

LAWS
OF THE
STATE OF DELAWARE

**ONE HUNDRED AND EIGHTEENTH
SESSION OF THE GENERAL ASSEMBLY**

COMMENCED AND HELD AT DOVER

**On Tuesday, January 4, A. D.
1955**

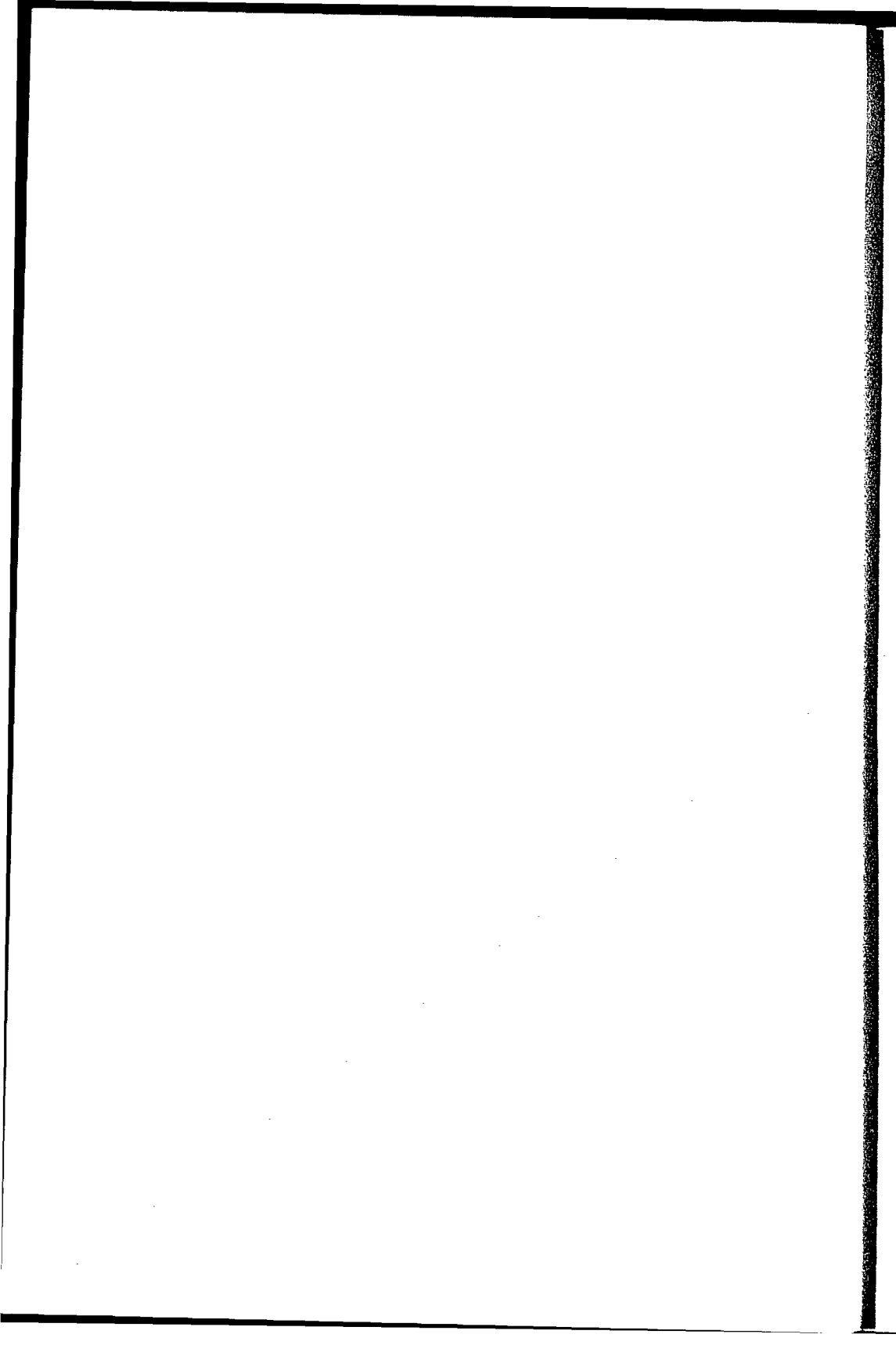
AND

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

VOLUME L

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PART I



LAWS OF DELAWARE

CHAPTER 1

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 DIVIDING THE TOWN INTO WARDS AND PROVIDING FOR THE ELECTION OF THE MEMBERS OF THE TOWN COUNCIL FROM SAID WARDS.

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

Section 1. That Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by inserting therein a new Section to be designated as Section 2A as follows:

Section 2A. The Town shall be divided into four (4) Wards. All the territory within the Town limits lying south of the center line of East Market Street and east of the center line of South Bedford Street shall be the first ward; all the territory within the Town limits lying north of the center line of East Market Street and east of the center line of North Bedford Street shall be the second ward; all the territory within the Town limits lying west of the center line of North Bedford Street and north of the center line of West Market Street shall be the third ward; and all that territory within the Town limits lying south of the center line of West Market Street and west of the center line of South Bedford Street shall be the fourth ward.

Section 2. Section 3, Chapter 166, Volume 43, Laws of Delaware, is amended by striking out said Section and substituting in lieu thereof a new Section 3 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. One of the members of the Council shall reside in that portion of the Town known as the first ward, one in that portion known as the second ward, one in that portion known as the third ward, and one in that portion known as the fourth ward. 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.

Section 3. Section 4, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by adding to said Section the following new paragraph:

At the annual election held on the first Saturday in March, 1955, there shall be elected two (2) members of Council for a term of two years to fill the vacancy created by the expiration of the two (2) members of the council whose terms expire, one of said councilmen shall reside in the first ward and one shall reside in the second ward. At the annual election to be held in the next following year, a mayor and two (2) councilmen shall be elected for a term of two years to fill the vacancy created by the expiration of the term of the mayor and two (2) councilmen whose terms expire. One of said councilmen shall reside in the third ward and one shall reside in the fourth ward; and thereafter the successor of every member shall be elected from each of the four wards residing respectively in the several wards and a Mayor to serve for a term of two years.

Approved February 10, 1955.

CHAPTER 2

AUTHORIZING TRANSFER OF PUBLIC LANDS TO
TOWN OF GEORGETOWN**AN ACT AUTHORIZING THE STATE OF DELAWARE TO
TRANSFER A PORTION OF CERTAIN PUBLIC LANDS
IN THE TOWN OF GEORGETOWN TO THE TOWN OF
GEORGETOWN.**

*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 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 the Town of Georgetown, a municipal corporation of the State of Delaware, in consideration of the payment of Fifty Dollars (\$50.00) by the said The Town of Georgetown to the State of Delaware all that certain lot, piece or parcel of land, situate in the Town of Georgetown, Georgetown Hundred, Sussex County, State of Delaware, more particularly bounded and described as follows, to-wit;

Beginning at a monument at the east corner of the intersection of Laurel Road with West Pine Street; thence from said beginning point North forty-four degrees and eighteen minutes East along the line of Pine Street a distance of twenty feet; thence South forty-five degrees forty-two minutes East one hundred and sixty-two feet; thence curving to the right on the arc of a circle the radius of which is eighty-two feet, a distance of forty feet; thence curving to the left on the arc of a circle the radius of which is four hundred and sixty-four feet, a distance of one hundred and five feet to the Easterly side of Gardiner Avenue; thence along the Easterly side of Gardiner Avenue, North twenty-nine degrees fifty-three minutes West seventy-eight and one-half feet to a point in line with the Southeasterly side of Laurel Road leading Southwesterly; thence across Laurel Road, North twenty-eight degrees thirty-four minutes West thirty and ninety-six one hundredths feet to a

point in the Northwesterly line of Laurel Road leading Southwesterly; thence along the Northeasterly side of Laurel Road leading Northwesterly, as it is now located North forty-five degrees forty-two minutes West one hundred and ninety-six and three-tenths feet, to the Place of Beginning, — CONTAINING Four Thousand Three Hundred and Ninety Square Feet, — being a part of the same lands deeded to the State of Delaware by William Linden Rawlins et al, bearing date the 15th day of December, A. D., 1939, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book No. 322, Page 188 &c., Reference thereunto being had will more fully and at large appear.

Section 2. That the said land to be conveyed shall be used by the Town of Georgetown for the purpose of widening the street known as "Laurel Road" where the same intersects with the street known as "West Pine Street".

Approved February 24, 1955.

CHAPTER 3

REGARDING OFFENSIVE USE OF PROPERTY NEAR THE GOVERNOR BACON HEALTH CENTER

AN ACT TO AMEND TITLE 16, DELAWARE CODE, IN RE- GARD TO OFFENSIVE USE OF PROPERTY NEAR THE GOVERNOR BACON HEALTH CENTER.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 5311 (a), Title 16, Delaware Code, is amended to read as follows:

§ 5311. Restriction on offensive use of property within three miles

(a) No person shall erect or cause to be erected any structure, or use or cause to be used any structure or premises within a radius of three miles of the Governor Bacon Health Center for any of the following manufacturing activities:

- (1) Pyroxylin manufacture or processing; the manufacture of explosive or highly flammable cellulose products.
- (2) Fireworks or explosives manufacture.
- (3) Animal glue or animal gelatine manufacture.
- (4) Reduction of garbage, offal, animals or fish on a commercial basis.
- (5) Operation of a tannery.
- (6) Organic fertilizer manufacture.

However, nothing in this section shall prohibit the raising of poultry, or livestock, and the processing of the same, or the processing of farm produce, or the erection of any structure or installation of any facilities, or the use of any struc-

ture, facilities, or premises, for a manufacturing or industrial use not specified herein.

Approved February 25, 1955.

CHAPTER 4

APPROPRIATION FOR ERADICATION OF BRUCELLOSIS

AN ACT TO APPROPRIATE THE SUM OF FIFTY THOUSAND DOLLARS TO THE STATE BOARD OF AGRICULTURE TO BE USED FOR THE PURPOSE OF ERADICATION OF BRUCELLOSIS IN CATTLE AND PAYING INDEMNITIES ON CONDEMNED ANIMALS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of fifty thousand dollars (\$50,000) is appropriated to the State Board of Agriculture to be used for the purpose of eradicating Brucellosis in cattle and paying indemnities on condemned animals during the remaining portion of the fiscal year ending June 30, 1955.

Section 2. This Act shall be known as a supplementary appropriation and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1955 will revert to the General Fund of the State.

Approved March 2, 1955.

CHAPTER 5

PLACING JURISDICTION AND CONTROL OF SUSSEX
COUNTY PRISON IN THE LEVY COURT OF
SUSSEX COUNTY

AN ACT TO REPEAL CHAPTER 71, TITLE 11, OF THE DELAWARE CODE ENTITLED "SUSSEX COUNTY PRISON, PRISON FARM, COURT HOUSE AND COURT HOUSE ANNEX" BY PLACING JURISDICTION AND CONTROL OF THE SUSSEX COUNTY PRISON, PRISON FARM, COURT HOUSE AND COURT HOUSE ANNEX IN THE LEVY COURT OF SUSSEX COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 71, Title 11, of the Delaware Code is hereby repealed.

Section 2. Chapter 61, Title 9, Delaware Code of 1953, is amended by adding a new sub-chapter IV to be entitled "Sussex County Prison and Farm, Court House and Annex" as follows:

§ 6151. General powers, duties, and jurisdiction over the prison, prison farm, court house and court house annex

The Levy Court shall have full and complete jurisdiction and control over the prison, prison farm and land leased in connection therewith, court house and court house annex of Sussex County and over all personal property and equipment used in connection with the property committed to its jurisdiction; and, in this connection, the Levy Court shall have and assume all of the jurisdiction, powers and duties heretofore exercised by or vested in the Board of Trustees except as otherwise provided in this chapter.

The Levy Court may acquire by lease, purchase or otherwise all necessary lands and buildings and all equipment, food, food stuffs, uniforms, clothing, books, ledgers, stationery and all other articles and things necessary for the carrying out of

the duties imposed by this chapter. All contracts and engagements for the erection or repair of buildings or for the purchase of equipment and supplies, where the probable amount shall be in excess of fifty dollars (\$50.00), shall be submitted to public bidding after due advertising and shall be awarded to the lowest responsible bidder, unless for reasons deemed expedient by the Levy Court.

§ 6152. Employment of wardens and others

The Levy Court may appoint, fix their terms of service and their compensation, and for cause deemed sufficient by the Levy Court, dismiss all wardens, deputies, guards, keepers, farm overseers, janitors, physicians, chaplains and other necessary agents and servants; and it may provide the warden of the prison and such other deputies or assistants as it shall deem proper with food and living quarters at the prison farm.

§ 6153. Rules and regulations

The Levy Court shall make and promulgate rules and regulations for—

(1) The proper care, maintenance and operation of the prison, prison farm, court house, court house annex and other property and equipment;

(2) The behaviour, care and custody of the prisoners committed to such prison;

(3) The working of such prisoners on the prison farm or elsewhere; and

(4) Compensating prisoners for their labor if it is deemed expedient, the payment of such compensation to be made to such prisoners during their term, withheld until the term of imprisonment shall have expired or be paid from time to time to their dependent families.

§ 6154. Crops from prison farm; proceeds from crops

The Levy Court, with the advice of the farm overseer, shall determine the crops to be planted and grown on the prison farm

or land held under lease and the acreage for each crop. The produce of the prison farm or the proceeds from the sale thereof shall be used so far as it be deemed expedient to feed the prisoners committed to the prison.

§ 6155. Execution of punishment

Corporal and capital punishment shall be executed by the warden of the prison.

Section 3. This Act shall take effect thirty (30) days following its enactment, into law, and by that date the Board of Trustees of the Prison, Prison Farm, Court House and Courthouse Annex of Sussex County shall complete the transfer of all of its powers, duties and records to the Levy Court of Sussex County.

Approved March 7, 1955.

CHAPTER 6

FARMINGTON

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FARMINGTON BY INCREASING THE AMOUNT AUTHORIZED TO BE RAISED BY TAXATION AND BY CHANGING THE TAX ASSESSMENT REQUIREMENTS.

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

Section 1. Section 6, Chapter 194, Volume 25, Delaware Laws (1909) is amended by striking out the words "three hundred dollars" as they appear in the first sentence thereof and substituting the words "three thousand dollars".

Section 2. Section 6, Chapter 194, Volume 25, Delaware Laws (1909) is further amended by striking out the second sentence of the second paragraph thereof and substituting the following sentence:

It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the assessable real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning real estate, of not less than one dollar (\$1.00) nor more than two dollars (\$2.00) per head as tax, provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of said town of Farmington, but all such lots, and pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon shall be assessed and taxed as and for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all persons

assessed and the amount of assessment, distinguishing the real and personal assessment of each.

Approved March 21, 1955.

CHAPTER 7

APPROPRIATION

ELLA M. FORREST

**AN ACT APPROPRIATING A CERTAIN SUM OF MONEY
TO ELLA M. FORREST IN PAYMENT OF A CLAIM
AGAINST THE STATE OF DELAWARE.**

WHEREAS, Ella M. Forrest was employed as a teacher at the Caesar Rodney Public School during the school year 1953-54; and

WHEREAS, The said Ella M. Forrest was underpaid in the amount of \$640.00 during said school year because of a misunderstanding about her teaching experience; NOW THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Treasurer is hereby directed to pay the sum of Six Hundred Forty Dollars (\$640.00) to Ella M. Forrest in payment of the additional salary to which she was rightfully entitled for her services during the school year 1953-54.

Section 2. This is a Supplementary Appropriation, and the sum hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved March 24, 1955.

CHAPTER 8

APPROPRIATION

VETERANS OF FOREIGN WARS

AN ACT MAKING APPROPRIATIONS TO THE VETERANS OF FOREIGN WARS, DEPARTMENT OF DELAWARE, FOR THE FURNISHING OF SERVICES TO VETERANS AND THEIR DEPENDENTS.

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

Section 1. The sum of Eight Thousand Dollars (\$8,000.00) is appropriated to the Veterans of Foreign Wars, Department of Delaware, Four Thousand Dollars (\$4,000.00) for each of the fiscal years beginning July 1, 1955 and July 1, 1956. These sums shall be paid to the duly elected finance officer of said organization within three (3) months after the beginning of each fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Auditor of Accounts.

Section 2. The funds hereby appropriated shall be used to furnish services through a duly selected service officer to veterans of the armed forces of the United States. These services 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 as a result of service during a national emergency or in peace-time. The services shall further include services by said service officer as contact agent for all veterans for employment and/or 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 Veterans of Foreign Wars, Department of Delaware, shall through its service officer 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 is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved March 24, 1955.

CHAPTER 9

RELATING TO BOOBY BRUSH OR STAKE BLINDS

AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE RELATING TO BOOBY BRUSH OR STAKE BLINDS BY PROVIDING PENALTIES FOR VIOLATIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 747, Title 7 of the Delaware Code is amended by adding a new paragraph at the end thereof to read as follows:

“Any person who violates any of the provisions of this section shall be fined \$10 for the first offense and \$25 for each subsequent offense”.

Approved March 24, 1955.

CHAPTER 10

APPROPRIATION

INDUSTRIAL ACCIDENT BOARD

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
THE INDUSTRIAL ACCIDENT BOARD FOR THE FIS-
CAL YEAR ENDING JUNE 30, 1955.**

WHEREAS, there has been a steadily increasing number of new industrial plants, merchandise marts and large department stores located in the state; and

WHEREAS, the peak employment period has caused a tremendous increase in the number of accident reports to be prepared by the staff of the Industrial Accident Board; and

WHEREAS, there are a greater number of cases being referred to the Board for hearing, resulting in more work to the already heavy demand the Board is making of its small staff; and

WHEREAS, the Board has a reputation of long standing for the insistence that all insurance carriers and self-insurers qualified to write workmen's compensation insurance in the State of Delaware meet their obligations promptly, thus requiring the Board to have a competent staff at all times and one which must be willing to cooperate with the large number of adjusters, attorneys and doctors, who at various times call on the Industrial Accident Board for assistance; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Thirty-Five Hundred Dollars (\$3,500.00) is appropriated to the Industrial Accident Board to meet an anticipated deficiency for the fiscal year ending June 30, 1955.

Section 2. The sum of money herein appropriated may be allocated to any of the various code allocations applicable to the regular budget of the Industrial Accident Board and shall not be confined to any particular one thereof.

Section 3. This is a supplementary and deficiency appropriation and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year June 30, 1955 will revert to the General Fund of the State.

Approved March 25, 1955.

CHAPTER 11

**AUTHORIZING REGISTER OF WILLS FOR NEW CASTLE
COUNTY TO PROCURE A NEW PRESS AND
SEAL OF OFFICE****AN ACT TO AUTHORIZE THE REGISTER OF WILLS IN
AND FOR NEW CASTLE COUNTY TO PROCURE A
NEW PRESS AND SEAL OF OFFICE.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the Register of Wills 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 Register of Wills in and for New Castle County.

Section 2. That when the said seal shall be so procured as aforesaid the said Register of Wills shall cause the present seal in his office to be broken and destroyed in the presence of the 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 March 25, 1955.

CHAPTER 12

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 THE TOWN COUNCIL OF GEORGETOWN TO RAISE BY TAXATION A SUM NOT IN EXCESS OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) YEARLY TO CARRY ON THE GOVERNMENT OF THE TOWN AND DEFRAY THE EXPENSES THEREOF.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch 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 Seventy-Five Thousand Dollars (\$75,000.00) 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 March 25, 1955.

CHAPTER 13

AUTHORIZING DEPUTY STATE TREASURER
TO SIGN BONDS**AN ACT TO AMEND CHAPTER 27, TITLE 29, DELAWARE
CODE, ENTITLED "STATE TREASURER", IN RELA-
TION TO THE SIGNING OF BONDS AND NOTES OF
THE STATE OF DELAWARE BY THE DEPUTY STATE
TREASURER.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 2704, Chapter 27, Title 29, Delaware Code, is amended by adding at the end of said section the following subsection:

(d) When authorized by written order of the State Treasurer filed in the office of the Secretary of State, the deputy, in lieu of the State Treasurer, may sign any bonds or notes of the State of Delaware which are required by any law heretofore or hereafter adopted to be signed in the name of the State of Delaware by the State Treasurer.

Approved March 28, 1955.

CHAPTER 14

PERTAINING TO JURORS

AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE, PERTAINING TO JURIES, BY CHANGING NUMBER OF OFFENSES FOR WHICH PANEL OF NOT LESS THAN SIXTY-FOUR (64) JURORS IS REQUIRED.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4517, Title 10, Delaware Code is amended to read as follows:

§ 4517. Number of jurors for certain criminal trials

For the trial of any crime punishable by death or of the offense of being an accomplice to any such crime, not less than sixty-four (64) jurors shall, upon notice of the Sheriff to the Jury Commissioners, be drawn, summoned and returned according to the provisions of this Chapter for drawing, summoning and returning petit jurors. If the day assigned for such trial is at a time when the petit jury is in attendance upon the Superior Court for other civil or criminal cases, such jury shall constitute a part of the panel of the petit jurors summoned.

Approved March 30, 1955.

CHAPTER 15

AUTHORIZING REBATE OF EXCISE TAX ON BEER SOLD TO AN INSTRUMENTALITY OF THE ARMED FORCES OF THE UNITED STATES

AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELA- WARE CODE RELATING TO THE REBATE OF THE EXCISE TAX OF THIS STATE ON BEER SOLD TO AN INSTRUMENTALITY OF THE ARMED FORCES OF THE UNITED STATES.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Title 4 of the Delaware Code is amended by adding thereto a new section, to be designated § 582 and to read as follows:

§ 582. Tax exemption of instrumentalities of the United States Armed Forces

The tax imposed by § 581 of this title upon beer shall be rebated to the instrumentality upon satisfactory proof being furnished to the Commission by affidavit or otherwise, as the Commission may determine, that such beer was sold to an instrumentality of the Armed Forces of the United States engaged in resale activities to members of the Armed Forces pursuant to regulations promulgated by the Secretaries of the military departments of the Department of Defense of the United States.

Approved April 6, 1955.

CHAPTER 16

RELATING TO SETTLEMENT OF PERSONAL ESTATES

**AN ACT TO AMEND CHAPTER 23, TITLE 12, DELAWARE
CODE, RELATING TO WIDOWS' ALLOWANCE AND
THE SETTLEMENT OF PERSONAL ESTATES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 2307 (b), Title 12, Delaware Code, is amended by striking out the phrase "within six months from the date of the death of the decedent" as the same appears in said subsection, and substituting in lieu thereof the phrase "within six months from the date of the granting of letters testamentary or of administration".

Approved April 7, 1955.

CHAPTER 17

RELATING TO TERMINATION OF PARENTAL RIGHTS

AN ACT TO AMEND CHAPTER 11, TITLE 13, DELAWARE CODE RELATING TO THE TERMINATION OF PARENTAL RIGHTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 11, Title 13, Delaware Code is amended to read as follows:

CHAPTER 11

TERMINATION AND TRANSFER OF PARENTAL RIGHTS IN CONNECTION WITH PROCEEDINGS FOR ADOPTION OR PLACEMENT FOR ADOPTION

§ 1101. Definitions

As used in this chapter—

“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 his parent or parents or any person having parental rights or responsibility and on whose behalf no contacts have been initiated by his parent or parents or any person having parental rights or responsibility;

“Authorized agency” means any agency licensed by the State Department of Public Welfare of Delaware to place children for adoption;

“Child” means any male or female who has not attained his or her twenty-first birthday.

§ 1102. Jurisdiction and venue

(a) The Orphans' Court shall have jurisdiction of proceedings under this chapter to terminate parental rights.

(b) A petition for termination of parental rights may be filed in the Orphans' Court of any of the following counties;

(1) The county in which the petitioner resides;

(2) The county in which the organization having legal or physical care, custody or control of the child involved is located;

(3) The county in which the child involved is located.

§ 1103. Grounds for termination of parental rights

The procedure for termination of parental rights for the purpose of adoption may be initiated whenever it appears that—

(1) The mother of a child born out of wedlock, or the parent or parents of any child, or the person or persons or organization holding parental rights over such child, desires to relinquish such parental rights; or

(2) Any child has been abandoned; or

(3) The parent or parents of any child, or any person or persons holding parental rights over such child, are incompetent by virtue of mental illness or feeble-mindedness; or

(4) The parent or parents of any such child, or any person or persons or organization holding parental rights over such child are not fitted to continue to exercise parental rights; or

(5) The mother of a child born out of wedlock is deceased, or that both parents of a child born in wedlock are deceased.

§ 1104. Persons eligible to petition for termination of parental rights

A petition for the termination of parental rights may be filed by any of the following:

- (1) The mother only of a child born out of wedlock;
- (2) Both parents of a child born in wedlock if both parents are living;
- (3) The surviving parent of a child born in wedlock, if one parent is dead;
- (4) The mother only, if her legal husband at the time of the conception of the child was not the natural father of the child. In 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;
- (5) One parent alone if the other parent is incompetent by virtue of mental illness or feeble-mindedness, or has abandoned the child;
- (6) A blood relative of a child whose parents are deceased or who are incompetent by virtue of mental illness or feeble-mindedness, or who have abandoned the child, or who are not fitted to continue to exercise parental rights;
- (7) Any person or persons having legal guardianship of the person of the child;
- (8) An authorized agency or the State Department of Public Welfare.

§ 1105. Contents of petition

(a) The petition for the termination of parental rights shall state the—

- (1) Name and place of residence of the petitioner or petitioners;
- (2) Name, sex and date of birth of the child;
- (3) Relationship of the petitioner or petitioners to the child, or the fact that no such relationship exists;

(4) Name and address of the mother if the child was born out of wedlock, or the names and addresses of the parents of the child if born in wedlock;

(5) Name and last known address of the person or persons or organization holding parental rights and the name and address of the person or persons or organization having the care, control or custody of the child;

(6) Grounds for termination of parental rights;

(7) Name and address of the person or persons or of the authorized agency or officer thereof or the State Department of Public Welfare or officer thereof for whom or for which parental rights are requested.

(b) Any consents required in § 1106 of this chapter shall accompany the petition as exhibits.

(c) In any case in which a petition for the termination of parental rights has been filed and an authorized agency or the State Department of Public Welfare is a party to the proceedings, there shall be attached to the petition a social report.

§ 1106. Consent requirements; waiver of notice

In the case of proceedings based on § 1103 (1) of this title:

(a) A petition for the termination of parental rights shall be accompanied by the duly notarized consent in writing of the person or persons or organization holding parental rights.

(b) The consent provided for in subsection (a) shall be required from—

(1) The mother only of a child born out of wedlock;

(2) Both parents of a child born in wedlock except as provided in subparagraph (3) if both parents are living, or from the survivor, if one is deceased, regardless of the marital status of the parents at the time the petition is presented;

(3) The mother only, if her legal husband at the time of the conception of the child was 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. If such a notarized statement of the legal husband cannot be obtained, a notice of hearing shall be sent to him as provided in § 1107;

(4) Any other person or persons or organization holding parental rights.

(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.

(d) Every petition shall be accompanied by a formal written consent executed by the person or persons or organization for whom or for which parental rights are requested.

(e) If the person or persons or organization holding parental rights wish to waive their right to any and all notice of hearing or right to appear at such hearing, the petition shall be accompanied by a notarized statement to this effect executed by the person or persons or organization holding parental rights.

§ 1107. Hearing procedure; notice of hearing; report

(a) When a petition for the termination of parental rights is filed in which an authorized agency or the State Department of Public Welfare is a party to the proceedings, the Court shall set a date for a hearing thereon, and shall cause notice of the time, place and purpose of the hearing to be served upon the parent or parents, person or persons or organization holding parental rights at his or their last known address; provided, however, no such notice shall be necessary if a waiver executed by the parent or parents, person or persons or organization holding parental rights has been filed with the petition, in accordance with the provisions of § 1106 (e) of this chapter. The Court may require notice to be served upon any other person or organization.

(b) If the Court shall find that personal service within the State of Delaware cannot be accomplished upon the parent or parents, person or persons or organization holding parental rights, the Court shall then cause notice of the time, place and purpose of the hearing to be published once a week, for three successive weeks, in such newspapers of the county, one or more, as the Court may judge best for giving the defendant notice, the form and wording of said notice to be approved by the Court. Such publication shall constitute conclusive evidence of service and the hearing will then proceed at the time and date set with or without the appearance of the parent or parents, person or persons or organization so notified.

(c) Personal service at any time prior to the hearing shall be sufficient to give jurisdiction.

(d) When a petition for termination of parental rights is filed and an authorized agency or the State Department of Public Welfare is not a party to the proceedings, the Court shall before any hearing order a social study and report on the petition by the State Department of Public Welfare to be filed within sixty (60) days. The Court shall set a date for a hearing to take place after the report is to be filed and notice shall be accomplished as outlined above.

(e) All hearings shall be held before the Court, privately, but, for reasons appearing sufficient to the Court, the hearing in any particular case may be public.

§ 1108. Order of termination and transfer of parental rights

(a) Should the Court find the termination of existing parental rights and their transfer to be in the best interests of the child, it shall make an order terminating such rights in the parent or parents, person or persons or organization in which they have existed and transferring them to some other person or persons, or authorized agency or the State Department of Public Welfare as may, in the opinion of the Court, be best qualified to receive them.

(b) If a child is abandoned by one parent only, the rights of such parent may be terminated without affecting the rights

of the other.

§ 1109. Appeal

The petitioner, if the petition is not granted, or any person or organization whose parental rights have been terminated by the order, may, at any time within thirty (30) days after the making and entry of such decree, take an appeal therefrom to the Supreme Court.

§ 1110. Court costs

All Court costs including costs of giving notice and advertising shall be paid by the petitioners.

§ 1111. Confidential nature of records

All records and dockets pertaining to any termination shall be confidential and shall be kept by the Clerk of the Orphans' Court in a sealed container which shall be opened only by the order of a Judge of the Orphans' Court.

Anyone wishing to inspect any of the papers filed in connection with any termination shall petition a Judge of the Orphans' Court setting forth the reasons for the inspection. The Judge may refer the petition to the State Department of Public 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.

Approved April 7, 1955.

CHAPTER 18

CREATING A COUNCIL ON THE ADMINISTRATION OF JUSTICE

AN ACT CREATING A COUNCIL ON THE ADMINISTRATION OF JUSTICE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 10 of the Delaware Code is hereby amended by adding a new chapter thereto to be numbered Chapter 20 and to be entitled "Council on the Administration of Justice" as follows:

§ 2001. Composition of Council

A Council on the Administration of Justice of fifteen members is hereby created which shall consist of the following ex-officio and appointed members:

The Chief Justice

The Chancellor

The President Judge of the Superior Court

The President Pro-tem of the Senate

The Speaker of the House

The Minority Leader of the Senate

The Minority Leader of the House

The Attorney General

The President of the Bar Association

The President of the University of Delaware

Five (5) non-lawyers appointed by the Governor, at least one (1) to be appointed from each county.

§ 2002. Terms of Office

Members of the Council shall hold office for the following terms:

1. Ex-officio members of the Council, for the duration of their respective terms of office.
2. The five (5) non-lawyer appointees of the Governor, for a term co-extensive with that of the appointing Governor.

§ 2003. Vacancies

Vacancies shall be filled for the remainder of any term in the same manner as the original appointment.

§ 2004. Duties of Council

It is the duty of the Council:

- a. To make a continuous study of the administration of justice in this State, and of the organization, procedure, practice, rules and methods of administration and operation of each and all of the courts of the State, whether of record or not of record.
- b. To receive and consider, and in its discretion, investigate criticisms and suggestions pertaining to the administration of justice in the State.
- c. To collect and to make such use of statistical and other information concerning the work of the courts of the State as may, in its discretion, appear desirable.
- d. To recommend to the Governor, the General Assembly, the courts or to any officer or department, or to the Bar either upon request or upon the Council's own motion such changes in the law or in the rules, organizations, operation of methods of conducting the business of the

courts, or with respect to any matter pertaining to the administration of justice as it may deem desirable.

§ 2005. Duty of State Officers to Render Reports

The judges and clerks of the courts of the State, sheriffs, prosecuting attorneys, and other officers of the State and its sub-divisions shall render to the Council such reports as it may request on matters within the scope of its duties.

§ 2006. Biennial Report

The Council shall on or before October 31 of the year immediately preceding each regular session of the General Assembly report to the Governor, and to the Legislative Reference Bureau which shall submit the report to the members of the next General Assembly within ten (10) days of its convening. The report shall contain a statement of the activities of the Council and the work of the courts of the State and shall make any recommendations and suggestions the Council may have for the improvement of the administration of justice. The Council may publish such reports and on publication they shall become public records accessible to the public.

§ 2007. Expenses of Council

The members of the Council shall not receive any compensation for services but shall be allowed and paid actual and necessary expenses incurred in the performance of their duties. Such expenses and the expenses of Council incurred in the administration of this act shall be allowed from the State Treasury out of any appropriation made for the purpose.

§ 2008. Rules and Regulations

The Council shall have authority to adopt rules and regulations governing its organization and procedure. The Council may call upon the clerk of the Supreme Court to act as secretary and to perform other duties in aid of the work of the Council.

Section 2. There is hereby appropriated from any moneys in the State Treasury not otherwise appropriated, the sum of

Seven Hundred Fifty Dollars (\$750.00) for each of the fiscal years ending July 1, 1956, and July 1, 1957, for the purpose of carrying out the provisions of this act.

Approved April 13, 1955.

CHAPTER 19

RELATING TO PROBATION

AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO PROBATION.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4301, Title 11, of the Delaware Code is amended to read as follows:

§ 4301. Probation Officers and Assistants

(a) The Superior Court may appoint a suitable person or persons in each of the counties of the State to perform the duties of Probation Officer as fixed by law, and such other duties, within or without the county of his residence, as the Court may direct. Each of such persons so appointed shall reside in the county for which he shall be appointed and shall hold office at the pleasure of the Superior Court. They shall be officers of the Court and shall receive as compensation annual salaries to be fixed by the Court.

(b) The Superior Court may also appoint not to exceed two Assistant Probation Officers in New Castle County, who shall have the same powers and perform the same duties as the Probation Officers. The Court may also appoint one or more office stenographers in any of the counties, if necessary, for the proper functioning of the office of the Probation Officer. The salary of any such Assistant Probation Officer or Officers and office stenographer or stenographers shall from time to time be fixed by the Court, and they shall hold office at the pleasure of the Court. They shall perform the duties prescribed by law or by order of the Court.

(c) In case of absence or disqualification of any Probation Officer or Assistant Probation Officer the Superior Court may appoint a Probation Officer pro tempore who shall receive as compensation for each day's service a sum equal to the per diem compensation of the salary of the Probation Officer as

prorated. The compensation so paid for any excess over thirty (30) days' absence of any Probation Officer or Assistant Probation Officer in any one year shall be deducted from the salary of such Probation Officer or Assistant Probation Officer.

Section 2. § 4303, Title 11, of the Delaware Code is amended to read as follows:

§ 4303. Compensation

The Probation Officers and the Assistant Probation Officers shall be officers of the Superior Court. The Court shall certify to the respective Levy Courts and to the respective County Treasurers the names and addresses of the several persons appointed to the offices and positions authorized by Section 4301 of this sub-chapter, the several dates of their appointments, and the compensation to be paid to them, and their salaries shall be paid in the same manner as the salaries of other county officers are paid.

Section 3. This act shall take effect July 1, 1955.

Approved April 13, 1955.

CHAPTER 20

RELATING TO STATE LIBRARY

**AN ACT TO AMEND SECTIONS 7305, 7306 AND 7307 OF
TITLE 14 OF THE DELAWARE CODE, RELATING TO
THE STATE LIBRARY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 7305, § 7306 and § 7307 of Title 14 of the Delaware Code are amended to read as follows:

§ 7305. Librarian, duties of; rules

The State Librarian shall keep a complete record of all books, pamphlets, documents and papers received for the State Library and properly label the same. The Librarian, with the approval of the Justices of the Supreme Court, may prescribe rules for the use of the Library and the borrowing of books and other material therefrom, including the imposition and collection of fines for undue detention thereof.

§ 7306. Purchase of law books

The State Librarian shall expend annually under the direction of the Justices of the Supreme Court, for the purchase of law books, such sum as the General Assembly may from time to time appropriate for the purpose. Such sum shall be disbursed upon the written order of the Librarian approved by any of the Justices of the Supreme Court.

§ 7307. Disposal of useless books and material

The State Librarian is authorized, with the approval of a majority of the Justices of the Supreme Court, from time to time to offer for sale and sell any books the supply of which exceeds the number needed for the Library and also from time to time to dispose of, by way of sale or exchange, or in any way whatever, such books and other material as are no longer needed or useful. Any money derived from the sale of such books shall

be deposited with the State Treasurer and credited to the General Fund of the State.

Approved April 13, 1955.

CHAPTER 21

RELATING TO DISINTERMENT OF BODIES IN CEMETERY
AT TWELFTH AND MADISON STREETS IN WILMINGTON

**AN ACT TO AMEND AND SUPPLEMENT CHAPTER 33 OF
VOLUME 49 LAWS OF DELAWARE, RELATING TO
THE DISINTERMENT, REMOVAL AND REINTER-
MENT OF BODIES IN THE CEMETERY LOCATED AT
TWELFTH AND MADISON STREETS IN WILMING-
TON.**

WHEREAS, Rebecca Gibbons and others, as described and set forth in a certain Indenture bearing date the 1st day of May, A. D. 1852, and recorded in the Office for the Recording of Deeds &c., in and for New Castle County, and State of Delaware, at Wilmington, in Deed Record K, Volume 6, page 508 &c., did by their said Indenture convey to the Right Reverend John N. Newmann, Roman Catholic Bishop of Philadelphia, certain real estate in the City of Wilmington, New Castle County, and State of Delaware, bounded in part by Twelfth, Jefferson and Madison Streets, and more particularly described in said Indenture, under and subject to such uses and trusts as are set forth in said Indenture; and

WHEREAS, George Jack and Georgina Jack, his wife, by Indenture bearing date the 15th day of October, A. D. 1870, and recorded in the Office for the Recording of Deeds &c., in and for New Castle County, and State of Delaware, at Wilmington, in Deed Record E, Volume 9, Page 376 &c., did convey to the Right Reverend Thomas A. Becker, D. D., Bishop of Wilmington, other real estate now in the City of Wilmington, New Castle County, and State of Delaware, and adjacent to the lands described in the aforementioned Indenture of Rebecca Gibbons and others, and more particularly described in the said Indenture of said George Jack and Georgina Jack, his wife, under and subject to the uses and trusts as set forth in said Indenture; and

WHEREAS, all right, title and interest to the real estate described in the aforementioned Indentures have, by mesne

conveyances, been vested in "Cathedral Cemetery Company of Wilmington, Delaware", a corporation organized and existing pursuant to an Act of the General Assembly, passed at Dover, March 10, 1881, the said Act being of record in the Office of the Secretary of State of the State of Delaware; and

WHEREAS, by the latter part of the nineteenth century all of the lots in said cemetery had been utilized for burial purposes and there was no further space then remaining for burial of the dead of the Roman Catholic Faith therein except for members of families holding lots, necessitating acquisition by the Cathedral Cemetery Company of Wilmington, Delaware, of other lands for cemetery purposes and the burial of the dead of the Roman Catholic Faith therein; and

WHEREAS, by Orders of Ordinaries of the Diocese of Wilmington, no burials thereafter took place in said cemetery at Twelfth and Madison Streets in Wilmington, nor have burials been permitted therein except in certain isolated instances, and for many years last past; and

WHEREAS, the effect of the afore-related conditions and circumstances resulted in a practical abandonment of said grounds at Twelfth and Madison Streets in Wilmington for cemetery purposes, and said cemetery became neglected inasmuch as there were no funds available to adequately and properly keep and maintain the said cemetery; and

WHEREAS, there were daily intrusions and acts of desecration and nuisances on the said grounds and the continued use of said grounds as a cemetery became and was dangerous to the Public Health, Comfort, Safety and Welfare of the Citizens and Inhabitants of this State living in the vicinity thereof; and

WHEREAS, application was made to the 117th General Assembly of the State of Delaware for the enactment of appropriate legislation and the said General Assembly finding and determining that it was necessary in the interest of the preservation of the Public Health, Comfort, Safety and Welfare of said Citizens and Inhabitants, and in the suppression of nuis-

ances enacted legislation now appearing and being as Chapter 33, Volume 49 Laws of Delaware, to which reference is hereby made; and

WHEREAS, pursuant to said Act of the General Assembly, the Cathedral Cemetery Company of Wilmington, Delaware, thereafter proceeded to and did disinter, remove, and reinter those bodies that were then in said cemetery grounds; and

WHEREAS, doubt has recently been raised as to the validity of Chapter 33, Volume 49 Laws of Delaware, and the legal propriety of the removal of said bodies in that said Chapter 33 of Volume 49 Laws of Delaware was adopted by the 117th General Assembly without that General Assembly making an express finding and determination that the termination of the use of the aforesaid premises at Twelfth and Madison Streets in Wilmington for cemetery purposes, and the disinterment, removal, and reinterment of the bodies that were then in said cemetery grounds were necessary in the interest of the preservation of the Public Health, Comfort, Safety and Welfare of said Citizens and Inhabitants, and in the suppression of nuisances, and because the bodies were disinterred, removed and reinterred before the publication of the notice provided in said Chapter 33, Volume 49 Laws of Delaware, now **THEREFORE**, in order to correct and clarify said Law and the action by the Cathedral Cemetery Company of Wilmington, Delaware, in consequence of its enactment, and to remove any doubt as to the validity thereof and the propriety of said action,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the General Assembly hereby finds and determines that the abandonment of the aforesaid grounds at Twelfth and Madison Streets in Wilmington as a cemetery, and the disinterment, removal and reinterment of bodies therefrom in other property of the Cathedral Cemetery Company of Wilmington, Delaware, is and was necessary because any further and continued use of the said grounds as a cemetery had become, was and is dangerous to the Public Health, Comfort, Safety and Welfare of the Citizens and Inhabitants of this State living in

the vicinity thereof, and that it was and is necessary to abandon said cemetery ground and to disinter, remove and reinter said bodies in other cemetery property of the Cathedral Cemetery Company of Wilmington, Delaware, in the interest of the preservation of the Public Health, Comfort, Safety and Welfare of such Citizens and in the suppression of said nuisances.

