)

Vol. 15, Ch. 54, relating to City of New Castle.....	62
Vol. 26, Ch. 209, relating to City of New Castle.....	62
Vol. 27, Ch. 216, relating to City of New Castle.....	62
Vol. 28, Ch. 134, relating to City of New Castle.....	62
Vol. 30, Ch. 128, relating to fire equipment	68
Vol. 32, Ch. 113, relating to Wilmington Police Pensions.....	861
Vol. 32, Ch. 121, relating to City of New Castle.....	62
Vol. 33, Ch. 118, relating to Wilmington Firemen's Pensions ...	860
Vol. 35, Ch. 121, relating to City of New Castle	62
Vol. 41, Ch. 160, relating to City of New Castle	62
Vol. 45, Ch. 154, relating to compensation of election officers...	150
Vol. 46, Ch. 217, relating to Lewes, employees' pensions.....	1278

Acts Amending State Constitution

Article 2, Section 25, relating to zoning	173
Article 3, Section 19, relating to the compensation of the Lieutenant Governor	235
Article 4, relating to Judiciary and Supreme Court	221
Article 4, Section 3, relating to Judicial Appointments.....	90

Acts Repealed (Revised Code of Delaware, 1935)

R.C. 1183A, Sec. 37A, Ch. 43, relating to lighting in New Castle County	171
R.C. 2048M, Sec. 16M, Ch. 65, relating to corporations.....	935
R.C. 2822, Sec. 21, Ch. 74, relating to fish, oysters and game ...	121
R.C. 2824, Sec. 23, Ch. 74, relating to fish, oysters and game ...	120
R.C. 2883, Sec. 82, Ch. 74, relating to fish, oysters and game ...	593
R.C. 4058, Sec. 163, Ch. 100, relating to searches and seizures..	767
R.C. 4483, Sec. 38, Ch. 119, relating to searches and seizures...	767
R.C. 4737, Sec. 17, Ch. 131, relating to juries, deficiency in....	585
R.C. 6195, Sec. 66, Ch. 176, relating to sale of cider	205
R.C. 6202, Sec. 73, Ch. 176, relating to searches and seizures...	767

Acts Amended (Laws of Delaware)

Vol. 22, Ch. 196, relating to Lewes Board of Public Works.....	17
Vol. 23, Ch. 186, relating to Ellendale, borrowing by	125
Vol. 25, Ch. 176, relating to taxation in Elsmere	106
Vol. 25, Ch. 212, relating to taxation in Bethany Beach	479
Vol. 27, Ch. 216, relating to reincorporation of New Castle.....	26
Vol. 28, Ch. 155, relating to Mayor and Town Council of Blades	791
Vol. 29, Ch. 164, relating to streets of Laurel	588
Vol. 29, Ch. 164, relating to town elections of Laurel	253
Vol. 29, Ch. 164, relating to town elections of Laurel	202
Vol. 32, Ch. 113, relating to Wilmington, Police and Firemen's pensions	903
Vol. 32, Ch. 117, relating to town elections of Elsmere	65
Vol. 32, Ch. 118, relating to Wilmington, Police and Firemen's pensions	904
Vol. 32, Ch. 121, relating to New Castle water supply territory.	200
Vol. 33, Ch. 128, relating to Middletown, curbs, sidewalks, etc..	82
Vol. 36, Ch. 158, relating to Dover, borrowing by	844
Vol. 36, Ch. 158, relating to Dover, taxation	846
Vol. 36, Ch. 158, relating to Dover, taxes, lien of	815
Vol. 36, Ch. 164, relating to Laurel, town council	93
Vol. 36, Ch. 192, relating to Smyrna, municipal improvements..	822
Vol. 36, Ch. 192, relating to Smyrna, office of mayor.....	847
Vol. 37, Ch. 162, relating to Milford, taxation	169
Vol. 37, Ch. 162, relating to Milford, Mayor and Town Council..	496
Vol. 37, Ch. 166, relating to Selbyville, Mayor and Town Council	218
Vol. 38, Ch. 99, relating to Dover, taxes, lien of	815
Vol. 39, Ch. 11, relating to Public Archives Commission.....	596

Acts Amended (Laws of Delaware) (Continued)

Vol. 41, Ch. 9, relating to State Revenue, estate tax	257
Vol. 41, Ch. 14, relating to finance acceptor, licensing of	24
Vol. 41, Ch. 14, relating to occupational license	107
Vol. 41, Ch. 132, relating to co-operative agricultural associations	203
Vol. 41, Ch. 136, relating to Blades, municipal improvements....	188
Vol. 41, Ch. 138, relating to Clayton, town council	639
Vol. 41, Ch. 161, relating to Rehoboth Beach, taxation	507
Vol. 41, Ch. 161, relating to Rehoboth Beach, scrap metal assessment	506
Vol. 41, Ch. 166, relating to Smyrna, office of mayor	847
Vol. 41, Ch. 258, relating to unemployment compensation.....	508
Vol. 41, Ch. 258, relating to unemployment compensation	511
Vol. 42, Ch. 67, relating to occupational licenses	108
Vol. 42, Ch. 70, relating to signs at gas stations.....	759
Vol. 42, Ch. 77, relating to funds collected by Board of Game and Fish Commission	579
Vol. 42, Ch. 108, relating to indigent sick in Sussex County	609
Vol. 43, Ch. 100, relating to New Castle County Levy Court, duties and powers of	796
Vol. 43, Ch. 135, relating to State Bank, deputies and examiners	605
Vol. 43, Ch. 146, relating to Superintendent of Public Building Commission	722
Vol. 43, Ch. 180, relating to Smyrna, office of mayor.....	847
Vol. 43, Ch. 238, relating to Sabbath breaking	946
Vol. 43, Ch. 158, relating to Bridgeville, elections	124
Vol. 43, Ch. 166, relating to Georgetown, town council	247
Vol. 43, Ch. 166, relating to Georgetown, taxation	92, 94
Vol. 43, Ch. 194, relating to Public Archives Commission	596
Vol. 43, Ch. 236, relating to receiving stolen goods	777
Vol. 43, Ch. 241, relating to State Housing Board	245
Vol. 43, Ch. 244, relating to motor vehicle plates	242
Vol. 43, Ch. 288, relating to appointment of guardians by Orphans Court	616
Vol. 44, Ch. 4, relating to inheritance tax	258
Vol. 44, Ch. 171, relating to investments by trustees, guardians, etc.	606
Vol. 44, Ch. 211, relating to State Building and Grounds Com- mission	244
Vol. 45, Ch. 13, relating to state revenue, coin operated machines	108
Vol. 45, Ch. 78, relating to unclaimed witness fees.....	608
Vol. 45, Ch. 83, relating to aid to needy blind	149
Vol. 45, Ch. 104, relating to state employees' pensions	157
Vol. 45, Ch. 104, relating to state employees' pensions	570
Vol. 45, Ch. 104, relating to state employees' pensions	797
Vol. 45, Ch. 104, relating to state employees' pensions	615
Vol. 45, Ch. 104, relating to pensions for librarian and secre- taries of State Judges	582
Vol. 45, Ch. 106, relating to pensions for disabled teachers.....	541
Vol. 45, Ch. 123, relating to suburban street improvements.....	187

Acts Amended (Laws of Delaware) (Continued)

Vol. 45, Ch. 123, relating to Suburban Community Code.....	195
Vol. 45, Ch. 144, relating to Secretary Bureau of Registration..	477
Vol. 45, Ch. 167, relating to police and firemen's pensions	858
Vol. 45, Ch. 167, relating to police and firemen's pensions	902
Vol. 45, Ch. 185, relating to Milford taxation	169
Vol. 45, Ch. 194, relating to Milford, city limits	214
Vol. 45, Ch. 241, relating to Family Court	139
Vol. 45, Ch. 241, relating to Family Court	631
Vol. 45, Ch. 241, relating to Family Court	997
Vol. 45, Ch. 252, relating to Evidence, photographic copies.....	618
Vol. 45, Ch. 274, relating to Acquisition of New Castle - Penns- ville ferries	146
Vol. 45, Ch. 275, relating to Delaware River Crossing Bonds ...	148
Vol. 45, Ch. 275, relating to Delaware River Crossing Bonds ...	1277
Vol. 45, Ch. 303, relating to Delaware Harness Racing Commis- sion	114
Vol. 46, Ch. 48, relating to State Board of Education, salaries.	1269
Vol. 46, Ch. 155, relating to Georgetown taxation	92
Vol. 46, Ch. 170, relating to reversion of unexpended monies to General Fund	665
Vol. 46, Ch. 192, relating to Delaware River Crossing Bonds ...	148
Vol. 46, Ch. 212, relating to Family Court	997
Vol. 46, Ch. 213, relating to Family Court	997
Vol. 46, Ch. 226, relating to State Board of Welfare, dependent children	542
Vol. 46, Ch. 235, relating to Public Building Commission	722
Vol. 46, Ch. 237, relating to Wilmington, employees' pensions...	732
Vol. 46, Ch. 264, relating to State Board of Agriculture, Bang's disease	80
Vol. 46, Ch. 282, relating to Bethel, city limits	216
Vol. 46, Ch. 288, relating to aid to needy blind	149
Vol. 46, Ch. 296, relating to New Castle County Levy Court, debt limitations	843
Vol. 46, Ch. 301, relating to New Castle County Employees' pensions	975
Vol. 47, Ch. 1, relating to Free Public School Bonds	504
Vol. 47, Ch. 8, relating to Kent County Volunteer Fire Associ- tion	72
Vol. 47, Ch. 19, relating to investments of trustees, guardians and fiduciaries	103
Vol. 47, Ch. 40, relating to Saturday, a bank holiday	113
Vol. 47, Ch. 65, relating to Laurel, town council	818
Vol. 47, Ch. 96, relating to Rehoboth Beach taxation	153
Vol. 47, Ch. 101, relating to publication of judicial reports	682
Vol. 47, Ch. 121, relating to motor vehicle plates	110
Vol. 47, Ch. 122, relating to Kent County Judgment Indices....	72
Vol. 47, Ch. 151, relating to Uniform Joint Tortfeasors Act.....	762
Vol. 47, Ch. 174, relating to The Industrial Accident Board	71
Vol. 47, Ch. 196, relating to court reporters and stenographic supplies	516

Acts Amended (Laws of Delaware) (Continued)

Vol. 47, Ch. 195, relating to State Board of Education, salaries	1269
Vol. 47, Ch. 207, relating to Ferris School for Boys, cottage....	670
Vol. 47, Ch. 247, relating to Saturday, a legal holiday	550
Vol. 47, Ch. 254, relating to Public Service Commission powers.	1043
Vol. 47, Ch. 255, relating to motor vehicle plates	242
Vol. 47, Ch. 269, relating to Wilmington, power of condemnation	270
Vol. 47, Ch. 288, relating to State Treasurer	630
Vol. 47, Ch. 304, relating to State Board of Education, unex- pended monies	665
Vol. 47, Ch. 306, relating to Family Court	139
Vol. 47, Ch. 355, relating to State Board of Agriculture, Bang's disease	80
Vol. 47, Ch. 364, relating to units in school districts	635
Vol. 47, Ch. 377, relating to Revised Code Commission, powers and duties of	259
Vol. 47, Ch. 629, relating to Wilmington, power of condemnation	270

GENERAL INDEX

A

Page

Aboriginal Sites

See Public Archives Commission

Adoption

See Parents and Children

See Parental Rights

Aged

Mentally Infirm, Physically Incapacitated,
Guardian for 993

Aid to Dependent Children Commission

See State Department of Welfare

Alcoholic Liquor, Wine and Beer

Cider, Sale of 205

Appeals from Motor Vehicle Convictions

See Motor Vehicles

Appropriations

American Legion

For Operating Expenses 3

For Services Furnished Veterans..... 11, 12

Sussex Post No. 8, for Maintenance of Ambulance... 217

Appomattox Camp No. 2—Sons of The Union Veterans
of the Civil War 76

Athletic Commission 323

Atlantic States Marine Fisheries Commission..... 324

Attorney General 315

Auditor of Accounts 311

Bank Commissioner 313

Barnard, Emily W., for Services to General Assembly.... 1115

Beebe Hospital of Sussex County, Inc. 667

	Page
Appropriations (continued)	
Belvidere Volunteer Fire Company.....	636
Blind and Deaf Wards.....	335
Board of Accountancy.....	322
Board of Boiler Rules.....	325
Board of Dental Examiners.....	321
Board of Examiners of Barbers.....	321
Board of Examiners of Registered Nurses.....	322
Board of Examiners in Optometry.....	322
Board of Examiners and Registration of Architects.....	323
Board of Examiners on Undertaking.....	322
Board of Managers of the Detention Home.....	721
Board of Pardons.....	325
Board of Pharmacy.....	321
Board of Registration for Professional Engineers and Land Surveyors.....	324
Board of Veterinary Examiners.....	322
Board of Vocational Education Rehabilitation Com- mission.....	347
Boat Inspector.....	312
Bonds, Interest.....	318
Bonds, State, Redemption of.....	316, 317
Brandywine Sanatorium.....	338
Budget Commission.....	311
Burial of Indigent Soldiers, Sailors and Marines.....	81
Chipman, Wm. T.—Payment of Salary and Traveling Expenses.....	179
Civil Defense.....	524
Commission on Interstate Cooperation.....	309
Committee on Uniform Laws.....	308
Court of Common Pleas for Kent County.....	315
Court Reporters' and Stenographers' Supplies.....	516
Court of Chancery.....	314
Crop Improvement Association.....	333
Custodian.....	327
David C. Harrison Post No. 14, Inc., American Legion...	7
Deficiency	
School Districts.....	111
Special School Districts.....	112
Delaware Commission for the Blind.....	335, 907
Delaware Commission for Feeble-minded.....	299, 337
Delaware Commission of Shell Fisheries.....	324, 641
Delaware Commission of Shell Fisheries for Oyster Shells and Plants.....	241
Delaware Day Commission.....	339
Delaware Geological Survey Fund.....	501
Delaware National Guard.....	115
Delaware Society for Prevention of Cruelty to Animals..	70

GENERAL INDEX

iii

Appropriations (continued)	Page
Delaware State College	343
Delaware State College, for Construction.....	612
Delaware State Employees Pension.....	327
Delaware State Hospital.....	301, 336
Department of Civil Defense.....	524
Department of Justice	314
Development Commission	329
Disabled American Veterans of Delaware.....	8
District Library Commission for Various District Libraries	590
Edgewood Sanatorium	338
Education, Adult	345
Education of Children of Veterans.....	9, 10
Ferris School for Boys	337, 670
Fire Companies	328, 487
Fire Companies for Maintenance of Ambulances.....	15
Forestry Department	334
For Burial of Indigent Soldiers, Sailors and Marines.....	81
Game and Fish Commission	334
Governor, Expenses of	310
Governor Bacon Health Center	337
Greenwood School No. 91, State Highway Dept. for Drain- age Ditch	544
Harness Racing Commission	314
Harrington, Davis, J., for Services to General Assembly..	1115
Hartly Volunteer Fire Company.....	6
Historical Society of Delaware.....	339
Homeopathic Hospital Association of Delaware.....	667
Industrial Accident Board	326
Insurance Commissioner	312
Interest, Bonds	318
John M. Clayton School District.....	13
Kent and Sussex Fair, Inc., for Prizes.....	22
Kent General Hospital at Dover	667
Kruse School	338
Labor Commission	324
Laura Livergood	671
Layton Home for Aged Colored.....	16
Legislative Reference Bureau	309
Lewis Memorial Commission	339
Librarian, State	315
Library Commission	820
Liquor Commission	313
Local School Districts	352
McDowell, Harris B., Jr., Secretary of State, for Telephone Expenses	1111, 1290

	Page
Appropriations (continued)	
Medical Council of Delaware.....	321
Memorial Day, Observance of	76
Milford Memorial Hospital, Inc.	667
Milton Volunteer Fire Company—Maintenance of Ambulance	5
Museum Commission	329
Nanticoke Memorial Hospital	667
National Guard	115, 326
National Guard, Officers Uniforms	116
New Castle Tercentenary Commission	74
Old Age Welfare Commission—Pension Account.....	336
Oyster Revenue Collector	312
Palmer Home, Inc.	21
Parole Board	325
Peninsula Horticultural Society	333
Permanent Budget Commission	752
Portrait Commission of Delaware	328
Postage Stamps and Other Supplies for the 116th General Assembly	1117, 1121, 1129, 1292
Poultry Commission	329
Public Archives Commission	328
Public Archives Commission for Compilation of Dela- ware's Participation in World War II	718
Public Service Commission	326
Racing Commission	313
Real Estate Commission	323
Redemption State Bonds	316, 317
Registrations and Elections	309
Regulators of Weights and Measures.....	326
Revenue Collector	311
Revised Code Commission	259
St. Francis Hospital, Inc.	667
School Districts	111, 352
School Lunch Program	345
Secretary of State, Multigraph Department	1109, 1110
Selbyville School District No. 32	14
Secretary of State	310
Society for the Prevention of Cruelty to Animals.....	70
Soil Conservation Commission	333, 407
Soil Conservation Commission for Drainage of Tax Ditch in Kent County	122
Special Fire Protection and Extinction.....	334
Special School District	
Alexis I. du Pont	347
Caesar Rodney	347
Claymont	348
Dover	348