Section 2. The disinterment and removal of the bodies from said cemetery and reinterment thereof in other property of the Cathedral Cemetery Company of Wilmington, Delaware, prior to the publication of the notice directed in Section 2 of Chapter 33, Volume 49 Laws of Delaware, be and they are hereby, in all respects, approved, ratified and confirmed.

Approved April 13, 1955.

CHAPTER 22

PROVIDING FOR CLOSING OF POLLS AT EIGHT O'CLOCK

AN ACT TO AMEND CHAPTER 49, TITLE 15, OF THE DELAWARE CODE, BY PROVIDING THAT THE POLLS SHALL BE OPEN FROM SEVEN O'CLOCK A. M. UNTIL EIGHT O'CLOCK P. M.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4931, Title 15 of the Delaware Code, is amended by striking out the words "between the hours of seven and seven-thirty o'clock" and inserting in lieu thereof the words "at seven o'clock".

Section 2. § 4954, Title 15 of the Delaware Code is amended by striking out the words "six o'clock in the afternoon" and inserting in lieu thereof the words "eight o'clock P. M."

Approved April 13, 1955.

CHAPTER 23

HARTLY

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
HARTLY, CHAPTER 152, VOLUME 29, LAWS OF
DELAWARE, BY INCREASING THE AMOUNT PER-
MITTED TO BE RAISED IN TAXES.**

*Be it enacted by the General Assembly of the State of
Delaware (two-thirds of all the Members of each Branch thereof
concurring therein):*

Section 1. Chapter 152, Volume 29, Laws of Delaware, is amended by striking out of Section 6 of said Chapter the words "Three Hundred Dollars" where the same appears in the fourth line of the first paragraph of said Section and inserting in lieu thereof the words and figures "One Thousand Dollars (\$1,000.00)".

Approved April 13, 1955.

CHAPTER 24

DIRECTING ERECTION OF WAR MEMORIAL ADJACENT
TO DELAWARE MEMORIAL BRIDGE

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO EXECUTE TRUST INDENTURES WITH TRUSTEES, AUTHORIZING THE CREATION OF A WAR MEMORIAL FUND AND THE TRANSFER AND ALLOCATION OF MONIES THERETO, AND DIRECTING THE STATE HIGHWAY DEPARTMENT TO CONSTRUCT A MEMORIAL ADJACENT TO THE DELAWARE MEMORIAL BRIDGE TO COMMEMORATE THE SUPREME SACRIFICE OF THE RESIDENTS OF THE STATE OF DELAWARE AND OF THE STATE OF NEW JERSEY WHO DIED WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING WORLD WAR II AND DURING THE KOREAN CAMPAIGN AND TO HONOR THE PERSONS WHO LOST THEIR LIVES IN THE CONSTRUCTION OF THE DELAWARE MEMORIAL BRIDGE.

WHEREAS, the people and the government of the State of Delaware are bound by a debt of eternal gratitude to each of the residents of the State of Delaware who has made the supreme sacrifice of laying down his life in defense of the United States in World War II and in the Korean Campaign; and

WHEREAS, the presently existing facilities of the Delaware Memorial Bridge are inadequate to honor, in a befitting and appropriate manner, each of the heroes of the State of Delaware who died in World War II and in the Korean Campaign; and

WHEREAS, the Delaware Memorial Bridge has been erected and dedicated to the memory of the residents of the State of New Jersey, as well as the residents of the State of Delaware, who lost their lives while serving in the armed forces of the United States in defense of the United States; and

WHEREAS, the persons who lost their lives in the construction of the Delaware Memorial Bridge died to honor heroes

of the State of Delaware and of the State of New Jersey and to advance the Welfare of humanity; and

WHEREAS, it is fitting that a suitable memorial be erected to honor the aforesaid departed heroes and to inspire all men now living, as well as posterity, to preserve, protect and to defend forever the sacred institutions for which these departed heroes gave their last full measure of devotion; NOW THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Highway Department is hereby authorized, empowered and directed to erect a fitting and suitable memorial, to be installed and forever preserved and maintained, for memorial purposes only, adjacent to the Delaware Memorial Bridge, in New Castle County, in commemoration of the supreme sacrifice of all the residents of the State of Delaware and of the State of New Jersey who died while serving in the armed forces of the United States during World War II and during the Korean Campaign and in honor of all the persons who lost their lives in the construction of the Delaware Memorial Bridge.

Section 2. The memorial shall contain plaques, or slabs of marble, bronze or other suitable material which shall be inscribed as follows:

A. One plaque or slab shall contain the names of all the residents of the State of Delaware who died while serving in the armed forces of the United States during World War II;

B. One plaque or slab shall contain the names of all the residents of the State of Delaware who died while serving in the armed forces of the United States during the Korean Campaign;

C. One plaque or slab shall contain the names of all the persons who lost their lives in the construction of the Delaware Memorial Bridge;

D. One plaque or slab shall pay tribute, in an appropriate manner, to all the residents of New Jersey who died while serv-

ing in the armed forces of the United States during World War II;

E. One plaque or slab shall pay tribute, in an appropriate manner, to all the residents of the State of New Jersey who died while serving in the armed forces of the United States during the Korean Campaign.

Section 3. The State Highway Department and the Trustee or Trustees created and existing under trust indentures to secure revenue bonds of the Delaware Memorial Bridge are hereby authorized to execute trust indentures, or supplements to existing trust indentures, to create for this purpose a fund, not in excess of One Hundred Thousand Dollars (\$100,000.00), and hereinafter called THE WAR MEMORIAL FUND.

The State Highway Department and said Trustee or Trustees are further authorized and empowered to transfer and to allocate, by means of trust indenture, to said WAR MEMORIAL FUND, monies not in excess of One Hundred Thousand Dollars (\$100,000.00) from any other funds or accounts which the State Highway Department and/or said Trustee or Trustees now maintain for construction, maintenance or operation of the Delaware Memorial Bridge and/or from tolls, rents, charges or revenues derived, or which shall be derived, from operation of the Delaware Memorial Bridge. No monies from this WAR MEMORIAL FUND shall be spent, transferred or allocated for any other purpose until the construction and installation of said memorial is completed.

Section 4. The State Highway Department is hereby authorized and directed to defray all costs and expenses for this purpose out of the said WAR MEMORIAL FUND, including any costs or expenses for architectural plans or designs, which have heretofore been incurred for this purpose and which costs and expenses remain unpaid, and for which monies have not been heretofore appropriated. In the event that procedures set forth herein providing monies for said WAR MEMORIAL FUND shall be declared unconstitutional by a competent court, then, and in that event this act shall be void.

Section 5. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

Approved April 14, 1955.

CHAPTER 25
APPROPRIATION
FIRE COMPANIES

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

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members of 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 July, A. D. 1954, and is now duly organized and equipped for the fighting of fires, there is hereby appropriated the sum of Seventeen Hundred Fifty Dollars (\$1750.00) annually for each of the fiscal years beginning July 1, 1955, and beginning July 1, 1956, 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 Seventeen Hundred Fifty Dollars (\$1750.00) 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. 1954, and is now duly organized and equipped for the fighting of fires shall be sufficient authority for the payment of said sum of Seventeen Hundred Fifty Dollars (\$1750.00) by the State Treasurer to said Fire Company.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 26

APPROPRIATION

DISABLED AMERICAN VETERANS

**AN ACT APPROPRIATING MONEY TO THE DISABLED
AMERICAN VETERANS OF DELAWARE.**

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

Section 1. That the sum of One Thousand Dollars (\$1,000.00) is appropriated to the Disabled American Veterans of Delaware for operation expenses for the biennium beginning July 1, 1955 and ending June 30, 1957. Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1955 and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1956 to the service officer.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 27

APPROPRIATION

PALMER HOME, INCORPORATED

AN ACT APPROPRIATING CERTAIN MONEY TO PALMER HOME, INCORPORATED.

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

Section 1. The sum of Eight Thousand Seven Hundred Dollars (\$8,700.00) is 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, 1955 and ending June 30, 1957. Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) of said sum shall be paid within three months after July 1, 1955 and a like sum of Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) shall be paid within three months after July 1, 1956.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 28

APPROPRIATION

AMERICAN LEGION, SUSSEX POST

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

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

Section 1. There is appropriated unto the American Legion, Sussex Post Number 8, in Sussex County, the sum of Seven Hundred Fifty Dollars (\$750.00) annually for each of the fiscal years beginning July 1, 1955, and beginning July 1, 1956, to be used for the operation and maintenance of its ambulance in the public service.

Section 2. Said sum of Seven Hundred Fifty Dollars (\$750.00) annually, 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 Seven Hundred Fifty Dollars (\$750.00) by the State Treasurer to said Post.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 29
APPROPRIATION
AMERICAN LEGION

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

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members of each House concurring therein):

Section 1. The sum of Four Thousand Dollars (\$4,000.00) is appropriated to the American Legion, Department of Delaware, for operation expenses for the biennium beginning July 1, 1955 and ending June 30, 1957. Two Thousand Dollars (\$2,000.00) of said sum shall be paid within three months after July 1, 1955 and a like sum of Two Thousand Dollars (\$2,000.00) shall be paid within three months after July 1, 1956, 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 is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 30

APPROPRIATION

DELAWARE SOCIETY FOR 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 General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):

Section 1. The sum of Two Thousand Dollars (\$2,000.00) is appropriated to the Delaware Society for the Prevention of Cruelty to Animals, for the biennium beginning July 1, 1955 and ending June 30, 1957, for salaries, wages and operational costs. One Thousand Dollars (\$1,000.00) of said sum shall be paid within three months after July 1, 1955, and a like sum of One Thousand Dollars (\$1,000.00) shall be paid within three months after July 1, 1956.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 31

APPROPRIATION

CERTAIN FIRE COMPANIES WHO OPERATE
RESCUE TRUCKS**AN ACT APPROPRIATING MONEY TO CERTAIN FIRE
COMPANIES IN THE STATE OF DELAWARE WHICH
MAINTAIN AND OPERATE A RESCUE TRUCK.**

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

Section 1. 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. 1955, maintain and operate and does continue to maintain and operate a rescue truck for the purpose of public service, there is appropriated the sum of Seven Hundred Fifty Dollars (\$750.00) annually for each fiscal year beginning July 1, 1955, and beginning July 1, 1956, to be used for the maintenance and operation of said rescue truck in the public service.

Section 2. The said sum of Seven Hundred Fifty Dollars (\$750.00) shall be paid by the State Treasurer to each of the said Fire Companies maintaining and operating a rescue truck in the public service within three months after the beginning of each of said fiscal years, and a certificate of the Secretary of the Delaware Volunteer Firemen's Association to the effect that the Fire Company did on the first day of June, A. D., 1955, and does continue to maintain and operate a rescue truck in the public service shall be sufficient authority for the payment of said sum of Seven Hundred Fifty Dollars (\$750.00) by the State Treasurer to said Fire Company.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 32

PROVIDING A SPEED LIMIT IN SCHOOL ZONES

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLES BY PROVIDING A SPEED LIMIT IN SCHOOL ZONES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4126 (a), (2), Title 21, Delaware Code, is amended by adding thereto a new subsection to be known as (D), to read as follows:

“(D) 20 miles per hour in all school zones.”

Approved April 18, 1955.

CHAPTER 33
APPROPRIATIONS
AMERICAN LEGION

**AN ACT MAKING APPROPRIATIONS TO THE AMERICAN
LEGION, DEPARTMENT OF DELAWARE, FOR THE
FURNISHING OF SERVICES TO VETERANS AND
THEIR DEPENDENTS.**

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

Section 1. The sum of Eight Thousand Dollars (\$8,000.00) is appropriated to the American Legion, Department of Delaware, Four Thousand Dollars (\$4,000.00) for each of the fiscal years beginning July 1, 1955 and July 1, 1956. These sums shall be paid to the duly elected finance officer of said organization within three (3) months after the beginning of each fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Auditor of Accounts.

Section 2. The funds hereby appropriated shall be used to furnish services through a duly selected service officer to veterans of the armed forces of the United States. These services 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 as a result of service during a national emergency or in peace-time. The services shall further include services by said service officer as contact agent for all veterans for employment and/or 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 American Legion, Department of Delaware, shall through its service officer 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 is a supplementary appropriation and the money appropriated shall be paid out of the General Fund of the State of Delaware by the State Treasurer.

Approved April 18, 1955.

CHAPTER 34
APPROPRIATION
BOARD OF EDUCATION

**AN ACT MAKING AN APPROPRIATION TO THE STATE
BOARD OF EDUCATION TO PROVIDE FOR THE PAY-
MENT OF COSTS AND EXPENSES OF TRANSPORTA-
TION OF SCHOOL PUPILS OVER AND ABOVE THE
PRESENT APPROPRIATIONS AVAILABLE TO THE
STATE BOARD OF EDUCATION FOR SUCH PURPOSES.**

WHEREAS, present appropriations available to the State Board of Education are inadequate to meet the necessary and extraordinary expenses of the transportation of school pupils for the remainder of the fiscal year ending June 30, 1955;

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

Section 1. That there is hereby appropriated to the State Board of Education the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) to be used only for the purpose of paying costs of transportation incurred during the year ending June 30, 1955.

Section 2. That the funds hereby appropriated shall be available during the fiscal year ending June 30, 1955.

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

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

Approved April 18, 1955.

CHAPTER 35

APPROPRIATION

VETERANS OF FOREIGN WARS

**AN ACT APPROPRIATING MONEY TO THE VETERANS OF
FOREIGN WARS, DEPARTMENT OF DELAWARE.**

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

Section 1. The sum of Three Thousand Dollars (\$3,000.00) is hereby appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation expenses for the biennium beginning July 1, 1955 and ending June 30, 1957. Fifteen Hundred Dollars (\$1500.00) of said sum shall be paid within three months after July 1, 1955 and a like sum of Fifteen Hundred Dollars (\$1500.00) shall be paid within three months after July 1, 1956, 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 is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 18, 1955.

CHAPTER 36

INCREASING TERM OF CONSTABLES

AN ACT TO AMEND SECTION 2710 (a), TITLE 10, DELAWARE CODE, BY INCREASING THE TERM OF OFFICE OF CONSTABLES, APPOINTED BY THE LEVY COURTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2710 (a), Title 10, Delaware Code, is hereby amended by striking out the word "one" in the second line of said subsection and inserting in lieu thereof the word "two".

Approved April 18, 1955.

CHAPTER 37

RELATING TO APPOINTMENT OF NOTARIES FOR
SERVICE ORGANIZATIONS**AN ACT TO AMEND CHAPTER 43, TITLE 29, DELAWARE
CODE, RELATING TO THE APPOINTMENT OF NOTAR-
IES FOR CERTAIN SERVICE ORGANIZATIONS.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 4304 (a), Chapter 43, Title 29, Delaware
Code, amended to read as follows:

(a) The Governor may, upon the request of the Department Commander of the Spanish-American War Veterans, of the Veterans of Foreign Wars of the United States, of the Disabled American Veterans, and of the American Legion, appoint one (1) notary public for each of the organizations for a term of four (4) years, without cost to such appointees or to the Commanders or to the organizations, in any such appointments.

Approved April 18, 1955.

CHAPTER 38

APPROPRIATION

DEPARTMENT OF PUBLIC WELFARE

**AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT
OF PUBLIC WELFARE FOR THE FISCAL YEAR END-
ING JUNE 30, 1955.**

WHEREAS, caseloads of the Department of Public Welfare have increased to a point not foreseen when appropriations, regular and contingency, were approved by the 117th General Assembly, AND

WHEREAS, the Department of Public Welfare is charged by law to provide assistance and care compatible with decency and health to the eligible needy of the State of Delaware, AND

WHEREAS, funds appropriated for the fiscal year ending June 30, 1955, are not sufficient to provide for the needs of these rising caseloads, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Department of Public Welfare is appropriated the sum of \$45,899 to meet these unforeseen needs during the fiscal year ending June 30, 1955 to be used as follows: \$26,945 for Aid to Dependent Children Grants—State's share, \$16,910 for Child Welfare Services Direct Care—State's share; and \$2,044 for Medical Grants—Public Assistance, State's share.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved April 20, 1955.

CHAPTER 39

PROCEDURES FOR TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES

AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY
• ADDING THERETO A NEW CHAPTER ENTITLED
"PROCEDURES FOR THE TERMINATION OF SERV-
ICES OF PROFESSIONAL EMPLOYEES", AND BY RE-
PEALING CERTAIN PROVISIONS OF TITLE 14.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Title 14, Delaware Code, is amended by re-
pealing all of sections 747, 748, 977, and 978 thereof, and by
adding thereto a new chapter to be designated as Chapter 14
as follows:

CHAPTER 14

PROCEDURES FOR THE TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES.

Subchapter I—General Provisions

§ 1401. Definitions

As used in this chapter—"Board" means a Board of Edu-
cation of a Special School District, a Board of School Trustees,
the Board of Public Education in Wilmington, and the State
Board of Education;

"Teacher" means and includes all persons certificated to
teach and who are employed within the free public school sys-
tem of this State as teachers, instructors, principals, superin-
tendents, supervisors, or in any other educational position for
which the employing board requires certification.

§ 1402. Formal Communications

All formal communications between the teacher and the
terminating board provided for in this chapter shall be by
registered mail.

§ 1403. Application of chapter

The Provisions set forth in Sections 1411, 1412, 1413 and 1414 hereof covering reasons for termination, notice of termination, hearings before a Board and judicial review shall apply to all teachers except those employed temporarily to replace professional personnel on leave of absence, those holding temporary certificates, and those not having completed three years of service in the State, two years of which shall be in the employ of the terminating board.

§ 1404. Effective date

This Act shall become effective on July 1, 1956.

Subchapter II—Termination of Services at the End of the School Year**§ 1410. Notice of intention to terminate services**

In the event that any board desires to dispense with the services of any teacher, such board shall give notice in writing to such teacher on or before the first day of May of any year of its intention to terminate said teacher's services at the end of such school year. Such written notice shall state the reasons for such intended termination of services, and shall be accompanied by a copy of this act.

§ 1411. Reasons for termination

Termination at the end of the school year shall be for one or more of the following reasons: immorality; misconduct in office; incompetency; disloyalty; neglect of duty; willful and persistent insubordination; a reduction in the number of teachers required as a result of decreased enrollment or a decrease in education services. The board shall have a power to suspend any teacher pending a hearing if the situation warrants such action.

§ 1412. Notice of termination

In the event that a teacher fails to exercise his right to a hearing, as herein provided, the aforesaid notice of intent to terminate services shall be construed as a notice of termination.

§ 1413. Hearing by terminating board

In the event that a teacher so notified shall, within ten (10) days after the receipt of written notice of intention to terminate services, request in writing an opportunity to be heard by the terminating board, the board shall set a time for such hearing to be held within twenty-one (21) days after the date of receipt of said written request, and the board shall give the teacher at least fifteen (15) days' notice in writing of the time and place of such hearing. The hearing shall be conducted by a majority of the members of the board and shall be confined to the aforementioned written reasons as stated in the board's written notice of the board's intention to terminate the teacher's services. The conduct of such hearings and such rules of procedure as may be found necessary shall be left entirely to the discretion of the Board provided that:

(a) The teacher shall have the option to indicate whether or not he wishes the hearing to be public, by so stating in his written request for a hearing, otherwise the hearing shall be private.

(b) The teacher may be represented by counsel.

(c) The teacher and the Board may subpoena witnesses. Subpoenas shall be issued by the Secretary of the Board upon written request, and such subpoenas shall be directed to the Sheriff of the County where the witness resides or is employed within the State, and upon service of such subpoena, the witness shall be compelled to appear subject to the same penalties for failure to appear that govern subpoena proceedings before the Superior Court of the State of Delaware.

(d) The teacher and the Board and counsel for each may cross-examine witnesses.

(e) Testimony before the Board shall be under oath.

(f) The Testimony to be heard shall be confined to the reasons stated in the written notice of intent to terminate service. Any evidence shall be admissible during the hearing which

is adjudged by the Board to be pertinent to the reasons contained in the written notice which the teacher received and which stated the reasons for dismissal.

(g) A stenographic record of the hearing shall be taken and prepared by a qualified court stenographer and paid for by the Board, and shall be supplied to the teacher and the Board within ten (10) days following the conclusion of the hearing.

(h) The decision of the Board shall be submitted in writing to the teacher within fifteen (15) days following the conclusion of the hearing.

(i) If the decision is in favor of the teacher, he shall be fully reinstated and shall receive all salary lost as a result of his temporary dismissal or suspension.

§ 1414. Judicial review

A decision of the Board shall be final and conclusive unless, within ten days after a copy thereof has been received by the teacher, the teacher appeals to the Superior Court for the county in which the teacher was employed. In case of every such appeal, the cause shall be determined by the Court from the record which shall include a certified copy of the evidence, findings and the decision of the Board, without the aid of a jury. The notice of appeal and all other matters regulating the appeal shall be in the form and according to the procedure as shall be provided by the Rules of the Superior Court. The Court shall decide all relevant questions of law and all other matters involved, and shall sustain any board action, findings and conclusions supported by substantial evidence. The Court may reverse, affirm or modify the decision of the Board or remand the cause to the Board for a rehearing. In case any cause shall be remanded to the Board for a rehearing, the procedure and the rights of all parties to such cause shall be the same as in the case of the original hearing before the Board. If the decision is in favor of the teacher, he shall be fully reinstated and shall receive all salary lost as a result of his temporary dismissal or suspension.

Subchapter III—Termination of Services During the School Year

§ 1420. Reasons for termination; rights of teacher

Termination of any teacher's services during the school year shall be for one or more of the following reasons: immorality; misconduct in office; incompetency; disloyalty; neglect of duty, or willful and persistent insubordination. Such teacher shall be given the same opportunity to be heard and right of appeal as provided in Sections 1412, 1413, and 1414, and the board shall give notice in writing to such teacher of its intention to terminate the services of such teacher at least thirty (30) days prior to the effective date of termination. Such written notice shall state the reasons for such termination of services. The board shall have the power to suspend any teacher pending a hearing if the situation warrants such action.

Section 2. The State Board of Education shall provide in its regular budget for such sums as they shall estimate to be necessary to defray the expenses of such proceedings.

Approved April 20, 1955.

CHAPTER 40

RELATING TO ABANDONED REFRIGERATORS

AN ACT TO AMEND SUBCHAPTER XIII, CHAPTER 3, TITLE 11, DELAWARE CODE, BY REQUIRING CERTAIN PRECAUTIONS WITH REGARD TO ABANDONED REFRIGERATORS AND IMPOSING PENALTIES FOR VIOLATIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Subchapter XIII, Chapter 3, Title 11, Delaware Code, is hereby amended by adding thereto a new section, as follows:

§ 437. Refrigerators abandoned in places accessible to children

Whoever abandons or leaves unattended in any place accessible to children any refrigerator, ice box, or similar airtight box or container, which has a locking device inoperable from within, without first unhinging and removing the door or lid thereof or detaching the locking device from said door or lid, shall be fined not less than \$10 nor more than \$100 for each offense.

Nothing in this section shall be construed to prohibit the normal use of any refrigerator, ice box, or freezer for the storage of food in the home or buildings appurtenant thereto.

Approved April 20, 1955.

CHAPTER 41

RELATING TO PEEPING TOMS

AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, RELATING TO TRESPASSING WITH INTENT TO PEER OR PEEP INTO A WINDOW OR DOOR OF ANOTHER; PROVIDING PENALTY THEREFOR.

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding to said chapter a new section to be entitled § 877, reading as follows:

§ 877. Trespassing with intent to peer or peep into a window or door of another; penalty; jurisdiction

Whoever shall willfully trespass in or upon the occupied property or premises of another utilized as a dwelling, with intent to peer or peep into the window or door of such property or premises and, who while on such property or premises, shall otherwise conduct himself in a manner commonly referred to as a "Peeping Tom" shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned for not more than six (6) months, or both. Any person violating the provisions of this section may be referred by the court to the Delaware State Hospital for examination and for treatment. Justices of the Peace shall have concurrent jurisdiction of violations of this section.

Approved April 20, 1955.

CHAPTER 42
APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
DELAWARE COMMISSION OF SHELL FISHERIES TO
PURCHASE AND INSTALL TWO DIESEL ENGINES ON
THE GUARD BOAT "DELAWARE".**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Fifteen Thousand Dollars (\$15,000.00) is appropriated to The Delaware Commission of Shell Fisheries for the purchase and installation of two Diesel engines to be used on the guard boat "Delaware".

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury of the State of Delaware, and any funds hereby appropriated remaining unexpended at the end of the current fiscal year on June 30, 1955 shall revert to the General Fund.

Approved April 20, 1955.

CHAPTER 43

RELATING TO NOTARIES PUBLIC

AN ACT TO AMEND TITLE 29, DELAWARE CODE, ENTITLED "STATE GOVERNMENT" BY INCREASING THE AUTHORIZED NUMBER OF NOTARIES PUBLIC AND PROVIDING FOR MINIMUM QUALIFICATIONS FOR THOSE HOLDING SUCH OFFICE; AND INCREASING THE FEES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4301, Title 29, Delaware Code, is amended to read as follows:

§ 4301. Appointment of notaries in general; number from each county; qualifications; revocation

(a) In addition to the notaries public authorized to be appointed under sections 4302-4304 of this title, the Governor may appoint in—

New Castle County, 750 notaries public;

Kent County, 175 notaries public; and

Sussex County, 200 notaries public.

(b) Any citizen who desires to become a notary shall be at least 21 years of age and shall provide such evidence as the Governor may require to show:

(1) Good character and reputation;

(2) A reasonable need for a notary commission; and

(3) Legal residence of at least one year within the State of Delaware.

(c) The Governor may revoke any notary commission for cause.

Section 2. § 4306, Title 29, Delaware Code, is amended by substituting the figures "\$20" for the figures "\$10" as the same appear in the last line thereof.

Section 3. The provisions of § 4301 (b) as set forth in Section 1 of this Act shall not be so applied as to require any present notary to give up his commission, and any notary now commissioned shall be eligible upon application and payment of the proper fee for a renewal of his commission any provision of § 4301 (b) to the contrary notwithstanding.

Section 4. The Act shall become effective 30 days after approval by the Governor.

Approved April 20, 1955.

CHAPTER 44

RELATING TO CASTING INJURIOUS OBSTRUCTIONS ON PUBLIC HIGHWAYS

AN ACT TO AMEND CHAPTER 5, TITLE 17 OF THE DELA- WARE CODE, RELATING TO THE PENALTIES FOR CASTING GLASS OR INJURIOUS OBSTRUCTIONS ON PUBLIC HIGHWAYS.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 514, Title 17 of the Delaware Code is amended by striking out "\$5" and inserting in lieu thereof "\$10" and said section is further amended by striking out "\$20" and inserting in lieu thereof "\$50".

Approved April 20, 1955.

CHAPTER 45

RELATING TO INSURANCE DEPARTMENT

AN ACT TO AMEND CHAPTER 21, TITLE 18 OF THE DELAWARE CODE RELATING TO AGENTS AND BROKERS, BY PROVIDING FOR REGULATIONS AND EXAMINATIONS IN LICENSING OF AGENTS AND BROKERS; NON-RESIDENT BROKERS: APPROPRIATION.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2101, Title 18 of the Delaware Code is amended by changing the title thereof to read as indicated below and by adding at the end thereof the following new sub-sections to read as follows:

§ 2101. Certificate of authority; necessity for applications; number of applications; examination; examinations waived; temporary licenses

(d) Any person desiring a license to act as agent or broker shall file with the Commissioner his written application upon such form as shall be prescribed under rules and regulations promulgated by the Commissioner. If the applicant is a partnership or corporation, the application shall show the names of all members and employees with respect to partnerships, or the names of all officers and employees with respect to corporations who are to exercise the powers to be conferred by the license upon such partnership or corporation. Each such partnership or corporation shall be required to furnish the same information and meet the same qualifications and requirements as required of an individual applicant. The filing of one application shall be sufficient regardless of the number of companies to be represented by the agent or broker for which the applicant shall pay a fee of \$1.00.

(e) If satisfied that the applicant meets the requirements of subsection (d) of this section, the Commissioner, or his deputy, or any salaried employee of the department designated by the Commissioner, shall, subject the applicant to a written

examination for any kind or kinds of insurance, or sub-division thereof, for which he wishes to be licensed, provided that applicants shall be permitted to take such examination at least once in each month.

Such examination shall cover the insurance laws with which the applicant should be familiar and the fundamental principles of the kind or kinds of insurance, or sub-division thereof, which such applicant proposes to transact or negotiate. The Commissioner shall prepare suitable printed material which in his judgment adequately covers the above subject matter for the instruction of applicants and which shall be furnished to them. The examination shall be based upon such instruction material.

If the Commissioner is satisfied from the examination that the applicant is reasonably familiar with such laws and principles of insurance, the Commissioner shall issue a license in accordance with sub-sections (a) and (b) of this section for the kind or kinds of insurance, or any sub-division thereof, for which the applicant has been examined.

Each applicant shall be advised of the result of his examination within thirty days after taking the same.

An applicant who has failed an examination shall be entitled to take any subsequent examination given, but the Commissioner may require a waiting period of not more than six months before authorizing an examination to an applicant who has failed at least twice to pass previous similar examinations.

(f) No examination shall be required of:

(1) An applicant for a license who is a ticket selling agent of a common carrier, and who shall act thereunder only in reference to the issuance of accident insurance tickets or insurance on personal effects while being carried as baggage in connection with the transportation provided by any such transportation ticket;

(2) An applicant for the same kind of license as he now holds;

(3) An applicant for the same kind of license which he has previously held in this state for at least one year within the three years immediately preceding the date of application, and who is deemed by the Commissioner to be fully qualified and competent.

(g) The Commissioner may issue an agent's or broker's temporary license, at a cost of one dollar (\$1.00), without requiring the applicant to pass a written examination in the following circumstances:

(1) To the surviving spouse or next of kin or to the administrator or executor of a deceased licensed insurance agent or broker or to the spouse, next of kin, employee or legal guardian of a licensed agent or broker becoming disabled because of sickness, insanity or injury, if in the Commissioner's opinion such temporary license is necessary for the continuation of the business thereby affected. Such license may be issued for a term not exceeding ninety days and the Commissioner may, in his discretion, upon receipt of one dollar (\$1.00) renew such license for an additional term or terms of ninety days each, not exceeding in the aggregate fifteen months.

(2) To an applicant while taking an approved course of study, instruction and field training under the supervision of his insurer which shall be responsible for all acts or omissions of such applicant within the scope of his appointment. Ninety days after the date of such temporary license, the applicant shall submit to an examination and temporary license shall remain in force until he has been advised of the result of said examination.

Section 2. There is appropriated to the Insurance Commissioner the sum of five thousand dollars (\$5,000.00) for each of the fiscal years beginning July 1, A. D., 1955, and beginning July 1, A. D., 1956, for the purpose of carrying out the provisions of this act.

Section 3. This bill shall be known as a supplementary appropriation act and the moneys appropriated shall be paid

out of the general fund of the State Treasury, not otherwise appropriated.

Approved April 20, 1955.

CHAPTER 46

RELATING TO "GENERAL FUND"

AN ACT TO AMEND CHAPTER 61, TITLE 29 OF THE DELAWARE CODE RELATING TO THE "GENERAL FUND".

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 6102 (b), Title 29, Delaware Code of 1953, is amended by striking out the words "produced primarily for experimental purposes" as they appear in lines 4 and 5 thereof and placing the semicolon after the word "products" in line 4.

Approved April 22, 1955.

CHAPTER 47

RELATING TO TIME OF SCHOOL BOARD ELECTIONS

AN ACT TO AMEND CHAPTER 3, TITLE 14 OF THE DELAWARE CODE BY CHANGING THE TIME DURING WHICH POLLS ARE TO REMAIN OPEN FOR ELECTION OF SCHOOL BOARD MEMBERS IN KENT, SUSSEX, AND PART OF NEW CASTLE COUNTIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That Section 309 (a) Chapter 3, Title 14 of the Delaware Code be and it hereby is amended by striking out all of said section and substituting in lieu thereof the following new Section 309 (a)

§ 309. Time and place for elections

(a) The school election shall be held annually in each District on the second Saturday of May between the hours of one and eight o'clock in the afternoon.

Approved April 22, 1955.

CHAPTER 48

RELATING TO JUVENILE COURT OF KENT AND
SUSSEX COUNTIES**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 11, TITLE
10, DELAWARE CODE, RELATING TO THE JUVENILE
COURT OF KENT AND SUSSEX COUNTIES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Paragraphs (1) and (2), § 1151, Title 10, Delaware Code, are hereby amended by striking out the words "residing" as the same appear on the first lines of said paragraphs (1) and (2); and

Paragraph (4), § 1151, Title 10, Delaware Code, is hereby amended by striking out the words "within a family" as the same appear on the first line of said paragraph (4).

Section 2. § 1180, Title 10, Delaware Code, is hereby amended by adding a new paragraph at the end thereof to be known as paragraph (e), as follows:

(e) All fees and fines collected by the Clerks of the Juvenile Courts of Kent and Sussex Counties shall be paid to the County Treasurers in the respective Counties in which they are collected.

Approved April 22, 1955.

CHAPTER 49

RELATING TO UNEMPLOYMENT COMPENSATION

AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, ENTITLED "UNEMPLOYMENT COMPENSATION" TO ELIMINATE DISQUALIFICATION OR REDUCTION BY REASON OF BENEFITS UNDER SOCIAL SECURITY ACT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3315, Chapter 33, Title 19, Delaware Code, is amended by repealing all of Subsection (6).

Approved April 22, 1955.

CHAPTER 50

RELATING TO UNEMPLOYMENT COMPENSATION

**AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE
CODE, RELATING TO UNEMPLOYMENT COMPENSA-
TION.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 3314 (3), Chapter 33, Title 19, Delaware
Code, is amended to read as follows:

(3) Is able to work, and is available for work, and is
actively seeking work, provided, however, that an individual
who has been involuntarily retired shall be entitled to receive
benefits and he shall be required to be available only for the
kind or type of work which is suitable for the individual in
view of his age, physical condition and other circumstances.

Approved April 22, 1955.

CHAPTER 51

RELATING TO FAMILY COURT FOR NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, IN REGARD TO THE FAMILY COURT FOR NEW CASTLE COUNTY, DELAWARE, CHANGING THE COURT'S NAME AND THE RESPONSIBILITY FOR ITS BUDGET.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 10, Delaware Code, is amended by striking out the Title of Chapter 9 thereof and by inserting in lieu thereof, the following Title:

CHAPTER 9

THE FAMILY COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

Section 2. Title 10 is amended by striking out the definition of "Court" as it appears in line 5 of § 901 of Chapter 9 thereof, and by inserting in lieu thereof, the following:

"Court" means The Family Court of the State of Delaware in and for New Castle County. It may be cited briefly as "The Family Court."

Section 3. Title 10 is amended by striking out § 903 of Chapter 9 thereof and by inserting in lieu thereof a new § 903, Chapter 9, as follows:

§ 903. Court of Record

The Family Court of the State of Delaware in and for New Castle County is a Court of Record.

Section 4. Title 10 is amended by striking out § 909 of Chapter 9 thereof and by inserting in lieu thereof a new § 909, Chapter 9, as follows:

§ 909. Budget, salaries and expenses

(a) The Judges, acting jointly, shall, not later than the fifteenth day of November preceding each legislative year, submit to the Budget Commission of the State of Delaware a Budget showing and enumerating the estimated salaries and estimated expenses of operating the Court for the ensuing fiscal year.

(b) The total estimated Budget for each fiscal year shall not exceed \$160,000.00.

(c) It shall be the duty of the State Treasurer to pay all salaries of the Court semi-monthly and all expenses thereof monthly within the limits of sub-section (b) above upon the warrant of the Director of the Court, countersigned by either of the Judges.

Section 5. Title 10 is amended by striking out subsection (a) of § 923 of Chapter 9 thereof, and by inserting in lieu thereof a new sub-section (a) of said § 923 as follows:

(a) The Clerk 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 in the Court. After deducting the expenses of service of process of the Court and the expense of executing the orders of the Court relating to matters properly before it, including a Court order under § 985 of this Title, he shall each month pay over the balance of the proceeds of fines, costs and forfeited bail bonds in his hands to the Treasurer of the State of Delaware.

Section 6. Title 10 is amended by striking out § 931 of Chapter 9 thereof and by inserting in lieu thereof a new § 931 of said Chapter 9 as follows:

§ 931. Status of employees; appointment of director, supervisors and probation officers

The Judges and all other employees of the Court are employees of the State of Delaware.

The Judges, acting jointly, shall select and appoint a Director and such supervisors, probation officers and other employees as they deem necessary and shall fix the duties and the salaries of all such officers and employees, except such salaries as are established by law, and shall determine all necessary expenses incurred in the operation of the Court and the allocation of funds therefor. The Judges shall satisfy themselves as to each applicant's education, ability, experience, personality, and knowledge of and general adaptability to probation service. "Experience" as used in this section includes knowledge gained in the supervision over or care of children and from personal contacts with adults and children. All such officers and employees shall hold office at the discretion of the Judges.

Section 7. Title 10 is amended by striking out sub-section (c) of § 986, Chapter 9 thereof and by inserting in lieu thereof a new sub-section (c) as follows:

(c) Any Judge of the Court may order, assess and impose fees, costs, fines and cash bail as provided by law or by this Chapter.

Section 8. This Act shall become effective July 1, 1955.

Approved April 22, 1955.

CHAPTER 52

RELATING TO SEARCH AND SEIZURE

AN ACT TO AMEND CHAPTER 23, TITLE 11, DELAWARE CODE, ENTITLED "SEARCH AND SEIZURE", BY ELIMINATING THE EXCLUSIVE JURISDICTION OF SUPERIOR COURT JUDGES TO ORDER THE RETURN OR SUPPRESSION OF THINGS ILLEGALLY SEIZED.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 23, Title 11, Delaware Code, is amended by repealing § 2310.

Approved April 26, 1955.

CHAPTER 53

RELATING TO FIXING METHOD OF FIXING TERM
OF SUPERIOR COURT**AN ACT TO AMEND TITLE 10, DELAWARE CODE, BY
PROVIDING THAT TERMS OF SUPERIOR COURT
SHALL BE FIXED BY RULE OF COURT.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 10, Delaware Code, is amended by repealing § 502 thereof and by substituting in lieu thereof the following:

§ 502. Terms of court

(a) The designation and the duration of the terms of the Superior Court in and for each County, and the nature of the proceedings to be conducted at each such term, shall be determined by the Superior Court and shall be announced by Rule of Court, duly adopted and promulgated pursuant to the authority vested in the Superior Court by the provisions of 10 Del. C. § 561 and 11 Del. C. § 5121, provided that not less than four (4) terms of Court a year shall be established in each County of the State.

(b) All Statutes and parts of Statutes inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved April 26, 1955.

CHAPTER 52

RELATING TO SEARCH AND SEIZURE

AN ACT TO AMEND CHAPTER 23, TITLE 11, DELAWARE CODE, ENTITLED "SEARCH AND SEIZURE", BY ELIMINATING THE EXCLUSIVE JURISDICTION OF SUPERIOR COURT JUDGES TO ORDER THE RETURN OR SUPPRESSION OF THINGS ILLEGALLY SEIZED.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 23, Title 11, Delaware Code, is amended by repealing § 2310.

Approved April 26, 1955.

CHAPTER 53

RELATING TO FIXING METHOD OF FIXING TERM
OF SUPERIOR COURT**AN ACT TO AMEND TITLE 10, DELAWARE CODE, BY
PROVIDING THAT TERMS OF SUPERIOR COURT
SHALL BE FIXED BY RULE OF COURT.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 10, Delaware Code, is amended by repealing § 502 thereof and by substituting in lieu thereof the following:

§ 502. Terms of court

(a) The designation and the duration of the terms of the Superior Court in and for each County, and the nature of the proceedings to be conducted at each such term, shall be determined by the Superior Court and shall be announced by Rule of Court, duly adopted and promulgated pursuant to the authority vested in the Superior Court by the provisions of 10 Del. C. § 561 and 11 Del. C. § 5121, provided that not less than four (4) terms of Court a year shall be established in each County of the State.

(b) All Statutes and parts of Statutes inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved April 26, 1955.

CHAPTER 54

INCREASING AMOUNTS PAID BY LEVY COURTS TO
FIRE COMPANIES FOR AMBULANCE SERVICE

AN ACT TO AMEND CHAPTER 3, TITLE 9, SECTION 249
OF THE DELAWARE CODE BY INCREASING THE
AMOUNT PAID BY THE LEVY COURTS OF THE SEV-
ERAL COUNTIES TO EACH FIRE COMPANY FOR
AMBULANCE SERVICE.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 349. Title 9 of the Delaware Code is amend-
ed by striking out the figure \$500 as it appears in the second
line thereof and substituting in lieu thereof the sum of "\$750."

Approved April 27, 1955.

CHAPTER 55

LEIPSIC

**AN ACT TO AMEND CHAPTER 282 OF VOLUME 21 OF
THE LAWS OF DELAWARE RELATING TO THE TOWN
OF LEIPSIC BY PROVIDING FOR AN INCREASE IN
THE LIMIT OF TAXATION.**

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

Section 1. § 12, Chapter 282 of Volume 21 of the Laws of Delaware is amended by striking out the words "nine hundred dollars" as they appear therein and inserting in lieu thereof the figures "\$1500".

Approved April 27, 1955.

CHAPTER 56

SEAFORD

AN ACT TO AMEND THE CHARTER OF THE CITY OF SEAFORD BY REQUIRING THAT ALL CITY EMPLOYEES "BE BONDED" RATHER THAN "GIVE BOND".

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

Section 1. Chapter 184, Volume 43, Laws of Delaware, 1941, as further amended by Chapter 334, Volume 49, Laws of Delaware, 1953, is further amended by striking the last sentence of sub-paragraph C of Section 13 and by adding in lieu thereof, the following:

All City Employees shall be bonded with corporate surety, approved and paid for by the City, for the faithful performance of their duties. The coverage to be not less than \$10,000 for the City Manager, and not less than \$5,000 for each other employee of the City.

Approved April 27, 1955.

CHAPTER 57

RELATING TO STATE POLICE PENSIONS

AN ACT AMENDING CHAPTER 83, TITLE 11, DELAWARE CODE, RELATING TO ELIGIBILITY FOR STATE POLICE PENSIONS BY PROVIDING FOR A MINIMUM MONTHLY PAYMENT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Sub-section (a) of Section 8323, Title 11, Delaware Code, is amended by deleting the period at the end of said subsection and adding in lieu thereof the following:

“, except, that any such person receiving a monthly payment from the fund shall receive a minimum payment of not less than One Hundred and Fifty Dollars (\$150.00) per month regardless of his salary at the time of his retirement.”

Approved April 27, 1955.

CHAPTER 58

RELATING TO JUSTICES OF THE PEACE

AN ACT TO AMEND CHAPTER 59, TITLE 11, DELAWARE CODE, RELATING TO JUSTICES OF THE PEACE, BY REQUIRING NOTICE OF THE RIGHT TO BE TRIED IN THE COURT OF COMMON PLEAS IN SUSSEX COUNTY AS WELL AS NEW CASTLE AND KENT COUNTIES.

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

Section 1. § 5901, Chapter 59, Title 11, Delaware Code, is hereby amended by striking out said section and inserting in lieu thereof the following:

§ 5901. Advising accused of right to trial by Court of Common Pleas

In all criminal cases in New Castle, Kent, and Sussex Counties where a justice of the peace has jurisdiction to hear and determine the matter and the accused has the right to elect to have the case tried by the Court of Common Pleas of such county, every justice of the peace and the officer making the arrest shall advise such accused of his right so to elect, and every officer making an arrest and every justice of the peace is required so to advise the accused before the justice of the peace shall have jurisdiction to try the case.

Approved April 27, 1955.

CHAPTER 59

APPROPRIATION

STATE BOARD OF EDUCATION

AN ACT APPROPRIATING FUNDS TO THE STATE BOARD OF EDUCATION FOR THE CURRENT FISCAL YEAR ON ACCOUNT OF AN UNANTICIPATED INCREASE IN THE SCHOOL POPULATION.

WHEREAS, attendance of the public schools in the State of Delaware is very much larger than was anticipated by the 117th General Assembly, AND

WHEREAS, the various school districts of the State are by law entitled to additional funds for necessary teachers and expenses connected with the increased enrollment, AND

WHEREAS, the funds appropriated by the 117TH GENERAL ASSEMBLY in the General Appropriation Bill and in the Contingency Fund Bill are insufficient to provide the school districts with the teachers and expenses to which they are entitled, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the State Board of Education the sum of \$350,930.78 for the current fiscal year ending June 30, 1955 to provide for such additional teachers, additional units and additional capital outlay as the various school districts of the State are entitled to under the present law and under the rules and regulations of the State Board of Education and for which no funds are otherwise available. The State Board of Education may expend and/or transfer to the various school districts all or any part of the above appropriation for the purposes above specified.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Section 3. Any funds appropriated herein which shall not have been expended by the end of the fiscal year ending June 30, 1955, shall immediately revert to the General Fund.

Section 4. The State Auditor shall audit at the source all invoices for the expenditure of funds appropriated by this Act.

Approved April 27, 1955.

CHAPTER 60

CHANGING TERM OF JUDGE OF COURT OF COMMON PLEAS FOR KENT COUNTY

AN ACT TO AMEND CHAPTER 15, TITLE 10 OF THE DELA- WARE CODE RELATING TO THE TERM OF THE JUDGE OF THE COURT OF COMMON PLEAS FOR KENT COUNTY.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 1502 (a), Title 10 of the Delaware Code is amended by striking out the word "twelve" as it appears therein and inserting in lieu thereof the word "four".

NOTE: This bill became a law on April 29, 1955 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 61

INCREASING AMOUNTS PAID BY LEVY COURT OF
NEW CASTLE COUNTY TO FIRE COMPANIES

**AN ACT TO AMEND CHAPTER 19, TITLE 9, SECTION 1902
OF THE DELAWARE CODE BY INCREASING THE
AMOUNT PAID BY THE LEVY COURT OF NEW CASTLE
COUNTY TO CERTAIN FIRE COMPANIES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 1902, Title 9 of the Delaware Code is amended by striking out the sum of \$1,000 where it appears in the first line of the second paragraph and substituting in lieu thereof the sum of "\$1,500."

Approved April 29, 1955.

CHAPTER 62

RELATING TO ADDITION AND ALTERATIONS TO
KENT COUNTY COURT HOUSE

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO BORROW ON THE CREDIT OF THE COUNTY A SUM OF MONEY NOT EXCEEDING THREE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS TO BE EXPENDED FOR ACQUIRING ADDITIONAL LANDS TO BE USED FOR THE PURPOSE OF BUILDING AN ADDITION OR ADDITIONS TO THE KENT COUNTY COURT HOUSE, AND FOR MAKING SUCH ALTERATIONS AND REPAIRS TO THE EXISTING COURT HOUSE AS THE LEVY COURT SHALL DEEM NECESSARY AND EXPEDIENT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Levy Court of Kent County is hereby authorized to build an addition or additions to the Kent County Court House and to make such alterations and repairs to the present Court House as shall be deemed necessary and expedient and to contract therefor.

Section 2. The Levy Court of Kent County may acquire by purchase such lands and property as shall be necessary for the building of such addition or additions to the existing Court House.

Section 3. The Levy Court of Kent County is authorized to enter into contracts and agreements with persons, firms or corporations relative to the building and construction of such addition or additions to the Kent County Court House, and to making such alterations and repairs to said Court House as shall be deemed necessary and expedient, and to this end may require of said persons, firms or corporations proper security for the faithful performance of the work to be done. The said Levy Court may engage the services of competent architects who shall prepare proper plans and specifications, and shall

award any contract to the lowest responsible bidder, but with the right to reject any and all bids.

Section 4. The Levy Court is hereby authorized to borrow upon the faith and credit of Kent County, a sum not exceeding Three Hundred and Seventy-Five Thousand Dollars to be expended in the acquisition of the necessary lands and property, and for building such addition or additions to the Kent County Court House and for making such alterations and repairs to the existing Court House as shall be deemed necessary and expedient by the said Levy Court, and for the purpose of securing the payment of such sum, to issue bonds in such denominations and at such rate of interest not exceeding three per centum per annum, as the Levy Court may deem expedient.

Section 5. The interest upon said bonds shall be paid semi-annually in each year from the date of the issue. The Levy Court shall decide upon and determine the classes and times of maturity of said bonds and the aggregate of each class. The bonds may at the option of the Levy Court contain a provision for redemption at any time after the expiration of five years from the date thereof at a premium not to exceed five per cent. The bonds may contain such provisions for the registration thereof as the Levy Court may determine. The bonds shall bear the same date and shall be numbered serially.

Section 6. The bonds shall be prepared under the supervision of the Levy Court and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, and shall be under the seal used by said Levy Court. The signature of the Receiver of Taxes and County Treasurer shall be engraved or printed on each coupon or interest warrant. It shall be the duty of the officers named to execute said bonds when directed by the Levy Court so to do, and it shall be the duty of the Receiver of Taxes and County Treasurer and of the Levy Court to keep a record of said bonds.

Section 7. The bonds shall be exempt from all state, county, municipal and other taxation, and the purchaser thereof shall not be obliged to see to or in any manner be responsible for the

application of the purchase money; the bonds may be of such form and may contain such provisions as will not conflict with the provisions hereof.

Section 8. The Levy Court shall determine when the bonds or any number thereof may be sold, and until sold shall remain in the custody of the Levy Court. Whenever it shall be deemed advisable that any part or all of said bonds shall be sold, the Levy Court shall sell and dispose of the same after having advertised them in the public press at least once each week for at least three weeks. No commission or other compensation shall be charged or paid to the Levy Court, or any member therefore, for effecting the sale or negotiation of said bonds.

Section 9. The bonds, principal and interest, shall be payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, out of money from time to time appropriated for that purpose by the Levy Court; and the Levy Court is directed to pay the interest on the bonds to said Farmers Bank when and as the same shall become due, and to pay said bonds when and as the respective classes mature.

The Levy Court in fixing the rate of taxation shall annually, until the first class of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall mature and become due and payable, shall in like manner provide for a sum equal to the aggregate of said bonds so maturing, which amount shall be set apart by the Receiver of Taxes and County Treasurer to be applied to the payment of interest on said bonds and the redemption thereof as they mature.

Section 10. All money received from the sale of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited in the Farmers Bank aforesaid to the credit of the Levy Court in a separate account, and payment therefrom shall be made by the Levy Court by a special warrant upon which shall be printed or endorsed "Kent County Court House Addition."

Section 11. The Levy Court is authorized also to enter into contracts for the purchase and installation of all necessary equipment and furniture.

Approved April 29, 1955.

CHAPTER 63

RELATING TO DISABILITY PENSIONS

AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO DISABILITY PENSIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 5541, Title 29 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 5541 to read as follows:

§ 5541. Eligibility

An employee who shall become disabled while in covered employment and after having served in covered employment for at least 15 years during the period that ends on the inception of such disability, so as to be prevented by such disability from performing his or her active duties, may be retired on a disability pension.

Section 2. § 5543, Title 29 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 5543 to read as follows:

§ 5543. Period of disability not credit toward retirement pension

The period for which the disability pension shall have been paid shall not be credited to the employee and shall not be considered as time spent within covered employment in determining subsequent eligibility for retirement on pension under subchapter II of this chapter.

Approved April 29, 1955.

CHAPTER 64

PROVIDING FOR TRAINING AND LICENSING PRACTICAL NURSES

AN ACT TO AMEND AND REVISE CHAPTER 19, TITLE 24, DELAWARE CODE, BY CLARIFYING AND DEFINING THE POWER OF EXAMINERS OF GRADUATE NURSES AS THEREIN ESTABLISHED, AND BY PROVIDING FOR THE SUPERVISED TRAINING AND LICENSING OF PRACTICAL NURSES ON A VOLUNTARY BASIS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Sections 1901 through 1910, Title 24, Delaware Code, are hereby amended by including and designating said sections under a sub-chapter to read

Sub-chapter I. Professional Registered Nurses

Section 2. Sub-chapter I, Chapter 19, Title 24, Delaware Code, is hereby amended by the addition of a new section therein and thereto, to be known as Section 1911, Chapter 19, Title 24, Delaware Code, and to read as follows:

Section 1911. The "Board" as defined in § 1901 hereof is hereby vested with full power and authority to administer all of the provisions of Chapter 19, Title 24, Delaware Code.

Section 3. Chapter 19, Title 24, Delaware Code, is further amended by adding thereto a new sub-chapter to read as follows:

Sub-chapter II. Licensed Practical Nurses

Section 4. Sub-chapter II, Chapter 19, Title 24, Delaware Code, is hereby amended by the addition of the following new sections, to read as follows:

§ 1920. Definitions

As used in this sub-chapter —

(a) "Licensed practical nurse" means a person who has chosen to conform to the provisions of this sub-chapter and has met all the requirements for licensing as a practical nurse, and who is licensed under this sub-chapter.

(b) "Practice of practical nursing" applies to those who perform such duties as are required in the physical care of a patient and in the carrying out of such medical orders as are prescribed by a licensed physician requiring a knowledge of simple nursing procedures, but not requiring the professional knowledge and skills required of a professional registered nurse.

§ 1921. Voluntary licensing; use of title "Licensed Practical Nurse"

(a) Any person practicing or offering to practice practical nursing in this State for compensation or personal profit may, if he or she shall desire to conform to the provisions of this sub-chapter, be licensed as a practical nurse as herein provided.

(b) No person shall hold himself or herself to be and act as a licensed practical nurse without being licensed as herein provided.

(c) No person shall assume or use the title "Licensed Practical Nurse" or the abbreviation "L. P. N.", or any other words, letters, signs, or figures, which indicate that the person using the same is a licensed practical nurse unless such person has been licensed as such by the Board according to the provisions of this sub-chapter.

§ 1922. Requirements for applications except those who apply under § 1923

(a) All applicants for license as a licensed practical nurse except those who apply under § 1923 of this title shall have

completed a program in practical nursing, and shall hold a certificate from a school for the training of practical nurses approved by the Board. Applicants shall also be required to pass such examination as the Board may determine. Every applicant who meets the requirements listed below and passes the prescribed examination shall receive a license to practice as a licensed practical nurse.

(b) Applicants for license as a Licensed Practical Nurse shall furnish evidence that he or she —

- (1) Is nineteen years of age;
- (2) Is of good moral character;
- (3) Is in good physical health;
- (4) Has completed two years of high school education, or its equivalent; and
- (5) Has such other educational qualifications as the Board may prescribe.

§ 1923. Licensing without examination for those already practicing

The Board shall, without examination, issue a license to practice licensed practical nursing to any applicant who files an application with the Board within eighteen months after the effective date of this sub-chapter, and in such application submits to the Board evidence, verified under oath, on forms furnished by the Board, that the applicant is (a) at least nineteen years of age; (b) of good moral character; (c) in good physical health; and (d) has lived in and cared for the sick in this State for at least one year prior to the adoption of this sub-chapter. Each such applicant for registration without examination, as hereinabove provided, must be favorably endorsed by two physicians licensed to practice in this State, who shall have personal knowledge of the applicant's experience and ability as a practical nurse, and, must be endorsed by two persons who shall have employed the applicant in the capacity of

a practical nurse within the two years preceding the filing of the application.

§ 1924. Reciprocity

The Board may, without examination, issue a license to practice licensed practical nursing to any applicant who, as of the effective date of this sub-chapter, has been duly licensed under the laws of any other state, territory or possession of the United States or the District of Columbia, as a practical nurse or a person entitled to perform similar services under a different title, if, in the opinion of the Board, the applicant has the qualifications required by this sub-chapter for licensing of practical nurses.

§ 1925. License fee

Upon filing application for examination and licensing under this sub-chapter, each applicant shall deposit a fee of \$15.00 with the Board.

§ 1926. Renewal of registration

Every practical nurse who is duly licensed under this sub-chapter shall renew such license every two years by filing an application during the month of January in any year that such applicant must renew such license. Such applicant shall deposit a fee of \$2.00 with the Board.

§ 1927. Schools of practical nursing

(a) The Board may formulate and adopt a curriculum and rules to be complied with by schools and hospitals which offer a course for the training of practical nurses. The Board may duly accredit such schools and hospitals and provide for a systematic inspection thereof as provided in § 1902 of this Title.

(b) The Executive Secretary shall visit each school and hospital where practical nursing is being taught whenever deemed necessary and desirable by the Board and submit a written report of each visit to the Board. From time to time, as deemed necessary by the Board, it shall be the duty of the Exec-

utive Secretary, or some member of the Board designated to do so, to survey all schools and hospitals where practical nursing is being taught in this State to determine if they are prepared and qualified to carry out and are carrying out the prescribed basic curriculum for educating practical nurses. If the Board determines from such survey that any such school or hospital is not maintaining the standards required by the Board, notice thereof in writing specifying the defects shall be immediately given to the school or hospital which thereafter shall correct these conditions within one year to the satisfaction of the Board. The Board is authorized to withdraw accreditation of any course of training for practical nurses which does not comply with the standards required by the Board.

§ 1928. Unlicensed practical nursing not affected

This sub-chapter shall not be construed to affect or apply to gratuitous practical nursing of the sick by friends or members of the family, nor shall it apply to any person doing practical nursing of the sick for hire who does not in any way assume to be a licensed practical nurse.

§ 1929. Revocation of license; notice and hearing

The Board may revoke any license issued under this sub-chapter for sufficient cause, but before this is done the holder of such license shall have thirty days' notice in writing. After a full and fair hearing of the charges made, the license may be revoked by a majority vote of the whole Board.

§ 1930. Violations and penalties

Whoever violates any of the provisions of this sub-chapter;
or

Whoever wilfully makes any false representation to the Board in applying for a license —

Shall be fined not more than \$500.00.

Section 5. The provisions of the several sections set out herein under sub-chapter II shall become effective thirty days after the approval of this Act by the Governor.

Approved April 29, 1955.

CHAPTER 65

CONCERNING HOURS FOR FEMALE LABOR

**AN ACT TO AMEND CHAPTER 3, TITLE 19, DELAWARE
CODE, BY REPEALING CERTAIN PROVISIONS CON-
CERNING HOURS DURING WHICH FEMALES CAN
WORK.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 302, Title 19, Delaware Code, is amended by
striking out subsection (c) thereof.

Approved May 5, 1955.

CHAPTER 66

RELATING TO INDUSTRIAL ACCIDENT BOARD

AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO REVIEW OF AGREEMENTS OR AWARDS BY THE INDUSTRIAL ACCIDENT BOARD.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2347, Title 19 of the Delaware Code is amended by adding new paragraphs at the end thereof to read as follows:

"Compensation payable to an employee, under the provisions of this chapter, shall not terminate until and unless the Board enters an award ending the payment of compensation after a hearing upon review of an agreement or award, provided that no petition for review, hearing or an order by the Board shall be necessary to terminate compensation where the parties to an award or an agreement consent to the termination. No petition for review shall be accepted by the Board unless it is accompanied by proof that a copy of the petition for review has been served by registered mail upon the other party to the agreement or award. Within five days after the filing of a petition for review, the Board shall notify each party concerned of the time, date and place scheduled for the hearing upon the petition."

"After the filing of a petition for review the compensation payable to an employee shall be paid by the employer to the Board. The Board shall retain the funds so paid until it enters an order upon the petition for review, after which it shall reimburse the employer or turn over the funds to the employee in accordance with the terms of the order."

Approved May 5, 1955.

CHAPTER 67

AUTHORIZING PAYMENT OF SUPREME COURT EXPENSES BY THE STATE TREASURER

AN ACT TO AMEND CHAPTERS 1, 3 AND 5 OF TITLE 10 OF THE DELAWARE CODE RELATING TO THE SU- PREME COURT, COURT OF CHANCERY AND SUPER- IOR COURT.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 104, Title 10 of the Delaware Code is amended
to read as follows:

§ 104. Purchase of supplies

The Supreme Court from time to time may purchase for
the Court such furniture, equipment, law books, stationery, and
other supplies as may be requisite for the proper operation of
the Court.

Section 2. Chapter 1, Title 10 of the Delaware Code is
amended by adding at the end of subchapter I thereof a new
section, as follows:

§ 105. Payment of expenses

The payment of the compensation of the Clerk and all other
persons appointed or employed by the Court or any Justice
thereof under the provisions of subchapter II of this Chapter,
and the payment for supplies, equipment and other necessary
expenses of the Court, including the traveling expenses of the
Justices and the officers of the Court, shall be made by the
State Treasurer out of funds regularly appropriated for the
Supreme Court.

Section 3. § 121, Title 10 of the Delaware Code is amended
by adding at the end thereof a new subsection, to be designated
(c) as follows:

(c) The Clerk shall be custodian of the seal, the books, the records and the papers of the Court, and shall perform such duties as the Court may direct.

Section 4. § 123 and § 124, Title 10 of the Delaware Code are amended to read as follows:

§ 123. Court Reporter; stenographic and clerical assistants

The Supreme Court may from time to time employ a Court Reporter and such additional stenographic and clerical assistance as may be necessary for the proper operation of the Court. Any such persons shall receive for their services such amounts as the Supreme Court shall from time to time determine.

§ 124. Office secretaries

Each Justice of the Supreme Court may appoint and remove at pleasure one competent stenographer, to be designated as office secretary, whose duties shall be to render the Justice such clerical, stenographic, typewriting and secretarial services as may be required, and who shall receive such compensation as the Justices shall from time to time determine.

Section 5. Chapter 1, Title 10 of the Delaware Code is amended by adding at the end of subchapter II thereof a new section as follows:

§ 125. Certification of appointments

The Supreme Court shall certify to the State Auditor and the State Treasurer the names and addresses of the several persons appointed to the offices and positions authorized by this subchapter, the several dates of their appointments, and the monthly compensation to be paid to them.

Section 6. Chapter 3, Title 10 of the Delaware Code is amended by adding at the end of subchapter I thereof two new sections as follows:

§ 305. Purchase of supplies

The Chancellor may from time to time purchase for the Court such furniture, equipment, law books, stationery and other supplies as may be requisite for the proper operation of the Court.

§ 306. Payment of expenses

The payment of the compensation of all persons appointed or employed by the Court under the provisions of sections 322, 323 and 324 of subchapter II of this Chapter, and the payment for supplies, equipment and other necessary expenses of the Court, including the traveling expenses of the judges and the officers of the Court, shall be made by the State Treasurer out of funds regularly appropriated for the operation of the Court of Chancery.

Section 7. §§ 322, 323, 324 and 325, Title 10 of the Delaware Code are amended to read as follows:

§ 322. Court Reporters

The Chancellor shall have power from time to time to appoint and remove at pleasure such number of skilled and competent stenographers, to be designated as Court Reporters, as shall be necessary for the proper operation of the Court, together with such additional clerical assistants as may be required. The duties of the Court Reporters shall be to attend all sessions of the Court of Chancery in the several counties and all hearings before the Chancellor or the Vice Chancellor, as may be required, to report all evidence, opinions and other matters as the Chancellor or the Vice Chancellor may require, and to perform such other duties as the Chancellor may prescribe. The Court Reporters and assistants shall receive such compensation as the Chancellor shall from time to time determine. The Court Reporters before entering upon their duties shall take and subscribe the oath of office as required by the Constitution.

§ 323. Office secretaries

Each of the judges of the Court of Chancery may appoint and remove at pleasure one competent stenographer, to be designated as office secretary, whose duties shall be to render to such judge such clerical, stenographic, typewriting and secretarial services as may be required, and who shall receive such compensation as the Chancellor shall from time to time determine.

§ 324. Temporary appointments

If for any reason any of the Court Reporters or office secretaries shall be unable to perform his or her duties, the Chancellor may appoint a suitable and competent substitute to serve as a temporary Court Reporter or office secretary for such time and for such compensation as he shall determine. Any substitute Court Reporter shall take the same oath of office as is required of a Court Reporter, and his acts shall have the same force and effect as if done by an official Court Reporter. Such oath shall not be recorded, but shall be filed with the Register.

§ 325. Court Reporters' charges

The Chancellor may regulate the charges to be made by Court Reporters for the furnishing of transcriptions of evidence, opinions, records, arguments or hearings.

Section 8. Chapter 3, Title 10 of the Delaware Code is amended by adding at the end of subchapter II thereof three new sections as follows:

§ 326. Bailiffs, Criers and Pages

(a) The Chancellor may appoint and remove at pleasure such number of Bailiffs, Criers and Pages as shall be necessary for the proper operation of the Court, not to exceed one Bailiff, one Crier and one Page in each of the several counties. They shall receive such compensation as the Levy Courts of the respective counties shall from time to time determine, payable in the same manner as the salaries of other county officers are

paid. They shall perform such duties and have such powers in connection with attendance upon the Court of Chancery as the Chancellor may from time to time prescribe.

(b) The Chancellor shall certify to the respective Levy Courts and to the respective County Treasurers the names and addresses of the persons appointed to the positions herein authorized, the several dates of their appointments, and the compensation to be paid to them.

§ 327. Certification of appointments

The Chancellor shall certify to the State Auditor and the State Treasurer the names and addresses of the several persons appointed to the offices and positions authorized under the provisions of sections 322, 323 and 324 of this subchapter, the several dates of their appointments, and the monthly compensation to be paid to them.

§ 328. Budgetary powers of Supreme Court

Nothing contained in this subchapter shall affect the powers of the Supreme Court conferred by section 6331 of Title 29.

Section 9. Chapter 5, Title 10 of the Delaware Code is amended by adding at the end of subchapter I thereof two new sections as follows:

§ 507. Purchase of supplies

The Superior Court may from time to time purchase for the Court such furniture, equipment, stationery and other supplies as may be requisite for the proper operation of the court rooms, judicial chambers and other quarters used or occupied by the judges, court officers and employees.

§ 508. Payment of expenses

The payment of the compensation of all persons appointed or employed by the Court under the provisions of sections 527, 528 and 529 of subchapter II of this Chapter, and the payment for supplies, equipment and other necessary expenses of the

Court, including the traveling expenses of the judges and the court reporters, shall be made by the State Treasurer out of funds regularly appropriated for the operation of the Superior Court.

Section 10. § 522, Title 10 of the Delaware Code is amended to read as follows:

§ 522. Bailiffs, Criers and Pages

(a) The Superior Court may appoint and remove at pleasure such number of Bailiffs, Criers and Pages as shall be necessary for the proper operation of the Court, not to exceed four Bailiffs, one Crier and one Page in New Castle County, three Bailiffs, one Crier and one Page in Kent County and three Bailiffs, one Crier and one Page in Sussex County. They shall receive such compensation as shall from time to time be determined by the Levy Courts of the respective counties, payable in the same manner as the salaries of other county officers. They shall perform such duties and have such powers in connection with attendance upon the Court as the Court may from time to time prescribe, and shall receive no other fees or compensation.

(b) The Court shall certify to the respective Levy Courts and to the respective County Treasurers the names and addresses of the persons appointed to the positions herein authorized, the several dates of their appointments, and the compensation to be paid to them.

Section 11. §§ 523, 524 and 525, Title 10 of the Delaware Code are repealed.

Section 12. §§ 527, 528, 529 and 530, Title 10 of the Delaware Code are amended to read as follows:

§ 527. Court Reporters

The Superior Court may from time to time appoint and remove at pleasure such number of skilled and competent stenographers to be designated as Court Reporters, as shall be

necessary for the proper operation of the Court, together with such additional clerical assistants as may be required. The duties of the Court Reporters shall be to attend all sessions of the Superior Court in the several counties and such hearings before any judge or judges thereof, as may be required, to report all evidence, opinions and other matters as the Superior Court may require and to perform such other duties as the Superior Court may prescribe. The Court Reporters shall also render any service that may be required for the proper operation of the Orphans' Court. The Court Reporters and assistants shall receive such compensation as the Court shall from time to time determine. Every Court Reporter before entering upon his duties shall take and subscribe the oath of office as required by the Constitution.

§ 528. Office secretaries

Each judge of the Superior Court may appoint and remove at pleasure one competent stenographer, to be designated as office secretary, whose duties shall be to render such judge of the Superior Court such clerical, stenographic, typewriting and secretarial services as may be required, and who shall receive such compensation as the Superior Court shall from time to time determine.

§ 529. Temporary appointments

If for any reason any of the Court Reporters or office secretaries shall be unable to perform his or her duties, the Superior Court may appoint a suitable and competent substitute to serve as a temporary Court Reporter or office secretary for such time and for such compensation as the Court shall determine. Any substitute Court Reporter shall take the same oath of office as is required of a Court Reporter, and his acts shall have the same force and effect as if done by an official Court Reporter. Such oath shall not be recorded, but shall be filed with the Prothonotary.

§ 530. Court Reporters' charges

The Superior Court may regulate the charges to be made by Court Reporters for the furnishing of transcriptions of evidence, opinions, records, arguments or hearings.

Section 13. Chapter 5, Title 10 of the Delaware Code is amended by adding at the end of subchapter II thereof two new sections as follows:

§ 531. Certification of appointments

The Superior Court shall certify to the State Auditor and the State Treasurer the names and addresses of the several persons appointed to the offices and positions authorized by sections 527, 528 and 529 of this subchapter, the several dates of their appointments, and the monthly compensation to be paid to them.

§ 532. Budgetary powers of Supreme Court

Nothing contained in this subchapter shall affect the powers of the Supreme Court conferred by section 6331 of Title 29.

Section 14. This act shall take effect July 1, 1955.

Approved May 5, 1955.

CHAPTER 68
APPROPRIATION

SOIL CONSERVATION COMMISSION

**AN ACT APPROPRIATING MONEY TO THE STATE SOIL
CONSERVATION COMMISSION FOR THE DRAINAGE
OF TAX DITCHES IN NEW CASTLE COUNTY.**

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in New Castle County, State of Delaware; and

WHEREAS, land owners, adjacent to and near said tax ditches, have agreed to contribute funds for said purpose; NOW THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the State Soil Conservation Commission the sum of One Thousand Five Hundred Dollars (\$1,500.00) for each of the fiscal years beginning July 1, 1955 and ending June 30, 1956, and beginning July 1, 1956 and ending June 30, 1957, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of New Castle County.

Section 2. For the purpose of this Act, the Levy Court of New Castle County shall appropriate to the State Soil Conservation Commission the further sum of One Thousand Five Hundred Dollars (\$1,500.00) for each of the fiscal years beginning July 1, 1955 and ending June 30, 1956, and beginning July 1, 1956 and ending June 30, 1957, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of New Castle County.

Section 3. The money hereby appropriated shall be paid to the State Soil Conservation Commission by the State Trea-

surer and the Levy Court of New Castle County from time to time upon certification to the State Treasurer and the Levy Court of New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out and draining of said tax ditches, a specified sum of money to be used on said project. The State Treasurer, and the Levy Court of New Castle County, shall each 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 New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County, as having been by it collected or received from farmers and others benefitting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said tax ditches in New Castle County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be transferred by said Commission to the Board of Soil District Supervisors of the Soil Conservation District of New Castle County, and shall be used 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 money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 5, 1955.

CHAPTER 69

APPROPRIATION

STATE SOIL CONSERVATION COMMISSION

AN ACT APPROPRIATING MONEY TO THE STATE SOIL CONSERVATION COMMISSION FOR THE DRAINAGE OF TAX DITCHES IN SUSSEX COUNTY.

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in Sussex County, State of Delaware; and

WHEREAS, land owners, adjacent to and near said tax ditches, have agreed to contribute funds for said purposes; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is 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, 1955 and ending June 30, 1956, and beginning July 1, 1956 and ending June 30, 1957, to be used 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 shall 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, 1955 and ending June 30, 1956, and beginning July 1, 1956 and ending June 30, 1957, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Sussex County.

Section 3. 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 (\$0.50) for every Dollar (\$1.00) or more so certified to the State Treasurer and the Levy Court of Sussex County by the Board of Soil District Supervisors of the Soil Conservation District of Sussex County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said tax ditches in Sussex County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be transferred by said Commission to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County, and shall be used 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 money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 5, 1955.

CHAPTER 70

RELATING TO RELIGIOUS SOCIETIES

AN ACT TO AMEND CHAPTER 1, TITLE 27 OF THE DELAWARE CODE RELATING TO RELIGIOUS SOCIETIES AND CORPORATIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 101, Title 27 of the Delaware Code is amended by striking out the words "of Christians" as they appear in the first line of said section.

Approved May 5, 1955.

CHAPTER 71

APPROPRIATION

FOR MAINTENANCE OF LAW LIBRARY

**AN ACT APPROPRIATING FUNDS TO THE JUDGES OF
THE SUPERIOR COURT RESIDING IN SUSSEX COUNTY
FOR THE MAINTENANCE AND OPERATION OF THE
SUSSEX COUNTY LAW LIBRARY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the Judges of the Superior Court residing in Sussex County the sum of \$4400 annually for each of the fiscal years beginning July 1, 1955 and July 1, 1956, for the maintenance and operation of the Sussex County Law Library.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware upon warrants signed by all or any of the Judges of the Superior Court residing in Sussex County.

Approved May 5, 1955.

CHAPTER 72

RELATING TO LAW LIBRARIES

AN ACT TO AMEND CHAPTER 19 OF TITLE 10 OF THE DELAWARE CODE RELATING TO THE LAW LIBRARIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1941, Title 10, of the Delaware Code is repealed.

Section 2. § 1942, Title 10, of the Delaware Code is amended to read as follows:

§ 1942. Control and supervision of law libraries

The law libraries maintained in New Castle and Sussex Counties for the use of the judges of the courts shall be under the control and supervision respectively of the judges of the Court of Chancery and of the Superior Court residing in said counties, who are empowered from time to time to purchase such law books as shall be necessary for the maintenance of the libraries. The judges residing in New Castle County are authorized to employ a librarian for the law library of New Castle County at such compensation as shall from time to time be fixed by the judges. The judges residing in Sussex County, if and when they shall determine that a librarian is required in the Sussex County library, are likewise authorized to employ one at such compensation as they may fix from time to time.

The payment of bills for the purchase and rebinding of law books, and other necessary expenses, including compensation of the librarian, shall, to the extent that other sources of income, if any, are insufficient, be made by the State Treasurer out of funds regularly appropriated for the operation of said law libraries.

Section 3. § 1943, Title 10 of the Delaware Code is repealed.

Section 4. The Judges of the Superior Court and the Court of Chancery residing in New Castle County are authorized and directed to transfer the securities and cash comprising the existing trust fund for the support of the New Castle County Law Library, including any bank deposits, to the State of Delaware upon the direction of the State Treasurer, or if the State Treasurer so directs, the Judges of the Superior Court and the Court of Chancery residing in New Castle County shall liquidate said trust fund and turn over the receipts therefrom, including any bank deposits, to the State of Delaware.

Section 5. The Judges of the Superior Court residing in Sussex County are authorized and directed to turn over any bank deposits utilized for the Sussex County Law Library to the State of Delaware upon the direction of the State Treasurer.

Section 6. This act shall take effect July 1, 1955.

Approved May 5, 1955.

CHAPTER 73

APPROPRIATION

FOR MAINTENANCE OF NEW CASTLE COUNTY
LAW LIBRARY

**AN ACT APPROPRIATING FUNDS TO THE JUDGES OF
THE SUPERIOR COURT AND COURT OF CHANCERY
RESIDING IN NEW CASTLE COUNTY FOR THE MAIN-
TENANCE AND OPERATION OF THE NEW CASTLE
COUNTY LAW LIBRARY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. There is appropriated to the Judges of the Superior Court and the Court of Chancery residing in New Castle County the sum of \$7000 annually for each of the fiscal years beginning July 1, 1955 and July 1, 1956, for the maintenance and operation of the New Castle County Law Library.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware upon warrants signed by all or any of the Judges of the Superior Court and Court of Chancery residing in New Castle County.

Approved May 5, 1955.

CHAPTER 74

LEWES

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 GRANTING TO THE SAID BOARD THE AUTHORITY TO MAKE CERTAIN ADDITIONS AND IMPROVEMENTS TO THE ELECTRIC LIGHT PLANT AND DISTRIBUTION SYSTEM AND TO THE WATER PUMPING AND DISTRIBUTION FACILITIES, ON CREDIT, INCLUDING THE RIGHT TO BUY ON CONTRACTS OF CONDITIONAL SALE, PLEDGING THE REVENUES FROM THOSE TWO UTILITIES FOR THE PAYMENT OF THE COST THEREOF.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members of each Branch thereof concurring therein):

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

3 (d). The said Board of Public Works is hereby authorized and empowered at any time in the years 1955 and 1956, but not thereafter, to purchase such machinery and equipment as it deems necessary for the maintenance, replacement, enlargement, alteration, repair, or improvement of the municipal electric light and power plant, and the municipal water pumping, purifying, treating and distribution facilities, at Lewes, and to cause the same to be properly 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, to a maximum amount of indebtedness of Ninety Thousand Dollars (\$90,000.00), giving the sellers the right of repossession, and, further giving the sellers, or their Successors or Assigns, 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 utilities, or either of them, but the said contracts of conditional sale or other obligations given in connection therewith shall not constitute a pledge of the faith and credit of the municipality nor be deemed 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 May 5, 1955.

CHAPTER 75
APPROPRIATION
MILLSBORO SCHOOL

**AN ACT APPROPRIATING FUNDS TO THE TRUSTEES OF
THE MILLSBORO SCHOOL #204 FOR THE CURRENT
FISCAL YEAR ON ACCOUNT OF UNANTICIPATED
EXPENSES AS A RESULT OF A NEW ADDITION TO
MILLSBORO SCHOOL #204.**

WHEREAS, as a result of a new addition to Millsboro School #204, the amount of money allotted to the school for the year 1954-1955 is insufficient to meet the expenses of increased consumption of supplies and services which the new addition entailed, AND,

WHEREAS it is estimated that the Millsboro School #204 will require the sum of \$1505.00 to meet the expenses for supplies and services until the end of the current school year, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the Trustees of the Millsboro School #204 the sum of \$1505.00 for the current fiscal year ending June 30, 1955 to meet the expenses for supplies and services resulting from the new addition to Millsboro School #204.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware upon proper vouchers drawn by the Board of Millsboro School #204.

Section 3. In the event that all and any of said sum of \$1505.00 shall remain unexpended at the completion of the fiscal year ending June 30, 1955, the unexpended balance shall revert to the General Fund of the State Treasury.

Approved May 5, 1955.

CHAPTER 76

AUTHORIZING LEVY COURT OF NEW CASTLE COUNTY
TO APPROPRIATE MONEY TO MIDDLETOWN
VOLUNTEER HOSE COMPANY

AN ACT AUTHORIZING THE LEVY COURT OF NEW
CASTLE COUNTY TO APPROPRIATE COUNTY MONIES
TO THE MIDDLETOWN VOLUNTEER HOSE CO. FOR
THE MAINTENANCE OF A RESCUE SQUAD.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each Branch thereof concurring therein):

Section 1. The Levy Court of New Castle County shall and is hereby authorized and directed to appropriate the sum of Five Hundred (\$500.00) Dollars annually to the Middletown Volunteer Hose Co., to be used in the maintenance of its rescue squad.

§ The said sum of Five Hundred (\$500.00) Dollars shall be paid by the Levy Court of New Castle County to the said Middletown Volunteer Hose Co., on the first day of May of each year.

Approved May 5, 1955.

CHAPTER 77

PERTAINING TO SOIL CONSERVATION DISTRICT
OF SUSSEX COUNTY

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF SUSSEX COUNTY TO MAKE AVAILABLE TO THE BOARD OF SOIL DISTRICT SUPERVISORS OF THE SOIL CONSERVATION DISTRICT OF SUSSEX COUNTY CERTAIN FUNDS FOR THE EMPLOYMENT OF AN EQUIPMENT MANAGER.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the Levy Court of Sussex County is hereby authorized and directed 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 Six Thousand (\$6,000.00) Dollars annually beginning July 1, A. D. 1955.

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 heavy earth moving and related equipment operated by the said District Supervisors of the Soil Conservation District of Sussex County.

Approved May 5, 1955.

CHAPTER 78

PERTAINING TO COLLECTION OF DITCH TAXES

AN ACT TO AMEND CHAPTER 41, TITLE 7, OF THE DELAWARE CODE, PERTAINING TO THE COLLECTION OF TAXES LEVIED BY TAX DITCHES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4175, Title 7, of the Delaware Code is amended to read as follows:

§ 4175. Collection of taxes levied by ditch company; disposition of money

All taxes levied by ditch companies organized under the laws in effect prior to June 1, 1951 shall be collected by the Receiver of Taxes and County Treasurer in the County wherein the District of such ditch company is situated, within a period of 90 days from the date of the warrant referred to in Section 4173 of this title, in the same manner as provided by law for the collection of taxes for other purposes. The money collected, with respect to each Ditch Company, shall be deposited in a bank by him in separate account to the credit of each such Ditch Company, on or before the expiration of 90 days from the date of the warrant. The moneys so collected and deposited shall be withdrawn from the separate accounts only upon warrants drawn by the proper officers of the respective Ditch Companies.

Section 2. This Act shall not take effect as to the Receiver of Taxes and County Treasurer of New Castle and Sussex Counties until the expiration of the term of office of the present holder of said offices, and shall not take effect as to the Receiver of Taxes and County Treasurer of Kent County until the expiration of the term of office of the person elected to that office at the general election held in 1954.

Approved May 10, 1955.

CHAPTER 79

PERTAINING TO COLLECTION OF SCHOOL TAXES BY
RECEIVER OF TAXES AND COUNTY TREASURERAN ACT TO AMEND CHAPTER 84, TITLE 9, OF THE DELA-
WARE CODE, PERTAINING TO THE DUTY OF THE
RECEIVER OF TAXES AND THE COUNTY TREASURER
TO COLLECT SCHOOL TAXES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 8422, Title 9, of the Delaware Code is amended to read as follows:

§ 8422. Collection of School Taxes

The Receiver of Taxes and County Treasurer in each County shall collect all school taxes assessed and levied therein, except as otherwise provided by law.

Approved May 10, 1955.