GENERAL INDEX

v

Appropriations (continued)	Page
Georgetown	348
Harrington	349
Laurel	349
Lewes	349
Milford	350
Mt. Pleasant	350
Newark	350
New Castle	351
Rehoboth	351
Seaford	351
Smyrna	352
State Apple Commission	314
State Board of Agriculture for:	
Anti-hog Cholera and Virus.....	78
Mastitis Analysis	981
Testing for Bang's Disease	207
Vaccination for Bang's Disease	207
State Board of Education	343, 1269
State Board of Education for Capital Replacements in the	
School Buildings	371, 377
State Board of Education for Handicapped Children....	545
State Board of Education for Transportation of Pupils...	512
State Board of Health	333, 367
State Board of Health for Brandywine and Edgewood	
Sanatoria	794
State Board of Health for Services to Crippled Children	761
State Board of Welfare and Old Age Welfare Commission	304
State Board of Welfare	335
State Bonds, Redemption of	316, 317
State Building and Grounds Commission.....	327
State Emergency Fund	1001
State Government, for Expense of	364
State Highway Department	330, 331
State Highway Department	
For Construction of Tidewater Gates in New Castle	
County	995
For Drainage Ditch Adjacent to Greenwood School ..	544
For Drainage Ditch in Sussex County	1064
For Drainage of Lands; Seaford	937
To Repair Dykes in New Castle County	624
To Recut Certain State Boundary Markers	683
State Library Commission	328
State Office of Civil Defense	669
State Park Commission	973
State Park Commission for Purchase of Brandywine	
Springs Park	1060

	Page
Appropriations (continued)	
State Park Commission for Protection of Historic Fort Delaware	1062
State Police Pension Board	657
State Soil Conservation Commission	978
State Tax Department	312, 870
State Treasurer	310
State Welfare Home	306, 336
Student Driver Training	346
Supreme Court	651
Supreme Court, Expense of, Resolution, re.....	1085
Tax Ditches, Kent County Drainage of	122
Tax Ditches, Sussex County, Drainage of	151
Teacher Training	345
The Delaware Hospital, Inc.	667
United Spanish War Veterans	69
University of Delaware	339
University of Delaware	
For Buildings	369
For Research and Training on Salt Water Resources	155
For Scholarships	522
For Dormitories	297
For Geological Survey Fund	501
United Petroleum Company	586
Veterans' Children Education	9, 10
Veterans of Foreign Wars.....	4, 11
Wilmington Board of Education	363
Wilmington General Hospital Association	667
Woods Haven School for Girls	206

Archives

See Public Archives Commission

Arrests

See Uniform Arrest Act	
Upon View Without Warrant	548

Assessment of Property

See Valuation and Assessment of Property

Assignees

Bonds of, in Insolvency	185
-------------------------------	-----

GENERAL INDEX

vii

	Page
Attachments	
Wages, for Taxes	661
Audit for State Boards, Commissions and Departments	
Permanent Budget Commission	752
Auditor of Accounts	
Amount to Be Paid by State for Motor Vehicles.....	795
B	
Bailiffs	
Salary of	495
Bail Bonds	
See Municipal Court of Wilmington	
Bang's Disease	
See State Board of Agriculture	
Bank Advisory Board	
Compensation	653
Qualifications	653
Size of	653
Bank Holiday	
Saturday	113
Banks, Savings Societies and Trust Companies	
Bank Commissioner	605
Bellefonte	
Bonds	159
Eminent Domain	159
Improvements	159
Sinking Fund	159
Taxes	159

	Page
Bethany Beach	
Bonds, Water Plant	96
Taxation	479
Water Plant, Authorization for	96
 Bethel	
City Limits	216
 Bets and Wagers	
See General Provisions Respecting Police	
 Blades	
Bonds	188
Mayor, re	791
Town Council, re	791
Water Plant	188
 Blind	
Aid to Needy	149
 Board of Boiler Rules	
Rules	154
 Board of Education	
See State Board of Education	
 Board of Education—Wilmington	
Sale of Real Estate.....	502
 Board of Welfare	
See State Department of Public Welfare	
 Boggs, James Caleb	
Proclaimed Elected Representative.....	1186

GENERAL INDEX

ix

Page

Bonds

Authority to Borrow for Capital Improvement.....	1037
Delaware River Crossing	148, 1277
Free Public Schools	504
Highway Improvement Bonds Authorized.....	380, 400
Servicing of	637
Workmen's Compensation	71

Borrow

Authority to, for Capital Improvements.....	1037
---	------

Boundaries, State

See State Boundaries

Bridgeville

Elections	124
-----------------	-----

Building Commission

Superintendent of Public Building Commission.....	722
---	-----

Bureau of Registration

Secretary, Salary Increase	477
----------------------------------	-----

C

Cannon, R. Allen

Director Farmers' Bank	1084
------------------------------	------

Cape May to Lewes Ferry

See Ferry Service

Capital Improvements

Bonds for	1037
-----------------	------

Carvel, Elbert N.

Resolution re	1090
---------------------	------

Certificate of Death

See State Board of Health

	Page
Chancellor	
Salary of	655
Chancery	
See Judiciary and Supreme Court	
Checks, Issuance of Worthless	
See Offenses Against Private Property	
Child Labor	
Certificates of Age	491
Children, Adoption of	
See Parents and Children	
See Parental Rights	
Children and Youth	
See Delaware Commission on Children and Youth	
Children, Dependent	
See State Board of Welfare	
Children, Handicapped	
See State Board of Education	
Chipman, William T., Dr.	
Application for Salary and Expenses.....	179
Cider	
See Alcoholic Liquor, Wines & Beer	
Cities and Towns	
Fire Equipment	68
Civil Defense	
See Department of	
Civil Defense and Disaster Compact	
Compacts with Other States	723

GENERAL INDEX

xi

	Page
Clayton	
Council Meetings	639
Officers, Compensation of	640
Duties of	639
Clerks of The Orphans' Court	
Times When Shall Be Open.....	758
Clerks of the Peace	
Times When Shall Be Open.....	758
Code Commission	
See Revised Code Commission	
Coin Operated Machines	
License	324
Common Pleas Court	
See Court of	
Comptrollers	
Times When Shall Be Open.....	758
Comptrollers, County	
New Castle County	476
Condemnation, Uniform Procedure	
Complaint in	674
Constitutionality	680
Costs in	679
Deposit of Award	680
Dismissal of Action	677
Joinder of Properties	674
Objection or Defense to Taking.....	676
Payment of Awards	679
Process	674
Repealer	680
Right of Review	679
Right to Enter into Possession.....	678
Trial	676
Uniform Procedure	673

	Page
Condemnation	
Wilmington, Exercise of Power of.....	270
Confession of Judgments	
See Judgments	
Constables	
New Castle Hundred	574
Constitution	
Oath to Support	662
Constitutional Amendments	
Relating to Compensation of Lieutenant Governor.....	235
Relating to Judiciary	221
Relating to Judiciary Appointments.....	90
Relating to Zoning	173
Contracts—State—In Excess of Five Thousand Dollars	
See Employers and Employees	
Constitution, Rules of	
Relating to	517
Conveyance Search	
Fee for	488
Co-Operative Agricultural Associations	
See Corporations	
Copies	
See Witnesses and Evidence	
Statute of Frauds	604

GENERAL INDEX

xiii

	Page
Corporations	
Annual Reports of Foreign Corporations.....	943
Attachment and Sequestration	935
Consolidation or Merger	
Actions Pending	922
Agreement	924, 925
Dissatisfied Stockholder	910, 913, 925
Notice of Meeting	924
Status of Old and New Corporations.....	905
Voting	924
Co-Operative Agricultural Associations	
Sale of Assets	203
Cumulative Voting	918
Deeds, How Acknowledged	266
Disolved Corporations, Receivors of	921
Donations for Public Welfare or for Charitable, Scientific or Educational Purposes	918
Fees, Increase in	908
Foreign Corporations, Withdrawal from State	922
Franchise Taxes	938
Loans to Officers	932
Merger of Parent Corporation and Wholly Owned Subsidiary; Proceedings for	926
Merger or Consolidation, Non-Profit Corporation.....	931
Merger or Consolidation with Joint Stock Association....	928
Procedure for	928, 929
Names	935, 936
Preferred Stock, Retirement of	919
Revocation of Voluntary Dissolution; Proceedings for....	932
Voting, Cumulative	918
Coroners	
Burial of Bodies	592
Deputy	102
County Offices	
Times When Shall Be Open.....	758
County Treasurers and Collectors of Taxes	
Increased Personnel	240
Publication of Delinquent Tax Lists	626
Salary Increase	239
Times When Shall Be Open.....	758

	Page
Court of Chancery	
See Judiciary and Supreme Court	
Investments of Trustees, Guardians and Other	
Fiduciaries	103, 606
Court of Common Pleas for Kent County	
Compensation of Clerk	788
Court of Common Pleas for New Castle County	
Compensation of Clerk	494
Court of General Sessions	
Probation Officer, Compensation of	789
Courts	
Bailliff, Salary	495
Constitutional Amendment	221
Court Crier, Salary	493
Orders of, Relating to	264
Crimes and Punishments	
Failure to Affix Stamp to Coin Operated Machine.....	107
False Complaint to Police Officers	737
Gaming Table, re	738
Issuance of Worthless Checks	747
Representation as Law Enforcement Officers.....	751
Searches and Seizures	
Return of Property Where Search Invalid.....	767
Warrant	
Form	765
How Issued	765
How Executed	765
How Returnable	765
When Executed at Night	765
Without Warrant	765
State Boundary Markers, Destruction of.....	644
Toying with a Child	139
Unauthorized Use of State Emblems, Seals, and Insignia	642
Criminal Rules of Procedure	
Supreme Court to Adopt	581