CHAPTER 80

PERTAINING TO ASSESSMENT AND COLLECTION
OF SCHOOL TAXES**AN ACT TO AMEND CHAPTER 21, TITLE 14, OF THE
DELAWARE CODE PERTAINING TO THE ASSESS-
MENT, LEVY AND COLLECTION OF SCHOOL TAXES.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2116, Title 14, of the Delaware Code, is amended to read as follows:

§ 2116. Assessment, Levy and collection of taxes

A copy of the assessment list, provided for in section 2115 of this title, shall be posted in some public place in the district and the Board shall give notice that the assessment list has been posted and where, and the day, hour and place of the sitting of such Board to hear objections to the assessment. Such notice shall be written or printed advertisements posted in at least five public places in the district five days at least before the sitting of the Board to hear objections to the assessment, and the assessment list shall be posted at least five days prior to the sitting of the Board to hear objections as aforesaid. The School Board of the District shall at the time and place stated in the notice, sit to hear objections to the assessment and may make such corrections and additions as they deem right and proper, but the value of property as shown by the assessment list of the county shall not be changed. After the hearing, the Board shall fix the rate of taxation. Such rate shall be based upon the amount required to be raised by taxation plus 10 per cent for delinquencies and the cost of collection. The School Board of a District shall have the sole power to allow delinquents in taxation for school purposes. The School Board shall then execute its warrant with a duplicate of the assessment list to the Receiver of Taxes and County Treasurer of the county or counties wherein the district is situated. The Board shall at the same time send a copy of the list to the Auditor of Accounts at Dover.

The Receiver of Taxes and County Treasurer shall collect such taxes in the same manner and at the same time as provided by law for the collection of taxes for other purposes. All money so collected shall be paid to the State Treasurer and shall be deposited by him in a separate account in the depository for other school moneys to the credit of the District, and warrants or drafts on the said fund shall be drawn by the School Board of the District and shall be applied only for the purpose of paying interest on said bonds and the payment of said bonds as and when the same shall fall due. The official collecting the tax shall give such additional bond in this behalf as may be required by the State Board of Education and shall serve without further compensation than is provided by law. The cost of the bond shall be defrayed by the State Board of Education.

Section 2. This Act shall not take effect as to the Receiver of Taxes and County Treasurer of New Castle and Sussex Counties until the expiration of the term of office of the present holder of said offices, and shall not take effect as to the Receiver of Taxes and County Treasurer of Kent County until the expiration of the term of office of the person elected to that office at the general election held in 1954.

Approved May 10, 1955.

CHAPTER 81

PERTAINING TO DISPOSITION OF FEES OF
OF COUNTY OFFICERS

**AN ACT AMENDING CHAPTER 91, TITLE 9, OF THE DELA-
WARE CODE, PERTAINING TO THE DISPOSITION OF
AND ACCOUNTING FOR FEES OF COUNTY OFFICERS.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 9108, Title 9, of the Delaware Code is amend-
ed to read as follows:

§ 9108. Disposition of fees

All the fees, costs, allowances and other perquisites which
are taxable and paid to any County Officers for any official
service rendered by any such officer, shall be for the sole use
of the County of such officer, and when received shall be paid
to the Receiver of Taxes and County Treasurer thereof.

Section 2. § 9109, Title 9, of the Delaware Code, is amend-
ed to read as follows:

§ 9109. Duty to account for fees

(a) Every County Officer in each of the counties, shall
collect all fees, costs and allowances by law taxable by or pay-
able to such officer, without any deduction, abatement or remis-
sion, except fees, costs and allowances payable by the County to
such officers, and shall keep in a properly indexed fee book an
itemized account showing the amount of each fee, item of cost
and allowance by law taxable by or payable to such officer, and
the service for which the same was rendered or charged, the
date of payment and the name of the person paying the same.
On or before the fifteenth day in each month, every such officer
shall file with the Receiver of Taxes and County Treasurer and
with the Levy Court of his County an account of all fees, costs
and allowances received by him in the preceding month, which

account shall be so itemized that it may be compared with the fees, costs and allowance as entered in the fee book.

(b) The correctness of the accounts so rendered shall be verified by the affidavit of the officer rendering the same. Each of the officers shall also, on or before the fifteenth day in each month, pay over to the Receiver of Taxes and County Treasurer all the fees, costs and allowances so received from any source, which shall be payable to the Receiver of Taxes and County Treasurer as provided in section 9108 of this title.

Section 3. Any Act or Acts inconsistent with the provision of this Act are hereby repealed to the extent of any such inconsistency.

Section 4. This Act shall not take effect as to the Receiver of Taxes and County Treasurer of New Castle and Sussex Counties until the expiration of the term of office of the present holder of said offices, and shall not take effect as to the Receiver of Taxes and County Treasurer of Kent County until the expiration of the term of office of the person elected to that office at the general election held in 1954.

Approved May 10, 1955.

CHAPTER 82

CHANGING QUALIFICATIONS OF MEMBERS AND
SECRETARIES OF DEPARTMENTS OF ELECTION

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, BY
CHANGING THE QUALIFICATIONS OF MEMBERS OF
DEPARTMENTS OF ELECTION AND THE SECRETAR-
IES THEREOF.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 105, Title 15, Delaware Code, is hereby amend-
ed by deleting on the fifth line thereof the word "a" after the
word "hold", and inserting in lieu thereof the words "or be a
candidate for any Federal,".

Section 2. Title 15, Delaware Code, is hereby amended by
adding a new section reading as follows, to be designated § 118:

No secretary of any Department of Elections shall hold
or be a candidate for any Federal, State or County elective office
during his term of office.

Approved May 10, 1955.

CHAPTER 83

RELATING TO RECORDS OF CLERKS OF THE
ORPHANS' COURT**AN ACT TO AMEND CHAPTER 39, TITLE 12 OF THE
DELAWARE CODE, RELATING TO RECORDS TO BE
KEPT BY THE CLERK OF THE ORPHANS' COURT.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3982 (a), Title 12 of the Delaware Code, is amended to read as follows:

(a) The Clerks of the Orphans' Court of the several Counties shall procure and keep such dockets and books and in such manner as may be prescribed by rule of the Orphans' Court.

Section 2. § 3982 (b) and § 3982 (c), Title 12 of the Delaware Code are repealed.

Section 3. § 3984, Title 12 of the Delaware Code, is repealed.

Approved May 10, 1955.

CHAPTER 84

RELATING TO CERTIFICATES OF AUTHORITY ISSUED
BY INSURANCE DEPARTMENTAN ACT TO AMEND CHAPTER 5, TITLE 18 OF THE
DELAWARE CODE RELATING TO REQUIREMENTS
FOR ISSUANCE OF ORIGINAL OR RENEWED CERTIF-
ICATES OF AUTHORITY OF INSURANCE COMPANIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 504 (3) Title 18 of the Delaware Code is hereby amended by adding thereto a new sub-paragraph (E), which shall read as follows:

(E) If a domestic mutual company organized to transact the business of insuring the payment of the purchase price or proceeds of sales of farm products, including poultry and poultry products, sold to, or through the marketing facilities operated or maintained by, any agricultural organization or organizations, or farmers' association or associations organized and operated on a cooperative basis, such mutual company shall have in force, or bona fide applications for, insurance covering not less than five hundred separate sales, in not less than one hundred separate policies, issued or to be issued to not less than one hundred members of such mutual company and shall have collected in cash at least the full premium on such policies issued or to be issued pursuant to such applications. It shall also deposit with the commissioner good interest-bearing or dividend-paying securities with a market value of at least \$50,000.00, said deposit to remain in trust with the commissioner to be applied toward any default of such mutual company. After such mutual company shall have a cash or invested surplus of at least \$50,000.00, in excess of all liabilities, the commissioner may, upon request of such mutual company, return the deposit so made.

Approved May 10, 1955.

CHAPTER 85

RELATING TO BURIAL GROUND AREA BY THE
STATE WELFARE HOME

**AN ACT TO AMEND CHAPTER 28, TITLE 31 OF THE
DELAWARE CODE BY REQUIRING THE STATE WEL-
FARE HOME TO SET ASIDE AND MAINTAIN A CER-
TAIN AREA FOR THE PURPOSE OF BURIAL OF
BODIES FROM KENT COUNTY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Chapter 28, Title 31 of the Delaware Code is amended by adding a new section, to be designated § 2806, and to read as follows:

§ 2806. Burial ground

The Board shall set aside and maintain a suitable area upon the premises of the State Welfare Home for the burial of bodies in any case where it is incumbent on Kent County to bury a person found dead within the meaning of section 9507 of Title 9.

Approved May 10, 1955.

CHAPTER 86

RELATING TO EMPLOYEES' PENSIONS

AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE CODE, RELATING TO EMPLOYEES' PENSIONS; DISABILITY PENSION BENEFITS; EMPLOYEES RECEIVING COMPENSATION FROM NEW CASTLE COUNTY AND CITY OF WILMINGTON; PENSION BENEFITS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1706 (a), Title 9, Delaware Code, is amended by striking out the numerals "25" in line three of said section and inserting in lieu thereof the numerals "15".

Approved May 10, 1955.

CHAPTER 87

RELATING TO EMPLOYEES' PENSIONS

AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE CODE, RELATING TO EMPLOYEES' PENSIONS; RETIREMENT PENSION BENEFITS; DISABILITY PENSION BENEFITS; EMPLOYEES RECEIVING COMPENSATION FROM NEW CASTLE COUNTY AND CITY OF WILMINGTON; PENSION BENEFITS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1705 (b), Title 9, Delaware Code, is amended by striking out the words "one-sixtieth" as the same appears in line one of said Section and inserting in lieu thereof the words "one-fiftieth".

Section 2. § 1716 (a), Title 9, Delaware Code, is amended by striking out the word "sixty" as the same appears in line six thereof and inserting in lieu thereof the word "fifty".

Approved May 10, 1955.

CHAPTER 88

RELATING TO CITY OF WILMINGTON EMPLOYEES'
RETIREMENT ACT

AN ACT TO AMEND CHAPTER 230, VOLUME 49, LAWS OF
DELAWARE, AS AMENDED, ENTITLED "CITY OF
WILMINGTON EMPLOYEES' RETIREMENT ACT";
PENSION BENEFITS.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch thereof concurring therein):

Section 1. Section 5 of Chapter 230, Volume 49, Laws of Delaware, is amended by striking out the words "one-sixtieth" as the same appears in line five of said Section and inserting in lieu thereof the words "one-fiftieth".

Section 2. Section 15 of Chapter 230, Volume 49, Laws of Delaware, is amended by striking out the word "sixty" as the same appears in line six of said Section and inserting in lieu thereof the word "fifty".

Approved May 10, 1955.

CHAPTER 89

RELATING TO PILOTAGE RATES

AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES, BY INCREASING THE RATES FOR THE PILOTAGE OF VESSELS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 131, Subchapter IV, Chapter 1, Title 23, Delaware Code, is hereby amended by striking out the figures "\$2" in the sixth line and inserting in lieu thereof the figures "\$2.50" and by striking out the figures "\$3" in the seventh line and inserting in lieu thereof the figures "\$3.37½".

Approved May 10, 1955.

CHAPTER 90

RELATING TO PILOTS

AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTS BY PROVIDING FOR AN INCREASE IN THE DRAUGHT OF A SHIP TO BE PILOTED BY A THIRD CLASS PILOT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Section 112, Chapter 1, Title 23, Delaware Code, is amended by striking the numeral "20" from the last line of said section, and by substituting in lieu thereof, the numeral "23".

Approved May 10, 1955.

CHAPTER 91

CREATING A NEW ELECTION DISTRICT IN
NEW CASTLE HUNDRED**AN ACT DIRECTING THE DEPARTMENT OF ELECTIONS
OF NEW CASTLE COUNTY TO CREATE A NEW ELEC-
TION DISTRICT IN NEW CASTLE HUNDRED.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The Department of Elections of New Castle County or any successor of said Department is hereby directed to create a new election district in New Castle Hundred for the following area:

The westerly side of New Castle Avenue between the northern boundary of Garfield Park and the southern boundary of the City of Wilmington to include all the area for a distance of 500 feet west from the center of New Castle Avenue, all of Rose Hill Gardens, and any communities with access to New Castle Avenue between the within stated points.

Approved May 11, 1955.

CHAPTER 92

RELATING TO STATE EMPLOYEES' PENSION PLAN

AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO CERTAIN DEFINITIONS CONTAINED IN THE STATE EMPLOYEES' PENSION PLAN.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 5501, Title 29 of the Delaware Code is amended by striking out the first three paragraphs thereof and inserting in lieu thereof the following:

"Covered Employee" means an employee who shall be in covered employment on the date of retirement who shall have served in covered employment for at least 15 years during the period that ends on the date of retirement. The time spent by State employees in the armed services of the United States, or in the auxiliaries of such services in time of war or when called into Federal service by operation of Federal law, shall be credited to each such employee as time actually spent in covered employment in this State.

Section 2. § 5501, Title 29 of the Delaware Code is further amended by striking out the definition of "Monthly retiring base salary" and inserting in lieu thereof a new definition as follows:

"Monthly retiring base salary" means:

(1) In the case of an employee who qualified for benefits under the provisions of this act, the salary for covered employment paid to the employee for those 60 months of covered employment which are most nearly consecutive and during which the employee received the highest salary or wage divided by 60.

(2) The term "base salary" as used in the term "monthly retiring base salary" shall mean any regular salary or wage as heretofore mentioned; the value of such subsistence, including room and board, which shall have been a part of the employee's regular compensation; and any cost of living salary or wage supplements, provided such were granted without distinction throughout the department, agency, or district, and were in effect for a period of at least one year.

Approved May 11, 1955.

CHAPTER 93

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, RELATIVE TO THE POWER OF THE TOWN COUNCIL OF GEORGETOWN TO BORROW MONEY AND ISSUE BONDS.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch concurring therein):

Section 1. That Section 20 of Chapter 166, Volume 43, Laws of Delaware, is amended by striking out said section and substituting in lieu thereof a new Section 20 as follows:

Section 20. The power or authority to borrow money may be exercised by the Town Council of Georgetown to provide funds for, or to provide for the payment of, any of the following projects or purposes:

(1) Refunding any or all outstanding bonds or other indebtedness of the Town at the maturity thereof or in accordance with any callable feature or provision contained herein;

(2) Meeting or defraying current annual operating expenses of the Town in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees, or other charges due the Town and available, when paid, for meeting or defraying current annual operating expenses of the Town;

(3) Erecting, extending, enlarging, maintaining, and repairing any plant, building, machinery, or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewage or drainage system, or any of them, and the condemning or purchasing of any lands, personal property, easements and rights of way which may be required therefor;

(4) Constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys, and ways and the paving, constructing, laying out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing of any lands, personal property, easements or rights of way which may be required therefor;

(5) Defraying the cost to the Town of any other municipal improvement provided for or authorized or implied by the provisions of this Charter.

In those cases where the power or authority vested in the Town Council of Georgetown is sought to be exercised for the purpose of refunding any or all outstanding bonds or other indebtedness of the Town at a rate of interest equal to or less than the indebtedness thereby sought to be refunded and in all instances provided for in subparagraph "2" above, it shall not be necessary for the Town Council of Georgetown to call a special election of the taxables of the Town to secure their approval of such borrowing.

In all other instances the power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any other purpose or purposes above specified shall be only exercised in the following manner:

The Town Council of Georgetown shall adopt a resolution proposing unto the electors of the Town that money be borrowed by the Town for any of the above named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

(1) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

(2) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

(3) The manner in which it is proposed to be secured;

(4) The manner in which it is proposed that it shall be paid, or funded, or both;

(5) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

(6) A statement of the time and place for a public hearing upon the resolution, whereat the Town Council of Georgetown shall vote upon the final authorization on for the loan.

It shall then be the duty of the Town Council of Georgetown to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper published in said Town at least one week before the time fixed for said hearing and by posting copies thereof in five public places throughout said Town at least one week before the time fixed for said hearing.

At the time and place mentioned in such notice, the Town Council of Georgetown shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the Town Council of Georgetown, then the Town Council of Georgetown shall pass a second resolution ordering and directing that a Special Election be held in the Town not less than thirty (30) days nor more than sixty (60) days (as may be determined by the Town Council of Georgetown) after the date of the hearing and passage of the resolution authorizing the loan by the Town Council of Georgetown.

The Town Council of Georgetown shall give notice of the time and place for holding the said Special Election to all the taxables of the Town by posting notices thereof in five public places in said Town at least two weeks prior to the day fixed for the holding of such Special Election and by publishing a copy of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper

published in said Town. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat the Town Council of Georgetown shall vote upon the final authorization for the loan.

The Special Election shall be conducted by the Election Board as herein provided in the case of an annual election.

At least five days prior to the date of the Special Election, the Town Council of Georgetown shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots; upon one-half of which ballots shall be printed the words "FOR THE PROPOSED BORROWING", and upon the other half of said ballot shall be printed the words "AGAINST THE PROPOSED BORROWING".

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote for every dollar and fractional part of a dollar of real property and personal or per capita taxes paid by him during the taxable year next preceding said Special Election and also every owner of real property, whether individual, partnership or corporation, shall have one vote for every dollar or part of a dollar of tax paid upon such real property during the taxable year next preceding said Special Election. Votes at said Election may be cast either in person or by proxy and where a given real property is owned by more than one person each parcener shall be entitled to cast as many votes as his, her or its interest in the real property is related to the total number of votes which may be cast in the name of all owners of such real property, excepting in cases where real property is held by husband and wife as tenants by the entireties. In such latter cases either the husband or wife or the proxy of either of them may cast the entire votes representative of the tax paid upon such real property, depending upon which shall first present himself or herself at the polling place.

No proxy shall be voted or counted unless the same shall have been signed in the presence of at least two witnesses.

The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he, the said Inspector, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting said ballot.

Immediately upon the closing of the polls the Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such certificate, in duplicate, to the Town Council of Georgetown. One copy of the certificate the Town Council of Georgetown shall enter in the minutes of the next meeting of the Town Council of Georgetown and the other copy thereof shall be filed with the papers of the Town.

The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the Town Council of Georgetown. The bond or bonds or certificates of indebtedness shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of said Town and otherwise if the Town Council of Georgetown shall deem it necessary, at least fifteen and not more than thirty days before offering the same for sale: Provided, that money may be borrowed to meet current operating expenses as hereinbefore provided by subsection 2 of the first paragraph hereof, at public or private sale, without first advertising the offer of any such bonds or certificates of indebtedness for sale.

All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be advertised and sold in whole or in part, from time to time, and until the entire authorized issue be disposed of, as the Town Council of Georgetown may deem most advisable.

The Town Council of Georgetown shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may thereafter become due thereupon and, in a proper case, it shall also provide a sinking fund therefor.

Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the Town of Georgetown shall be deemed to be pledged for the due payment of any such bond or bonds or certificates or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefor.

The bonded indebtedness shall not at any one time in the aggregate exceed the total of 15 per centum of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

Approved May 13, 1955.

CHAPTER 94

INCREASING SALARY OF NEW CASTLE COUNTY
CORONER

**AN ACT TO AMEND CHAPTER 95, TITLE 9 OF THE DELA-
WARE CODE BY RAISING THE SALARY OF THE
CORONER IN NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. That § 9501 (1) Chapter 95, Title 9 of the Delaware Code be and the same is hereby amended by striking out and repealing the words and figures "In New Castle County, \$2,700." and enacting and substituting in lieu thereof the words and figures "In New Castle County, \$3,600."

Approved May 16, 1955.

CHAPTER 95

AUTHORIZING LEVY COURT OF NEW CASTLE COUNTY
TO APPROPRIATE COUNTY MONEYS TO CERTAIN
FIRE COMPANIES FOR MAINTENANCE OF
RESCUE SQUADS

AN ACT AUTHORIZING THE LEVY COURT OF NEW
CASTLE COUNTY TO APPROPRIATE COUNTY MONEYS
TO THE WILMINGTON MANOR FIRE COMPANY, THE
GOOD WILL FIRE COMPANY, THE ELSMERE FIRE
COMPANY AND THE AETNA HOOK, HOSE AND LAD-
DER COMPANY FOR THE MAINTENANCE OF A RES-
CUE SQUAD.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The Levy Court of New Castle County shall
and is hereby authorized and directed to appropriate the sum
of Five Hundred (\$500.00) Dollars annually to each of the
following Fire Companies to be used in the maintenance of its
rescue squad:

Wilmington Manor Fire Company

Good Will Fire Company

Elsmere Fire Company

Aetna Hook, Hose and Ladder Company

The said sum of Five Hundred (\$500.00) Dollars, to each,
shall be paid by the Levy Court of New Castle County to the
said Wilmington Manor Fire Company, Good Will Fire Com-
pany, Elsmere Fire Company and the Aetna Hook, Hose and
Ladder Company on the first day of May of each year.

Approved May 16, 1955.

CHAPTER 96

PROVIDING FOR RETURN OF FUNDS TO UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

AN ACT TO PROVIDE FOR THE RETURN OF CERTAIN FUNDS TO THE UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND.

WHEREAS, the sum of \$722.50 which had been advanced to the Merit System from the Unemployment Compensation Administration Fund was paid into the General Fund of the State of Delaware on June 30, 1951, as if such sum were State funds subject to reversion, and

WHEREAS, Unemployment Compensation funds are not subject to reversion, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Treasurer is hereby authorized and instructed to repay to the Unemployment Compensation Administration Fund the sum of \$722.50 from the General Fund of the State of Delaware.

Approved May 16, 1955.

CHAPTER 97

CLAIM OF OTTO D. ZACHARIAS

AN ACT APPROPRIATING CERTAIN MONEYS TO OTTO D. ZACHARIAS, TRADING AS LEWIS HARDWARE STORE, IN PAYMENT OF THE CLAIM OF THE SAID OTTO D. ZACHARIAS AGAINST THE STATE OF DELAWARE FOR MERCHANDISE SUPPLIED TO THE STATE HIGHWAY DEPARTMENT.

WHEREAS between July 20, 1950 and November 30, 1950, Otto D. Zacharias, trading as Lewis Hardware Store, supplied to the State Highway Department of the State of Delaware merchandise consisting of hardware, at the request of and upon purchase orders of the State Highway Department. All of said merchandise has been delivered to either Georgetown or Gravel Hill, and

WHEREAS Mr. Otto D. Zacharias has been trying to collect this bill from the State Highway Department since 1950 but the said Department has failed to pay the bill, and

NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the State Treasurer be and he is hereby directed and authorized to pay to Otto D. Zacharias, trading as Lewis Hardware Store, the sum of Two Thousand Two Hundred Eighty-three Dollars and Four Cents (\$2,283.04) in payment of the balance due Otto D. Zacharias, trading as Lewis Hardware Store, for merchandise purchased and delivered to the State Highway Department.

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 May 16, 1955.

CHAPTER 98

APPROPRIATION

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 RE-PAYMENT 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 Boards 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 be 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 General Assembly of the State of Delaware:

Section 1. There is appropriated to the State Soil Conservation Commission the sum of Eighty Thousand Dollars (\$80,000.00) for the purchase of heavy earth-moving and other machinery and equipment needed in the soil conservation work of the State.

Section 2. 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. 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 money 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 re-payments on account of the total amount allocated for use in a certain Soil Conservation District and shall be deposited to the credit of the General Fund.

Section 6. 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. Until all loans made against this appropriation and previous appropriations for the purchase of earth-moving and other machinery and equipment have been paid in full, such loans shall be considered a lien against said equipment by the State of Delaware and shall be satisfied before the sale of such equipment may be made by the County Board of Soil Supervisors.

Section 8. The funds hereby appropriated shall become available on the first day of July, A. D. 1955, and shall be available for use as herein provided for a period of Ten (10) 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 9. 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 118th 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 16, 1955.

CHAPTER 99

INCREASING COMPULSORY RETIREMENT AGE OF
STATE EMPLOYEES**AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE
DELAWARE CODE BY INCREASING THE COMPUL-
SORY RETIREMENT AGE OF COVERED EMPLOYEES
OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. That § 5521 (b) Chapter 55, Title 29 of the Delaware Code be and the same is hereby amended by striking out and repealing the words and figures "70 years" and substituting and enacting in lieu thereof the words and figures "75 years".

Approved May 16, 1955.

CHAPTER 100

RELATING TO DOG AND KENNEL LICENSE FEES

**AN ACT TO AMEND CHAPTER 17, TITLE 7 OF THE
DELAWARE CODE RELATING TO DOG AND KENNEL
LICENSE FEES.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1701, Title 7 of the Delaware Code is amended by adding at the end thereof subsections (e), (f) and (g) which shall read as follows:

(e) All moneys received from the license taxes on dogs and kennels shall be deposited at least monthly by the Board of Game and Fish Commissioners with the State Treasurer, to be retained by him until expended upon proper vouchers of the Board only for the purpose of dog law management, including payment of poultry and livestock claims authorized in section 1709.

(f) All moneys received from fines assessed upon violations of this chapter shall be deposited at least monthly by the Board of Game and Fish Commissioners with the State Treasurer, to be retained by him until expended upon proper vouchers of the Board only for the purpose of dog law management, including payment of poultry and livestock claims authorized in section 1709.

(g) The above earmarked funds shall be spent only for dog law management, any unexpended funds remaining six months after the end of the calendar year in which they were collected, shall revert to the General Fund of the State of Delaware.

Section 2. The provisions of this Act shall become effective on July 1, 1955 except that the earmarking of dog and kennel license taxes and fines shall be retroactive to January 1, 1955.

Approved May 16, 1955.

CHAPTER 101

RELATING TO STATE BANK COMMISSIONER

A BILL TO AMEND TITLE 5, CHAPTER 1, DELAWARE CODE, 1953, RELATING TO THE STATE BANK COMMISSIONER BY PROVIDING THAT THE TRUSTEES OF CERTAIN OIL ROYALTY AND SIMILAR TRUSTS SHALL BE UNDER THE SUPERVISION OF THE STATE BANK COMMISSIONER; PROVIDING FOR THE PAYMENT OF FEES TO THE STATE BANK COMMISSIONER FOR EXAMINATION; AND PROVIDING PENALTIES FOR FAILURE TO REPORT AND SUBMIT TO EXAMINATION.

WHEREAS certain regulations of the United States Securities and Exchange Commission, pursuant to the provisions of the United States Securities Act of 1933, as amended, require that trust indentures creating and governing oil royalty trusts shall provide that the fiduciary or trustee shall by statute be subject to the supervision of some Federal, State or territorial banking commission, or some body or official having similar supervisory powers; and

WHEREAS it is desirable and in the public interest that fiduciaries or trustees of oil royalty trusts, as herein defined, doing business in the State of Delaware shall be corporations organized under Delaware law and shall be under the supervision of and subject to examination by the State Bank Commissioner.

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

Section 1. That Chapter 1, Title 5, Delaware Code, 1953, be and the same hereby is amended by adding at the end of said chapter new sections to be known and designated as § 136 and § 137 as follows:

§ 136. No person, association of persons, firm or corporation shall engage in or transact the business of acting as a fiduciary or trustee of oil, gas or mineral leasehold interests or

rights, or of fractional, undivided interests in oil, gas or mineral rights within the State of Delaware, under trust agreements or indentures made and entered into after the effective date of this Act except corporations organized and existing under Delaware law, and engaged in the business of acting as a fiduciary or trustee of oil, gas or mineral leasehold interests or rights, or of fractional, undivided interests in oil, gas or mineral rights within the State of Delaware for at least ten years. All such corporate fiduciaries or trustees shall be under the supervision of the State Bank Commissioner of the State with respect to each such trust and shall, with respect to each such trust, make not less than two reports during each year to the Commissioner, according to the form which shall be prescribed by him, and verified in the manner required by him. All such fiduciaries or trustees shall, in respect to each such trust, be subject to the supervision of and examination by the State Bank Commissioner in the same manner as is provided by Title 5, § 2107 of this Code with respect to small loan businesses. All such fiduciaries or trustees shall pay to the State Bank Commissioner fees for examination as to each such trust of which it is fiduciary or trustee computed on the basis set forth in Title 5, § 127 hereof, as amended, with respect to banks and other financial institutions, and, in the determination of the fee to be paid in respect of each such trust, "assets" shall mean the value of the corpus of each such trust determined by the aggregate face value of certificates or other evidence of beneficial interest issued and outstanding.

§ 137. Any such fiduciary or trustee who shall fail to submit to examination by the State Bank Commissioner or who shall fail to make a report to the State Bank Commissioner, as required by § 136 hereof and the order of the Commissioner, shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit and pay a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) for each such offense. Each day's continuance in business within the State of Delaware as such fiduciary or trustee with respect to any such trust, from and after the date of the failure or refusal of any such fiduciary or trustee to comply with any written demand of the State Bank Commissioner for any report, or that such fiduciary or trustee submit to examination by the State Bank Commissioner on a day certain, as required by § 136

of this Chapter, shall be deemed a separate offense under this section.

The State Bank Commissioner may, if his examination discloses fraud in the operation of the corporation, apply to the Court of Chancery for an order to show cause why the corporation should not be discharged from his supervision.

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

Approved May 16, 1955.

CHAPTER 102

RELATING TO VOCATIONAL EDUCATION

AN ACT TO AMEND CHAPTER 33, TITLE 14, DELAWARE CODE, ENTITLED "VOCATIONAL REHABILITATION AND EDUCATION" TO CLARIFY THE DUTIES OF THE STATE BOARD OF VOCATIONAL EDUCATION AND TO FACILITATE FEDERAL AID.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 33, Title 14, Delaware Code, is amended by changing the title thereof to read as follows:

CHAPTER 33

VOCATIONAL EDUCATION AND VOCATIONAL REHABILITATION

Section 2. § 3304, Title 14, Delaware Code, is amended by changing the title thereof to read as follows:

§ 3304. Duties of State Board for Vocational Education—Rehabilitation Division

Section 3. § 3308, Title 14, Delaware Code, is amended to read as follows:

§ 3308. Acceptance of Federal Vocational Education Acts

The State of Delaware accepts the benefits of the Smith-Hughes Vocational Education Act, passed by Congress, and approved February 23, 1917 (chapter 114, 39 Stat. 929), and amendments thereto, and of the Vocational Education Act of 1946, also known as the George-Barden Act, passed by Congress, and approved August 1, 1946 (chapter 725, 60 Stat. 775). In accepting such benefits, the State of Delaware will observe and comply with the requirements of such Acts and amendments thereto. The State Treasurer shall be the custodian of any funds

accruing to the State from the aforesaid acts and shall make disbursements therefrom upon the order of the State Board for Vocational Education.

Section 4. § 3309, Title 14, Delaware Code is amended to read as follows:

§ 3309. Cooperation with U. S. Office of Education

The State Board for Vocational Education shall cooperate with the U. S. Office of Education in the Department of Health, Education, and Welfare in the administration of the provisions of this chapter.

Section 5. Chapter 33, Title 14, Delaware Code is amended by adding a new section to read as follows:

§ 3310. Duties of State Board for Vocational Education—Vocational Education Division

The State Board for Vocational Education shall—

(1) Be responsible for the preparation of a State Plan for Vocational Education and the execution of its provisions;

(2) Be responsible for the disbursement of vocational funds received from the U. S. Government and the State of Delaware; the vocational funds to be disbursed to the school districts and to the State Treasurer as determined by the State Board for Vocational Education;

(3) Appoint and provide for the compensation of all personnel necessary to administer this program;

(4) Prescribe rules and regulations governing the qualifications and certification of teachers of vocational education in the State;

(5) Prescribe the minimum amounts necessary to be allocated by the various school districts for vocational education programs, in order to comply with the standards set forth in the State Plan for Vocational Education;

(6) Report annually on the administration of this program, as a part of the Annual Report of the State Department of Public Instruction.

Approved May 16, 1955.

CHAPTER 103

PROVIDING FOR OPTIONAL TEN OR TWELVE MONTH
SALARY PAYMENT PLAN FOR TEACHERS**AN ACT AMENDING CHAPTER 7 AND CHAPTER 13, TITLE
14, DELAWARE CODE, BY PROVIDING AN OPTIONAL
TEN OR TWELVE MONTH SALARY PAYMENT PLAN
FOR TEACHERS EMPLOYED ON TEN MONTH CON-
TRACT.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 743 (b), Title 14, Delaware Code, is amended to read as follows:

(b) The annual salaries of principals and teachers shall be paid in ten (10) or twelve (12) equal monthly payments, each such payment to be made within ten (10) days after the end of a month for which a payment shall be due, by the State Treasurer on order of the Board of School Trustees, signed by the chairman and clerk of the Board, and in accordance with the provisions set forth in chapter 13 of this Title.

Section 2. Chapter 13, Title 14, Delaware Code, is amended by adding a new section thereto as follows:

§ 1317. Method of salary payments

Teachers and principals who are employed for ten months per year shall have the option of being paid in ten (10) or twelve (12) equal monthly payments, provided that such employees shall indicate their preference at the time of signing their contract for the ensuing school year and that the method of salary payment so designated shall not be changed during the period of the aforementioned contract.

Approved May 16, 1955.

CHAPTER 104

RELATING TO UNEMPLOYMENT COMPENSATION LAW

AN ACT AMENDING CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO PAYMENT OF EMPLOYER'S CONTRIBUTIONS UNDER UNEMPLOYMENT COMPENSATION LAW; LIMITATION OF ACTIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3345, Title 19, Delaware Code, is amended by adding at the end thereof a new sentence to read as follows:

"Except in the case of a false or fraudulent report with intent to evade tax, the amount of contributions imposed by this Act shall be assessed within four years after the date of the filing of the report required by this chapter with respect to such contributions, and no civil action or other proceeding to enforce the payment of such contributions shall be commenced more than four years after the date of the filing of such report."

Approved May 16, 1955.

CHAPTER 105

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE PROVISIONS FOR PAVING OF SIDEWALKS.

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

Section 1. Section 53 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out all of said section and by inserting in lieu thereof a new section 53 as follows:

Section 53. PAVING OF SIDEWALKS:—Whenever the Council shall determine that public convenience or necessity requires the paving of sidewalks or walkways abutting, lying along side of, or forming a part of any public street, it shall notify the City Engineer, who shall cause said sidewalks or walkways to be paved with such materials as may be required. The cost of said paving shall be assessed by the Council against the owners of the land on which said sidewalks are situate or against the owners of the land abutting said sidewalks as the case may be, said assessment being based on the number of lineal feet, each lineal foot being assessed alike. In determining the cost of said paving, any cost involved in bringing the land up to grade or reducing it to grade shall be borne by the City and shall not be charged against the property owners, provided, however, that in bringing property up to grade or reducing it to grade for the purpose of paving, the City shall be under no responsibility or liability to the property owners for changes in drainage which may be caused by said change in grading. After the said assessment has been approved by Council, the Treasurer of the City of Newark shall present to said owners of such lands a bill showing the expense of said paving, and the amount of said bill shall be a lien and shall be entered as a lien in the municipal lien docket and shall have the same priority and be collectible in the same manner as municipal property taxes.

The City Engineer may upon the application of any property owner grant him permission to pave the sidewalk or walkway on or abutting his property, providing, however, that any such paving must comply with the standards of material, workmanship, and time of commencement and/or completion prescribed for paving done by the City of Newark.

Nothing herein shall authorize assessment against the rights-of-way or road beds of railroad corporations, exempted by Title 9, Section 8108, Delaware Code, for the construction of sidewalks abutting said exempted rights-of-ways or roadbeds.

Approved May 16, 1955.

CHAPTER 106

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY PERMITTING THE ASSESSOR TO USE THE COUNTY ASSESSMENT LIST.

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

Section 1. Section 46 of Chapter 152 of Volume 48, Laws of Delaware, is amended by inserting between the first and second sentences of the first paragraph thereof the following words:

It shall be lawful for the Assessor to enter into an agreement with the Board of Assessment for New Castle County to inspect and copy, or to obtain copies of, the assessments made for County purposes. If, in the opinion of the Assessor, such County assessment makes a true, just and impartial evaluation, then the Assessor may adopt such County assessment for municipal purposes; provided, however, that such adoption shall not preclude the Assessor from modifying the County assessment list to take into account new construction or changes in use or ownership not reflected in the County assessment list.

Approved May 16, 1955.

CHAPTER 107

APPROPRIATION

WILLIAM W. M. HENRY SCHOOL

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
THE BOARD OF SCHOOL TRUSTEES OF THE WILLIAM
W. M. HENRY COMPREHENSIVE HIGH SCHOOL.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Two Thousand Nine Hundred Eleven Dollars and ninety cents (\$2911.90) is hereby appropriated to the Board of School Trustees of the William W. M. Henry Comprehensive High School to defray unforeseen operational expenses during the fiscal year ending June 30, 1955.

Section 2. This Act is a Supplementary Appropriation, and the money hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved May 16, 1955.

CHAPTER 108

SEAFORD

AN ACT TO AMEND THE CHARTER OF THE CITY OF SEAFORD BY PERMITTING THE CITY COUNCIL TO POST THE ASSESSMENT LIST WITHIN SIXTY (60) DAYS AFTER RECEIVING THE SAME FROM THE BOARD OF ASSESSMENT RATHER THAN WITHIN FIVE (5) DAYS.

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

Section 1. Chapter 184, Volume 43, Laws of Delaware, 1941, as amended, is further amended by striking out and deleting the word "five" as the same appears in the first line of subparagraph (C), Section 23, and by inserting in lieu thereof the word "sixty".

Approved May 16, 1955.

CHAPTER 109

SEAFORD

AN ACT TO AMEND THE CHARTER OF THE CITY OF SEAFORD BY DELETING THE REQUIREMENT THAT THE AUDITOR'S REPORT MUST BE PRINTED OR PUBLISHED OR POSTED AT LEAST TEN DAYS PRIOR TO THE ANNUAL ELECTION.

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

Section 1. Chapter 184, Volume 43, Laws of Delaware, 1941, as amended, is further amended by striking out and deleting the words "at least ten days" as the same appear in the last line of Section 19.

Approved May 16, 1955.

CHAPTER 110

HOUSTON

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOUSTON, CHAPTER 240, VOLUME 27, LAWS OF DELAWARE, WITH RESPECT TO THE ELECTION OF COMMISSIONERS AND MEETINGS THEREOF.

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

Section 1. Section 4, Chapter 240, Volume 27, Laws of Delaware, is hereby amended by adding after the first paragraph thereof the following new paragraph:

On the last Saturday in February two (2) Commissioners shall sit at the schoolhouse between the hours of 2:00 and 4:00 P. M. to accept the names of candidates for election to the Board of Commissioners.

Section 2. Section 4, Chapter 240, Volume 27, Laws of Delaware, is hereby further amended by striking out the second sentence of the second paragraph of said Section as originally enacted, said sentence beginning with the words "At every such election" and ending with the words "entitled to a vote", and inserting in lieu thereof the following sentence:

At every such election every resident of said town who is above the age of 21 years, and who has paid the town tax last assessed against him or her, shall be entitled to a vote.

Section 3. Section 5, Chapter 240, Volume 27, Laws of Delaware, is hereby amended by striking out the first 25 words of said Section, from the first word "That" to and including the word "December", and inserting in lieu thereof the following words:

There shall be twelve (12) stated meetings of the said Commissioners in every year, viz: on the last Wednesday in each month.

Approved May 16, 1955.

CHAPTER 111

HOUSTON

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
HOUSTON, CHAPTER 240, VOLUME 27, LAWS OF
DELAWARE, WITH RESPECT TO TOWN POLICE.**

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

Section 1. Section 13, Chapter 240, Volume 27, Laws of
Delaware, is hereby amended to read as follows:

Section 13. The Commissioners are authorized to appoint
town police officers, who shall compel obedience to the ordinances
of the town and the laws of the State. Each town police officer
shall be vested with all the power and authority of a constable
of Kent County within the town limits and within one (1) mile
outside said limits, and in the case of the pursuit of an offender
his power and authority shall extend to all parts of the State of
Delaware.

Approved May 16, 1955.

CHAPTER 112

RELATING TO EMPLOYEES PENSIONS IN
NEW CASTLE COUNTY**AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE
CODE, RELATING TO EMPLOYEES PENSIONS IN
NEW CASTLE COUNTY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 17, Title 9, Delaware Code, is amended by adding a new section thereto to be known as Section 1717.
§ 1717.

(a) In the event that the employees of the Levy Court of New Castle County shall become eligible for the benefits of the Federal Social Security Act, the amount to which the employee upon retirement shall be eligible to receive under the provisions of this Act shall be reduced by an amount equal to the benefits payable under the Federal Social Security Act.

(b) The County Treasurer may require submission by any covered employee or pensioner of such information or such documents as he shall find necessary for the proper administration of this chapter. Where he has reason to believe that an applicant for pension or a pensioner may be eligible for old age insurance benefits under the Federal Social Security Act, the County Treasurer shall require that evidence of application and of notice of award under the Federal Social Security Act shall be submitted promptly to him. Failure to make such submission shall result in postponement of any pension payments under this chapter until these requirements have been met. An initial or amended award of benefits under the Federal Social Security Act shall be promptly reported by the pensioner to the County Treasurer. Wilful withholding of information as to receipt of Federal Social Security benefits by a pensioner in order to increase the amount of his pension shall cause him to forfeit all his rights and benefits under this chapter.

Approved May 16, 1955.

CHAPTER 113

LAUREL

**AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF
DELAWARE, BEING THE CHARTER OF THE TOWN OF
LAUREL, IN RELATION TO CAPITATION TAXES.**

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

Section 1. The first paragraph of Section 33, Chapter 277, Volume 49, Laws of Delaware, is amended to read as follows: "Real property and interests therein, situated within the limits of the Town, shall be subject to taxation. Every person resident within the limits of the Town between the ages of twenty-one years and sixty-five years shall be subject to a capitation tax to be fixed by the Council".

Approved May 16, 1955.

CHAPTER 114

RELATING TO BORROWING POWER OF SUSSEX
COUNTY LEVY COURT**AN ACT TO AMEND CHAPTER 61, TITLE 9, DELAWARE
CODE, RELATING TO THE BORROWING POWER OF
THE LEVY COURT OF SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 6111, Title 9, Delaware Code, is amended to
read as follows:

§ 6111. Borrowing power; limitations

(a) The Levy Court of Sussex County may, from time to time borrow money in such amounts as it may find necessary promptly to pay the County warrants issued by it, and may issue certificates of indebtedness as evidence thereof; provided, however, that the amount of money borrowed shall not, at any one time, exceed the sum of \$300,000.

(b) Any money so borrowed shall be applied to the particular fund for which it shall be borrowed, and shall be repaid from the taxes apportioned to such funds, as the taxes shall be collected. If the taxes apportioned to any fund, as to which money shall be borrowed, shall not in any year, be sufficient to repay such money, the deficiency shall be considered in making up the annual budget or estimate for the next year, and a tax rate shall be levied and apportioned sufficient to equalize such deficiency.

Approved May 16, 1955.

CHAPTER 115

RELATING TO UNEMPLOYMENT COMPENSATION

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION: TO MODIFY DEFINITION OF "EMPLOYER", TO CHANGE DEFINITION OF "EMPLOYING UNIT", TO DEFINE "WORK", TO PROVIDE BENEFITS IN CASE OF ILLNESS OR DISABILITY UNDER CERTAIN CONDITIONS, TO CHANGE CERTAIN DISQUALIFICATIONS FOR BENEFITS, TO CHANGE PROVISIONS RELATING TO VARIATIONS FROM THE STANDARD TAX RATE, TO PROVIDE FOR ORDER OF CREDITING EMPLOYER CONTRIBUTION PAYMENTS AND TO PROVIDE FOR JEOPARDY ASSESSMENTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3302 (8) (G), Title 19, Delaware Code, is amended to read as follows:

(8) (G). Although not an employer by reason of any other paragraph of this subsection, for which within either the current or preceding calendar year service in employment is or was performed with respect to which such employing unit is liable for any Federal tax against which credit may be taken for contributions required to be paid into a State unemployment fund.

Section 2. § 3302 (9), Title 19, Delaware Code, is amended to read as follows:

(9) (A) "Employing Unit" means any individual or type or organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing

services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all other purposes of this chapter.

(B) Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work, which is part of its usual trade, occupation, profession, or business, such employing unit shall for all the purposes of this chapter be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such work and shall be liable for the employer contributions with respect to wages paid to such individuals by such contractor or subcontractor, except that any employing unit which becomes liable for and pays contributions with respect to individuals in the employ of any such contractor or subcontractor may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, providing the employing unit had actual or constructive knowledge of the work.

Section 3. § 3302, Title 19, Delaware Code, is amended by adding at the end thereof a new subsection designated (19), as follows:

(19). "Work" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

Section 4. § 3314 (3), Title 19, Delaware Code, is amended by substituting a comma for the semi-colon at the end thereof and adding the following additional phrase:

but no claimant shall be considered ineligible in any week of unemployment for failure to comply with this subsection

(3) if such failure is due to an illness or disability which occurs after he has registered for work and no work which would have been considerable suitable at the time of his initial registration has been offered after the beginning of such illness or disability. The Commission shall require the submission of a doctor's certificate to establish the existence of such illness or disability, and thereafter the Commission shall require a doctor's certificate not less than once every four weeks to establish any continuation of such illness or disability.

Section 5. § 3315 (1) and (2), Title 19, Delaware Code, are amended to read as follows:

(1). For the period of unemployment next ensuing after he has left his work voluntarily without good cause attributable to such work. However, if an individual has left his work involuntarily because of illness, no disqualification shall prevail after he becomes able to work and available for work and meets all other requirements under this title, but the Commission shall require a doctor's certificate to establish such availability. Benefit wages related to wage credits earned in such work voluntarily left, if employment under this title, shall not be considered in determining the future contribution rate of any individual employer under sections 3349-3356 of this title.

(2). For the period of unemployment next ensuing after an individual has been discharged from his work for just cause in connection with his work. Benefit wages related to wage credits earned in such work, if employment under this title, shall not be considered in determining the future contribution rate of any individual employer under sections 3349-3356 of this title.

Section 6. § 3315, Title 19, Delaware Code, is amended by adding a subsection known as Section 3315 (9), as follows:

(9). If it shall be determined by the Commission, that total or partial unemployment is due to pregnancy, but, in any event, no woman shall be eligible to receive benefits within 8 weeks before expected childbirth and within 6 weeks after the date of childbirth, and the Commission may require a doctor's certificate to establish such dates.

Section 7. § 3349, Title 19, Delaware Code, is amended to read as follows:

§ 3349. General limitations on reduction of standard rate

(a). For the purpose of this section:

(1) "Computation date" means October first of any year.

(2) "Experience year" means the four consecutive calendar quarter periods beginning on October 1 of any year and ending on September 30 of the following year.

(b). No employer's rate shall be reduced below the standard rate for any calendar year unless and until he has had employment in each of the four consecutive experience years immediately preceding the computation date, and no employer shall be eligible for a reduced rate if he has reported no employment for five or more consecutive calendar quarters in such four experience years.

(c). No employer's rate shall be less than the standard rate for any calendar year unless the balance to the credit of this State in the fund as of September 30 of the preceding calendar year shall have been equal to or in excess of the highest amount of benefits paid in any previous completed calendar year.

Section 8. § 3350, Title 19, Delaware Code, is amended by striking out § 3350, up to and including subsection (4) thereof, and by inserting instead the following:

§ 3350. Variations from standard rate

Prior to the calendar year 1954, each employer's rate for any calendar year shall be determined on the basis of his record as of December 31 of the preceding calendar year. For the year 1954 and each calendar year thereafter, each employer's rate for any calendar year shall be determined on the basis of his record as of September 30 of the preceding calendar year.

Variations from the standard rate of contributions shall be determined in accordance with the following requirements:

(1). When, in any benefit year, an employee is first paid benefits for total or partial unemployment, his wages during his base period shall be termed the "employee's benefit wages", and shall be treated, for the purposes of this subsection, as though they had been earned in the experience year in which such first benefit is paid. Wages paid by any individual employer to an employee during the first 90 days such employee is in employment for him shall not be considered in determining benefit wages if the said employee is rated as "disabled" by the United States Veterans Administration or as "handicapped" by the State Board of Vocational Education.

(2). The "employer's benefit wages" for any experience year shall be the total of the employee benefit wages of all of such employer's employees or former employees.

(3). The "benefit wage ratio" of each employer shall be the percentage obtained by dividing the total of his benefit wages for the most recent three completed experience years by his total payroll subject to contributions for the same three experience years as shown on his contribution reports.

(4). For any calendar year, the "state experience factor" shall be the term used for the total benefits paid from the fund during the most recent three completed experience years, less all amounts credited to the fund in such experience years other than employer's contributions, divided by the total of the benefit wages of all employers during the same three years. In such computation, any fraction shall be adjusted to the nearest multiple of 1%.

Section 9. § 3350 (6), Title 19, Delaware Code, is amended to read as follows:

(6). No employer's rate for the period of 12 months commencing January first of any calendar year shall be less than 2 7/10% unless all contributions due on Wages paid for employment for such employer during pay periods ending prior to

June 30 of the preceding year have been paid by September 30 of such preceding year. If such contributions due are paid after June 30 of the preceding year but prior to or on the last day of any calendar quarter of any calendar year, such employer's contribution rate for contributions on wages paid for employment for such employers during pay periods in the said calendar quarter, and for wages paid for employment for such employer during pay periods in all succeeding calendar quarters in such calendar year, shall be the contribution rate determined for such employer under the provisions of paragraph (5) of this section.

Section 10. The last sentence of § 3350 (7), Title 19, Delaware Code, is amended to read as follows:

In computing an employer's contribution rate for any calendar year, credits may be used only in connection with rehires of claimants whose benefit years ended no later than June 30 of the calendar year immediately preceding.

Section 11. § 3353, Title 19, Delaware Code, is amended to read as follows:

§ 3353. Transfer of experience from predecessor to successor employer

(a). Transfers of employment and benefit wage experience from a predecessor to a successor employer are recognized if there is a substantial continuity of ownership and management by the successor of the business of the predecessor. The successor employer need not have been previously subject to this title in order to obtain such a transfer. No reduced rate will be permitted unless both the predecessor and successor employers have met the requirements of section 3350 (6) if applicable.

(b). When any employer acquires the experience of one or more employers and all employers had identical rates, the employer also acquires for the remainder of the calendar year the contribution rate of the predecessor employer or employers.

(c). When any employer acquires the experience of one or more other employers, and all employers did not have identical rates, the experience of the successor employer and the predecessor employer or employers shall be consolidated for the three experience years immediately preceding the date of transfer, and a new Benefit Wage Ratio computed on the total experience of all such employers. Effective upon the date of transfer, a contribution rate shall be issued which will continue in effect for the remainder of the calendar year. For the succeeding year and thereafter, the Benefit Wage Ratio shall be computed on such consolidated experience.

(d). The Commission shall by regulation prescribe the evidence required to prove that a successor employer may be entitled to the experience of a predecessor employer under this section.

Section 12. Chapter 33 of Title 19, Delaware Code, is amended by adding at the end thereof two new sections to be designated as § 3366 and § 3367, as follows:

§ 3366. Order of crediting payments on account

Any payment on account by an employer on contributions, interest and penalties due shall be credited against the oldest outstanding indebtedness, in the following order: First, penalties; second, interest; third, contributions.

§ 3367. Jeopardy Assessments

If the Executive Director has reason to believe that the collection of any contributions imposed under this title will be jeopardized in any case in which an employer is delinquent in payment of contributions due under this title, or has discontinued or is about to discontinue business in Delaware, or such business is of a temporary or seasonal nature, the Executive Director may require reports of wages of workers and of contributions due, and payment of such contributions, for periods less than calendar quarters, and prior to regular stated due dates.

Approved May 17, 1955.

CHAPTER 116

INCREASING SALARY OF WILMINGTON TAX
COLLECTORS

AN ACT TO AMEND CHAPTER 119, VOLUME 28, LAWS OF DELAWARE ENTITLED "AN ACT PROVIDING FOR THE COLLECTION OF TAXES FOR THE CITY OF WILMINGTON BY INCREASING THE SALARY OF THE COLLECTORS OF TAXES FOR THE CITY OF WILMINGTON AND PROVIDING A SALARY FOR THE CLERKS IN THE OFFICE OF THE SAID COLLECTORS."

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

Section 1. That Section 6 of Chapter 119, Volume 28, Laws of Delaware, is hereby amended by striking out and repealing all of said Section 6 and substituting in lieu thereof the following new Section to be known as Section 6.

Section 6. The Collectors of Taxes for the City of Wilmington elected under this Act shall each receive a salary of Six Thousand (\$6,000.00) Dollars per annum, payable as other City Officials are paid.

All Clerks in the offices of the Collectors of Taxes for the City of Wilmington shall receive a salary of Three Thousand Two Hundred (\$3,200.00) Dollars per annum, payable as other city employees are paid.

NOTE: This bill became a law on May 17, 1955 without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 117

RELATING TO UNEMPLOYMENT COMPENSATION

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION BY INCREASING THE MAXIMUM WEEKLY BENEFIT AMOUNT AND MAXIMUM BENEFIT ELIGIBILITY, BY INCREASING THE TAX BASE AND REDUCING THE MINIMUM TAX RATE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3302 (17) (A), Title 19, Delaware Code, is amended to read as follows:

(17) (A) For the purposes of subsections (b) and (d) of section 3313 of this title, and subdivision (5) of section 3314 of this title: (i) that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; (ii) that part of the remuneration which, after remuneration equal to \$3,000 with respect to employment after 1938 has been paid to an individual by an employer during any calendar year after 1946 and preceding 1955, is paid to such individual by such employer during such calendar year; or (iii) after 1954, that part of the remuneration which, after remuneration equal to \$3,600 is paid to such individual by such employer during such calendar year.

If \$3,600 or more of remuneration has been paid by one employer to an individual during any calendar year, some portion of which is included in such individual's base period, the \$3,600 shall be equally prorated throughout the quarters of such calendar year in which he was so employed for the purposes of subsections (b) and (d) of section 3313 of this title, and subdivision (5) of section 3314 of this title.

The remuneration paid to an individual by an employer with respect to employment in another state or other states, upon which contributions were required of and paid by such employer under an unemployment compensation law of such other state or states shall be included as a part of remuneration equal to \$3,600 herein referred to.

Section 2. § 3313 (b), Title 19, Delaware Code, is amended to read as follows:

(b) An individual's "weekly benefit amount" means an amount equal to one-twenty-fifth of his total wages for employment by employers paid during that quarter of his base period in which such total wages were highest, except that if such amount is more than \$35, the weekly benefit amount shall be \$35, or if less than \$7, shall be \$7, and if not a multiple of fifty cents, shall be computed to the next higher multiple of fifty cents.

Section 3. § 3313 (d), Title 19, Delaware Code, is amended to read as follows:

(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of 26 times his weekly benefit amount or 26% of his wages for employment by employers paid during his base period. If such amount is not a multiple of fifty cents it shall be computed to the next higher multiple of fifty cents. In no event shall such total amount of benefits be less than 11 times the weekly benefit amount.

Section 4. 3350 (5), Title 19, Delaware Code is amended to read as follows:

(5) The contribution rate for each employer for the current calendar year shall be determined prior to the due date of the first contribution for such year in accordance with the following table:

When the State Experience Factor Is	If the Employer's Benefit Wage Ratio Does Not Exceed:														
	10.0%	20.0%	30.0%	40.0%	50.0%	60.0%	70.0%	80.0%	90.0%	100.0%	110.0%	120.0%	130.0%	140.0%	150.0%
1 or less	5.0	10.0	15.0	20.0	25.0	30.0	35.0	40.0	45.0	50.0	55.0	60.0	65.0	70.0	75.0
2	3.3	6.7	10.0	13.3	16.7	20.0	23.3	26.7	30.0	33.3	36.7	40.0	43.3	46.7	50.0
3	2.5	5.0	7.5	10.0	12.5	15.0	17.5	20.0	22.5	25.0	27.5	30.0	32.5	35.0	37.5
4	2.0	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0
5	1.7	3.3	5.0	6.7	8.3	10.0	11.7	13.3	15.0	16.7	18.3	20.0	21.7	23.3	25.0
6	1.4	2.9	4.3	5.7	7.1	8.6	10.0	11.4	12.9	14.3	15.7	17.1	18.6	20.0	21.4
7	1.3	2.5	3.8	5.0	6.3	7.5	8.8	10.0	11.3	12.5	13.8	15.0	16.3	17.5	18.8
8	1.1	2.2	3.3	4.4	5.6	6.7	7.8	8.9	10.0	11.1	12.2	13.3	14.4	15.6	16.7
9	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0
10	.9	1.8	2.7	3.6	4.5	5.5	6.4	7.3	8.2	9.1	10.0	10.9	11.8	12.7	13.6
11	.8	1.7	2.5	3.3	4.2	5.0	5.8	6.7	7.5	8.3	9.2	10.0	10.8	11.7	12.5
12	.8	1.5	2.3	3.1	3.8	4.6	5.4	6.2	6.9	7.7	8.5	9.2	10.0	10.8	11.5
13	.7	1.4	2.1	2.9	3.6	4.3	5.0	5.7	6.4	7.1	7.9	8.6	9.3	10.0	10.7
14	.7	1.3	2.0	2.7	3.3	4.0	4.7	5.3	6.0	6.7	7.3	8.0	8.7	9.3	10.0
15	.6	1.3	1.9	2.5	3.1	3.8	4.4	5.0	5.6	6.3	6.9	7.5	8.1	8.8	9.4
16	.6	1.2	1.8	2.4	2.9	3.5	4.1	4.7	5.3	5.9	6.5	7.1	7.6	8.2	8.8
17	.6	1.1	1.7	2.2	2.8	3.3	3.9	4.4	5.0	5.6	6.1	6.7	7.2	7.8	8.3
18	.5	1.1	1.6	2.1	2.6	3.2	3.7	4.2	4.7	5.3	5.8	6.3	6.8	7.4	7.9
19	.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5
20 or more	.1%	.2%	.3%	.4%	.5%	.6%	.7%	.8%	.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%

The Employer's Contribution Rate Shall Be:

(Continued)

When the State Experience Factor Is	If the Employer's Benefit Wage Ratio Does Not Exceed:																		
	160.0%	170.0%	180.0%	190.0%	200.0%	210.0%	220.0%	230.0%	240.0%	250.0%	260.0%	270.0%	280.0%	290.0%					
1 or less	80.0	85.0	90.0	95.0	100.0	105.0	110.0	115.0	120.0	125.0	130.0	135.0	140.0	145.0					
2	53.3	56.7	60.0	63.3	66.7	70.0	73.3	76.7	80.0	83.3	86.7	90.0	93.3	96.7					
3	40.0	42.5	45.0	47.5	50.0	52.5	55.0	57.5	60.0	62.5	65.0	67.5	70.0	72.5					
4	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0	50.0	52.0	54.0	56.0	58.0					
5	26.7	28.3	30.0	31.7	33.3	35.0	36.7	38.3	40.0	41.7	43.3	45.0	46.7	48.3					
6	22.9	24.3	25.7	27.1	28.6	30.0	31.4	32.9	34.3	35.7	37.1	38.6	40.0	41.4					
7	20.0	21.3	22.5	23.8	25.0	26.3	27.5	28.8	30.0	31.3	32.5	33.8	35.0	36.3					
8	17.8	18.9	20.0	21.1	22.2	23.3	24.4	25.6	26.7	27.8	28.9	30.0	31.1	32.2					
9	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0	26.0	27.0	28.0	29.0					
10	14.5	15.5	16.4	17.3	18.2	19.1	20.0	20.9	21.8	22.7	23.6	24.5	25.5	26.4					
11	13.3	14.2	15.0	15.8	16.7	17.5	18.3	19.2	20.0	20.8	21.7	22.5	23.3	24.2					
12	12.3	13.1	13.8	14.6	15.4	16.2	16.9	17.7	18.5	19.2	20.0	20.8	21.5	22.3					
13	11.4	12.1	12.9	13.6	14.3	15.0	15.7	16.4	17.1	17.9	18.6	19.3	20.0	20.7					
14	10.7	11.3	12.0	12.7	13.3	14.0	14.7	15.3	16.0	16.7	17.3	18.0	18.7	19.3					
15	10.0	10.6	11.3	11.9	12.5	13.1	13.8	14.4	15.0	15.6	16.3	16.9	17.5	18.1					
16	9.4	10.0	10.6	11.2	11.8	12.4	12.9	13.5	14.1	14.7	15.3	15.9	16.5	17.1					
17	8.9	9.4	10.0	10.6	11.1	11.7	12.2	12.8	13.3	13.9	14.4	15.0	15.6	16.1					
18	8.4	8.9	9.5	10.0	10.5	11.1	11.6	12.1	12.6	13.2	13.7	14.2	14.7	15.3					
19	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5	12.0	12.5	13.0	13.5	14.0	14.5					
20 or more	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5	12.0	12.5	13.0	13.5	14.0	14.5					

The Employer's Contribution Rate Shall Be:

1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%
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If the employer's benefit wage ratio exceeds the percentage in the last column of the table opposite the State Experience Factor, his contribution rate shall be 3%.

Section 5. Effective dates.

The following effective dates shall apply to the several sections of this Act:

(1) Section 1 shall become effective as of January 1, 1955.

(2) Sections 2 and 3 shall apply to any individual benefit year which begins on or after the day of approval of this Act.

(3) Section 4 shall become effective as of January 1, 1956.

Approved May 17, 1955.

CHAPTER 118

RELATING TO ZONING

AN ACT TO AMEND CHAPTER 26, TITLE 9, DELAWARE CODE, AND ENTITLED "ZONING", BY CHANGING THE PROVISIONS THEREOF AFFECTING CHANGES IN ZONING DISTRICT, PLAN OR REGULATIONS; PROCEDURE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2611, Chapter 26, Title 9, Delaware Code, is amended to read as follows:

§ 2611. Changes in zoning district, plan or regulations; procedure

(a) 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.

(b) 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.

(c) Unless such Zoning Commission shall have transmitted its report upon the proposed changes within thirty 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.

Approved May 17, 1955.

CHAPTER 119

PROVIDING FOR PENSIONS FOR MEMBERS OF STATE JUDICIARY

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY ADD- ING A NEW CHAPTER PROVIDING FOR PENSIONS FOR MEMBERS OF THE STATE JUDICIARY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 29, Delaware Code, is amended by adding a new chapter thereto as follows:

CHAPTER 56

PENSIONS FOR MEMBERS OF THE STATE JUDICIARY

§ 5601. Board of State Judiciary Pension Trustee; membership; powers and duties

(a) There shall be a Board of State Judiciary Pension Trustees hereafter in this chapter referred to as "Trustees".

(b) The Trustees shall consist of the Chief Justice, the Secretary of State, and the president of the Farmers' Bank of the State of Delaware.

(c) The Trustees shall have control and management of the State Judiciary Retirement Fund provided for in this chapter and shall be responsible for all matters regarding the application and administration of this chapter. When the Trustees are considering the eligibility of the Chief Justice for benefits under this chapter, the senior Associate Justice shall fill his place with the Trustees.

§ 5602. State Judiciary Retirement Fund; contributions; use

(a) The State Judiciary Retirement Fund shall be established by the Trustees and kept by the State Treasurer. Each member of the State Judiciary who elects to accept the pro-

visions of this chapter shall contribute each year 5% of the first \$7,500 of his annual salary to the Fund. Such contributions shall be pro-rated on a monthly basis.

(b) The Trustees shall invest and accumulate the contributions made to the Fund and shall pay all pensions under this chapter from the Fund. If at any time there shall be insufficient money in the Fund for the purposes of this chapter, the State Treasurer shall transfer funds from the General Fund to make up any such deficiency.

§ 5603. Requirements for pension benefits

(a) Each member of the State Judiciary, as it is presently or may hereafter be established by Article IV, Section 2, of the Constitution of Delaware, who shall accept the provisions of this chapter shall, upon his involuntary retirement from the State Judiciary after serving at least twelve years as a member thereof, receive an annual pension from the State, payable to him in equal monthly installments, commencing when he has attained the age of 65 years and continuing during the remainder of his lifetime.

(b) Each member of the State Judiciary, as it is presently or may hereafter be established by Article IV, Section 2, of the Constitution of Delaware, who shall accept the provisions of this chapter shall, upon his retirement from the State Judiciary, whether voluntary or involuntary, after serving at least 24 years as a member thereof, receive an annual pension from the State, payable to him in equal monthly installments, commencing upon the date of retirement and continuing during the remainder of his lifetime.

(c) If a member of the State Judiciary shall become permanently disabled, physically or mentally, while in office, he shall, from and after the ascertainment of such incapacity in the manner hereafter set forth, receive an annual pension from the State, payable in equal monthly installments during the remainder of his lifetime. A member of the State Judiciary may be deemed to be permanently physically or mentally incapacitated to perform the duties of his office after the Trustees

have considered, a certificate to that effect signed by the Chief Justice of the Supreme Court, or if the Chief Justice shall be the subject of such certificate, then by the Senior Justice of the Supreme Court, and by three persons duly licensed to practice medicine or surgery in this State and who have been actively engaged in such practice in this State for at least ten (10) years immediately preceding the signing of such certificate; said three persons to be previously designated by the Trustees.

§ 5604. Amount of pensions; method of determining

The amount of the annual pensions shall be determined by first arriving at the retiring member's average annual compensation during his highest paid five consecutive years in the State Judiciary and multiplying this by two percent (2%), and then multiplying the product thus obtained by the number of years of service (including fractions of years) of the retiring member in the State Judiciary.

§ 5605. Definition of involuntary retirement

Retirement from the State Judiciary shall be deemed to be involuntary, if, upon expiration of his term of office, a judge shall fail to be reappointed and confirmed, unless he shall have declined reappointment.

§ 5606. Acceptance of provisions; result

(a) Each new member of the State Judiciary, as it is presently or may hereafter be established by Article IV, Section 2, of the Constitution of Delaware, may accept the provisions of this chapter at the beginning of his first term of office by written declaration to that effect, which declaration shall be filed in the office of the Secretary of State. Upon the filing of such written declaration by a member of the State Judiciary, the benefits of this chapter shall be available to him. Present members of the State Judiciary shall elect whether or not they desire to accept the provisions of this chapter within 30 days after this chapter becomes law.

(b) Any declaration of acceptance of this chapter as hereinbefore provided shall constitute an authorization and direc-

tion by the member of the State Judiciary making the same that if a certificate of permanent physical or mental incapacity of such member shall be thereafter filed as provided for in section 5603 (c) of this chapter, such certificate shall, without any further act by such member, be deemed to constitute a resignation by such member, effective immediately after the filing of such certificate. A declaration of acceptance shall also authorize deductions for the contributions provided for in section 5602 of this chapter.

(c) For the purpose of determining the amount of his annual pension pursuant to the provisions of section 5604 of this chapter, the number of years of service of any present member of the State Judiciary shall include the period of his service prior and subsequent to such declaration, as a member of the State Judiciary as it is established by Article IV, Section 2, of the Constitution of Delaware, and as it has been and shall be established by any counterparts of said Section 2 prior and subsequent to the date of the enactment of this chapter.

§ 5607. Manner of making claim for benefits

(a) A judge entitled to benefits under section 5603 (a) of this chapter may make claim therefor by giving notice in writing to the Trustees that he has attained the age of 65 years and desires to retire.

(b) A judge entitled to benefits under section 5603 (b) of this chapter may make claim therefor by giving notice to the Trustees in writing of his retirement, whether his retirement be voluntary or involuntary, stating in such notice the date upon which such retirement shall become effective.

(c) Benefits under section 5603 (c) of this chapter shall be claimed on behalf of the judge entitled thereto by notice in writing to the Trustees from the Chief Justice or the Senior Justice of the Supreme Court, as the case may be.

(d) Upon receipt of any notice hereinabove mentioned, the Trustees shall consider the retirement and if they find that benefits are due under this chapter they shall notify the State

Treasurer who shall make payments of benefits hereunder out of the State Judiciary Retirement Fund or out of such funds as shall be appropriated for such purposes.

§ 5608. Termination of pension benefits

Any benefits available to any judge under the provisions of this chapter shall immediately terminate upon his appointment to and acceptance of any judicial office under State or Federal law.

§ 5609. Refunds or guaranteed returns

(a) If any member of the State Judiciary ceases to serve as such without becoming eligible for benefits under this chapter, all contributions he has made to the Fund by deductions from any salary paid to him as a member of the State Judiciary shall be returned to him without interest.

(b) If for any reason the total payments to a retired member of the State Judiciary do not equal at the time such payments cease under this chapter all contributions made by deductions from any compensation paid to such member, the balance of such contributions shall be paid to the member or the member's estate without interest.

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

Approved May 18, 1955.

CHAPTER 120

APPROPRIATION

LAYTON HOME FOR AGED COLORED PERSONS

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

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch thereof concurring therein):

Section 1. The sum of Ten Thousand Dollars (\$10,000.00) is 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, 1955 and ending June 30, 1957.

Five Thousand Dollars (\$5,000.00) of said sum shall be paid within three months after July 1, 1955 and a like sum of Five Thousands Dollars (\$5,000.00) shall be paid within three months after July 1, 1956.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved May 18, 1955.

CHAPTER 121

APPROPRIATION

FIRE COMPANIES FOR OPERATION OF AMBULANCES

AN ACT APPROPRIATING MONEY TO CERTAIN FIRE COMPANIES IN THE STATE OF DELAWARE WHICH MAINTAIN AND OPERATE AN AMBULANCE.

Be it enacted by the General Assembly of the State of Delaware (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. 1955, maintain and operate and does continue to maintain and operate an ambulance for the purpose of public service, there is appropriated the sum of Seven Hundred Fifty Dollars (\$750.00) annually for each of the fiscal years beginning July 1, 1955, and beginning July 1, 1956, to be used for the maintenance and operation of said ambulance in the public service.

The said sum of Seven Hundred Fifty Dollars (\$750.00) 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. 1955, and does continue to maintain and operate an ambulance in the public service shall be sufficient authority for the payment of said sum of Seven Hundred Fifty Dollars (\$750.00) by the State Treasurer to said fire company.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved May 18, 1955.

CHAPTER 122

APPROPRIATION

UNITED SPANISH WAR VETERANS

**AN ACT APPROPRIATING MONEY TO THE UNITED
SPANISH WAR VETERANS, DEPARTMENT OF DELA-
WARE.**

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

Section 1. The sum of One Thousand Dollars (\$1,000.00) is appropriated to the United Spanish War Veterans, Department of Delaware, for the biennium beginning July 1, 1955 and ending June 30, 1957 for operation expenses. Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1955 and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1956, 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 is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved May 18, 1955.

CHAPTER 123

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 THE TOWN COUNCIL OF GEORGETOWN TO APPOINT A VICE-MAYOR AND PRESCRIBING HIS DUTIES.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch concurring therein):

Section 1. That Section 10, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out all of Paragraph (a) and substituting in lieu thereof a new paragraph as follows:

(a) The Council shall by ordinance at the annual meeting appoint by a majority vote a Vice-Mayor, Tax Collector, Secretary, Treasurer, Alderman, two Auditors, Board of Health, Acting Alderman, Town Solicitor, Assessor, Police Force, and such other officers, employees and agents of the Town, which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer may be removed at any time by the Town Council for sufficient cause.

Section 2. Section 10, Chapter 166, Volume 43, Laws of Delaware, as amended, is hereby further amended by adding to said Section a new paragraph designed as Paragraph (m) as follows:

(m) The Vice-Mayor shall be selected from the members elected to the Town Council of the Town of Georgetown and shall have all the powers conferred and perform all the duties imposed upon the Mayor by this Charter and the ordinance of the Town in the absence of the Mayor.

Approved May 18, 1955.

CHAPTER 124

APPROPRIATION

STATE SOIL CONSERVATION COMMISSION

**AN ACT APPROPRIATING CERTAIN MONEY 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 General Assembly of the State of Delaware:

Section 1. There is appropriated to the State Soil Conservation Commission the sum of Ten Thousand Dollars (\$10,000.00) for each of the fiscal years beginning July 1, 1955 and ending June 30, 1956, and beginning July 1, 1956 and ending June 30, 1957, to be used 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 shall appropriate to the State Soil Conservation Commission the further sum of Ten Thousand Dollars (\$10,000.00) for each of the fiscal years beginning July 1, 1955 and ending June 30, 1956, and beginning July 1, 1956 and ending June 30, 1957 to be used 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. 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 each 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 transferred by said Commission to the Board of Soil District Supervisors of the Soil Conservation District of Kent County, and shall be used 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 money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 18, 1955.

CHAPTER 125

RELATIVE TO SOIL CONSERVATION DISTRICT OF
KENT COUNTY

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF KENT COUNTY TO MAKE AVAILABLE TO THE BOARD OF SOIL DISTRICT SUPERVISORS OF THE SOIL CONSERVATION DISTRICT OF KENT COUNTY CERTAIN FUNDS FOR THE EMPLOYMENT OF AN EQUIPMENT MANAGER.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the Levy Court of Kent County is hereby authorized and directed to make available for, and to pay to, the Board of Soil District Supervisors of the Soil Conservation District of Kent County, the sum of Four Thousand Eight Hundred Dollars (\$4,800.00), annually beginning July 1, A. D., 1955.

Section 2. The funds hereby authorized to be made available to the Board of Soil District Supervisors of the Soil Conservation District of Kent County shall be used, when made available, for the purpose of employing a manager of heavy earth-moving and related equipment operated by the said District Supervisors of the Soil Conservation District of Kent County.

Approved May 18, 1955.

CHAPTER 126

APPROPRIATION

STATE BOARD OF EDUCATION FOR TRANSPORTATION
OF SCHOOL CHILDREN

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF EDUCATION TO PROVIDE FOR THE PAYMENT OF COSTS AND EXPENSES FOR THE TRANSPORTATION OF SCHOOL CHILDREN FOR THE YEAR ENDING JUNE 30, 1954, OVER AND ABOVE THE APPROPRIATIONS WHICH WERE AVAILABLE TO THE STATE BOARD OF EDUCATION FOR THAT PURPOSE.

WHEREAS, due to the rapid increase in the number of pupils eligible for transportation, the cost of providing this service was in excess of the funds which were available to the State Board of Education for the year ending June 30, 1954; NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the State Board of Education the sum of Nine Thousand Four Hundred Nineteen Dollars and Eighty-seven cents (\$9,419.87) to be used only for the purpose of paying the amounts which are due bus contractors for services performed in the fiscal year ending June 30, 1954.

Section 2. This Act is a Supplementary Appropriation, and the funds hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 18, 1955.

CHAPTER 127

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY PERMITTING THE SALE OF WATER OUTSIDE OF THE CITY LIMITS.

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

Section 1. Section 35 of Chapter 152 of Volume 48, Laws of Delaware, is amended by adding at the end thereof a new paragraph as follows:

The City of Newark may, in its discretion, distribute water throughout all that territory included within ten miles of the boundary thereof. The Council shall determine the person or persons, firm or firms, corporation or corporations, to which it shall distribute water throughout said territory included within ten 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 the Council and said person or persons, firm or firms, corporation or corporations. The City of Newark shall have and exercise all the powers and authority necessary to the accomplishment of said distribution of water throughout the territory included within ten miles of the boundary of said corporate limits as it now has and possesses in the installation, operation and maintenance of its water system in the City of Newark and in the distribution by it of water within the City limits, including the authority and power to acquire by purchase or condemnation such land and property as may be necessary therefor.

Approved May 18, 1955.

CHAPTER 128

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE QUALIFICATIONS FOR MAYOR AND COUNCILMEN AND BY CHANGING THE PROVISIONS FOR NOMINATING PETITIONS.

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

Section 1. Section 8 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out the period at the end of the first sentence thereof and by inserting in lieu thereof a semi-colon and by adding the following:

"provided further, that 'qualified voter' as used herein shall mean a person who is a registered voter at the time his nominating petition is filed".

Section 2. Section 39 of Chapter 152 of Volume 48, Laws of Delaware, as amended, is further amended by striking out all of said section thereof and by inserting in lieu thereof a new Section 39 as follows:

Section 39. **NOMINATIONS:**—All nominations for Mayor and City Council shall be by petition, and there shall be on party designation on any such petitions or beside the name of any candidate for office.. Each nomination petition shall be signed by the candidate and shall in addition bear the signatures of ten qualified voters in the case of petitions for the Mayor and the signatures of ten qualified voters residing in the district from which the candidate seeks election in the case of petitions for City Council. "Qualified voters" as used in this section shall mean voters who are registered to vote in the municipal election for which said petitions are filed at the time of the filing of the

petition on which their names appear. The nominating petition for each candidate shall be filed with the Secretary between the hours of 9:00 A. M. and 5:00 P. M. at least 29 days before the municipal election. In the event of the absence of the Secretary said petition may be filed during the hours aforesaid with some other employee at the Council office. Upon receipt of said petitions the Secretary, or such other employee in the absence of the Secretary, shall check the said petitions forthwith.

Approved May 18, 1955.

CHAPTER 129

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY REMOVING THE PROHIBITION AGAINST THE MANUFACTURING OR GENERATION OF ELECTRIC LIGHT AND POWER.

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

Section 1. Section 7 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out where they appear in lines 6 and 7 of the second paragraph thereof the words "but not for a gas or electric manufacturing or generating plant".

Section 2. Section 35 of Chapter 152 of Volume 48, Laws of Delaware is amended by striking out where they appear in the third and fourth lines of the first paragraph thereof the words "except the generation of electric light and power".

Section 3. Section 36 of Chapter 152 of Volume 48, Laws of Delaware, as amended, is further amended by striking out where they appear in the eighth and ninth lines of the first paragraph thereof the words "but not for the manufacture or generation,".

Approved May 18, 1955.

CHAPTER 130

NEWARK

**AN ACT AMENDING CHAPTER 152, VOLUME 48, LAWS OF
DELAWARE BEING AN ACT ENTITLED "AN ACT
CHANGING THE NAME OF THE 'TOWN OF NEWARK'
TO THE 'CITY OF NEWARK' AND ESTABLISHING A
CHARTER THEREFOR" BY AMENDING THE BORROW-
ING POWER OF THE CITY FOR CURRENT EXPENSES.**

*Be it enacted by the General Assembly of the State of
Delaware (two-thirds of all Members elected to each House
concurring herein):*

Section 1. Section 37 of Chapter 152, Volume 48, Laws of Delaware, as amended, is further amended by striking out the words and figures: "the sum of \$100,000.00". where they appear in the second sentence of the first paragraph of said section and by inserting in lieu thereof the following words and figures:

"1% of the assessed valuation of the assessable and taxable real property within the limits of the city."

Approved May 18, 1955.

CHAPTER 131

BRIDGEVILLE

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
BRIDGEVILLE, CHAPTER 158, VOLUME 43, LAWS OF
DELAWARE, BY INCREASING THE AMOUNT PER-
MITTED TO BE RAISED BY TAXATION.**

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

Section 1. § 18, Chapter 158, Volume 43, Laws of Delaware, as amended, is hereby further amended by striking out the words "Twenty Thousand" as the same appear in the twentieth line of said section and inserting in lieu thereof the words "Thirty Thousand".

Approved May 18, 1955.

CHAPTER 132

OCEAN VIEW

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE," BEING CHAPTER 645, VOLUME 18, LAWS OF DELAWARE AND ALL ACTS AMENDATORY THEREOF AND SUPPLEMENTARY THERETO.

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

Section 1. That Section 9 of Chapter 649, Volume 18, Laws of Delaware be and the same is hereby amended by adding new sentences at the end of said section as follows:

The Town Council shall have power to regulate and control the manner of building or removal of dwelling houses or other buildings and to provide for granting permits for the same. To establish a building line for buildings hereafter to be erected; provided that such building line shall not be more than ten (10) feet back from the front line of the lots. To prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erecting of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous.

Approved May 18, 1955.

CHAPTER 133

BETHANY BEACH

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, 1909, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVE IT AUTHORITY TO ISSUE BONDS", AS AMENDED, PROVIDING FOR AN INCREASE IN THE AMOUNT TO BE RAISED BY TAXATION.

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

Section 1. Section 12 of Chapter 212, Volume 25, Laws of Delaware, 1909, as amended, is hereby further 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:

That for the purpose of raising money for the general purposes of said town, the Commissioners of said town be and they are hereby authorized and empowered to levy and collect by taxation, not exceeding Fifteen Thousand Dollars (\$15,000.00) in one year on all assessable real estate within the limits of the said town.

Approved May 18, 1955.

CHAPTER 134

MILFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF MILFORD', TO 'THE CITY OF MILFORD' AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 162, VOLUME 37, LAWS OF DELAWARE, AS AMENDED.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected thereto concurring therein):

Section 1. Section 2, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

Section 2. The City shall be divided into four wards. All the territory within the City Limits lying south of the Mispillion River and east of the center line of Walnut Street shall be the first ward; all the territory within the City Limits lying south of the Mispillion River and to the west of the center line of Walnut Street shall be the second ward; all the territory within the City Limits lying north of the Mispillion River and to the east of the center line of Walnut Street shall be the third ward; and all the territory within the City Limits lying north of the Mispillion River and west of the center line of Walnut Street shall be the fourth ward.

Section 2. Section 5, Chapter 162, Volume 37, Laws of Delaware, as amended by Section 1, Chapter 171, Volume 48, Laws of Delaware, is hereby amended by striking out all of Section 1, Chapter 171, Volume 48, Laws of Delaware, and substituting in lieu thereof the following paragraph:

(c) The Mayor and Members of Council shall be citizens of the State of Delaware and shall have resided in said City for at least six months next preceding the day of election. They shall be freeholders above the age of twenty-one years and non-delinquent taxables of the City of Milford.

Section 3. Section 6. (A), Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

Section 6. (A) The annual municipal election shall be held on the Monday following the third Friday in the month of January, from twelve (12) o'clock noon until six (6) o'clock in the afternoon, at such places as shall be determined by the Council, due notice of which shall be given by an advertisement printed in a newspaper published in the City and posted in three public places in each ward of the City not less than ten days before the day of the annual Election.

Section 4. Section 6. (B), Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

(B) The election shall be held under the supervision of an Election Board, consisting of three citizens of the said City to be appointed by the Council at the last regular meeting preceding the annual election. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.

Section 5. Section 6. (C), Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

(C) Every resident of the City who is over twenty-one years of age and who has resided in said City for at least twelve (12) months next preceding the day of election, and who is not delinquent in respect of any tax levied by the City, shall be entitled to vote at said election.

Section 6. Section 8, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

Section 8. A Council shall comprise the Mayor and eight Council members. Any five of the said nine members shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Section 7. The first sentence of Section 11. (H), Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

The Alderman shall be a resident of the City of Milford and shall be sworn or affirmed to perform the duties of his office with fidelity.

Section 8. The last paragraph of Section 11. (H), Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

Section 9. Section 11. (J), Paragraph 3, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

The Secretary of the Board shall be allowed a reasonable annual compensation for his services, which shall be fixed and determined by the Council, and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board, but shall be a resident of the City.

Section 10. The first sentence of Section 12, Paragraph 1, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

Annually in each year, and not later than the first of December, the Council shall prepare a budget containing the financial plan for conducting the affairs of the City for the ensuing fiscal year.