GENERAL INDEX

xv

	Page
D	
David C. Harrison Post No. 14, Inc., American Legion	
Authority for Levy Court to Appropriate to.....	7
Decrees of the Courts	
Recording of	264
Deeds	
Corporations	266
Delaire	
Refund of Special Taxes	192
Delaware Civil Defense Act	
See Department of Civil Defense	
Delaware Commission on Youth and Children	
Establishment of	684
Delaware Estate Tax	
See State Revenue	
Delaware Geological Survey	
Creation of	499
Delaware Harness Racing Commission	
Daily Double	144
Delaware Memorial Bridge	
See State Highway Department	
Reimbursement of Highway Funds	619

	Page
Delaware River Basin Water Commission	
Commissioners	691
Compact	688
Consent of Congress	717
Condemnation Proceedings	698
Conveyance of Lands and Relocation of Public Facilities	698
Construction and Severability	715
Contracts for Water Supply	701
Credit of Signatory States	714
Existing Rights and Compacts	715
Financing	706
Formulation and Approval of Plans	703
General Powers	694
Grants, Loans, or Payment by States or Political Subdivisions	705
Hydroelectric Power and Energy	703
Non-Impairment of States' Powers	714
Officers, Employees, Management and Procedure	692
Purposes of	690
Release of Stored Waters	702
Taxes and Payments, in Lieu of Taxes	700
 Delaware River Crossing	
See State Highway Department	
 Denny, William D.	
Director Farmers' Bank	1084
 Dentists	
Admission to Practice	198
 Department of Civil Defense	
Advisory Council	526
Appropriation	538
Authority to Accept Services, Gifts, Grants and Loans	536
Construction of Act	537
Definition	525
Enforcement	535
Immunity	535
Investigations and Surveys	533
Lease on Loan of State Property	533
Local Organization	529

GENERAL INDEX

xvii

	Page
Dept. of Civil Defense (Continued)	
Local Services	530
Mobile Support Units	531
Mutual-Aid Arrangements	529
Oath	537
Orders, Rules, and Regulations.....	534
Penalties	537
Personnel	536
Policy and Purpose	524
Political Activity Prohibited	536
Powers of the Governor	526
Severability	537
State Civil Defense Agency	525
Traffic Control	533
 Desmond, Leroy	
Appointed Bill Clerk	1116
 Disabled Veterans of Delaware	
Appropriation for	8
 District Library Commissions	
Donations to, re	1284
 Ditches	
See Tax Ditches	
See State Soil Conservation Commission	
 Dodd, William, A.B.	
Director Farmers' Bank	1084
 Dog-Training Areas	267
 Dover	
Authority to Borrow	844
Authority to Borrow for Municipal Improvements.....	849
Taxation	846
Taxes, Lien of	815

	Page
Drainage—Uniform Act	
See State Soil Conservation Commission	
duPont, Pierre S., III	
Director Farmers' Bank	1084
E	
Education	
Bonds Authorized	385
Local School Building Commissions	385
School Districts Defined	385
State School Building Program Board	385
Units in School District	635
Elections	
Ballots, Pertaining to Printing and Distribution.....	1065
Officers, Compensation of	150
Registrars, Compensation of	101
Ellendale	
Authorization to Borrow for Street Improvements.....	125
Elsmere	
Taxation	106
Town Elections	65
Workmen's Compensation for Officers and Employees....	490
Emergency	
Speed Limits Not Applicable	183
Emerson, Ralph Waldo	
Proclaimed Elected, Treasurer of State.....	1190
Eminent Domain	
See Condemnation	
Employables, Unemployed	
See Unemployed	

GENERAL INDEX

xix

	Page
Employers and Employees	
Certificate of Age of Minors	491
Relating to Sub-Contractors	801
Enterline, George Daniel, Jr.	
Proclaimed Elected, Auditor of Accounts	1192
Estates	
Affidavit for Probate of Debts	614
Estate Tax	
See State Revenue	
Evidence	
Photographic, Microphotographic and Photographic Copies	
Business Records, as.....	618
Books of Original Entry	518
Statute of Frauds	604
Executions	
Wage Attachments for Taxes	661
F	
False Complaint to Police Officers	
Crime	737
False Statements to Procure Benefits	
See Offense Against Private Property	
Family Court	
Appeals	631
Crimes	139
Criminal Prosecution of Children Forbidden	1000
Judges	
Appointment of	997
Personnel Appointed by	999
Powers	998
Qualifications	997
Salaries	997
Jurisdiction of Certain Crimes	139

	Page
Federal Gasoline Tax	
Resolution re	1103
Federal Social Security	
See Social Security	
Fees of Public Officers	
Bailiffs	495
Entering Judgment with Warrant of Attorney.....	488
Satisfaction of Judgment	488
Searches	489
Witness Fees	608
Fence Viewers	
Appointment	798
Costs	798
Fees	798
Power	798
Quorum	798
Ferries	
See State Highway Department	
Ferris School for Boys	
Dormitory Cottage, Furnishing	670
Ferry Service, Cape May to Lewes	
Acquisition of Land in Lewes	658
Condemnation	659
Operation of	660
Fiduciaries	
Investments of	103
Finance Acceptor,	
Licensing of	24
Financial Responsibility Law	
See Motor Vehicles	

GENERAL INDEX

xxd

	Page
Fines	
Remitted When Set Aside by Higher Court.....	720
Finger, Aaron	
Director of Farmers' Bank	1084
Fire Companies	
See Levy Court of Each County	
See Under Town Name	
Appropriation for Ambulances	15
Fire Equipment	
Cities and Towns	68
Fire Hydrants and Water Mains	
Assessment	
Advice on	839
Basis of	838
Collection of	841
Notice of	840
Statement of	841
Bonds	
Authorized	831
Bidding on	837
Cancellation of	842
Election to Authorize	833
Issuance of	835
Payment and Retirement of	842
Preparation of	836
Rejection of Bids	837
Sale of	836
Board of Assessment	
Books of	840
Contracts	837, 838
County Engineer	
To Be Notified of Improvements Authorized....	835
To Review and Approve Plans	832
Credit of County Pledged	842
Definitions	831
Determination	832
Election	833, 834, 835
Lien Book	839
Petition to Levy Court	832
Receiver of Taxes	841
Special Sinking Fund	842

	Page
Firemen	
Pensions, See Wilmington	
Fish, Oysters and Game	
Dog Training Area	267
Fish Restoration and Management.....	577
Funds Collected by Board of Game and Fish Commis- sioners	529
Hungarian Partridge or Pheasant	121
Licenses for Resident Members of Armed Forces.....	478
Muskrats	
Open Season	681
Non-Resident Fishing License	593
Oyster Shells, Purchasing and Planting.....	241
Rockfish, Length	578
Squirrels	
Open Season in New Castle County	498
Turkeys, Wild	120
Fish Restoration	
See Fish, Oysters and Game	
Frauds	
See Statute of	
Free Public Schools	
Assessed Valuation	504
School Sites, Acreage	109
G	
Gambling Places, re	
See General Provisions Respecting Police	
Gambling, Private Wire Service	
See General Provisions Respecting the Police	
Game	
See Fish, Oysters and Game	

GENERAL INDEX

xxiii

	Page
Gaming Table or Device	
See General Provisions Respecting Police	
Garvine, Walter A.	
Refund	731
Gas Signs	
Brand Name	760
Size and Location	759
General Elections	
See Elections	
General Provisions Respecting Police	
Bets and Wagers, Relating to	740
Gambling House, Keeping, etc.	1282
Jurisdiction	1283
Penalties	1282
Gambling, Private Wire Service	
Definitions	1279
Jurisdiction	1281
Misdemeanor	1281
Penalties	1281
Gaming Table or Device	
Penalty for Keeping	738
Obstruction to Gambling Places, Removal of	745, 1274
Oleomargarine	19
General Sessions Court	
See Court of	
Geological Survey Fund	
See University of Delaware	
Georgetown	
Taxation	92, 94
Town Council, Allowance	247
Girls, Temporary Commitment	
See Woods Haven School for Girls	

	Page
Great Seal of the State of Delaware	
Protection from Unauthorized Use	642
Greenwood	
Taxation	176
Town Limits	176
Guardian	
Aged	993
Appointment of	616
Appointment Outside of State	601
Investments	103, 606
H	
Handicapped Children	
See State Board of Education	
Harness Racing	
See Delaware Harness Racing Commission	
Harrington	
Authorization to Appropriate to Volunteer Fire Company	118
Hart, Edward, Sr.	
Resolution, re death of.....	1100
Highway Department	
See State Highway Department	
Hogs	
Appropriation for Control of Disease of.....	79, 117
Holidays, Bank	
See Bank Holidays	