Section 11. Section 13, Paragraph 2, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

All assessments shall be made and completed by the Board of Assessors prior to the first day of February. The assessment made in the year 1932 and in every fourth year thereafter, shall

be known as the General Assessment. In other years, there shall be made a scrap assessment, as hereinafter provided.

Section 12. The first sentence of Section 13, Paragraph 6, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

The Council shall, prior to the fifteenth day of February in each year, cause a copy of the General Assessment, or scrap assessment as made in said year, to be hung up in two public places in the City, and there to remain for the space of ten (10) days for public information.

Section 13. Section 22. (B), Paragraph 6, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

At the special election, every person who had a right at the next preceding annual City election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property whether individual, partnership, or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election, and the said vote shall be cast in person.

Section 14. Section 22. (B), Paragraph 7, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

The Board of Elections shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

Section 15. The first two sentences of Section 22. (C), Chapter 162, Volume 37, Laws of Delaware, are amended to read as follows:

The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the times of maturity, and provisions as to the registration shall be determined by the

Council. The bonds shall be offered for sale to the best and most responsible bidder therefor after advertising in a newspaper of the City or one of general circulation within the State of Delaware or otherwise for at least once a week for two weeks immediately preceding the offering of the same for sale.

Section 16. The second paragraph of Section 23, Chapter 162, Volume 37, Laws of Delaware, is amended to read as follows:

All ordinances or resolutions of general character relating to the government of the City shall not be effective until ten (10) days after a copy of the same shall have been posted in four (4) public places within the City of Milford.

Approved May 19, 1955.

CHAPTER 135

MILFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF MILFORD', TO 'THE CITY OF MILFORD' AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 162 OF VOLUME 37, LAWS OF DELAWARE, AS AMENDED, RELATING TO FLOATING DEBT.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected thereto concurring therein):

Section 1. That Section 32, Chapter 162, Volume 37, Laws of Delaware, be amended by striking out and repealing all of Section 32 and substituting in lieu thereof the following:

SECTION 32. Whenever during the year, the current receipts are insufficient to provide for the needs of the City, the Council is authorized to anticipate revenue by borrowing money not in excess of the sum of Twenty-five Thousand Dollars (\$25,000), which shall be repaid from current revenue received thereafter; Provided, however, such borrowing shall at no time exceed in the aggregate \$25,000. Indebtedness created hereby shall be evidenced by bond or note of the City, and the faith and credit of the City shall be deemed to be pledged for the due payment thereof; but no agency or instrumentality of the City shall borrow money upon the credit of the City, except by resolution of the Council.

Approved May 19, 1955.

CHAPTER 136

FARNHURST

AN ACT TO PROVIDE FOR THE CONSTRUCTION, EQUIPPING, AND FURNISHING OF SEVERAL NEW BUILDINGS FOR PATIENTS, A NEW KITCHEN AND DINING ROOM FOR EMPLOYEES, TWO DOCTORS' RESIDENCES AND SIX EMPLOYEES' APARTMENTS, AND A RECEIVING AND WAREHOUSE BUILDING, AND FOR THE ADDITIONAL REPAIRING, REMODELING, AND EQUIPPING OF TWO EXISTING BUILDINGS, AND THE ENLARGING OF ONE EXISTING BUILDING AT THE STATE HOSPITAL AT FARNHURST AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, the Delaware State Hospital now has a normal bed capacity for one thousand one hundred and twenty-one (1,121) patients; and

WHEREAS, the Delaware State Hospital at the present time has a daily average 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; 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 achievement 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; and

WHEREAS, the supplies of all the departments of the hospital are now being received at many separate points and stored in any and all available basement space, leading to a time-consuming and almost impossible control; and

WHEREAS, a central Receiving and Warehouse Building, where all materials, food products, and supplies will be received, stored, and issued in an orderly manner, would result in a conservation of time using present manpower and a more efficient use of commodities and materials; and

WHEREAS, all available residences for staff physicians and married couples, both of whom work for the hospital, are being utilized, additional doctors' residences and employees' apartments will allow us to employ doctors and married couples needed on our staff; and

WHEREAS, the present dining room for our employees was constructed to accommodate a maximum of two hundred (200) persons and our present staff totals over five hundred (500) making our facilities over-crowded and undesirable; and

WHEREAS, the present main building needs to be completely repaired and remodeled to be used as a receiving ward and a medical surgical ward for a total of eighty-nine (89) patients; and

WHEREAS, the 1951 appropriation has proved only sufficient for the repair of the South Wing of the Annex Building, leaving the North Wing in its existing unusable condition; and

WHEREAS, the present office facilities of the Medical Staff, Records and Business Administration are overcrowded and additional office space is required, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

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 construct a reeducational building for one hundred and five (105) female patients, a continuous treatment build-

ing for seventy (70) male patients, a receiving and warehouse building, two doctors' residences and six employees' apartments, a new kitchen and dining room for employees; to complete the remodeling and repairing of the main building and the North Wing of the Annex Building; additional wing to the main building for office space.

Section 2. There is hereby appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst the sum of One Million Six Hundred and Sixty-five Thousand Dollars (\$1,665,000.00), or so much thereof as may be necessary to carry out the provisions of this Act.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of money received by the sale of bonds authorized under a separate Act of the 118th General Assembly. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain available until the objects and purposes of this Act have been fully accomplished.

Approved May 19, 1955.

CHAPTER 137

CHANGING TIME OF HOLDING SCHOOL ELECTIONS

AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE BY CHANGING THE TIME DURING WHICH THE POLLS ARE TO REMAIN OPEN FOR PURPOSES OF HOLDING AN ELECTION BEFORE THE LEVY OF A TAX FOR SCHOOL PURPOSES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That Section 1907, Chapter 19, Title 14 of the Delaware Code be and it hereby is amended by striking out said Section and substituting in lieu thereof the following new Section 1907.

§ 1907. Hours of election

For an election under section 1903 of this title, the polls shall be open at one o'clock in the afternoon and remain open until eight o'clock in the afternoon, at which time they shall close.

Approved May 19, 1955.

CHAPTER 138

RELATING TO CIVIL DEFENSE

**AN ACT TO AMEND CHAPTER 31, TITLE 20, DELAWARE
CODE RELATING TO CIVIL DEFENSE: DEFINITIONS.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3102, Chapter 31, Title 20, Delaware Code is amended by striking out the sentence commencing with the words " 'Civil Defense' means the preparation", and substituting in lieu thereof the following sentences:

" 'Civil Defense' means the preparation for 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, or by fire, flood or other causes upon the Governor's declaration that an emergency exists.

In so defining Civil Defense, full recognition shall be given to Section 4, Public Law 875—81st Congress, which states that "nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the Act approved January 5, 1905 (33 Stat. 599), as amended."

Approved May 19, 1955.

CHAPTER 139

RELATING TO SUBURBAN PARK COMMUNITY PLANS

AN ACT TO AMEND CHAPTER 6, TITLE 9 OF THE DELAWARE CODE RELATING TO THE TIME OF SUBMISSION TO THE LEVY COURTS OF THE RECOMMENDATION OF COUNTY PARK AND RECREATION COMMISSIONS WITH RESPECT TO PROPOSED SUBURBAN PARK COMMUNITY PLANS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 626 (b), Title 9 of the Delaware Code is amended by striking out and repealing the words "thirty days" from the last sentence thereof and inserting and enacting in lieu thereof the words "sixty days".

Approved May 19, 1955.

CHAPTER 140

RELATING TO SUBURBAN PARK COMMUNITIES

AN ACT TO AMEND CHAPTER 6, TITLE 9 OF THE DELAWARE CODE RELATING TO THE PREPARATION OF SURVEYS, PLANS, SPECIFICATIONS AND ESTIMATES FOR SUBURBAN PARK COMMUNITIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 628, Title 9 of the Delaware Code is amended by striking out and repealing all of § 628 and inserting and enacting in lieu thereof a new § 628 to read as follows:

§ 628. Preparation of survey, plans, specifications and estimates

Immediately after the determination by the Levy Court that a community is a suburban park community, the Levy Court shall notify the Commission, which, upon receipt of such information shall proceed to have prepared by the County Engineer, surveys, plans, specifications and estimates of the cost of the park or recreation area, and of improvements requested by the petitioners, and shall determine the annual assessment required to pay principal, interest, supervision, and maintenance of the park or recreation area.

Approved May 19, 1955.

CHAPTER 141

RELATING TO SALE AND POSSESSION OF RABBITS
RECEIVED FROM OTHER STATESAN ACT TO AMEND CHAPTER 7 OF TITLE 7 OF THE
DELAWARE CODE RELATING TO THE SALE AND
POSSESSION OF RABBITS RECEIVED FROM OTHER
STATES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 772, Title 7, Delaware Code, is amended to read as follows:

§ 772. Receipt of rabbits from without the State; penalties

(a) No person shall receive from without the State any European or San Juan rabbit or any rabbit from an endemic state or area listed as such by the U. S. Public Health Service.

(b) No person shall receive from without the State any rabbit which is not prohibited by subsection (a) of this section unless it is accompanied by the certificate of the State Board of Health or of an equivalent agency of the place of origin recognized and approved by the State Board of Health to the effect that such rabbit is free from disease.

(c) Whoever violates any of the provisions of this section shall be fined for each offense not less than \$100 nor more than \$1,000.

Approved May 19, 1955.

CHAPTER 142

RELATING TO BLIND CHILDREN

AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" IN RESPECT TO VISITATION TO INSTITUTIONS WHEREIN BLIND CHILDREN OF THIS STATE ARE MAINTAINED OR INSTRUCTED.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2111, Title 31, Delaware Code, is amended to read as follows:

§ 2111. Visitation of institutions outside of State

The Delaware Commission for the Blind shall appoint a representative to visit the institutions outside of this State, wherein the blind children of this State are maintained and instructed, in order to ascertain whether or not they are receiving proper treatment and instruction and are making such improvement or advancement as will justify the State in incurring the necessary expenses attached to their remaining in such institutions.

Approved May 19, 1955.

CHAPTER 143

RELATING TO STATE EMPLOYEES PENSION PLAN

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, ENTITLED "STATE EMPLOYEES PENSION PLAN" BY PROVIDING THAT EMPLOYEES OF THE DELAWARE COMMISSION FOR THE BLIND BE INCLUDED IN COVERED EMPLOYMENT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 5501, Chapter 55, Title 29, Delaware Code, is amended by adding the words "Delaware Commission for the Blind" after the words "Vocational Education" in the paragraph thereof which defines "Covered employment".

Approved May 19, 1955.

CHAPTER 144

DEFINING BLIND PERSON

AN ACT TO AMEND CHAPTER 23, TITLE 31 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF A BLIND PERSON.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2301, Title 31 of the Delaware Code is amended by striking out and repealing the definition of "Blind" contained therein, and by inserting and enacting in lieu thereof a definition of "Blind person" to read as follows:

"Blind person" means one who is totally blind or has visual acuity of not more than 20/200 in the better eye with correction or whose vision is limited in field so that the widest diameter subtends an angle no greater than 20 degrees.

Approved May 19, 1955.

CHAPTER 145

ESTABLISHING DIVISION OF DOG LAW MANAGEMENT

AN ACT TO AMEND CHAPTER 17, TITLE 7 OF THE DELAWARE CODE BY ESTABLISHING A DIVISION OF DOG LAW MANAGEMENT UNDER THE BOARD OF GAME AND FISH COMMISSIONERS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 17, Title 7 of the Delaware Code is amended by adding a new section at the end thereof, to be designated as § 1725 and to read as follows:

§ 1725. Division of Dog Law Management

(a) In order to enforce the provisions of this chapter the Board of Game and Fish Commissioners shall establish a Division of Dog Law Management. The Board shall authorize the hiring of sufficient dog control officers or dog wardens to accomplish the purposes of this chapter.

(b) All dog control officers or dog wardens shall be hired on a full-time basis. No dog control officer may hold any other job or any other public office, appointive or elective. All dog control officers shall be uniformed and shall be adequately equipped to enforce the dog control laws.

Section 2. This Act shall become effective on July 1, 1955.

Approved May 19, 1955.

CHAPTER 146

RELATING TO WILMINGTON AND NEW CASTLE COUNTY
EMPLOYEES PENSIONS

**AN ACT TO AMEND CHAPTER 17, TITLE 9 OF THE DELA-
WARE CODE RELATING TO EMPLOYEES PENSIONS
AFFECTING THE CITY OF WILMINGTON AND NEW
CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. That § 1704 (a) Chapter 17, Title 9 of the Delaware Code be and the same is hereby amended by striking out and repealing the words "of the County of New Castle" as they appear in the first line thereof.

Section 2. That § 1704 (a) Chapter 17, Title 9 of the Delaware Code be and the same is hereby further amended by striking out and repealing the words and figures "70 years of age for male employees" and substituting and enacting in lieu thereof the words and figures "75 years of age for male employees".

Approved May 19, 1955.

CHAPTER 147

APPROPRIATION

HUDSON WALLPAPER COMPANY

AN ACT AUTHORIZING THE PAYMENT OF THE SUM OF \$408.50 FOR LABOR AND MATERIALS SUPPLIED TO THE DELAWARE COLONY.

WHEREAS, The Hudson Wallpaper Co. of Millsboro, Delaware, supplied in the year 1952 to the Delaware Colony labor and materials in the sum of \$408.50, and

WHEREAS, payment was not made to the Hudson Wallpaper Company for the reason it failed to submit a bill on the proper form within the proper time, according to existing laws and regulations, and

WHEREAS, the Hudson Wallpaper Company should be reimbursed for the labor and materials it supplied to the Delaware Colony, Now, Therefore,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Treasurer is hereby directed and authorized to pay the sum of \$408.50 to the Hudson Wallpaper Company, representing the total cost of labor and materials supplied by said Company to the Delaware Colony in the year 1952.

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 of Delaware.

Approved May 20, 1955.

CHAPTER 148

RELATING TO SALARY OF SUSSEX COUNTY RECEIVER
TAXES AND COUNTY TREASURER

**AN ACT TO AMEND CHAPTER 84, TITLE 9 OF THE DELA-
WARE CODE RELATING TO THE SALARY OF THE
RECEIVER OF TAXES AND COUNTY TREASURER IN
SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 8405 (3), Title 9 of the Delaware Code is amended by striking out the figures "\$2400" as they appear therein and by inserting in lieu thereof the figures "\$3000".

Section 2. This Act shall not take effect until the expiration of the term of office of the present Receiver of Taxes and County Treasurer of Sussex County.

Approved May 20, 1955.

CHAPTER 149

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COSTS OF THE IMPROVEMENT OF THE INDIAN RIVER BAY CHANNEL VIA PEPPER'S CREEK IN SUSSEX COUNTY, AND AUTHORIZING AND EMPOWERING THE SAID COMMISSION TO ACT AS THE AGENCY OF THE STATE OF DELAWARE TO DO ALL THINGS NECESSARY TO COMPLY WITH THE REQUIRMENTS OF THE UNITED STATES GOVERNMENT RELATIVE TO THE STATE'S CONTRIBUTION TO SAID IMPROVEMENT.

WHEREAS, the channel leading from Indian River Bay via Pepper's Creek to Dagsboro has by reason of natural elements shoaled from said river for all of its distance up to the town of Dagsboro so that except there be extreme tides it has become impossible for boats drawing more than four feet of water to land their passengers and freight at any of the docks or wharves in or near the said town of Dagsboro; and

WHEREAS, it has become necessary for said channel to be dredged so that all shipping may have safe and sure passage from the said channel to the said docks and wharves in or near the said town of Dagsboro; and

WHEREAS, the United States Government, through its proper agencies is prepared to expend the sum of one hundred and twenty-five thousand dollars (\$125,000.00) for said project, provided the State of Delaware will authorize and empower the proper State authorities to make necessary contracts with the United States Government and others; to secure all lands, easements, and rights-of-ways and spoil disposal areas for the initial work and for subsequent maintenance; to hold and save the United States free from claims for damages resulting from the improvements; and to give assurance satisfactory to the

Secretary of War that suitable terminal facilities will be provided and maintained, open to all on equal terms,

NOW, THEREFORE, in order to avail the State of Delaware of the offer on the part of the government of the United States,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the Delaware Commission of Shell Fisheries is hereby authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States and to do all other things necessary to be done in order that the State of Delaware may avail itself of the offer of the federal government to improve the channel in Sussex County.

Section 2. That the sum of thirty thousand dollars (\$30,000) is hereby appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, twenty-five thousand dollars (\$25,000) of which sum so appropriated shall be paid the proper agency of the United States Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned therein, and five thousand dollars (\$5,000) of which appropriation shall be used for other purposes necessary to be done or performed on the part of the State of Delaware.

The amount so appropriated shall be paid out of the State Treasury of the State of Delaware upon warrants duly signed and approved by the proper officers of the Delaware Commission of Shell Fisheries.

Section 3. This bill shall be known as a Supplementary Appropriation Bill, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated. The funds hereby appropriated shall revert to the General Fund of the State Treasury if the United States Government fails, neglects or refuses to carry out its offer of expending the sum of One Hundred and Twenty-

five Thousand (\$125,000.00) to improve said channel by June 30, 1957. In the event the United States Government does carry out its said offer to improve said channel and any part of said sum hereby appropriated remains unexpended after the completion of the purposes of this act, the unexpended part thereof shall revert to the General Fund of the State Treasury.

Approved May 20, 1955.

CHAPTER 150

IN RESPECT TO MILEAGE FEES FOR SHERIFF OF
NEW CASTLE COUNTYAN ACT TO AMEND CHAPTER 87, TITLE 10, OF THE
DELAWARE CODE ENTITLED "COURTS AND JUDI-
CIAL PROCEDURE" IN RESPECT TO MILEAGE FEES
FOR THE SHERIFF OF NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 8702, Chapter 87, Title 10 of the Delaware Code is hereby amended by striking out all of the 7th paragraph under the sub-section titled "Other Services" and inserting and enacting in lieu thereof the following new paragraphs:

Executing a writ for levying costs of a contested election for the General Assembly, the same fees as for like services upon execution process generally.

For serving each writ, process, or notice before mentioned, 8 cents per mile necessarily traveled out and in from place of return to the place of service, for each writ, subpoena or notice so served.

Approved May 20, 1955.

CHAPTER 151

TRANSFERRING LANDS IN MILFORD TO CHURCH OF GOD

AN ACT TRANSFERRING AND CONVEYING ALL OF THE RIGHT, TITLE AND INTEREST OF THE STATE OF DELAWARE IN AND TO CERTAIN LANDS LOCATED IN THE CITY OF MILFORD, KENT COUNTY AND STATE OF DELAWARE, TO THE CHURCH OF GOD, A RELIGIOUS CORPORATION OF THE STATE OF DELAWARE, THEREIN DESCRIBED.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That there be and hereby is transferred and conveyed to "The Church of God", a religious corporation of the State of Delaware, its successors and assigns forever all of the right, title and interest of the State of Delaware, in and to the following described parcel of land:

ALL those two certain lots or parcels of land combined as one lot, situated at the southeast corner of North Washington Street, formerly called Pear Street, and North East Second Street, formerly called Peaks Alley, in The City of Milford, Kent County and State of Delaware, the metes and bounds, courses and distances whereof are as follows, to-wit: BEGINNING at the corner where the east line of North Washington Street intersects with the south line of North East Second Street; thence running with the south line of North East Second Street north eighty-five and one-half ($85\frac{1}{2}$) degrees east seventy-seven (77) feet to a stake at a corner for lands now or formerly of George Davis; thence with the line of said lands now or formerly of George Davis south three and one-quarter ($3\frac{1}{4}$) degrees east seventy-four (74) feet to a stake, a corner for said lands now or formerly of George Davis and in line of lands now or formerly of Elizabeth Thaw; thence with said lands now or formerly of Elizabeth Thaw due west seventy-seven (77) feet to a stake in the east line of North Washington Street; thence with the east line of North Washington Street north three and one-quarter

($3\frac{1}{4}$) degrees west sixty-eight (68) feet to the place of BEGINNING, and containing about one-eighth ($\frac{1}{8}$) of an acre of land, be the same more or less.

Approved May 20, 1955.

CHAPTER 152

APPROPRIATION

INCREASING SALARIES OF DELAWARE STATE POLICE

**AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE
STATE HIGHWAY DEPARTMENT IN ORDER TO PRO-
VIDE A TEN PER CENT INCREASE IN SALARIES FOR
STATE POLICE EMPLOYEES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. There is hereby appropriated to the State Highway Department for the biennium ending June 30, 1957 the sum of One Hundred Forty-nine Thousand and Forty Dollars (\$149,040.00) to be used for the purpose of providing a ten per cent (10%) increase in the salaries of employees of the State Police.

Section 2. This is a supplementary appropriation act and the monies hereby appropriated shall be paid out of the General Fund from monies not otherwise appropriated.

Approved May 20, 1955.

CHAPTER 153

COMPACT FOR CONTROL OF FOREST FIRES

AN ACT AUTHORIZING THE GOVERNOR TO ENTER INTO A COMPACT ON BEHALF OF THE STATE OF DELAWARE WITH CERTAIN OTHER STATES FOR THE EFFECTIVE PREVENTION AND CONTROL OF FOREST FIRES AND FOR MUTUAL AID IN FIGHTING FOREST FIRES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Governor of Delaware is authorized to execute a compact on behalf of the State of Delaware with any one or more of the states of Maryland, New Jersey, Pennsylvania, Virginia and West Virginia, who may, by their legislative bodies so authorizing a compact, in form substantially as follows:

Middle Atlantic Interstate
Forest Fire Protection Compact

Article I

The purpose of this compact is to promote effective prevention and control of forest fires in the Middle Atlantic region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member States, and by providing for mutual aid in fighting forest fires among the compacting States of the region and with States which are party to other regional forest fire protection compacts or agreements.

Article II

This compact shall become operative immediately as to those States ratifying it whenever any two or more of the States of Delaware, Maryland, New Jersey, Pennsylvania, Virginia and West Virginia which are contiguous have ratified it and Congress has given consent thereto.

Article III

In each state the State forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that State and shall consult with like officials of the other member States and shall implement cooperation between such States in forest fire prevention and control.

The compact administrators of the member States shall organize to coordinate the services of the member States and provide administrative integration in carrying out the purposes of this compact.

The compact administrators shall formulate and, in accordance with need, from time to time revise a regional forest fire plan for the member States.

It shall be the duty of each member State to formulate and put in effect a forest fire plan for that State and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV

Whenever the State forest fire control agency of a member State requests aid from the State forest fire control agency of any other member State in combating, controlling or preventing forest fires, it shall be the duty of the State forest fire control agency of that State to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V

Whenever the forces of any member State are rendering outside aid pursuant to the request of another member State under this compact, the employees of such State shall, under the direction of the officers of the State to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the State to which they are rendering aid.

No member State or its officers or employes rendering outside aid pursuant to this compact shall be liable on account of any act or omission 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.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting State or under the laws of the aiding State or under the laws of a third State on account of or in connection with a request for aid shall be assumed and borne by the requesting State.

Any member State rendering outside aid pursuant to this compact shall be reimbursed by the member 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 of all materials, transportation, wages, salaries and maintenance of employes and equipment incurred in connection with such request: Provided, That nothing herein contained shall prevent any assisting member State from assuming such loss, damage, expense or other cost, or from loaning such equipment, or from donating such services to the receiving member State without charge or cost.

Each member State shall provide for the payment of compensation and death benefits to injured employes and the representatives of deceased employes in case employes sustain injuries or are killed while rendering outside 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.

For the purposes of this compact, the term employe shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding State under the laws thereof.

The compact administrators shall formulate procedure for claims and reimbursement under the provisions of this article in accordance with the laws of the member States.

Article VI

Nothing in this compact shall be construed to authorize or permit any member State to curtail or diminish its forest fire

fighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member State to maintain adequate forest fire fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

Nothing in this compact shall be construed to limit or restrict the powers of any State ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of State laws, rules or regulations intended to aid in such prevention, control and extinguishment in such State.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member State or States.

Article VII

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the Middle Atlantic Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each State, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

Article VIII

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any State party to this compact and any other State which is party to a regional forest fire protection compact in another region: Provided, That the Legislature of such other State shall have given its assent to such mutual aid provisions of this compact.

Article IX

This compact shall continue in force and remain binding on each State ratifying it until the Legislature or the Governor of such State takes action to withdrawn therefrom. Such action shall not be effective until six (6) months after notice thereof has been sent by the chief executive of the State desiring to withdraw to the chief executives of all States then parties to the compact.

Section 2. The above compact shall be effective immediately as between the State of Delaware and such other State or States as have already approved the compact. As to other States it shall become effective when approved by them. The Governor may take such action as may be necessary to complete the exchange of official documents between this State and any other State authorizing the compact.

Section 3. The State Forester, or some one designated by him shall act as Compact Administrator for this State.

Approved May 20, 1955.

CHAPTER 154

RELATING TO TEACHERS' PROFESSIONAL CERTIFICATES

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE, RELATING TO "EDUCATION" BY PROVIDING FOR THE ISSUANCE OF A PROFESSIONAL STATUS CERTIFICATE FOR TEACHERS AND FOR REGULATIONS CONCERNING CERTIFICATE RENEWAL.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That Title 14 of the Delaware Code is amended by adding a new Chapter thereto as follows:

CHAPTER 12

TEACHER CERTIFICATION

§ 1201. Application of this Chapter

This chapter shall apply to the State Board of Education, the Board of Education of the City of Wilmington, Boards of Education of School Districts, Boards of Education of Special School Districts and to such other educational boards as have the authority to pass rules and regulations governing the qualification and certification of teachers in the public schools of the State of Delaware.

§ 1202. Professional Status Certificate

Teachers who fully meet the initial requirements for certification by the certifying boards to which this chapter applies, and who have served for a period of three years under the authority of the certifying board in the type of position for which the certificate is appropriate, shall be issued a "Professional Status" certificate. Such Professional Status certificate shall be issued to cover a term of five years.

§ 1203. Renewal of the Professional Status Certificate

Upon the expiration of a Professional Status Certificate it shall be renewed provided the teacher shall have been employed

for at least three school years during the aforesaid five year term in the type of position for which the certificate was issued.

§ 1204. Revocation of Professional Status Certificate

A Professional Status certificate may be revoked upon dismissal for immorality, misconduct in office, incompetency, wilful neglect of duty or disloyalty, provided full and fair hearing and appeal shall have been allowed as elsewhere set forth in this title.

A teacher shall not forfeit his Professional Status certificate and his rights appertaining if he be transferred against his will to an educational position for which he is not certified.

NOTE: This bill became a law on May 18, 1955 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 155

CREATING A NEW DEPARTMENT OF ELECTIONS FOR
NEW CASTLE COUNTY**AN ACT TO AMEND CHAPTER 1, TITLE 15 OF THE DELAWARE CODE BY ABOLISHING THE PRESENT DEPARTMENT OF ELECTIONS FOR NEW CASTLE COUNTY AND CREATING A NEW DEPARTMENT OF ELECTIONS FOR NEW CASTLE COUNTY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Section 103, Chapter 1, Title 15 of the Delaware Code is hereby repealed.

Section 2. The present existing Department of Elections for New Castle County is hereby abolished and a new Department of Elections for New Castle County is hereby established as hereinafter provided. All of the powers and duties of the Department of Elections for New Castle County which is hereby abolished are transferred to the new Department of Elections for New Castle County hereby created.

Section 3. Chapter 1, Title 15 of the Delaware Code is hereby amended by adding thereto the following new Section to be known as § 103.

§ 103 (a) The Department of Elections for New Castle County shall consist of 11 members; 6 members shall be residents of the City of Wilmington and 5 members shall be residents of New Castle County, outside the City of Wilmington.

(b) The following persons are appointed members of the Department of Elections for New Castle County to serve until July 1, 1961.

Fred Heinold of New Castle County
Carl J. Scott of New Castle County
Leslie Ford of New Castle County

Woodrow Wilson Stanley of New Castle County
Sigmund Schoor of New Castle County
William McClafferty of the City of Wilmington
Martin Devine of the City of Wilmington
Joseph Grabowski of the City of Wilmington
Oscar Sewell of the City of Wilmington
William Savery of the City of Wilmington
George Sylvester of the City of Wilmington

Thereafter the Governor shall appoint 11 members, each for a term of 6 years and shall thenceforth upon the expiration of the term of any member appoint a successor for an additional term of 6 years.

In the event of a vacancy prior to the expiration of the 6 year term of any member due to his death or resignation the Governor shall appoint his successor who shall serve for the balance of the unexpired term of the said member.

(c) Each of the two principal political parties shall at all times be represented by at least three members of the Department.

NOTE: This bill became a law on May 18, 1955 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 156

RELATING TO SPECIAL TAX ON CERTAIN GROSS
PREMIUMS OF FIRE INSURANCE COMPANIES**AN ACT TO AMEND CHAPTER 27, TITLE 18, DELAWARE
CODE, RELATING TO THE RATE OF SPECIAL TAX
ON GROSS PREMIUMS OF FIRE INSURANCE COM-
PANIES FOR THE PURPOSE OF ASSISTING IN MAIN-
TAINING FIRE COMPANIES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 2705, Title 18, Delaware Code, is amended by striking out and repealing the figure "2%" as it appears in the fifth line thereof and substituting and enacting in lieu thereof the figure "3½%".

NOTE: This bill became a law on May 31, 1955 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 157

VALIDATING CERTAIN INSTRUMENTS AS DEEDS

AN ACT TO AMEND TITLE 25, DELAWARE CODE, ENTITLED "PROPERTY" BY VALIDATING CERTAIN INSTRUMENTS AS DEEDS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 131, Title 25, Delaware Code, is amended so that the first sentence shall read as follows:

An instrument which by its terms purports to alienate or convey lands, tenements or hereditaments situated in this State and which, prior to January 1, 1955, was signed by the persons or corporations who at the time were the owners of the lands, tenements or hereditaments mentioned therein and which was also acknowledged by owners before an officer authorized by the laws of Delaware to take acknowledgments, as the act and deed of such persons, shall be deemed to alienate or convey the title, estate and interest, both at law and in equity, of the owners signing and acknowledging such instrument, according to the true intent and meaning of such instrument, notwithstanding that the instrument is not under the seals of the owners and notwithstanding that the instrument does not contain the words commonly known as the "use clause" and/or the word "grant" and/or the words "bargain and sell".

Approved May 25, 1955.

CHAPTER 158

PENALTY FOR CONTRIBUTING TO DELINQUENCY
OF CHILD**AN ACT TO AMEND TITLE 11 DELAWARE CODE BY
INCREASING THE PENALTY FOR CONTRIBUTING TO
THE DELINQUENCY OF A CHILD.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Amend Title 11 Delaware Code by striking out the Fourth paragraph of Section 431 thereof relating to the penalty for inflicting pain upon or neglecting or contributing to the delinquency of a child, said paragraph beginning with the words: "shall be fined"; and by inserting in lieu of the said Fourth paragraph a new Fourth paragraph of Section 431 to read as follows:

"may be fined not more than FIVE HUNDRED DOLLARS (\$500.00) or imprisoned for not more than six (6) months, or both, in the discretion of the Court."

Approved May 25, 1955.

CHAPTER 159

RELATING TO SOIL CONSERVATION DISTRICT FOR
SUSSEX COUNTY**AN ACT AUTHORIZING AND DIRECTING THE COMMISSIONERS OF THE LEVY COURT OF SUSSEX COUNTY TO TRANSFER CERTAIN DESCRIBED LAND TO THE STATE SOIL CONSERVATION COMMISSION FOR THE USE OF THE SOIL CONSERVATION DISTRICT OF SUSSEX COUNTY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Commissioners of the Levy Court of Sussex County are hereby authorized to transfer to the State Soil Conservation Commission for the use of The Soil Conservation District of Sussex County the following described lands:

All that certain tract, piece, and parcel of land, situate, lying and being in Georgetown Hundred, Sussex County, State of Delaware, and lying on the northwesterly side of the State road leading from Georgetown to Shortley, and described by metes and bounds, with bearing referred to the approximate true meridian as follows, to wit: Beginning at a point where the centre of the Alms House Ditch intersect the northwesterly side of said road leading from Georgetown to Shortley, thence along line for the northwesterly side of said road, south 14 deg. 25 min. west 26.72 perches to a point in line for lands of Gladys May Phillips: thence along line for lands of said Gladys May Phillips, south 81 deg. 45 min. west 16.35 perches to a marked gum tree; thence along line for lands of said Gladys May Phillips, and lands of William Charles Jones, north 38 deg. 23 min. west 80.23 perches to a stake; thence north 49 deg. 53 min. west 19.68 perches to a stone, and a corner for lands of said William Charles Jones; thence with a new line through lands of the State of Delaware, north 40 deg. 07 min. east 28 perches to a point; thence south 67 deg. 23 min. east 68.7 perches to a point in the centre of said Alms House Ditch; thence down said ditch south 0 deg. 55 min. west 20.5 perches;

south 16 deg. 35 min. east 23.5 perches to the place of beginning; being bounded on the north and east by other lands of the State of Delaware, on the south by lands of Gladys May Phillips, and on the west by lands of Gladys May Phillips and William Charles Jones, containing 27.5 acres of land, be the same more or less.

Being part of the same land which was conveyed unto the State of Delaware, for the use of Sussex County, by the Trustees of the Poor of Sussex County, by deed dated the 12th day of December, A. D. 1933, and now of record in the office of the Recorder of Deeds, in and for Sussex County, Delaware, at Georgetown, in deed record D. I. K. No. 293, page 420.

Approved May 25, 1955.

CHAPTER 160

RELATING TO NEW CASTLE COUNTY LEVY COURT

AN ACT TO AMEND CHAPTER 15, TITLE 9 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE LEVY COURT OF NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1521, Title 9 of the Delaware Code is amended by adding and enacting at the end thereof the following new paragraphs:

(c) The Levy Court of New Castle County, in the general supervision of the County Offices as enumerated in this section shall have the power and authority to install in such of the County Offices as it shall consider necessary and desirable, modern and efficient business machines and machine record systems, to the end that all of the County Offices shall be administered efficiently and economically. The Levy Court of New Castle County is authorized and directed to purchase or lease the necessary and appropriate business machine record systems and business machines to carry out the purposes of this section.

(d) The Levy Court of New Castle County is hereby authorized to employ technical or professional advisors and consultants that it deems necessary or proper to advise it on the efficient and economical administration of the affairs of New Castle County. The technical and professional consultants and advisors so employed shall have full authority to examine and study the operation, management and administration of all county offices or departments that receive any appropriation for salaries or operational expenses from the Levy Court, and shall render to the Levy Court a written report of the findings and recommendations as result of such examination and study. The Levy Court of New Castle County is hereby authorized to expend for the services of the technical or professional advisors

and consultants employed under the authority of this subsection, a sum or sums not in excess of \$20,000.

Approved May 25, 1955.

CHAPTER 161

RELATING TO STATE FORESTRY FUND

AN ACT TO AMEND TITLE 7, DELAWARE CODE, ENTITLED "CONSERVATION" IN RELATION TO THE STATE FORESTRY FUND.

WHEREAS, the funds derived from the sale of products from State Forests and land under the administration of the State Forestry Department are badly needed to defray the costs of timber salvage, harvesting and marketing, cleanup and reforestation operations in State Forests, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2906, Title 7, Delaware Code, is amended by adding the following sentence at the end thereof:

All revenue derived from the sale of products from State Forests and from land under the administration of the State Forestry Department shall be paid to the State Treasurer and credited by him to the State Forestry Fund for use in connection with State Forests.

Section 2. This Act shall be effective until July 1, 1957.

Approved May 25, 1955.

CHAPTER 162

FENWICK ISLAND

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
FENWICK ISLAND IN RESPECT TO ASSESSMENTS
AND COLLECTION OF TAXES.**

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

Section 1. The second paragraph of section 24 of the Charter of the Town of Fenwick Island as the same appears in Volume 49, Delaware Laws, Chapter 302 is amended to read as follows:

The Town Council shall annually levy a tax thereon not exceeding fifty cents (50c) on each One Hundred Dollars (\$100.00) worth of assessed property.

Approved May 25, 1955.

CHAPTER 163

PROVIDING FOR SALE OF NATIONAL BANK OF
SMYRNA STOCK

**AN ACT PROVIDING FOR THE SALE OF 114 SHARES OF
THE CAPITAL STOCK OF THE NATIONAL BANK OF
SMYRNA, OWNED BY THE STATE OF DELAWARE.**

WHEREAS, the State of Delaware owns 114 shares of the capital stock of The National Bank of Smyrna; and

WHEREAS, the Board of Directors of the bank have requested the General Assembly to authorize and direct the sale of said shares, giving as their reasons for such request that the bank receives no deposits or other business from the State and that it would be greatly to the interest of the bank if such shares were owned by the public, where they would change ownership from time to time and not remain "frozen", as in the continued ownership of the State; and

WHEREAS, the General Assembly desires to favor such request; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Governor and the State Treasurer are hereby authorized and directed to sell the 114 shares of stock of The National Bank of Smyrna owned by the State of Delaware at public auction to the highest bidder, after notice of such sale is given as the Governor and State Treasurer shall deem necessary and proper; and the Governor and the State Treasurer are hereby authorized to assign and transfer the said shares of stock to the purchaser or purchasers thereof and to execute in the name of the State all appropriate instruments in writing to effectuate such transfer. The proceeds received from the sale thereof shall be deposited by the State Treasurer in the General Fund of the State of Delaware.

Approved May 25, 1955.

CHAPTER 164

RELATING TO SANITARY SEWER DISTRICTS

AN ACT TO AMEND CHAPTER 23, TITLE 9, OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS OF VOTERS FOR ELECTIONS IN SANITARY SEWER DISTRICTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2306 of Chapter 23, Title 9 of the Delaware Code is amended to read as follows:

§ 2306. Election on question of establishment of district

(a) Whenever the determination on the question of establishing the district, as required by section 2305 of this title, is in the affirmative, and after the other requirements of that section have been complied with, the Levy Court then shall cause an election to be held within six months following the date of the hearing, at which the question shall be submitted to the voters residing within the boundaries of the sanitary sewer district as fixed by the Levy Court as to whether the district shall be established or not. Notice of the election shall be advertised in the same manner as provided in section 2304 of this title for advertising the public hearing. The cost of the election shall be borne by the Levy Court, which shall be reimbursed for such cost by the district, if established by the election.

(b) The proposition shall be submitted to the voters substantially in the following form:

FOR THE SANITARY SEWER DISTRICT

AGAINST THE SANITARY SEWER DISTRICT

(c) The majority of votes cast shall decide the matter.

CHAPTER 163

PROVIDING FOR SALE OF NATIONAL BANK OF
SMYRNA STOCK

**AN ACT PROVIDING FOR THE SALE OF 114 SHARES OF
THE CAPITAL STOCK OF THE NATIONAL BANK OF
SMYRNA, OWNED BY THE STATE OF DELAWARE.**

WHEREAS, the State of Delaware owns 114 shares of the capital stock of The National Bank of Smyrna; and

WHEREAS, the Board of Directors of the bank have requested the General Assembly to authorize and direct the sale of said shares, giving as their reasons for such request that the bank receives no deposits or other business from the State and that it would be greatly to the interest of the bank if such shares were owned by the public, where they would change ownership from time to time and not remain "frozen", as in the continued ownership of the State; and

WHEREAS, the General Assembly desires to favor such request; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Governor and the State Treasurer are hereby authorized and directed to sell the 114 shares of stock of The National Bank of Smyrna owned by the State of Delaware at public auction to the highest bidder, after notice of such sale is given as the Governor and State Treasurer shall deem necessary and proper; and the Governor and the State Treasurer are hereby authorized to assign and transfer the said shares of stock to the purchaser or purchasers thereof and to execute in the name of the State all appropriate instruments in writing to effectuate such transfer. The proceeds received from the sale thereof shall be deposited by the State Treasurer in the General Fund of the State of Delaware.

Approved May 25, 1955.

CHAPTER 164

RELATING TO SANITARY SEWER DISTRICTS

AN ACT TO AMEND CHAPTER 23, TITLE 9, OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS OF VOTERS FOR ELECTIONS IN SANITARY SEWER DISTRICTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2306 of Chapter 23, Title 9 of the Delaware Code is amended to read as follows:

§ 2306. Election on question of establishment of district

(a) Whenever the determination on the question of establishing the district, as required by section 2305 of this title, is in the affirmative, and after the other requirements of that section have been complied with, the Levy Court then shall cause an election to be held within six months following the date of the hearing, at which the question shall be submitted to the voters residing within the boundaries of the sanitary sewer district as fixed by the Levy Court as to whether the district shall be established or not. Notice of the election shall be advertised in the same manner as provided in section 2304 of this title for advertising the public hearing. The cost of the election shall be borne by the Levy Court, which shall be reimbursed for such cost by the district, if established by the election.

(b) The proposition shall be submitted to the voters substantially in the following form:

FOR THE SANITARY SEWER DISTRICT

AGAINST THE SANITARY SEWER DISTRICT

(c) The majority of votes cast shall decide the matter.

(d) The election shall be managed and the votes canvassed in such manner as may be prescribed by the Levy Court. Every citizen who resides in the proposed sanitary sewer district in which the election is being held and who would be entitled at the time of the holding of such election to register and vote in any election district in which the proposed sanitary sewer district is a part, at a general election, if such general election were held on the day of such election in the proposed sanitary sewer district, may vote at such election whether or not he is at the time a registered voter.

Approved May 26, 1955.

CHAPTER 165

RELATING TO SUBURBAN PARK COMMUNITIES

AN ACT TO AMEND CHAPTER 6, TITLE 9 OF THE DELAWARE CODE RELATING TO PETITION OF FREEHOLDERS TO THE LEVY COURT WITH RESPECT TO A PROPOSED SUBURBAN PARK COMMUNITY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 625, Title 9 of the Delaware Code is amended by striking out and repealing the first sentence thereof and by inserting and enacting in lieu thereof a new first sentence to read as follows:

Fifty per cent of the freeholders resident in a proposed suburban park community consisting of less than 500 persons, or 250 freeholders resident in a proposed suburban park community consisting of 500 persons or more may present a petition to the Levy Court to submit the question of organizing a suburban park community to a vote of electors residing in that community.

Approved May 26, 1955.

CHAPTER 166

RELATIVE TO KENT COUNTY JAIL

AN ACT TO AMEND CHAPTER 69, TITLE 11 OF THE DELAWARE CODE WITH RESPECT TO THE REMOVAL OF THE WARDEN OF THE KENT COUNTY JAIL AND WITH RESPECT TO THE FILLING OF ANY VACANCIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 6903, Title 11, of the Delaware Code is amended by striking out and repealing all of said section and inserting in lieu thereof a new § 6903 to read as follows:

§ 6903. Removal of warden; vacancies

Whenever any vacancy occurs in the office of warden for any cause or reason whatsoever, other than the expiration of the term of office of the warden, a new warden shall be appointed for the unexpired term by the Levy Court of Kent County.

No warden shall be removed for any cause except upon the order of the Levy Court of Kent County who may hear and determine any charges placed against the warden. Any warden who is removed as a result of the order of the Levy Court of Kent County shall be replaced by the Levy Court as provided by law.

Approved May 31, 1955.

CHAPTER 167

RELATING TO STATE BOARD OF ACCOUNTANCY

AN ACT TO AMEND TITLE 24, DELAWARE CODE, ENTITLED "PROFESSIONS AND OCCUPATIONS" IN RESPECT TO THE APPOINTMENT, QUALIFICATIONS AND TERMS OF OFFICE OF THE BOARD OF ACCOUNTANCY; REQUIREMENTS FOR OBTAINING CERTIFICATE; AND IN RESPECT TO THE RULES AND REGULATIONS OF THE STATE BOARD OF ACCOUNTANCY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 101, Title 24, Delaware Code, is amended to read as follows:

§ 101. Board of Accountancy; appointment; qualifications; terms of office

The State Board of Accountancy heretofore established and hereafter in this chapter referred to as the "Board" is continued and shall consist of five members who shall be appointed by the Governor. Four members of the Board shall be certified public accountants and the fifth member a practicing attorney at law in this State. Harry E. Deppert shall serve until the expiration of his three-year term on the 12th day of July, 1955. Thereafter, his successor shall be appointed to serve until June 30, 1956. Charles I. Belfint shall serve until the expiration of his three-year term on the 10th day of April, 1956. Thereafter, his successor shall be appointed to serve until June 30, 1957. T. Crawley Davis shall serve until the expiration of his three-year term on the 10th day of April, 1956. Thereafter, his successor shall be appointed to serve until June 30, 1958. Harold Leshem shall serve until the expiration of his three-year term on the 12th day of July, 1956. Thereafter, his successor shall be appointed to serve until June 30, 1959. Desmond A. Lyons shall serve until the expiration of his three-year term on the 22nd day of January, 1957. Thereafter, his successor shall be appointed to serve until June 30, 1960. Except as specifically

provided in this paragraph all appointments to the Board shall be for a period of three years and until their successors are appointed and qualified, and any appointment made to fill a vacancy arising during a term shall be for the unexpired portion of the three-year term.

Section 2. § 104, Title 24, Delaware Code, is amended to read as follows:

§ 104. Certificate; requirements for obtaining

(a) The certificate of certified public accountant shall be granted by the Board to any person who:

(1) is a citizen of the United States; and

(2) is and has been a resident of the State for at least 12 consecutive months preceding the date of his application for examination; or for 12 consecutive months preceding the date of such application has maintained an office in the State from which he regularly and continuously engaged in the practice of public accountancy either as principal or as a member of a co-partnership, or has been in the employ of a person or co-partnership having an office and engaged in the practice of public accountancy in Delaware, and personally devoted and expects to continue to devote not less than 50 per cent of normal working time to such public accountancy practice; and

(3) has attained the age of twenty-one years; and

(4) is of good moral character; and

(5) is a graduate of a four-year high school course or an equivalent course in any other school or institution of learning; and

(6) except as otherwise provided in section 107 of this chapter, has successfully passed an examination in theory of accounts, practical accounting, auditing and commercial law, and in such other subjects as the Board may from time to time deem advisable.

(b) In the case of an application filed after December 31, 1956 by an applicant who has not theretofore sat for examination such applicant must meet one of the two following requirements in addition to the above:

(1) be a graduate of a college or other institution of learning recognized by the Board, and have completed not less than thirty semester hours in the study of accounting, auditing, commercial law, economics and finance, of which at least twenty semester hours shall be in the study of accounting; or

(2) have not less than twenty-four months experience in the practice of public accountancy either as principal or as a member of a co-partnership or in the employ of a person or co-partnership engaged in the practice of public accountancy.

(c) The Board may require an applicant to appear in person before the Board in connection with his application for a certificate as certified public accountant.

Section 3. § 106, Title 24, Delaware Code, is amended to read as follows:

§ 106. Rules and regulations

The Board may make all needful rules and regulations regarding the character and scope of examinations for determining the qualifications of all applicants, including the form, content and time of filing applications for examinations, and all other rules and regulations as may be necessary to carry out the purpose of this chapter and the maintenance of a high standard of integrity, experience, education and proficiency among the holders of certificates as certified public accountants.

Approved May 31, 1955.

CHAPTER 168

CREATING OFFICE OF STATE ELECTION COMMISSIONER

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE BY CREATING THE OFFICE OF STATE ELECTION COMMISSIONER AND DEFINING THE POWERS AND DUTIES THEREOF.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 15 of the Delaware Code is amended by adding a new chapter thereto to be designated as Chapter 3, and to read as follows:

CHAPTER 3

STATE ELECTION COMMISSIONER

§ 301. Definition

As used in this title "Commissioner" means the State Election Commissioner.

§ 302. State Auditor as Commissioner

The State Auditor shall in addition to his other duties perform the powers and duties of and be known as the State Election Commissioner.

§ 303. General powers and duties of Commissioner

The Commissioner shall have the following powers and duties—

(1) To furnish, by purchase, lease, or otherwise, such equipment, supplies and services that may be required in order to conduct his powers and duties prescribed in this title,

(2) To order any department, board, commission or agency of this State to transfer to the Commissioner any equip-

ment or supplies to his custody that are owned by the State and not in use by the department, board, commission or agency concerned, which may be used by the Commissioner in conducting the functions of his office,

(3) To furnish to each Department of Elections such forms, records, binders, files and other equipment and supplies for registration and elections as the Commissioner may be required to furnish under the provisions of this title,

(4) To select and maintain in the City of Dover, Delaware, preferably in a building owned by the State, suitable office space,

(5) To make reasonable rules and regulations with respect to the functions of his office and with respect to the manner of making entries in registration and election records to be followed by each Department and all registration and election officers,

(6) To have the sole responsibility for the security of the records in his office which shall not be delegated to anyone,

(7) To prescribe the form of the registration and election records which under the provisions of this title are to be uniform throughout this State so long as they are not in conflict with any provision of this title,

(8) To supply necessary instruction and assistance to each Department and all registration and election officers in order to insure uniform operation of the provisions of this title throughout the State,

(9) Such other powers and duties as may be necessary in order for the Commissioner to carry out his functions under the provisions of this title.

§ 304. Duties upon receipt of Applications for Registration

Upon receipt of Applications for Registration the Commissioner shall first determine whether each Application has been

properly approved and verified by the Department concerned. In the event of any discrepancy he shall return the Application to the Department concerned for such corrections or additions as may be necessary. If the Application has been properly approved and verified, the Commissioner shall then cause the information contained thereon to be punched upon tabulating cards. The cards shall be properly indexed by County Election Districts, and shall be maintained in tamper-proof, fire protected cabinet.

The Commissioner shall check the permanent significant registration number placed upon each Application for Registration to determine whether the proper number has been assigned by the Department. In the event the Commissioner determines that the permanent significant registration number assigned by a Department is erroneous, he shall assign the proper number, and shall notify the Department concerned which shall make the proper corrective entry upon the Election District Record and County Master Record.

After the Applications for Registration have been used by the Commissioner to comply with the provisions of this section, he shall cause every Application to be micro-filmed and indexed and shall destroy each original Application.

§ 305. Preparation of lists of registered voters

Beginning with the year 1958, the County Chairman of any political party may make a written request to the Commissioner at least ten days before each registration day or within ten days after the last registration day in the year of a general election and the Commissioner shall prepare an alphabetical list of the registered voters in the election districts designated by the County Chairman in the written request. The Commissioner shall prepare and supply not less than eight copies of each list to each County Chairman who requests it. Each list shall contain appropriate markings to indicate new registrants in an election district.

§ 306. Audit for duplication of names

Beginning with the year 1958 and within ten days following the last registration day in each general election year, the

Commissioner shall process all of the punch-cards of each voter in the State to determine whether or not there are any duplication of names. In the event that duplications are found, the Commissioner shall immediately notify each Department concerned, which shall undertake an investigation to determine the right of the voters concerned to be registered as prescribed in section 1704 of this title.

§ 307. Audit for names of persons who have not voted in the last two general elections

Beginning with the year 1960 and before the first registration day in each general election year, the Commissioner shall process the punch-cards of each voter in the State to determine whether or not any voters have not voted in the last two general elections. The names of any voters so found shall be immediately reported by the Commissioner to the Department concerned, which shall undertake an investigation as prescribed in section 1704 of this title.

Approved May 31, 1955.

CHAPTER 169

RELATING TO REGISTRATION OF VOTERS

AN ACT TO AMEND PART II, TITLE 15, OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VOTERS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 11, Title 15, of the Delaware Code is amended by striking out and repealing all of Chapter 11 and inserting and enacting in lieu thereof a new Chapter 11 to read as follows:

CHAPTER 11

GENERAL PROVISIONS

§ 1101. Definitions

As used in this part—

“Department” means the Department of Elections for each county of this state;

“Registration officers” means the registrar, assistant registrars and alternate registrars appointed by the Departments as defined in this section.

§ 1102. Permanent registration system

(a) During 1956 there shall be a general registration of all persons resident in this State who shall be qualified to vote in the general election held in the year 1956. The general registration shall be conducted as hereinafter prescribed and thereafter the records resulting therefrom shall be deemed to constitute a permanent registration record of all voters resident in this State entitled to vote, and such permanent registration record shall be compiled, purged, supplemented and

preserved in the manner prescribed in this title. Except as herein otherwise provided, a voter who registers in the general registration shall not be required to register again so long as he continues to reside in the same election district in which he is originally registered, and if he is not disenfranchised for any cause prescribed in the laws of this State and if his registration is not cancelled as provided in this title.

(b) During the year 1956, there shall also be held a general registration of all persons qualified to vote at the general election to be held in such year who are temporarily absent from this State, and are in the Armed Forces or Merchant Marine of the United States of America, or retainers or persons accompanying or serving therewith, or who are absent from this State because of illness or injury received while serving in any such capacity. The registration of all such persons shall be part of the permanent registration record.

(c) With respect to any elections held in this State prior to the completion of the general registration in the year 1956, the registration heretofore applicable in this State and the laws relating thereto shall apply. Commencing with the general election in the year 1956, the provisions of this act as to elections shall apply.

§ 1103. Supplementary registrations

(a) During the year 1958 and every two years thereafter and prior to the general election to be held in those years, there shall be a supplementary registration of all persons resident in this State who shall be qualified to vote and whose names do not appear as qualified voters from the general registration held in 1956.

(b) During each year in which a supplementary registration is held and prior to the general election to be held in each such year, there shall also be a registration of all persons qualified to vote at the general election to be held in such year who are temporarily absent from this State and are in the Armed Forces or Merchant Marine of the United States of America, or retainers or persons accompanying or serving therewith, or who are absent from this State because of illness

or injury received while serving in any such capacity, and whose names do not appear as qualified voters from the general registration held in 1956.

(c) The records of persons registering at supplementary registrations shall become a part of the permanent registration record the same as if they had registered at the general registration held in 1956.

§ 1104. New general registration

If the original permanent registration records of any election district are lost, destroyed, mutilated or defaced and they cannot be duplicated by photostating or photographing the duplicate permanent registration records so that the proper registration records will be available for use at an ensuing election, a new general registration, to be known as a special registration, shall be held in such election district in accordance with the provisions of this title.

§ 1105. Registration dates and hours in election districts

(a) Registration officers shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector and who apply in person for registration, and whose names do not already appear as qualified voters on the registration records for such election district, at the place or places in their respective election districts as have been selected and designated for the purpose of registration from seven o'clock A. M. until eight o'clock P. M. on the third Wednesday of the months of July and August, and on the third Saturday of the month of October prior to the election.

(b) For the purposes of the general registration prior to the general election to be held in the year 1956, the Commissioner may designate up to three additional registration days for all or any of the counties.

§ 1106. Notice of registration

Each Department, at least ten days prior to each day set for the purpose of registration in the several election districts,

shall give public notice by advertisement, posted in ten or more of the most public places in each election district, of the place where the registration officers shall sit for registration of electors and the day or days when they will sit for such purpose.

Section 2. Chapter 13, Title 15, of the Delaware Code is amended by striking out and repealing all of Chapter 13 and inserting and enacting in lieu thereof a new Chapter 13 to read as follows:

CHAPTER 13

REGISTRATION RECORDS, SUPPLIES AND PLACES

§ 1301. Registration records; furnished by the Commissioner

The State Election Commissioner in each general election year shall cause the necessary registration records and supplies to be prepared and purchased at the expense of the State and not later than July 1 of each general election year, he shall furnish the necessary registration records and supplies for the use of the Departments and for the use of the local registration officers in each election district in the State.

§ 1302. Registration records and supplies

(a) There shall be an original and duplicate permanent registration record, and an Application for Registration for each voter. The Application for Registration, and the original and duplicate permanent registration record shall contain a registration serial number, which shall be different for each voter, but the same for the three records of each voter. The three records shall be prepared in different and distinctive colors, and shall be uniform throughout the State.

The original permanent registration records of all voters shall consist of loose-leaf forms which shall be properly indexed alphabetically by election districts and housed in visible type loose-leaf binders with locking devices. The binder or binders for each election district shall be known as the Election District Record. The Election District Record for each election district

shall at all times, between elections, remain in the office of the Department.

The duplicate permanent registration records of all voters in each County shall be filed by name and properly indexed and housed in visible type files with protected edges in locked, fire-protected cabinets and shall be known as the County Master Record. The County Master Record shall at all times remain in the office of the Department, and shall not be removed for any reason whatsoever, except as provided by law.

The Application for Registration, and the original and duplicate permanent registration records shall be identical in substance, printing and arrangement and shall contain a space for the applicant's signature or mark preceded by the words, "The foregoing statements are true", and followed by space for the signatures of two registration officers, each of a different party affiliation. In addition, space will be provided for recording the following data:

1. The registration serial number, and the permanent registration significant number.
2. The applicant's surname, given name and initials of other names.
3. The date of application for registration.
4. The place of his residence, including street and number, if any and also including post office designation of the address at which the applicant claims to reside, and the number or designation of the room, apartment or floor occupied by the applicant if he does not claim the entire building as his residence.
5. The Election District, Representative District, Ward (if applicable) and County in which such residence address is located.
6. Whether the applicant's name appears on the List of Disqualified Voters.

7. The length of the applicant's residence (a) in this State (b) in the county, and (c) in the election district, calculated to the time of the next election for which the registration will be effective.
8. Whether the applicant previously voted at a general election in this State and, if so, the name under which and address at which he then resided and his prior permanent significant registration number if known.
9. The state or country where the applicant was born, and if naturalized, the date of naturalization and before what Court.
10. Identification of the applicant, including birth date, sex, height, color of hair, and color of eyes.
11. Information concerning cancellation of registration, the date of such cancellation, the reason therefore, and the signature of the appropriate Department official by whom the cancellation was recorded.
12. The voting record of each voter for a period of not less than 20 years.
13. The party affiliation of the applicant, or if the applicant declines to state his party affiliation, for entering the word "declines".
14. Recording data concerning challenges and the disposition thereof.
15. Whether the applicant is disqualified to register and why.
16. Recording data concerning registration appeals.
17. Transfers from one election district to another, and changes of address.
18. Remarks.

(b) There shall be one or more visible, prong, loose-leaf binders, with locking devices for the purpose of housing each Election District Record. Each binder shall be conspicuously labeled to indicate the election district, ward (if applicable), representative district and County, and shall have adequate index leaves for reference purposes. The key for each binder shall be in the custody of the Department, and in no event shall any key be removed from the office of the Department.

(c) There shall be one or more carrying cases for each binder, a lock and key for each carrying case, and a sufficient supply of seals for each carrying case. Each carrying case shall be appropriately labeled to indicate the same contents as the binder which it houses.

(d) There shall be an inventory record by registration serial number of the blank registration records furnished each Election District by the Department.

(e) There shall be a Voters' Registration List for each Election District to be completed by registration officers as prescribed in this title.

§ 1303. Transfer of names when election district divided; procedure

When the boundaries of an election district are changed, the Department having jurisdiction, not later than the 30th day of June in the year in which such change is made, shall transfer the original permanent registration records of registered voters whose voting districts have been changed into the appropriate Election District Record, make the necessary notation of the transfer on each duplicate permanent registration record in the County Master Record, of which change each registrant shall be notified by postal card, and shall also notify the Commissioner of all changes. The registration of any voter shall not be invalidated nor shall the right of any registered voter to vote be prejudiced by any error in making transfers of the registration records.

§ 1304. Custody of registration records; public inspection

All registration records when not in the custody of the Registrars shall be and remain in the custody of the Department except as otherwise provided.

The registration records shall, during normal business hours of each Department, be open to the inspection of anyone desiring to examine the same, without fee or reward. Anyone desiring to do so, may be permitted to make copies or partial copies thereof.

§ 1305. Registration supplies

Each Department shall prepare and furnish all necessary maps, forms, oaths, certificates, blanks, and instructions for the use of registration officers, and provide for the furnishing of such officers therewith and with all necessary supplies and also a copy of the registration and election laws. They shall have and retain the custody of all records, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies of every kind or description pertaining to the Departments.

§ 1306. Designation and preparation of places of registration

Each Department shall designate and appoint a place of registration in each election district in its county. The Departments, in their respective counties, shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned. Such place shall be in the most public, orderly and convenient portion of the district. No building or part of a building shall be designated or used as a place of registration in which, or in any part of which, alcoholic liquor is being sold or has been sold within 60 days next preceding the time of using the same.

§ 1307. Expenses

(a) The compensation of registration officers, as fixed in section 1511 of this title, shall be paid by the State in the manner prescribed in section 1512 of this title.

(b) The costs and expense of all registration notices, posters, maps, advertisements, blanks (except registration records), stationery, the rent and cost of fitting up, warming, lighting, cleaning of all registration places, of carting of all supplies of every kind and nature for registration shall be paid by the Levy Courts of the respective counties upon proper vouchers signed by the president and secretary of the Department of the county, except as otherwise provided.

Section 3. § 1501, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting a new § 1501 to read as follows:

§ 1501. Appointment; qualifications; recommendations of political parties

(a) Each Department shall, in the month of April each year in which a general election is held, appoint for each election district in its County, three capable persons, who are voters and residents in the representative district in which is located the election district for which they shall be appointed, to be registration officers of the election district for which they are appointed. One shall be designated as Registrar and the other two as Assistant Registrars, and not more than two of them shall be of the same political faith. The total number of registration officers in each representative district shall be divided as equally as possible between the two principal parties, as the same shall be determined upon by the Department at the time of making the appointments.

(b) The County Executive Committee of each of the two principal parties shall furnish the Department by the first day of April of the year in which the appointments are to be made, a list of 5 names of properly qualified persons from which the Department shall make its appointments. If the lists of names are not furnished then the Department shall appoint some suitable person or persons of such political faith, having all the qualifications provided by this section.

Section 4. § 1511, § 1518 and § 1519, Title 15 of the Delaware Code are amended by inserting and enacting the words "registration records" in lieu of the words "registration

books" or "Registers and Books of Registered Voters" wherever they appear in said sections.

Section 5. § 1505, Title 15 of the Delaware Code is amended by striking out and repealing the words "resident in the election district" and inserting and enacting in lieu thereof the words "resident in the representative district in which is located the election district".

Section 6. § 1510 (b), Title 15 of the Delaware Code is amended by striking out the words "election district" and inserting and enacting in lieu thereof the words "representative district in which is located the election district".

Section 7. § 1702, Title 15 of the Delaware Code is amended by striking out and repealing § 1702 and inserting and enacting in lieu thereof a new § 1702 to read as follows:

§ 1702. Removal of names by Department

In each year in which a general election is held in this State, and prior to the first registration day in that year, the Departments of Elections for each county shall meet at their respective county offices to remove names from the registration records, with right of appeal in all cases, giving public notice in all cases of the days and hours of such sitting as is required to be given in the case of registration in the several election districts.

Section 8. § 1703, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 1703 to read as follows:

§ 1703. Duty of officers to notify Departments of facts suggesting voter disqualification

(a) The Clerk or Prothonotary of any Court in this State having jurisdiction of felonies shall, when a person is convicted of a crime deemed by law a felony, notify immediately the Department of the county in which the person is a resident.

(b) All State, County and municipal agencies shall have the duty, when it comes to their attention that a person is an idiot or insane or a pauper, to notify immediately the Department of the County in which the person is a resident.

Section 9. § 1704, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 1704 to read as follows:

§ 1704. Removal of names of persons disqualified; cancellation of registration

Each Department in each year in which a general election is held, and prior to the first registration day in that year, shall remove from the Election District Record of each election district the original permanent registration record of every person appearing on the Election District Record who has not voted in the preceding two general elections or who since his registration has become disqualified, or for any reason has ceased to be a qualified voter in the election district in which he registered. Such action shall be known as cancellation of registration.

Before any record shall be removed from the Election District Record for any of the causes stated in this chapter, the Department shall give notice of such intention and the reason therefor, by registered mail, directed to the registered voter concerned at the post office address as the same shall appear in the County Master Record and the date when such matter shall be passed on by the Department. Such notice shall be mailed not later than 5 days next preceding the sitting of the Department to act upon such notice of intention to remove such name from the registration records. If at such meeting of the Department it shall be established to their satisfaction that the person is a duly qualified voter in the election district, then his name shall not be removed from the registration records; but if it shall not be so established, the Department shall remove the voter's original permanent registration record from the Election District Record and place it in a special file or binder to be known as "List of Disqualified Voters", and in addition the Department shall make an appropriate entry to indicate the voter's disqualification upon his original and duplicate per-

manent registration records. The Department shall also notify the Commissioner who shall remove from his files the tabulating punch-card for the voter concerned.

In the event that the Commissioner notifies the Department of any duplication of names as provided in section 306 of this title, the Department shall, upon receiving such notification, meet specially and follow the same procedure for cancellation of registration as provided in this section except that 2 days notice of the Department's intention to remove the names from the registration records shall be sufficient in such cases.

Section 10. § 1705, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 1705 to read as follows:

§ 1705. Removal of records of deceased persons from registration records

(a) The Registrar of Vital Statistics for this State shall furnish to the Departments of Election and to the Commissioner on or before the tenth day of January, April, July and October, in each year, a full, complete and accurate copy of the record of the name, residence and age of each person 21 years of age and upward who has died in the respective counties, during the three calendar months then next preceding as the facts in respect to such deaths shall be furnished to the Registrar of Vital Statistics. The Departments and the Commissioner shall keep, preserve and file all copies or microfilms of such records.

(b) The Department shall remove the original and duplicate permanent registration records of each deceased voter from the Election District Record and County Master Record, cause the original to be microfilmed and file the microfilm copy thereof in a special file labeled "Deceased Voters". The Department shall then destroy the original and duplicate permanent registration records of the deceased voter. The Commissioner shall remove and destroy the tabulating punch-card for the deceased voter contained in his files.

Section 11. § 1706, Title 15 of the Delaware Code is amended by striking out and repealing said section and by insert-

ing and enacting in lieu thereof a new § 1706 to read as follows:

§ 1706. Motion to remove a name from registration records; procedure; entries in records as to such motion

(a) Any person may move to remove from the registration records the records of any person who has been illegally registered as a qualified voter, or who since his registration has become disqualified, or for any reason has ceased to be a qualified voter in the election district in which he is registered.

The person making such motion must be a qualified voter of the Representative District which includes the election district wherein the person whose registration is appealed, is registered.

(b) The motion may be made to the same Judge who sits to hear appeals from the Department in the county where the person affected by such motion is registered, without such motion having previously been made to the Department of the County concerned.

(c) The person making the motion shall make an affidavit that he believes he has lawful grounds for such motion, and setting them forth.

If the motion is made to the Judge in the first instance the affidavit shall be presented to the Judge at the time of making the motion, but if the motion is made first to the Department, then the affidavit shall be presented to the President of the Department.

(d) When the motion is made to the Judge, the person making the motion shall notify the Department of the County in which the person affected by such motion is registered, and shall also notify the person affected by such motion, stating in the notice the time when the motion will be made to the Judge.

The Judge before whom any such motion is made shall hear and inquire into all the grounds of the motion set forth in the affidavit.

If it appears that the person against whom the motion is made, was illegally registered, or that since his registration he has become disqualified, or that for any reason he has ceased to be a qualified voter in the election district in which he is registered, then and in any such cases the Judge shall order and direct the Department to make the appropriate marks and entries in the registration records.

The Secretary or a member of the Department of the County in which the person is registered and against whom the motion is made shall appear at the hearing of such motion before the Judge, with the registration records, and shall make such marks and entries therein as he shall be directed by the Judge.

(e) When the motion is made first to the Department, then the person making such motion shall notify the person affected, of his intention to make such motion at the next sitting of the Department of the County in which the person affected is registered.

The Department at such sitting shall examine into the matter. If upon the examination it appears that the person against whom such motion is made was illegally registered, or that since his registration he has become disqualified, or that for any reason he has ceased to be a qualified voter of the election district in which he is registered, then and in that event the Department shall remove the voter's original permanent registration record from the Election District Record and place it in a special file or binder to be known as "List of Disqualified Voters", and in addition the Department shall make an appropriate entry to indicate the voter's disqualification upon his duplicate permanent registration record contained in the County Master Record. The Department shall also notify the Commissioner who shall remove from his files the tabulating punch-card for the voter concerned.

Section 12. § 1710, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 1710 to read as follows:

§ 1710. Notice by registered mail

In all cases where written notice is required by this chapter to be given to any person, such notice shall be deemed sufficient if sent by registered mail, addressed to the person to be notified, at his address appearing in the County Master Record, and deposited in the mail not later than the Wednesday next preceding the sitting of the Department at which he may be notified to appear.

Section 13. § 1711, Title 15 of the Delaware Code is amended by striking out and repealing § 1711 and inserting and enacting in lieu thereof a new § 1711 to read as follows:

§ 1711. Registration before a special election

In any case of a special election held in this State, other than a special election to fill a vacancy occurring or existing in either House of the General Assembly while it is in session or within 20 days prior to the convening of the General Assembly in regular or special session, the registration officers of the respective election districts of this State shall sit on the third and fourth Saturdays immediately preceding the day of such special election, from seven o'clock A. M. until eight o'clock P. M., with an intermission from twelve to one o'clock at the place where the special election will be held, or at some convenient and suitable place in the town in which such election will be held, and at such sittings shall add to the registration records of their respective election districts the names of all qualified voters of the District whose names do not already appear as registered voters and who shall apply in person for registration.

Such registration officers shall follow the same procedures as in supplementary registrations.

The provisions of this chapter relative to the custody, safe keeping and delivery of the registration records shall be deemed to apply to the case of special elections as well as to general elections.

Section 14. § 1721, Title 15 of the Delaware Code is amended by striking out and repealing § 1721 and inserting and enacting in lieu thereof a new § 1721 to read as follows:

§ 1721. Delivery of registration records to Registrars

Each Department prior to the dates specified by this title for holding registration of voters in election districts shall deliver the appropriate supplies and records to the Registrar of the election district. Sets of original and duplicate permanent registration records shall be numbered serially and a record kept by the Department of the specific serial numbers supplied to each election district.

Section 15. § 1722, Title 15 of the Delaware Code is amended by striking out and repealing § 1722 and inserting and enacting in lieu thereof a new § 1722 to read as follows:

§ 1722. Entries by registration officers

The Registrar and the Assistant Registrars in each election district in this State shall, at the times designated for registration, meet in their respective election districts at the places designated for such meeting, and at such time shall do and perform the following acts:

First: When a person appears at a registration place for the purpose of applying to register as a voter, a registration officer shall obtain from him the necessary information to complete an Application for Registration. All recording shall be done by typewriting, or by printing in longhand in black or blue-black ink.

Second: After the Application for Registration has been fully completed and signed by the applicant, two registration officers, one from each political party, shall inspect the Application for completeness, eligibility and legibility and shall make such additions or corrections in the presence of the applicant as may be necessary. If satisfied that the Application is complete and legible, and that the applicant is eligible to register, the two registration officers, one from each political party, shall

sign their names in the blanks provided for that purpose on the Application for Registration.

Third: The applicant for registration shall then sign an original and a duplicate permanent registration record in blank which shall be initialed by the same registration officers who signed the Application for Registration. If unable to sign, the applicant shall make his mark upon the Application for Registration and original and duplicate permanent registration records initialed by the registration officers.

If the applicant is unable to sign or make his mark because of physical disability, the registration officers shall indicate that fact in the space provided for the signature of the applicant upon the registration records, and they shall sign the Application for Registration and initial the original and duplicate permanent registration records the same as in other cases.

Fourth: The registration officers shall attach the Application for Registration, signed or marked by the applicant to the original and duplicate permanent registration forms signed or marked by the applicant.

Fifth: The registration officers shall record the name, address, and registration serial number of each applicant upon a separate List of Registered Voters in the order in which they appear at the registration place to be registered.

Sixth: At the end of the registration day, the Registrar shall deliver to the Department all of the sets of registration records supplied by the Department to the election district, the List of Registered Voters, and an inventory of registration serial numbers. The Registrar shall record on the inventory the number of every set of registration records supplied to him by the Department, and indicate as to each number whether the set was used to register an applicant (in which case the name of the applicant shall be given), or whether the set was voided for any reason, or whether the set was not used.

Section 16. § 1723, Title 15 of the Delaware Code is amended by striking out and repealing said section and by in-

serting and enacting in lieu thereof a new § 1723 to read as follows:

§ 1723. Entries in election districts

The Department may order that the provisions of section 1722 be modified to permit registration officers to record data upon original and duplicate permanent registration records in the event that the Department determines that the completion of registration will be expedited thereby. In such a case the Department shall make certain that registration officers are fully instructed with respect to the manner of making entries as determined by the Commissioner.

Section 17. § 1725, Title 15 of the Delaware Code is amended by striking out the last sentence thereof and inserting a new last sentence to read as follows:

If any person so challenged refuses to make the oath or affirmation prescribed in this section, the registration officers shall enter the words "Refused to make oath concerning bribery" in the appropriate space in the applicant's Application for Registration and the Department shall place the original permanent registration record of the applicant in the special file or binder known as the "List of Disqualified Voters".

Section 18. § 1727, Title 15 of the Delaware Code is repealed.

Section 19. Chapter 17, Title 15 of the Delaware Code is amended by adding a new section thereto, to be designated as § 1729, and to read as follows:

§ 1729. Duties of Department following registration

(a) After the Registrar delivers the registration records to the Department following each registration day, the Department shall first check the inventory record by the registration number of the registration records furnished to the Election District to ascertain whether all the records supplied have been returned to the Department. If the Department is satisfied that all records have been returned, it shall file and retain the in-

ventory for not less than one year. If all the records have not been returned, the Department shall notify the Attorney General, who may take appropriate action.

(b) The Department shall then take the Applications for Registration which have been completed, and signed or marked by the applicant and the registration officers, and examine them for completeness, legibility, and eligibility. If the Department does not complete the registration of an applicant, it shall enter the reason upon the appropriate spaces in the original and duplicate permanent registration records and notify the applicant by registered mail, immediately of its action. If the Department is satisfied that the application is complete and legible and that the applicant's name does not appear on the List of Disqualified Voters and that the applicant is qualified to be registered, the Department shall cause the information contained on the Application for Registration to be typewritten upon the original permanent registration record and the duplicate permanent registration record, making the latter the carbon copy.

(c) The Department shall then assign and mark upon the original and duplicate permanent registration record, and the Application for Registration, a permanent significant registration number according to the system established by the Commissioner.

(d) The Department shall then ascertain whether the original and duplicate permanent registration records conform to the Application for Registration, and if satisfied that the data on all three records is identical, a person authorized by the Department shall then sign the Application for Registration to indicate that it has been approved and verified by the Department, and the Department shall then forward it to the Commissioner. The Department shall then file the original permanent registration record in the appropriate Election District Record, and file the duplicate permanent registration record in the County Master Record.

Section 20. § 1728, Title 15 of the Delaware Code is amended by striking out and repealing § 1728 and inserting and enacting in lieu thereof a new § 1728 to read as follows:

§ 1728. Certifications by registration officers as to registration entries

The registration officers shall, within three days after their last sitting, certify to the Department that within their knowledge no false or improper entries have been made in the registration records.

Section 21. § 1741, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting in lieu thereof a new § 1741 to read as follows:

§ 1741. Transfer of registration upon moving from one election district to another within a county; procedure; application

If any person registered as a voter in this State, shall after he is so registered, move from the election district in which he is registered to any other election district within the same county, he shall apply in person to the Department having custody of the registration records in the county in which he shall at the time reside, to have his registration transferred to his new address by making and signing an Application for Transfer of Registration, furnished by such Department upon application.

The Application for Transfer of Registration shall be made at the office of the Department by appearing personally at the Department at any time during normal business hours of the Department, and on any normal business day before the last registration day in election districts in the year of a general election.

Persons may also apply for transfer of registration to the registration officers in the election district in which the applicant shall reside at the time the application is made; such application shall be made, by personally appearing before the registration officers and by making and signing an Application for Transfer of Registration upon the form described in this chapter. Application for transfer of registration when made to the

registration officers shall be made at the place, on a day and during the hours when the registration officers shall sit for the purpose of registering persons in accordance with the provisions of this title.

Whenever any elector applies for transfer of registration he shall be required, before his address is changed on the registration records, personally to make, sign and file, an Application for Transfer of Registration with the registration officer of his election district or the Department for the county in which he shall then reside, and he may then cause his name to be registered in the election district to which he may have removed, provided that by the next following general election he will have acquired in the election district to which he has moved, and in the county, if the removal has been to another county, the residence required by the Constitution. No Department shall transfer the registration of any elector to any other election district unless such person has made, signed and presented the Application for Transfer of Registration in the manner and form as described in this chapter.

All applications for Transfer of Registration must be properly made and signed by the applicant. The Registrar or the Department at the places indicated on the forms shall enter the county, the number of the election district, the number of the Representative District and the date when application was received by him. The Application shall also be signed by the Registrar and an Assistant Registrar or by a person authorized by the Department.

The Registrar in each election district in this State, immediately after each registration day, shall personally deliver or send by mail to the Department issuing the transfer forms in this county, all Applications for Transfer of Registration received by him properly made and signed by an applicant and signed by the registration officers as directed by this section.

All unused Applications for Transfer of Registration in their possession shall be delivered by the Registrars to the respective Department immediately after the last registration day held in any election district in each year.

Section 22. § 1742, Title 15 of the Delaware Code is amended by striking out and repealing the word "books" as it appears in the first paragraph of said section and inserting and enacting in lieu thereof the word "records"; and said section is further amended by striking out the words, "stricken from the Registers and Books of Registered Voters" as they appear in the second paragraph thereof and inserting and enacting in lieu thereof the words, "removed from the registration records".

Section 23. § 1743, Title 15 of the Delaware Code is amended by striking out the following words: "The name of the above signed person has been entered in the Registers and Books of Registered Voters for Election District No....., Ward No., Repr. Dist. No., Registrar, Asst. Reg., Asst. Reg." and by inserting and enacting in lieu thereof the following:

"The original permanent registration record of the above signed person has been transferred to Election District No., Ward No., Repr. Dist. No., and a notation of the transfer has been entered on the person's duplicate permanent registration record in the County Master Record.

.....
For the Department"

Section 24. § 1743, Title 15 of the Delaware Code is further amended by striking out and repealing the words "within three days" and by inserting and enacting in lieu thereof the word "immediately".

Section 25. § 1744, Title 15 of the Delaware Code is amended by striking out and repealing the words "Registers and Books of Registered Voters" and inserting and enacting in lieu thereof the words "registration records".

Section 26. § 1745, Title 15 of the Delaware Code is amended by striking out and repealing § 1745 and inserting and enacting in lieu thereof a new § 1745 to read as follows:

§ 1745. Examination under oath and registration

All persons who shall apply at the office of the Department of Elections for transfer of registration, may be examined under

oath or affirmation, as to their name, age, address and qualifications as a voter and right as such to register and vote in the election district in which they claim residence; if satisfied upon such examination that the person applying for transfer is in fact qualified to register and vote in such election district such person shall be registered in such election district by the registration officers or such other person qualified to make registrations in accordance with the provisions of section 1722 of this title.

Section 27. § 1746, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 1746 to read as follows:

§ 1746. Removal of voter's records of district where voter formerly resided; notice of action taken

Upon acceptance of an Application for Transfer of Registration at their office, or upon receipt of an Application for Transfer of Registration from registration officers, the Department of Elections or a person authorized by the Department shall examine the Election District Record for the election district where the applicant formerly resided, and shall remove the applicant's original permanent registration record therefrom and after noting the change of address thereon, shall file it in the Election District Record of the election district in which the applicant presently resides, and shall also make an appropriate notation of the transfer and change of address upon the applicant's duplicate permanent registration record in the County Master Record. The Department shall notify the Commissioner of the transfer and change of address, and the Commissioner shall cause a new punch card to be made for the applicant and file it in the proper place. The Department shall also notify the applicant that his registration has been transferred by mailing to him a Notice of Transfer of Registration in accordance with section 1747.

Section 28. § 1747, Title 15 of the Delaware Code is amended by striking out and repealing § 1747 and inserting and enacting in lieu thereof a new § 1747 to read as follows:

§ 1747. Notice of Transfer of Registration; form

The Notice of Transfer of Registration shall be substantially as follows:

(Title of Dept.)

NOTICE OF TRANSFER OF REGISTRATION

Name.....

Address.....

This is to notify you that your voter's registration records have been transferred to Election District No., Ward No., Repr. Dist. No., County of and that your original permanent registration record has been removed from the Election District Record for the election district in which you formerly resided. If either name or address is incorrect, please notify this office.

..... (Secretary), (President).

Section 29. § 1749, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 1749 to read as follows:

§ 1749. Notice required upon change of address within a district

Change of address or residence within the same election district shall not disqualify any person as a voter in such election district; however, such person shall be required, not later than the last registration day preceding the next election to notify personally the Department having custody of the registration records in their county of such change of address or residence. If such change of address takes place during a period when such change of address cannot be made in the Election District Records, such elector shall, upon proper identification, be permitted to vote if he is otherwise qualified.

Section 30. § 1901 (a), Title 15 of the Delaware Code is amended by striking out and repealing the word "books" and by inserting and enacting in lieu thereof the word "records".

Section 31. § 1901 (c), Title 15 of the Delaware Code is repealed and a new § 1901 (c) inserted in lieu thereof to read as follows:

(c) Registration made under this section shall become a part of the permanent registration system.

Section 32. § 1906 (c), Title 15 of the Delaware Code is amended by striking out and repealing said subsection and by inserting and enacting in lieu thereof a new § 1906 (c) to read as follows:

(c) The Department, on request made in writing therefor, shall forthwith mail to the person applying for absentee registration the necessary blank forms of the absentee registration affidavit in duplicate, an Application for Registration, and an original and duplicate permanent registration record with instructions as to the manner of completing the records. The affiant may retain the duplicate copy of the affidavit. Upon receipt of the affidavit and records by the Department within the time permitted herein, the Department shall treat them in the same manner as in the case of other registrations except that two members of the Department, of opposite political parties, shall perform the same duties with respect thereto as would registration officers for registrations held in election districts.

Section 33. § 1907, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting in lieu thereof a new § 1907 to read as follows:

§ 1907. Absentee registration affidavit; form

The absentee registration affidavit shall be in substantially the following form and contain the information requested in such form:

STATE OF }
COUNTY OF } ss.

I, do solemnly swear (or affirm) that I am a resident of the election district of the representative district in the County of , State of Delaware, and am entitled to register as a qualified voter in the general election to be held in said district during the year in which this affidavit is dated; that I am absent from the State of Delaware and do not expect to be present in the State of Delaware at any time from the date of this affidavit until ten days before the date of such general election, that I am absent because:

- ☐ I am a member of the Armed Forces of the United States of America;
- ☐ I am a member of the Merchant Marine of the United States of America;
- ☐ I am serving with the American Red Cross attached to and serving with the Armed Forces of the United States of America;
- ☐ I am serving with the Society of Friends attached to and serving with the Armed Forces of the United States of America;
- ☐ I am serving with the United Service Organizations attached to and serving with the Armed Forces of the United States of America;
- ☐ I am suffering from an illness or injury received while serving in any of the foregoing capacities;

that I was a resident of the said election district at the commencement of my aforesaid membership (or service); and that the information concerning me that I have noted upon the Application for Registration is true and correct.