GENERAL INDEX

xxv

Page

Housing

See State Housing Board

Hungarian Partridge

See Fish, Oysters and Game

Hunting and Fishing

See Fish, Oysters and Game

I

Income Tax

See State Revenue

Indices

Judgments, Kent County	72
Mortgage Indices, Kent County	819

Indigent Sick

Hospital Care and Treatment in Sussex County.....	609
Increasing Amount of Care in Kent County	598
Relief of, in New Castle County	580

Industrial Accident Board

Bonds, Deposit of	71
Elsmere, Officers and Employees	490
Payments	610
Payments of Compensation	539

Inheritance Tax

See State Revenue

Insolvency

Bonds of Assignees	185
Filing of Accounts by Assignees or Trustees.....	175

Insurance

School Buses	248
--------------------	-----

	Page
Insurance Department	
Reserves, Calculation of	138
Investments	
Trustees, Guardians and Other Fiduciaries	103
J	
Jails and Workhouses	
See New Castle County Workhouse	
Joint Tortfeasors	
See Uniform Contribution Among Tortfeasors Act	
Judges' Library	
Sussex County, to Receive Reports	627
Judges' Secretaries	
Covered Employment	582
Judgments	
Confession of, Fee for	488
Kent County, Indices	72
Satisfaction of, Fee for	488
Judgments of the Courts	
Recording of	265
Judicial Reports	
Publication of	682
Judiciary	
Appointments, Senate Confirmation of	90
Constitutional Amendment	221
Salaries of	655

	Page
Judiciary and Supreme Court	
Constitutional Amendment	
Charge to Juries	229
Death of Party	230
General Assembly, Powers of	231
Judge Ad Litem	228
Judgments	231
Judiciary	
Appointments	222, 223
Compensations	222, 223
Quorum	223
Terms	222, 223
Vacancies	227
Justices of the Peace	231
Jurisdiction	
Chancery	225
Orphans Court	225
Superior Court	224
Supreme Court	225, 226, 227
Matters Pending	223
Pleadings, Amendments to	229
Prothonotary	230
Register of Wills	232
Supreme Court, Clerk of	231
 Juries	
Deficiency in Number of Grand or Petit Jurors.....	583
Deficiency in Number of Jurors	585
Payment of Jurors	584
 Justices of the Peace	
See Judiciary and Supreme Court	
 Juvenile Court of Kent and Sussex Counties	
Clerks, Duties and Salary	989
Definition	983
Judge, Power, Terms and Salary	988
Jurisdiction	983
Probation Officers	789, 990
Purpose	982
 Juvenile Delinquents and Probation	
Compensation of Probation Officer	789

	K	Page
Kent County		
Judgments Indices		72
Mortgage Indices		819
Kent County—Levy Court		
Authorization to Appropriate Funds for Drainage of Tax Ditches		122
Authorized to Appropriate Funds for Leipsic Volunteer Fire Company		186
Authorized to Appropriate Funds for:		
Cheswold Volunteer Fire Company		119
Control of Diseases of Hogs		117
David C. Harrison Post No. 14, Inc., American Legion		7
Hartly Volunteer Fire Co.		6
Harrington Volunteer Fire Company		118
Kent County Volunteer Fireman's Association.....		172
Indigent Sick		598
Kent County Superior Court		
Terms of		603
Krantz, Howard Leniwood		
Resolution re		1130
	L	
Landlord and Tenant		
Time of Notice to Quit in Kent County		549
Larceny		
See Offenses Against Private Property		
Laurel		
Bonds Authorized		208
Sewers		208
Water Lines		208
Water Well		208
Streets		208
Elections	86,	253
Candidates		202
Mayor and Councilmen		254
Streets		588
Town Council	93,	818
Water Connections		817

GENERAL INDEX

xxix

	Page
Law Enforcement Officers	
Representation as	751
Lawson, Bird	
Resolution, re Death of	1118
Legislative Journals	
Printing of	378
Levy Courts	
Bond Issues Authorized for Fire Hydrants and Water Mains in Suburban Communities	830
Newspaper Publication of Delinquent Tax List.....	625
Street Improvements (See Also Suburban Community Code)	187
Lewes	
Board of Public Works	17
Employees' Pensions	1278
Transfer of Funds	251
Lewes to Cape May Ferry	
See Ferry Service	
Librarian	
Judges' Library, New Castle County	582
Library Commission	
See the Library Commission of the State of Delaware See District Libraries	551
License, Fishing	
See Fish, Oysters and Game	
Lien on Lands	
Smyrna Lions Club	571

	Page
Lien Search	
Fee for	488
Liens, Road	
Wilmington Manor	212
Lieutenant Governor	
Compensation of, Constitutional Amendment Relating to	235
Liming	
See State Board of Agriculture	
Lions Club	
Smyrna, Satisfaction of Lien on Lands.....	571
Live Stock	
Dealers in, License for	1081
Livergood, Laura	
Claim of, re	671
Local School Building Commission	
See Education	
Lyons, James C.	
Pertaining to Lands of	730
M	
MacArthur, Douglas	
Resolution, re	1122
Malicious Mischief	
See Offense Against Private Property	

GENERAL INDEX

xxxi

	Page
Meat Scraps	
Transportation of	250
Middletown	
Sidewalks	82
Curbs	82
Water Mains	82
Sewer	82
Migratory Fowl	
Resolution re	1106
Mileage	
Uniform Rate of	617
Milk Dealers and Handlers	
See State Board of Agriculture	
Milford	
Councilmen, re	496
Taxation	169
Milton	
City Limits	214
Minors	
Certificate of Age	491
Moore, Beulah	
Compensation for Injuries	483
Mortgage Indices	
See Indices	

	Page
Mothers' Pension Commission	
See State Department of Welfare	
Motor Fuel Taxes	
See State Revenue	
Motor Vehicles	
Amount to Be Paid by State for Motor Vehicles.....	795
Appeal from Conviction	855
Arrest Without Warrant	548
Cost of Replacing Number Plates	110
Diesel Propelled, Registration Fees.....	136
Engine Numbers on Commercial Vehicles	611
Financial Responsibility Law	
Administration	970
Assigned Risk	970
Custody, Disposition and Return of Security.....	953
Definitions	947
Duration of Suspension	951
Effect of Failure to Report Accidents	948
Exceptions to Requirement of Security	950
Form and Amount of Security	952
Matters Not to Be in Evidence in Civil Suits.....	953
Penalties	967, 968
Proof of Financial Responsibility	953
Security Following Accident. .948, 949, 954, 955, 956, 957, 958,	959, 962, 963, 964, 965, 966
Self-Insurers	969
Surcharges	971
Transfer of Registration	967
Insurance Coverage for School Buses	248
Licenses, Changing Expiration Date of.....	621
Licenses, Revocation	945
Operator's License—New Resident of State	750
Registration, New Resident of State	750
Registration and Number Plates, Transfer of.....	242
Restricted Drivers' Licenses	735
Revocation of Licenses	945
Speed Limits, When Not Applicable	183
Stop Signs	734
Traffic Lights	486
Trackless Trolley Coach Operator Defined	775
Trackless Trolley Coach Operators Subject to Certain	
Laws	776
Trucks, Using Right Hand Side of Highway.....	629
United States Government, Registration of Vehicles.....	628

GENERAL INDEX

xxxiii

	Page
Motor Vehicle Department	
See Motor Vehicles	
See State Highway Department	
Saturday, re Legal Holiday	550, 757
Municipal Court of Wilmington	
Bail Bonds	780
Murphy, William Robert	
Proclaimed Elected Insurance Commissioner	1194
Muskrat	
See Fish, Oysters and Game	
	N
Needy Persons	
Real Estate of	729
Negotiable Instruments	
Bank Holidays Affecting	113
Saturday Designated a Legal Holiday	550, 757
Newark	
Acquisition of Property	464
Alderman	444
Annexation	436
Assessment	
Levyng of Special	465
Not to Exceed Value of Benefit	472
Payable in Installments	472
Procedure	457, 471
Assessor	446
Audit	449
Board of Health	446
Bonding of City Officials and Employees	447
Borrowing for Current Expenses	454
Boundaries	434
Budget	448
City Manager, Appointment and Removal of	473
City May Engage in Business	480
Compensation of Officers and Employees	447

Newark (Continued)	Page
Continuance in Office	473
Council	
Meetings of	440
Powers of	440
Qualifications of	439
Districts	437
Effective Date	473
Elections	
Absentee Voting	455
Annual	437, 455
Ballots	455
Nominations	455
Officers	456
Voting, Qualifications	454
Fees	457
Financial Statement	449
Fiscal Year	448
Former Government in Force	473
Incorporation	434
Mayor	
Compensation of	439
Qualifications of	439
Quorum	442
Relationship to Council	440
New Developments and Subdivisions	472
Oath of Office	447
Ordinance	443
Organization Changes by Council	443
Planning Commission	448
Police	446
Power, Over Streets	465
Power to Borrow Money	451
Power to Raise Revenue	450
Powers and Constitution	437
Powers of the City	438
Proceedings	471
Procedure for Enacting Ordinances	443
Retirement Plan	472
Rules of Procedure, Record	442
Secretary	443
Severability of Charter Provisions	472
Sewer and Water Main Improvements	468
Sidewalks and Gutters	470
Solicitor	444
Special Assessments, Collection of	458
Structure of Government	437
Taxes, Collection of	458
Treasurer	445

GENERAL INDEX

xxxv

	Page
New Castle	
Reincorporated	26
Water Supply Territory	200
New Castle County	
County Treasurer and Receiver of Taxes	240
Employees, Salaries of	237
Officers, Salaries of	239
New Castle County Comptroller	
Increase in Salary	476
New Castle County Employees	
Pension Benefits	
Covered Employee Defined	975
Increased	975
Military Service	975
New Castle County Levy Court	
Authorized to Appropriate Funds to Claymont Fire Co...	211
Debt Limitations	843
Definition of Duties and Powers	796
Garbage, Dumping of	1080
Incineration Plant Provided for	1076
Lighting Streets and/or Highways	170
Limit of Total Tax Rate	255
Recorder of Deeds, New Seal Authorized	184
Refund of Taxes	192
Relief of Indigent Sick	580
Road Liens in Wilmington Manor	212
Refund for Erroneous Tax Sale	730
Zoning	804
Appeals to Board of Adjustment	809
Board of Adjustment	808
Commission	805
Court Review	810
Nonconforming Uses	811
Violations	811
New Castle Hundred	
Police	574

	Page
New Castle County Sewer Act	
Bonds	129
Contracts with Cities and Towns	134
Definitions	127
Eminent Domain	128
Lien of Charges	133
Powers	128
Service Charge	131
New Castle County Workhouse	
Operation and Maintenance, Expense of Payment.....	573
New Castle Tercentenary	
Resolution re	1082
Resolution re Special Session of the General Assembly...	1113
New Jersey (Cape May) Ferry	
See Ferry Service	
Notaries Public	
Financial Institutions, in	505
Providing for Additional	300
	O
Oath	
To Support Constitution	662
Obstructions to Gambling Places	
See General Provisions Respecting Police	
Occupational Licenses	
See State Revenue	
Offenses Against Private Property	
False Statement to Procure Benefits	
Jurisdiction	785
Misdemeanor	784
Penalties	783
Issuance of Worthless Checks	
Degrees of	747
Jurisdiction	748

GENERAL INDEX

xxxvii

	Page
Offenses Against Private Property (continued)	
Larceny	
Degrees of	742
Jurisdiction of Court	743
Lesser Crime, Guilty of	744
Penalties	743
Value Fixed	744
Malicious Mischief	
Jurisdiction	781
Misdemeanor	781
Penalty	781
Receiving Stolen Goods	
Jurisdiction	778
Misdemeanor	777
Penalties	778
Offenses Against Public Justice	
False Complaints	737
Offenses Against Religion, Morality and Decency	
Sabbath Breaking	946
Old Age Pension	
Old Age Pensioners to Retain Automobile Titles.....	634
Old Age Welfare	
See State Department of Welfare	
Oleomargarine	
Sale of	19
Operators' and Chauffeurs' Licenses	
See Motor Vehicle	
Orders of the Courts	
Recording of	264
Orphans Court	
See Judiciary and Supreme Court	
Affidavit for Probate of Debts.....	614
Appointment of Guardians	616
Guardian for Aged, Appointment of	993

	Page
Oysters	
See Fish, Oysters and Game	
	P
Parental Rights	
Termination and Transfer of, in Connection with Adoption	292
Parents and Children	
Adoption Procedure	
Abatement	289
Appeal; Errors Cured	287
Consent	281
Contents of Petition	281
Definitions	279
Effect of Adoption, General	286
Effect of Adoption, on Inheritance	286
Fees	290
Final Decree, When Granted, Contents	285
Importation of Children	290
Investigation and Procedure	284
Period of Supervision	285
Placement	280
Records, Confidential Nature of	289
Religious Affiliation	283
Report to State Board of Health	288
Right of Review	287
Who May Adopt	280
Withdrawal of Consent or Petition	283
Parking Authority Law	
Acquisition of Land	1030
Bonds	1025
Competition and Awarding Contracts	1031
Constitutional Construction	1036
Definitions	1017
Exemptions from Taxation	1034
Findings and Declarations	1015
Governing Bodies	1029
Limitation of Powers	1033
Method of Incorporation	1018
Monies of the Authority	1031
Purposes and Powers	1019, 1025
Remedies of Bond Holders	1026
Termination of Authority	1034
Transfer of Existing Facilities to Authorities	1035
Use of Projects	1033

GENERAL INDEX

xxxix

	Page
Pensioners, Old Age	
Automobile of, re	634
Pensions	
See State Board of Education	
See State Employees	
See Wilmington	
Permanent Budget Commission	
Audit of State Boards, Commissions and Departments....	752
Pheasant	
See Fish, Oysters and Game	
Photographic Copies	
See Statute of Frauds	
See Witnesses and Evidence	
Physicians	
Admission to Practice	198
Police Officers	
Additional Police for New Castle County	574
Police	
Pensions, See Wilmington	
See General Provisions Respecting Police	
Porter, John F.	
Director Farmers' Bank	1084
Powell, Jennie E.	
Resolution re Death of	1096
Probation Officers	
See Courts	

	Page
Procedure, Rule of Criminal	518
 Proclamations	
Arbor and Bird Day	1155, 1222
Armed Forces Day	1160, 1233
Benjamin Franklin's Birthday Celebration.....	1136, 1198, 1306
Blue Cross Week	1182
Boggs, James Caleb, Proclaimed Elected Representative	1186
Boy Scout Week	1218
Brotherhood Week	1220
Cancer Control Month	1156, 1226
Christian Education Week	1253
Cleaner Air Week	1263
Civil Air Patrol Week	1297
Constitution Day	1170, 1245
Corporate Charters Repealed	1139, 1202, 1310
Delaware Day	1134, 1196, 1296
Delaware Future Farmer Week	1153, 1200
Delaware Swedish Colonial Day	1157, 1224
Emerson, Ralph Waldo, Proclaimed Elected Treasurer of State	1190
Enterline, George Daniel, Jr., Proclaimed Elected Auditor of Accounts	1192
Enumeration Day	1158
Father's Day	1168, 1242
Flag Day	1169, 1243
Fire Prevention Week	1251
General Assembly Convened, re Ferries.....	1299
George Washington Carver Day	1259
Homemakers' Week	1267
I Am an American Day	1166, 1228
It is Movietime, Delaware	1261
Letters from America Week	1237
Library Day	1254
Loyalty Day	1159, 1232
March of Dimes Month	1304
Marine Corps Anniversary	1181
Mental Health Week	1162, 1235
Mother's Day	1163, 1230
Murphy, William Robert, Proclaimed Elected Insurance Commissioner	1194
National and International Shut-Ins Day.....	1172, 1239
National Anthem Day	1172, 1247
National Employ the Physically Handicapped Week...	1175, 1256
National Fire Prevention Week	1177
National Guard	1301
National Maritime Day	1164, 1236

GENERAL INDEX

xli

	Page
Proclamations (continued)	
Pasture Year	1138
Poetry Day	1258
Pulaski Day	1174, 1249
Rural School Charter Day	1250
Safety at Christmas	1303
Senate Convened to Confirm Judicial Appointments	1197
Senate Convened re Appointment of Associate Justice	1135
Soil Conservation Day	1244
Supreme Court, Appointments to	1241
Thanksgiving	1132, 1184, 1294
Thomas Alva Edison Day	1308
United Nations Day	1179, 1265
Young, Hyman Albert, Proclaimed Elected Attorney General	1188
Prothonotaries	
Times When Shall Be Open	758
Prothonotary, Kent County	
Directed to Make Judgment Indices	72
Public Archives Commission	
Preservation of Historic Sites and Objects	663
Trust	664
Protection of Aboriginal Site	596
Public Building Commission	
See Wilmington	
Public Housing Administration	
Resolution, re	1291
Public Service Commission	
Powers Changed and Enlarged	1043
Appeals	1058
Certificate of Necessity	1055
Depositions	1049
Hearings	1045
Inspections	1050
Insurance	1048

	Page
Public Service Commission (continued)	
Merger or Consolidation	1054
Orders	1058
Personnel	1055
Quorum	1045
Rate Changes	1051
Reports	1048
Resident Agent	1058
System of Accounts	1049
Witnesses	1055
 Public Utilities	
Services for Gambling	1279
 Pure Food	
Oleomargarine	19, 20
 R	
Racing	
Harness Racing—See Delaware Harness Racing Commission	
 Real Estate of Needy Persons	
Relief Not to Be Charged to Real Estate.....	729
 Receiving Stolen Goods	
See Offenses Against Private Property	
 Recorders	
Times When Shall Be Open	758
 Recorder of Deeds, Kent County	
Mortgage Indices, New	819
 Recorder of Deeds, New Castle County	
New Seal Authorized	184

GENERAL INDEX

xliii

	Page
Refunds	
Motor Fuel Taxes	519
Registers in Chancery	
Times When Shall Be Open	758
Register's Court	
See Judiciary and Supreme Court	
Registers of Wills	
Times When Shall Be Open	758
Registration of Voters	
Registrars, Compensation of	101
Rehoboth Beach	
Scrap Sewer Assessment	506
Taxation	153
Rehoboth Juniors' Swimming and Sailing Club, Inc.	
Transfer of Land to	482
Relief Recipient	
See Unemployed	
Pertaining to Real Estate of	729
Representation as Law Enforcement Officer	
Jurisdiction	751
Penalty for False Representation	751
Resolutions	
See Under Subject	
Revised Code Commission	
Powers and Duties of Commission	259

	Page
Roads and Bridges	
See State Highway Department	
Rules of Construction	
Relating to	517
Rules of Procedure	
Criminal	581
	S
Sabbath Breaking	
See Offenses Against Religion, Morality and Decency	
Salaries	
State Officers	405
Salt Water Resources	
Appropriation for Research	155
Saturday	
Designated a Legal Holiday	550
Scholarships	
University of Delaware	522
School Buses	
Insurance Coverage	248
School Districts	
Deficiency Appropriations—See Appropriations	
Schools	
See Education	

GENERAL INDEX

xdv

	Page
Searches and Seizures	
See Crimes and Punishment	
Search Fee, Public Officers	
Conveyance	488
Lien	488
Secretary of State	
Fees for Photostatic Copies	862
Selbyville	
Bonds, Authorized	140
Mayor, Council, etc., Authority of	218
Mayor, Council, Meetings of	218
Salary Increase for Mayor, Clerk and Councilmen.....	218
Water Plant	140
Senate	
Relating to Judiciary Appointments	90
Sewers	
See New Castle County Sewer Act	
See Wilmington	
Sheriffs' Office	
Times When Shall Be Open	758
Signs for Gasoline Stations	
See Gas Signs	
Silver Lake, New Castle County	
Limits on Boats Operated Therein and Penalties.....	177
Sinking Fund	
See State Treasurer	

	Page
Slum Clearance and Redevelopment Authority	
Bonds	893
Creation of	877
Definition of	874
Eminent Domain	890
Exempt from Taxes	897
Federal Authority	872
Powers	882
 Smith, J. Gordon	
Director Farmers' Bank	1084
 Smyrna	
Bond Issue for Municipal Improvement	824
Land Acquisition of, for Sewerage Plant and Electrical Sub-Station	822
Lions Club Land	571
Special Election for Vacancy in Office of Mayor.....	847
 Social Security, Federal Act to Cover State Employees	
Appropriation	870
Contributions by State Employees	866
Definitions	863
Fund	869
 Soil Conservation	
See under County Name	
See State Soil Conservation Commission	
 Soldiers	
Appropriation for Burial of Indigent	81
Appropriation for Education of Children of	9
 Speed Limits	
Not Applicable in Emergency	183
 Squirrels	
Open Season for	498

GENERAL INDEX

xlvi

	Page
State Archivist	
Duties with Respect to State Boundary Markers.....	644
State Bank Commissioner	
Deputies and Examiners	605
State Board of Agriculture	
Bang's Disease and the Movement of Cattle Not Vaccinated	80
Liming Material	594
Milk Dealers' or Handlers' Bonds	
Amount	1070
Effective Period of Bond	1070
Financial Statement	1072
Interest or Dividends Upon Securities.....	1071
Procedure	1074
Time of Filing	1070
State Board of Education	
Handicapped Children re	545
Pension Disabled Teachers	541
Salary Schedule	1269
Administrative and Supervisory Personnel.....	1272
Clerks	1271
Custodians and Custodial Personnel	1272
Nurses	1271
Secretaries	1271
Teachers	1269
Unexpended Monies to Revert	665
State Board of Health	
Appropriations for Capital Improvements	367
Certificate of Death with Local Registrar	800
State Boundaries	
Crime to Destroy	644
Duties with Respect to	644

	Page
State Building and Grounds Commission	
Powers and Duties of	244
State Department of Public Welfare	
Board	275
Creation of	275
Dependent Children	542
Director	276
Management	276
Records, Files, Money, etc.	278
Rules and Regulations	276
State Real Estate Commission	
License Fee	485
State Emblems, Seals and Insignia	
Protection of	642
State Emergency Fund	
Appropriations	1001
Availability of Fund	1001
Creation of	1001
Emergencies Defined	1002
Proof of Emergency	1002
State Employees	
Oath to Support Constitution	662
Pensions	
Benefits	570
Computation of Service	175, 568
Covered Employment	615
Librarian Judges' Library, New Castle County.....	582
Secretaries, Attorney General	797
State Judges	582
Uniform Mileage Rate	617
State Forestry Dept.	
Distribution of Trees	194

GENERAL INDEX

xlix

	Page
State Highway Department	
Acceptance of Land in Sussex County for Ferry Service	658
Bonds, Authorized for Improvements.....	400
Bonds, Delaware River Crossing	148, 1277
Chief Engineer, Duties with Respect to State Boundary Markers	644
Ferries, Acquisition of	146
Improvement Bonds Authorized	380
Reimbursement for Delaware Memorial Bridge Approaches	619
Reimbursement for Money Advanced to State Police Pension Board	599
Roads, Specifications	181
Vacating Roads and Bridges	480
Unexpended Funds—Disposition of	481
State Housing Board and Housing Authority	
Definition of Terms	245
Extension of Area	857
Members of	856
Organization of	856
State Library	
Judicial and Chancery Reports to Judges' Library of Sussex County	627
State Officers	
Salaries, Judiciary	655
Salary Schedule	405
State Old Age Welfare Commission	
Amount of Assistance	514
Duties of Commission	514
State Revenue	
Coin Operated Music Machines	
License for	816
License Stamp	108
Penalty for Not Affixing Stamps	107
Delinquent Taxes, Interest on	623

	Page
State Revenue (continued)	
Estate Tax	257
Fees for Photostatic Copies from Secretary of State	862
Finance Acceptor, License	24
Franchise Tax	938
Income Tax, Taxable Defined	786
Inheritance Tax	256, 258
License	
Coin Operated Machines	816
Dealers in Live Stock	1081
Finance Acceptor	24
Motor Fuel Distributor—Failure to Report Taxes.....	814
Motor Fuel Taxes	519
 State School Building Program Board	
See Education	
 State Soil Conservation Commission	
Uniform Drainage Law	
Action by Board of Ditch Commissioners and Resident Associate Judge	413
Assessment List	414
Board of Ditch Commissioners and Alternate Ditch Commissioners, Appointment, Terms of Office, Reimbursement of	408
Cash Deposits	412
Chairman of Ditch Managers	422
Civil Liability for Damage to Tax Ditch	429
Compensation for Previous Drainage Work	413
Costs	413
County Assessor, Duties of	424
County Soil Conservation District, Duties of.....	411
Determination of	412
Filing of Petition	412
County Treasurer and Receiver of Taxes	426
Damages and Compensation	429
Defense of Contested Ditch Orders	419
Definitions	408
Ditch Commissioners, Board of	
Distribution of Reports	417
Failure to Perform Duties	430
Recommendations of	416
Reimbursement of	409
Reports of	414, 416
Signing of Report, Dissent from	417

GENERAL INDEX

ii

State Soil Conservation Commission (continued)	Page
Ditch Managers	
Chairman	421
Compensation	422
Duties of	423
Meetings of	422
Ditch Order	418
Ditch Order, Permanent Court Orders	419
Existing Drainage Organizations	431
Filing Fees	413
Hearing and Referendum	416
Hearing Final	418
Ingress and Egress	429
Instruments, Signatures on	423
Investigations	411
Jury and Verdict, Right to	419
Liability of Landowner	429
Limitation on Borrowing Power	423
Meetings	420, 422
Notice of Final Action on Ditch Order	419
Notice to Landowners of Hearing and Referendum	415
Notice of First Meeting	420
Organization of	420
Officers, Election of, Terms of	421
Organization of Tax Ditch, Notice of First Meeting	420
Petition for Formation of Tax Ditch	410
Form of	410
Policy	407
Private Engineer Employment of	419
Quorum	422
Report of State Drainage Engineer	412
Secretary-Treasurer, Duties of	425
Separability Clause	432
State Drainage Engineer and Assistants, Employment of	410
State Highway Department, Transfers by	432
Superior Court, Action by	417
Tax Ditch	
Additional Territory	430
Alteration	430
Civil Liability for Damage	429
Damages to	429
Dissolution of	431
Highways, Ditches Near	431
Kent County	432
Name of	432
Taxes	425
Voting Proxy	421
Voting Rights	420
Warrant for Collection of Taxes	425

State Treasurer	Page
Authorization to Transfer Funds	492
Authorized to Transfer Funds to Town of Lewes.....	251
Bonds, Servicing of	637
Funds Collected by Board of Game and Fish Commis- sioners	579
Sinking Fund	630
To Remit Fines	720
Transfer to General Fund	105
Unexpended Funds to Revert	665
 State Welfare Home	
See State Department of Welfare	
 Statute of Frauds	
Copies, Relating to	604
 Suburban Community Code	
Bonds	195
Contracts	196
Contracts Exempt from Contract Laws	197
Rights-of-Way	197
 Superior Court	
See Judiciary and Supreme Court	
Salaries, Judges	655
Terms, Kent County	603
 Supreme Court	
See Judiciary and Supreme Court	
Appropriations	651, 652
Costs	650
Court Reporter	651
Criminal Rules of Procedure	581
Docketing Appeals from Chancery	650
Indices	650
Minutes of Judgments	650
Offices for the Justices	650
Office Stenographers	651
Petition for Writ of Prohibition or Mandamus in Vacation	648
Power to Make Rule	649
Process, How Returnable	648
Salary of Members	655
Special Term	650
Supplies and Equipment	651
Writs of Certiorari	648

GENERAL INDEX

lii

	Page
Sussex County Levy Court	
Authorized to Appropriate Funds for:	
Milton Fire Company	5
Prevention of Hay Diseases	79
Soil Conservation Manager	178
Tax Ditches	151
Indigent Sick, Hospital Care and Treatment of.....	609

T

Tax

 See State Revenue

Tax Ditches

 See Levy Courts of Each County
 See Soil Conservation Commission

Taxes

 Wage Attachments for 661

Taxes, Refund

 See New Castle County Levy Court

The Farmers' Bank of the State of Delaware

 Directors Appointed 1084

The Library Commission for the State of Delaware

Corbit Library	563
Commission Established	551
Organization	552
Commissioners	
Appointment	551
Biennial Report to General Assembly	552
By-Laws	552
Duties	552
Organization	552
Powers	552
Qualifications	551
Terms of Office	551
Vacancies	551

	Page
The Library Commission for the State of Delaware (Continued)	
District Free Library	
Authority	553
Classification of School Districts	561
Consolidation of School Districts	561
Creation of	557
Definitions	553
Donations to	553, 1284
Elections	554, 555
Non-Residents	561
State Funds	562
District Library Commission and Commissions	
Bonds	564
Borrowing of Money	564
Created	568
Donations to	1284
Elections	565
Eligibility to Serve	568
Fines	559
Powers	559
Reports	560
Rules	560
Sinking Fund	566
Taxation	566
Terms of Office	568
Dover Library	563

Town Elections

See Under Town Name

Townsend, John G., Jr.

Director Farmers' Bank 1084

Traffic Lights

See Motor Vehicles

Trackless Trolley Coach Operators

See Motor Vehicles

Trees

See State Forestry Department

GENERAL INDEX

lv

	Page
Truman, Harry S.	
Resolution re	1112
Trustees	
Investments of	103, 606
Accounts of in Insolvency	175
Turkeys, Wild	
See Fish, Oysters and Game	
U	
Unemployment Compensation	
Benefit Payments to Seasonal Workers	511
Contribution Rates	509
Day of Notice or Day of Filing	508
Salary of Chairman	509
Uniform Contribution Among Tortfeasors Act	
Effective Date	762
Unemployed	
Relief Recipients, to Be Used on State Work	646
Unexpended Monies	
Revert to General Fund	665
Uniform Arrest Act	
Definitions	769
Identification of Witness	773
Improper Grounds	771
Permissible Delay in Bringing Before Magistrate	773
Permissible Force	770
Questioning and Detaining Suspects	769
Release of Persons	773
Resisting Arrest	771
Searching for Weapons	770
Summons Instead of Arrest	772
Warrant Not in Officer's Possession	771
Without a Warrant	771

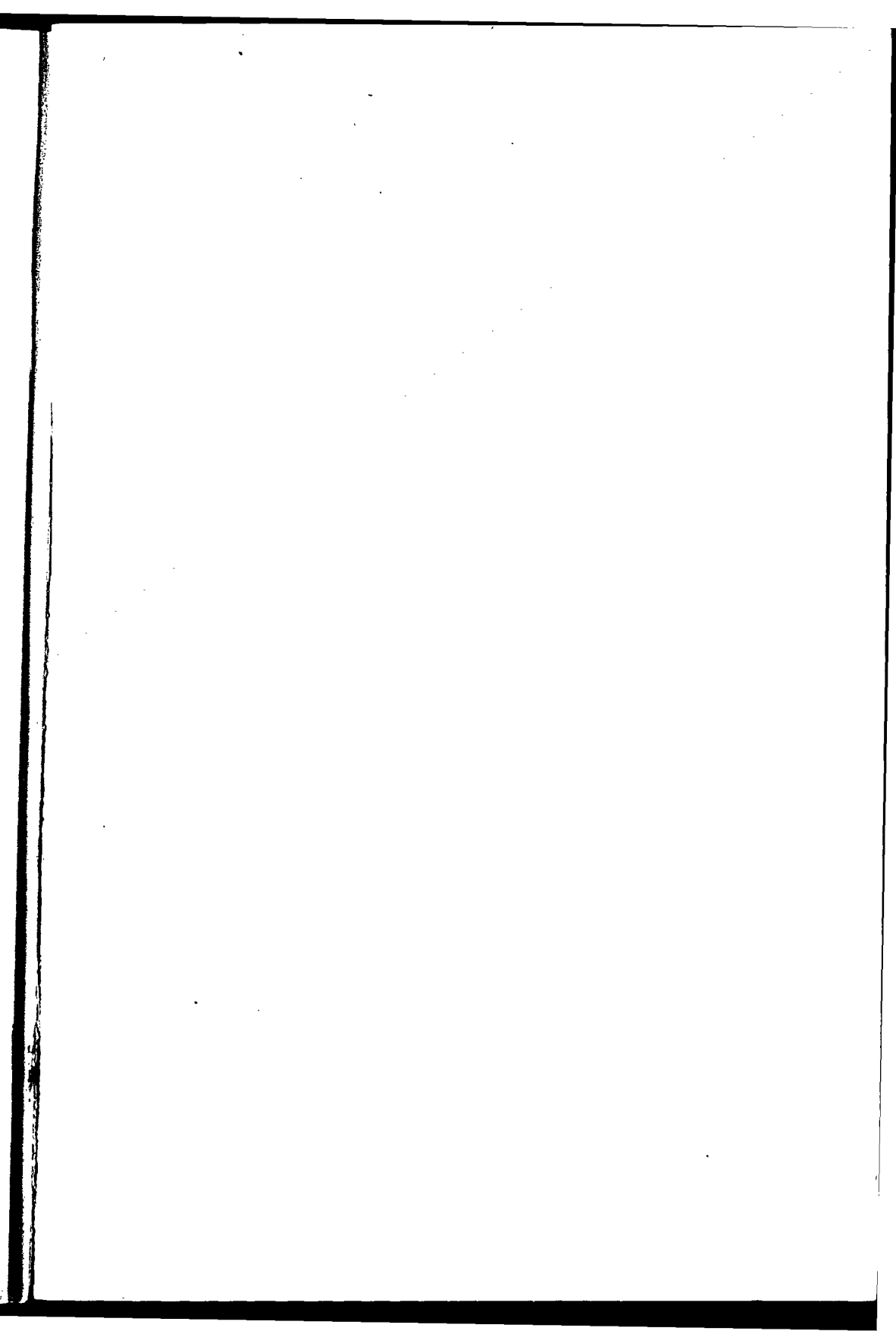
	Page
Uniform Drainage Act	
See State Soil Conservation	
United Petroleum Corp.	
Refund	586
University of Delaware	
Creation of a Geological Survey Fund	499
See Appropriations	
V	
Vacation of Public Roads	
See State Highway Department	
Laurel	588
Valuation and Assessment of Property	
Manufacturing Exemptions	754
Vandenberg, Arthur H.	
Resolution re Death of	1108
Veterinarians	
Admission to Practice	198
Vice-Chancellor	
Salary of	655
W	
Wages	
Attachment for Taxes	661
Wards	
See Guardians and Wards	

GENERAL INDEX

lvii

	Page
Warwick, William J.	
Appointed Bill Clerk	1116, 1289
Wild Turkeys	
See Fish, Oysters and Game	
Wilmington	
Department of Public Safety, Five Day Week	25
Eminent Domain	270
Employees of, Pensions	732
Employees, Called to Armed Services	733
Office Holders, Qualifications	633
Police and Fireman's Pensions	858, 860, 861, 902, 903
Real Estate, Sale of	502
Public Building Commission, Superintendent	722
Wilmington Manor	
Road Liens	212
Wilson, Henry V. P.	
Director Farmers' Bank	1084
Wilson, W. Allen	
Resolution, re Death of	1119
Winchester, William J.	
Resolution re Death of	1286
Witnesses and Evidence	
Copies	518
Photographic Copies as Business Records	618
Witness Fees	
Unclaimed Fees	608

	Page
World Government	
Resolution in Opposition to	1103
Woods Haven School for Girls	
Temporary Commitment to	763
Workhouse	
See Under County Name	
Workmen's Compensation	
See Industrial Accident Board	
Worthless Checks	
See Offenses Against Private Property	
Y	
Young, Hyman Albert	
Proclaimed Elected Attorney General	1188
Z	
Zoning	
Constitutional Amendment	173
See New Castle County Levy Court	



**END
OF
VOLUME**