Signed:

Subscribed and Sworn to (or affirmed) before me this
..... day of, A. D. 19.....

.....
Commissioned Officer, Notary Public
or other qualified person (state title)

Section 34. § 1908, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting in lieu thereof a new § 1908 to read as follows:

§ 1908. Absentee registration; application for by applying for absentee ballot; mailing affidavit and records with absentee ballot

Whenever any person not a registered elector for the year in which a general election is to be held who meets the tests laid down in section 1901 (b) of this title shall apply in writing to the Department of the County of which he claims to be a resident, for an absentee ballot, within the time provided therefor by the laws of this State, the Department shall mail to the applicant along with the absentee ballot, envelopes and instructions, the necessary blank forms for absentee registration as set forth in section 1906, to be executed and returned by the applicant as provided in this chapter.

If the absentee registration affidavit and records are properly executed, authenticated and returned as provided in this chapter and if the information contained therein shows that the applicant is otherwise qualified to vote under the laws of this State, the applicant shall be deemed a qualified voter duly registered to vote to the same extent and with the same effect as if he had followed one of the other authorized methods of registration; and the Department shall record proper entries in the registration records showing that the applicant is duly registered to vote.

If the applicant is registered under the provisions of this section, his absentee ballot, if it and the necessary affidavits and envelopes in connection therewith are properly executed and

returned in accordance with the laws of this State, shall be counted as every other valid and proper absentee ballot under the laws of this State.

If the Department determines from the absentee registration affidavit or records that the applicant is not an otherwise qualified voter under the laws of this State or that the affidavit is not sufficiently executed, it shall mark "rejected" on the affidavit and Application for Registration and write thereon the reasons therefor and shall not record or enter the applicant as a duly registered elector and shall not count his or her absentee ballot.

Section 35. § 1909, Title 15 of the Delaware Code is amended by striking out and repealing the words "until the next succeeding general registration" and is further amended by adding the words "and records" after the word "affidavits".

Section 36. § 1928, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting in lieu thereof a new § 1928 to read as follows:

§ 1928. Records

The Auxiliary Registrars shall register all persons in the same manner as registrations in election districts.

Section 37. § 1929, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting in lieu thereof a new § 1929 to read as follows:

§ 1929. Return by Auxiliary Registrars

Upon completion of the registrations, the Auxiliary Registrars shall forward by registered mail, or personally deliver, to the Registrar of each election district affected the registration records of all persons who applied to be registered as voters in such election district so that the records will be received by the Registrar prior to the second Saturday of September in the year of a general election.

Section 38. § 1930, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting in lieu thereof a new § 1930 to read as follows:

§ 1930. Action by Registrars; challenge

The Registrars of the respective election districts of this State, who shall receive any such records from any Auxiliary Registrars shall open such records during the first hour of the next succeeding meeting of the officers of registration. Then the Registrar shall, in a clear and distinct voice, audible to those in the room, read the name of each person so returned by the Auxiliary Registrars for registration. Any registration officer or any qualified voter of the election district may challenge the right to be registered of any person whose name appears on the records, and the question shall be determined by the registration officers. If their determination is against the right of any person to be registered whose name appears on the records they shall make the same marks and entries on the Application for Registration of the person concerned as they would make for other persons disqualified to register.

Section 39. § 1931, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting in lieu thereof a new § 1931 to read as follows:

§ 1931. Appeals

From the action of the registration officers in registering or refusing to register any name from the records, any registration officer or any qualified voter in the election district may appeal for or against the person affected. The provisions of this Part relative to appeals shall apply to those taken under this section except notice to the person affected may not be required by the Judge hearing the appeal, and the appeal for or against any citizen absent in the military service may be prosecuted as effectually as if such absentee were present in person.

Section 40. § 1932, Title 15 of the Delaware Code is amended by striking out and repealing said section and insert-

ing and enacting in lieu thereof a new § 1932 to read as follows:

§ 1932. Disposition of records

In all cases, the Registrars shall forward the records to the Department and follow the same procedure as in the case of other registrations.

Section 41. § 1933, Title 15 of the Delaware Code is repealed.

Section 42. § Chapter 17, Title 15 of the Delaware Code is amended by adding a new section thereto, to be designated as § 1751, and to read as follows:

§ 1751. Transfer and change of party designation; procedure

A duly registered voter may apply to the Department at any time before the third Wednesday of July in the year of a general election or to the registration officers in his election district on the third Wednesday of July in the year of a general election for a change of his party designation upon his registration records. The application shall be made upon a form prescribed by the Commissioner. If the application is made to registration officers, they shall forward the completed form of the applicant to the Department at the same time as they forward other registration records to the Department after registration days. Upon the completion of the application for a transfer the Department shall cause an appropriate notation of the change of party designation to be made upon the applicant's original and duplicate permanent registration records, and shall also cause the Commissioner to be notified so that an appropriate change may be made in the applicant's punch-card.

Section 43. Any act or parts of an act inconsistent with this act are repealed to the extent of any such inconsistency.

Section 44. If any section, subparagraph, sentence, phrase, part or application of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions hereof, and the General Assembly hereby

declares that it would have enacted such remaining portions notwithstanding any holding of unconstitutionality with respect to any other portions of this Act.

Approved May 31, 1955.

CHAPTER 170

RELATING TO ENFORCEMENT OF REGISTRATION LAWS

AN ACT TO AMEND CHAPTER 23, TITLE 15 OF THE DELAWARE CODE RELATING TO PENAL AND ENFORCEMENT PROVISIONS OF THE REGISTRATION LAWS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2302, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting a new § 2302 to read as follows:

§ 2302. Wrongful registration; assault; riot; breach of peace

Whoever causes or attempts to cause himself to be registered in—

The name of any other person living or dead or under any fictitious name; or

Any election district in this State, knowing that he has not the right to be registered; or

Whoever, knowing himself to be registered in any election district in this State, causes or attempts to cause himself to be registered in any other election district in this State without having first caused his record to be removed from the Election District Record in which his original permanent registration record may have been previously entered; or

Whoever, knowing himself to be disqualified as a voter at the next following general election, causes or attempts to cause himself to be entered in the Election District Record in any election district in this State as a registered voter therein, or unlawfully interferes with any Registrar, Alternate Registrar or Assistant Registrar in the discharge of his duties under this Title; or

Whoever makes any assault or commits any assault and battery or incites or creates any riot or breach of the peace at or near to any place of registration in this State during the sitting of any registration officers—

Shall be fined not less than \$50 or more than \$200, or imprisoned not less than 30 days or more than 2 years, or both.

Section 2. § 2303, Title 15 of the Delaware Code is amended by striking out and repealing said section and inserting and enacting a new § 2303 to read as follows:

§ 2303. Registration records; fraudulent entries; alterations, obliterations or omissions; loss; destruction; mutilation; secretion; false copies

(a) Whoever, being a Registrar, Alternate Registrar or Assistant Registrar—

Fraudulently enters or permits to be entered in any registration record, the name of any person as a registered voter who is not entitled to be entered therein as a registered voter; or

Fraudulently refuses or omits to register or fraudulently misspells in any registration record in his charge, the name of any person entitled under the provisions of this title to have his name entered in such registration records; or

Fraudulently removes from any Election District Record in his charge the original permanent registration record of any person entered therein; or

Makes any entry in any registration record, except at the time and in the manner in this title provided; or

Does anything which is by this title forbidden by him to do; or

Whoever, being a Registrar, Alternate Registrar or Assistant Registrar, Inspector or Judge of Election—

Loses any registration records which may be in his charge or custody; or

Wilfully destroys, mutilates, defaces, falsifies or fraudulently removes or secretes any registration record; or

Knowingly makes any false entry in or false copy of any registration record, or any part thereof; or

Fraudulently makes any entry, erasure or alteration in any registration record—

Shall be deemed to have knowingly and wilfully violated his official duty and shall be fined in such amount, or imprisoned for such term, or both, as the court in its discretion may determine.

(b) Whoever, other than the officials referred to in subsection (a) of this section, makes, alters, or obliterates any entry in any registration record, or wilfully destroys, mutilates, defaces, falsifies or removes or secretes any registration record shall be fined in such amount, or imprisoned for such term, or both, as the court in its discretion may determine.

Approved May 31, 1955.

CHAPTER 171

RELATING TO REGISTRATION APPEALS

AN ACT TO AMEND CHAPTER 21, TITLE 15 OF THE DELAWARE CODE, RELATING TO REGISTRATION APPEALS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 21, Title 15 of the Delaware Code, is hereby repealed in its entirety, and a new chapter 21 inserted and enacted in lieu thereof to read as follows:

§ 2101. Right to appeals; persons entitled

(a) From the decision of any of the Departments or the registration officers, granting or refusing registration, or removing or refusing to remove names from the registration records, any person interested or any member of such Department or any registration officer, may appeal to the Court.

(b) The word "Court" as used in this chapter shall mean either the Resident Associate Judge of the County, or in case of his disability or absence from the County, any Judge entitled to sit in the Supreme Court.

§ 2102. Notice of appeal

(a) In order to prosecute an appeal, the person taking the same shall notify the Department, registration officers from the decision of which the appeal is taken and also the person affected by the appeal, stating in the notice the time when the appeal will be presented.

(b) To take an appeal from a decision of the registration officers it shall not be necessary for the appellant to declare his intention so to do to the registration officers other than by the notice to the Department and the registration officers as provided in subsection (a) of this section.

(c) No entry in the registration records with respect to an appeal shall affect the right to appeal.

§ 2103. Notice of appeal to correct name; correction by Judge

Any person applying to the Court to have any name appearing in the Election District Record for his election district in any manner incorrect, to be corrected, shall give notice as provided in this chapter to the Department of his intention to make application for the correction thereof, so that the Department or its duly authorized representatives shall and may be present with the appropriate registration records to make such corrections therein as the Court shall order and direct, and shall also give notice of his intention to the person affected, as provided in this chapter.

§ 2104. Manner of giving notice; time; proof

(a) All notices required to be given by the provisions of this chapter upon any person shall be in writing and shall be served personally or by registered mail, return receipt requested, addressed to the person's address that appears in the County Master Record.

(b) All required notices shall be served at least five days prior to the day on which the appeal or application is made to the Court. The date of personal service or the date of mailing shall be considered as the first day in computing the five days period.

(c) In all cases where service is made by registered mail, proof of such service shall be by affidavit showing the date of mailing and by the return receipt which shall be annexed to the affidavit showing that the person sought to be served received or refused the notice by registered mail or that the person sought to be served was unknown at the address appearing in the County Master Record.

(d) No appeal shall be considered by the Court, unless it is satisfied that notice has been given as required by this section.

§ 2105. Affidavit of appellant

No appeal shall be received and acted upon by the Court, unless the appellant shall at the time of presenting his appeal also make and file therewith an affidavit that notice of his intention to present his appeal on the day was given to the Department or registration officers or both, and to the person affected by the appeal and that such appeal is made in good faith and based upon facts within the knowledge of the person making and filing such affidavit.

§ 2106. Disposition of appeals

In the event any appeal is taken or any appeal remains undetermined within the period of 30 days before the date of the general election, the Court shall give priority to any such appeal over any other business before the Court, and the Court shall hear and determine the appeal and enter an order as provided in Section 2110, on or before the day immediately preceding the date of the general election.

§ 2107. Limit on appeals presenting the same issue

Once an appeal has been determined, no appeal shall thereafter be heard or allowed by the Court which presents the same or substantially the same issue as has already been determined in a prior appeal.

§ 2108. Duty of registration officers to attend appeals

The registration officers shall attend and be present at all hearings of which they had notice, before the Court as may be sitting for that purpose of appeals which shall have been taken from the decision of the registration officers of his election district.

§ 2109. Alternate Registrars

All the powers and duties conferred or enjoined upon registration officers by any of the provisions of this chapter, are expressly made the powers and duties of all alternate registration officers in the absence of any registration officer from his

election district, or his disability to perform the duties imposed upon such registration officer by any of the provisions of this chapter.

§ 2110. Order by Court

The Court hearing any appeal shall order and direct the Department to make such entries in the registration records as the law and the facts shall warrant.

§ 2111. Finality of decisions

The decision of the Court on any appeal provided for in this chapter shall be final.

§ 2112. Costs

The person who makes the affidavit taking such appeal shall pay all the costs of the appeal if the appeal is finally dismissed. The costs shall be fixed by the Court and taxed upon the appellant at the time of such dismissal.

§ 2113. Registration appeal dockets

The Departments of Elections for each County shall provide books of permanent record to be known as "Registration Appeal Dockets", in which a permanent record be made and preserved of all registration appeals made to, and acted upon by, the Court hearing registration appeals. The Dockets shall contain the following information in respect to each appeal:

- (1) Date of the appeal;
- (2) Name of the appellee;
- (3) The ground or grounds of each appeal;
- (4) The name of the person or persons making the affidavit or affidavits on each appeal;
- (5) The determination of the Court on each of the grounds of appeal asserted in each such appeal.

The docket may contain such other information or data as may be required to make a complete record of each appeal acted upon. All entries in the dockets shall be under the supervision and direction of the Court and the record of each appeal shall be approved by the Court hearing the appeal. The record of each appeal shall fully disclose each and every ground upon which the appeal is filed. The Registration Appeal Dockets shall remain in the care and custody of the Department having jurisdiction and shall be produced before the Court by the Department whenever required by the Court sitting for the purpose of hearing appeals.

Approved May 31, 1955.

CHAPTER 172

RELATING TO CONDUCT OF ELECTIONS

**AN ACT TO AMEND CHAPTER 49, AND CHAPTER 50,
TITLE 15 OF THE DELAWARE CODE RELATING TO
THE CONDUCT OF ELECTIONS.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4931, Title 15 of the Delaware Code is amended by striking out the words "between the hours of seven and seven-thirty o'clock" and inserting in lieu thereof the words "at seven o'clock".

Section 2. § 4939 (a), Title 15 of the Delaware Code is amended by striking out and repealing § 4939 (a) and inserting and enacting in lieu thereof a new § 4939 (a) to read as follows:

(a) A voter upon entering the room where an election is being held, shall announce his name and address, whereupon each of the Clerks shall enter his name upon the poll lists being kept by him. The Election Officers shall first determine whether the Election District Record contains an original permanent registration record for the voter, and if it appears that the voter is properly registered, an Election Officer shall hand to the voter a Voter Signature Card which the voter shall sign. An Election Officer shall then place the voter's permanent significant registration number upon the Voter Signature Card. Two Election Officers, one from each political party, shall then compare the signature of the voter as it appears upon the Voter Signature Card with the signature of the voter, as it appears upon the voter's original permanent registration record in the Election District Record. If the two Election Officers are not satisfied that the voter who signed the Voter Signature Card is the same voter who signed the voter's original permanent registration record, the voter shall not be permitted to vote.

In the event that the voter is unable to sign a Voter Signature Card for any reason, or in the event that the voter's original permanent registration record is unsigned, or both, the two Election Officers shall determine the identity of the voter by means other than by comparison of signatures.

In the event of a disagreement as to the identity of the voter, his right to vote shall be determined by a majority vote of the Inspector and the two Judges of the Election. In the event that the voter is not permitted to vote, his Voter Signature Card shall be marked "not permitted to vote" and signed by two Election Officers, and shall be forwarded to the Department at the same time and in the same manner as other Voter Signature Cards are sent to the Department.

If the Election Officers are satisfied that the voter is the same voter who signed or marked the voter's original permanent registration record, the Clerk having custody of the envelopes shall then deliver to such voter an official envelope with the names of the Clerks recorded in full thereon as provided in Sections 4914 and 4938 of this title, and the Clerk having the custody of the ballots shall deliver to such voter an official ballot for the election district wherein the election is being held.

The voter may then and without leaving the room go into any of the voting booths or compartments which may be unoccupied. The voter shall deposit the ballot which he desires to vote in the envelope delivered to him by the Clerk. After depositing the ballot in the envelope the voter shall deliver the envelope containing his ballot to the Inspector, or Judge who may be authorized temporarily to act as Inspector. The Inspector shall then audibly pronounce the name of the voter and the Inspector shall forthwith, in the presence of the voter and the other election officers, place a rubber band around the envelope handed to him by the voter in such manner as to keep the ballot from falling out of the envelope, and shall deposit the envelope in the ballot box. Thereupon the Inspector shall cause a notation to be made upon the original permanent registration record of the voter to indicate that he has voted in the election.

Section 3. § 4944, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 4944 to read as follows:

§ 4944. Grounds for refusing to accept a ballot

The Inspector shall not at any election receive or deposit in the ballot box the ballot of any person offering to vote until his original permanent registration record shall have been found in the Election District Record and the Judges or a majority of them shall be satisfied that the person so offering to vote is the person named in the record; but no objection to the vote of any person whose original permanent registration record shall have been found in the Election District Record shall be entered or considered by the Judges except for the following reasons—

1. The person offering to vote is not the person whose original permanent registration record appears in the Election District Record.

2. The person offering to vote is disqualified from voting under section 4946 of this title.

Section 4. § 4945, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 4945 to read as follows:

§ 4945. Determination of challenge based on identity of voter

If a vote is objected to for the reason that the person offering to vote is not the person whose original permanent registration record appears in the Election District Record, its admission or rejection shall be determined according to the opinion of a majority of the Judges.

Section 5. § 4954, Title 15 of the Delaware Code is amended by striking out the words "six o'clock in the afternoon" and inserting in lieu thereof the words "eight o'clock P. M."

Section 6. § 4978 (c), Title 15 of the Delaware Code is amended by striking out and repealing said subsection and by inserting and enacting in lieu thereof a new subsection (c) to read as follows:

(c) In election districts wherein only voting machines are used, the provisions of this section shall apply so far as is consistent therewith. In such election districts, one certificate and two poll lists shall be delivered to the Department of Elections which shall be retained by the Department subject to examination by the Board of Canvass.

Section 7. § 4979 (c), Title 15 of the Delaware Code is amended by striking out and repealing said subsection and by by inserting and enacting in lieu thereof a new § 4979 (c) to read as follows:

(c) Each Inspector shall immediately after the election, deliver into the office of the Department, the Election District Record, and all of the Voter Signature Cards, which were supplied to him by the Department before the election.

Section 8. Chapter 49, Title 15 of the Delaware Code is amended by adding a new section thereto to be designated as § 4980 and to read as follows:

§ 4980. Duties of Department and Commissioner following an election

Immediately following an election the Department shall take each Voter Signature Card and compare it with the voter's original permanent registration record in the Election District Record to determine whether the Election Officers have properly noted that the voter voted at the election. The Department shall cause a proper notation to be made upon the duplicate permanent registration record in the County Master Record of the fact that the voter has voted in the election. The Department shall notify the Commissioner of the names of each voter who voted in the election, and the Commissioner shall cause the punch-card of the voter to be punched to indicate that he has voted in the election.

Voter Signature Cards, and all other forms and records not of a permanent nature, which are used in the conduct of an election, shall be retained by the Department for not less than 1 year following the election. The Commissioner may

require that the Department send the Voter Signature Cards used in the election to the Commissioner to carry out his duties under this section. In such event, the Commissioner shall return the Voter Signature Cards to the Department not more than 6 months following their delivery to the Commissioner.

Section 9. § 5020 is amended by striking out the first two sentences and inserting in lieu thereof the following:

§ 5020. Manner of voting

When the voter presents himself for the purpose of voting, his right to vote shall be determined in the same manner as provided in section 4939 (a) of this title, and if the voter is not challenged or if a challenge is decided in his favor, one of the Election Officers to be stationed at the entrance of the voting machine shall announce the name of the voter and permit him to pass through the entrance to the booth of the voting machine for the purpose of casting his vote. The Judges shall then cause the original permanent registration record of the voter to be appropriately marked to indicate that the voter has voted in the election.

Section 10. § 5023, Title 15 of the Delaware Code is amended by inserting between the eighth and ninth sentences the following:

Absentee ballots, if any, shall be counted as provided in section 4972 of this title.

Section 11. § 5023, Title 15 of the Delaware Code is further amended by changing the period after the words "as shown on his counter" to a comma and by adding thereafter the words "and by the absentee ballots, if any".

Section 12. § 5026, Title 15 of the Delaware Code is amended by adding after the words "provided that where no ballot box is used" the words "except the ballot box used for absentee ballots".

Section 13. § 5015, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 5015 to read as follows:

§ 5015. Voting machine out of order; procedure

In case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, the Department of Elections shall substitute a perfect machine for the injured machine, and at the close of the polls, the record of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election. The Department of Elections shall maintain and hold in readiness a reasonable number of extra voting machines to be supplied to election districts where a voting machine has become inoperative, and the Department shall take reasonable steps to insure rapid delivery in such event.

Approved May 31, 1955.

CHAPTER 173

RELATING TO ABSENTEE VOTING

AN ACT TO AMEND CHAPTER 55, TITLE 15 OF THE DELAWARE CODE RELATING TO ABSENTEE VOTING.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 5504, Title 15 of the Delaware Code, is amended by striking out and repealing said section as it now appears and inserting in lieu thereof a new § 5504 to read as follows:

§ 5504. Affidavits required of persons applying for absentee ballots

(a) Any elector desiring to receive an absentee ballot because of sickness or physical disability shall cause an affidavit to be filed with the Department of Elections in the county in which such elector's election district is located, subscribed and sworn to before an officer authorized by law to administer oaths, by a person authorized to practice medicine or surgery under the laws of this State, and dated not more than 30 days prior to the next ensuing general election, to the effect that such elector is unable to go to the polling place in his or her election district at the forthcoming general election because of sickness or physical disability, or that the sickness or physical disability of such elector will make it dangerous to the life or health of such elector to go to the polling place in his or her election district at the forthcoming general election. Such affidavit shall be filed with the Department of Elections before the Department shall mail or deliver to such elector the official ballot, envelopes, or instructions as provided in this chapter.

(b) Any elector desiring to receive an absentee ballot because of his business or occupation shall cause an affidavit to be filed with the Department of Elections in the county in which such elector's election district is located, subscribed and sworn to before an officer authorized by law to administer oaths, by his employer, if any, or by the elector himself if he is self-

employed, and dated not more than 30 days prior to the next ensuing general election, stating the nature of his business or occupation, the reason why he cannot be in his election district on the day of the general election, his expected location, including his address and telephone number to be used for the purpose of challenge on election day, and that by reason of his business or occupation he cannot and will not be present in his election district on the day of the general election. Such affidavit shall be filed with the Department of Elections before the Department shall mail or deliver to such elector the official ballot, envelopes, or instruction as provided in this chapter.

Section 2. § 5517, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting a new § 5517 to read as follows:

§ 5517. Challenges

The vote of any absentee voter may be challenged for the same causes, and in the same manner as provided by the general election laws, and further, the vote of any absentee voter may be challenged on the ground that the affidavit filed by the voter in accordance with § 5504 is false, and in the case of a voter who was allegedly absent from his Election District because of his business or occupation, on the ground that he was not absent from his Election District for the entire day of the general election. Upon challenge, proceedings thereon shall be as provided by the general election laws.

Section 3. § 5511, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 5511 to read as follows:

§ 5511. Time limit for return of ballot; late ballots

The absentee voter shall return his marked ballot enclosed in the voucher envelope to the Department of Elections of his county before noon of election day; and any absentee ballot received by any Department of Elections after 12:00 o'clock noon of election day shall not be forwarded to the polls, but the President or the Secretary of the Department shall endorse on the voucher envelope containing such ballot the time such was

received and shall retain all such envelopes unopened and so endorsed until the last day of February next after the election, and longer if directed to do so by proper authority.

Section 4. § 5513, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 5513 to read as follows:

§ 5513. Special carrier envelopes used to convey absentee ballot to polling place; form

The special carrier envelope in which the absentee ballots are placed when returned by the absentee voter shall have printed thereon the following:

ABSENTEE VOTER'S BALLOT

for the

.....Election District, of the.....

Representative District, of.....County.

This envelope contains an absentee voter's ballot and shall be opened only at the polls of said election district on election day while said polls are open. This envelope and the enclosed voucher envelope shall be preserved by the Inspector and at the close of the count shall be placed in the box into which the ballots have been put when read, and returned therewith.

Department of Elections for.....County.

.....SecretaryPresident.

Section 5. § 5514, Title 15 of the Delaware Code is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 5514 to read as follows:

§ 5514. Delivery of absentee ballots to polling places

When an absentee voter's ballot is received by any Department of Elections, the voucher envelope containing the marked ballot, sealed in the special carrier envelope of the Department,

shall be enclosed and sealed in a package and safely kept in its office until the day of the election and delivered to the election district in which the absentee voter, as so indicated by the voter, is a resident, after noon on the day of the election and at least two hours before the closing of the polls.

Any member of the Department, in person or by a duly deputized agent, shall deliver all such absentee voters ballots separately enclosed in a special carrier envelope to the Inspector of Election at the polls of the respective election districts of the absentee voters, taking the receipt of the respective Inspectors for the delivery of such a ballot or ballots.

Section 6. Chapter 55, Title 15 of the Delaware Code is amended by adding a new section to read as follows:

§ 5515. Requirements for absentee ballots received by election officers

The election officers shall refuse to receive any absentee voter's ballot from any person other than a member of the Department of Elections of their county, or a duly deputized agent, other than those ballots enclosed in the sealed package delivered by the Department of Elections to the Inspector of such election district, and shall refuse to receive and act upon any such ballot that is not enclosed in an envelope bearing the signature in ink of the President and Secretary of the Department as required by section 5512 of this title.

Section 7. Chapter 55, Title 15 of the Delaware Code is amended by adding a new section to read as follows:

§ 5516. Procedure at polling place

At any time between the opening and the closing of the polls on election day the Inspector or a Judge of Election of the election district shall open the outer or carrier envelope only and ascertain the name of the absentee voter as appears by the executed affidavit of the absentee voter on the voucher envelope enclosing the marked ballot; whereupon he shall announce the absentee voter's name for the purpose of challenges and upon the determination that such person is a duly registered voter of

said election district by comparing the voter's signature upon the voucher envelope with the signature of the voter appearing in the Election District Record, and that such elector has not voted in person at the election he shall open the voucher envelope containing such absentee voter's ballot in such a manner as not to deface or destroy the number thereof, or the affidavit thereon, and take therefrom the official envelope containing the marked ballot, and without opening or permitting the official envelope to be opened or the contents examined, shall cause the two clerks to write their names on the official envelope, and the clerks shall enter the name and address of the absentee voter on the poll lists. The ballot shall then be voted in the same manner, with the proper entries thereof in the election records, as if the ballot had been tendered in person by the elector.

All voucher envelopes from which ballots have been taken and voted, and all voucher envelopes containing ballots which have been rejected and endorsed, as provided in section 5518 of this title, shall be preserved by the Inspector, and at the close of the count shall be placed in the ballot box as provided by the general election laws.

Section 8. Chapter 55, Title 15 of the Delaware Code is amended by adding a new section to read as follows:

§ 5518. Rejected ballots

(a) In case the affidavit of the absentee voter is found to be insufficient, or the absentee voter is not a duly registered elector in such election district, or the voucher envelope is open, or has been opened and re-sealed, or it is evident that the voucher envelope has been tampered with or altered, or such ballot has been forwarded to the polls by someone other than the Department of Elections of the county, such vote shall not be accepted or counted. If the voucher envelope has not been opened at the time the election officers decide that the offered ballot contained therein should be rejected for any of the foregoing reasons, it shall not be opened by the election officers, but they shall endorse thereon, "REJECTED" (giving reason therefor), and if the voucher envelope has been opened and the ballot is rejected, the official envelope containing the ballot shall be replaced in

the same voucher envelope from which it was taken and the election officers shall endorse on the voucher envelope, "REJECTED" (giving reason therefor).

(b) Whenever it is made to appear by due proof to the Inspector and Judges of Election that any absentee voter, who has marked and forwarded his ballot, has died, the voucher envelope containing the ballot shall not be opened but shall be marked "REJECTED, Dead", and shall be preserved and disposed of as other rejected ballots."

Section 9. § 5523, Title 15 of the Delaware Code is amended by adding after the words "marked ballot" the words "to the Department for delivery".

Section 10. § 5507, Title 15 of the Delaware Code is amended by adding after the paragraph ending with the word "secret" a new paragraph to read as follows:

I, do solemnly swear (or affirm) that I have not received or accepted, or offered to receive or accept, paid or transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding a vote at this election.

Approved May 31, 1955.

CHAPTER 174

RELATING TO ELECTION LAWS

**AN ACT TO AMEND CHAPTER 51, TITLE 15 OF THE
DELAWARE CODE RELATING TO CRIMINAL OF-
FENSES ARISING FROM VIOLATIONS OF THE ELEC-
TION LAWS.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 5130, Title 15 of the Delaware Code is amended by striking out and repealing the words "shall be fined not more than \$200 or imprisoned not more than 2 years, or both", and by inserting and enacting in lieu thereof the words "shall be fined not less than \$50 or more than \$200, or imprisoned not less than 30 days or more than 2 years, or both".

Section 2. § 5134 (a) (3) is amended by striking out and repealing the word "Registers" and inserting and enacting in lieu thereof the words "Election District Record".

Section 3. § 5136 (a), Title 15 of the Delaware Code is amended by striking out and repealing the words "any record, Register, Book of Registered Voters" and inserting and enacting in lieu thereof the words "any registration records".

Approved May 31, 1955.

CHAPTER 175

RELATING TO ELECTION SUPPLIES

AN ACT TO AMEND CHAPTER 45, TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION SUPPLIES TO BE FURNISHED BY DEPARTMENTS OF ELECTIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4515, Title 15 of the Delaware Code is amended by adding a new numbered paragraph thereto to read as follows:

(10) A sufficient supply of Voter Signature Cards which shall be of a sufficient size to record the voter's signature, his permanent significant registration number, and the data specified in section 4939 (a) when applicable. The form of the Voter Signature Cards shall be determined by the Commissioner, and shall be uniform throughout the State.

Section 2. Chapter 45, Title 15 of the Delaware Code is amended by adding a new section thereto, to be designated as § 4522 and to read as follows:

§ 4522. Applicability of chapter

The provisions of this chapter insofar as they relate to the furnishing and distribution of ballots, envelopes, ballot boxes and other election supplies used in elections not conducted with voting machines shall not apply to elections conducted with voting machines.

Approved May 31, 1955.

CHAPTER 176

APPROPRIATION

STATE ELECTION COMMISSIONER

AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE STATE AUDITOR IN HIS CAPACITY AS STATE ELECTION COMMISSIONER FOR THE PURPOSE OF ENABLING HIM TO CARRY OUT HIS POWERS AND DUTIES UNDER TITLE 15 OF THE DELAWARE CODE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the State Auditor in his capacity as State Election Commissioner for the biennium ending June 30, 1957, the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) to be used in carrying out his duties under Title 15 of the Delaware Code.

Section 2. This is a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Fund from funds not otherwise appropriated. All sums unexpended by June 30, 1957 shall revert to the General Fund.

Approved May 31, 1955.

CHAPTER 177

PROVIDING FOR SURETY ON A CONSTABLE'S BOND

AN ACT TO AMEND SECTION 2706, TITLE 10, DELAWARE CODE, BY SPECIFICALLY PROVIDING THAT A QUALIFIED SURETY COMPANY SHALL BE AN ACCEPTABLE SURETY ON A CONSTABLE'S BOND.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2706 (a), Title 10, Delaware Code, is hereby amended by adding after the word "county" in the second line of said Section the following words:

"or with a company qualified to act as surety or guarantor under Chapter 29, Title 18, Delaware Code,"

Section 2. § 2706 (b), Title 10, Delaware Code, is hereby amended by adding after the word "sureties" in the first line thereof the words "or surety company", and also by adding after the word "sureties" in the eighth line thereof the words "or surety company".

Approved May 31, 1955.

CHAPTER 178

APPROPRIATION

HOSPITALS

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

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members of each Branch thereof 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, 1955 and July 1, 1956, the sum of money set after the names of such Hospitals, respectively, viz:

To KENT GENERAL HOSPITAL, at Dover....	\$ 51,150.00
To MILFORD MEMORIAL HOSPITAL, INC., at Milford	74,250.00
To BEEBE HOSPITAL OF SUSSEX COUNTY, INC., at Lewes	57,200.00
To HOMEOPATHIC HOSPITAL ASSOCIATION OF DELAWARE, at Wilmington	172,150.00
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	102,850.00
To NANTICOKE MEMORIAL HOSPITAL, at Seaford	24,750.00
To RIVERSIDE HOSPITAL, at Clifton Park Manor	17,600.00

Each of said appropriations shall be paid to said respective Hospitals in equal quarterly installments on the first day of July, October, January and April in each of the fiscal years 1955 and 1956.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of HOMEOPATHIC HOSPITAL ASSOCIATION OF DELAWARE, at Wilmington, for each of the above mentioned fiscal years, the sum of Five Hundred and Fifty Dollars (\$550.00) per bed, not in excess of seventy (70) beds, and the same sum per bed for NANTICOKE MEMORIAL HOSPITAL not in excess of thirty (30) beds, the said appropriations to be paid to each of said Hospitals, upon the completion of such additional capacity, in equal quarterly installments on the first day of July, October, January and April in each of the fiscal years 1955 and 1956; provided, however, that no portion of said appropriations shall be paid to either of said Hospitals unless such additional bed capacity shall have been completed and in operation prior to December 31, 1956, and provided further that in each such case the first quarterly installment payable after the completion and operation of such bed capacity shall be in that proportion of the quarterly installment which the portion of the quarter remaining after the beginning of the operation of such capacity shall bear to the total of such quarter.

Section 3. In the event of a reduction in the bed capacity of any Hospital for which an appropriation is herein made, the State Treasurer shall be notified by such Hospital and in such case the appropriation and the quarterly payments herein authorized shall be reduced proportionately from the time of the giving of such notice.

Section 4. 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 May 31, 1955.

CHAPTER 179

RELATING TO ELIGIBILITY FOR RETIREMENT BENEFITS

AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE CODE, RELATING TO ELIGIBILITY FOR RETIREMENT BENEFITS.

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

Section 1. § 1702, Chapter 17, Title 9, Delaware Code, is amended by adding thereto a new Subsection to be known as Section 1702 (e).

(e) Any person living on April 17, 1947 who has been employed by the Agencies providing for "covered employment" as defined in Section 1701 of this Chapter and Title, and who is not now so employed, but who had been so employed for a period of twenty years or more anytime prior to April 17th, 1947, and has been retired without pay, and has been separated from said employment through no fault of his own, shall receive, on and after his 65th birthday, the pension benefits provided for by this Chapter to the same extent as other present, or retired employees.

Approved May 31, 1955.

CHAPTER 180

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY PROVIDING FOR THE VACATION OF CITY STREETS.

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

Section 1. Section 51, of Chapter 152 of Volume 48, Laws of Delaware, as amended, is further amended by adding at the end of said section the new paragraphs as follows:

Whenever the necessity for the continuation of an existing public street, or a portion thereof, shall cease, the Council shall by resolution fix a time and place to which persons interested may be heard with respect to the vacation or abandonment thereof. A copy of the resolution shall be published in a newspaper of general circulation within the City in at least two issues thereof prior to the date fixed for the hearing and likewise a copy of the resolution shall be sent by mail addressed to the owners of land touching upon the street, or a part or portion thereof, at least ten days before the day fixed for the hearing.

The Council shall, on the day and at the time fixed, proceed to hear persons interested and shall consider any objection to the vacation or abandonment of the street or part thereof and shall determine concerning the same. If the Council determines that no necessity exists for continuing the street or part thereof, they may order the same to be vacated or abandoned and may determine who shall enclose the same. The order of the Council shall be entered in the minutes of the Council together with a description of the street or that part thereof ordered to be vacated or abandoned and thereupon the street or part thereof shall cease to exist as a public street and the persons entitled to enclose the same may proceed to use and occupy the vacated or abandoned street.

Whenever the Council shall determine that the necessity for the continuation of an existing public street, or portion thereof, has ceased, the Council may order said public street vacated and closed without a hearing, provided that all the abutting property owners along the street or portion thereof shall consent to the vacation of such public street, shall signify such consent in writing, shall agree who shall be entitled to enclose said street, and shall signify such agreement in writing.

In the event that any public street shall be ordered vacated, abandoned or closed as aforesaid, any public utility having poles, wires, conduits or other facilities in said street shall have the right to continue to maintain said facilities in place and to supplement them as required unless reimbursed by abutting property owners for the reasonable cost of relocating them.

Approved May 31, 1955.

CHAPTER 181

RELATING TO COUNTY BOARDS OF ASSESSMENT

AN ACT AMENDING CHAPTER 83, TITLE 9, DELAWARE CODE, RELATING TO COUNTY BOARDS OF ASSESSMENT AND PROVIDING FOR APPEALS TO THE SUPERIOR COURT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 8313, Chapter 83, Title 9, Delaware Code, is amended to read as follows:

§ 8313. Notice that assessment may be inspected; appeals to Board; notice of decision; appeals to Superior Court

(a) Each Board of Assessment shall publish notices of the places where the assessments may be inspected together with a notice of the time and place of sittings to hear appeals and make additions and corrections in regard to the assessments. Such notice shall appear at least once a week for two (2) weeks in at least two (2) newspapers in the case of Kent and Sussex Counties; and in at least four (4) newspapers one of which shall be published in the City of Wilmington in the case of New Castle County. The Boards may use such other means as will best bring such notice to the attention of the parties or taxables interested.

(b) Each Board of Assessment shall sit and hear all appeals properly filed and shall permit the introduction of all relevant evidence, including the testimony of witnesses, presented by the appellant. The Board shall make and keep a record of all evidence presented at such appeal proceedings. The Board shall notify the appellant in writing, by registered mail, of the Board's decision within five (5) days of the date of its decision.

(c) Any person who, after properly filing an appeal before any Board of Assessment, feels aggrieved by the decision of the Board may, within thirty (30) days after receiving

notice of the Board's decision, appeal therefrom to the Superior Court of the County in which such person resides. The decision of the Board shall be prima facie correct and the burden of proof shall be on the appellant to show that the Board acted contrary to law, fraudulently, arbitrarily or capriciously. The appellant shall be heard on the record and proceedings of the Board which shall be certified to the Court by the Board within fifteen (15) days after service on the Board of a notice of appeal. The Court may permit the appellant or the Board to present any new or different evidence pertinent to the matter. The Court may affirm, reverse or modify the decision of the Board and the decision of the Court shall be final.

Approved May 31, 1955.

CHAPTER 182

RELATING TO MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 21 AND CHAPTER 23, TITLE 21, DELAWARE CODE RELATING TO MOTOR VEHICLES BY ELIMINATING THE NECESSITY FOR THE RECORDING OF THE ENGINE NUMBER ON AN APPLICATION FOR REGISTRATION AND ON AN APPLICATION FOR A CERTIFICATE OF TITLE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2104 (b) (2), Chapter 21, Title 21, Delaware Code, is amended to read as follows:

(2) A description of the Vehicle including, in so far as the following specified data may exist with respect to a given vehicle; the make, model, type of body, the number of cylinders, the serial number of the Vehicle, or any number as may be assigned by the department and whether new or used, and, if a new Vehicle, the date of sale by the manufacturer or dealer to the person intending to operate said Vehicle.

Section 2. § 2302 (a), Chapter 23, Title 21, Delaware Code, is amended by striking out the words "the engine or frame number and serial number" as they appear on the fourth line of said section and by substituting in lieu thereof the words "the vehicle serial number or any number as may be assigned by the department".

Approved May 31, 1955.

CHAPTER 183

RELATING TO PURCHASE OF POULTRY

AN ACT TO AMEND CHAPTER 65, TITLE 3, DELAWARE CODE, RELATING TO PURCHASE OF POULTRY, BY LOWERING THE TIME FOR PAYMENT BY LICENSEES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 6510 (c), Title 3, Delaware Code, is amended by striking out the figures "30" in the second line and inserting the figures "15".

Approved May 31, 1955.

CHAPTER 184

APPROPRIATION

DELAWARE CODE REVISION COMMISSION

AN ACT TO APPROPRIATE FUNDS TO THE DELAWARE CODE REVISION COMMISSION FOR THE PREPARATION OF POCKET PARTS TO BRING THE DELAWARE CODE UP-TO-DATE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Fourteen Thousand Eight Hundred Dollars (\$14,800.00) is appropriated to the Delaware Code Revision Commission for the fiscal year beginning July 1, 1955 and the additional sum of Four Thousand Eight Hundred Dollars (\$4,800.00) is appropriated to the Delaware Code Revision Commission for the fiscal year beginning July 1, 1956. The sums appropriated shall be used to carry out the provisions of Chapter 2, Title 1, Delaware Code.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 1, 1955.

CHAPTER 185

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 INCREASING THE LIMITATION UPON BORROWING FOR CURRENT EXPENSES.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch concurring therein):

Section 1. Section 30, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out said Section and substituting in lieu thereof a new Section 30 as follows:

Section 30. Whenever current receipts are insufficient to provide for the needs of the Town, the Council is authorized to anticipate revenue by borrowing such amounts as are required, which shall be repaid from current revenue received thereafter; provided, however, that the amount of such indebtedness shall not at any time exceed the aggregate sum of Twenty-Five Thousand Dollars (\$25,000.00). Indebtedness created hereunder shall be evidenced by bond or note of the Town, and the faith and credit of the Town shall be deemed to be pledged for the due payment thereof. To exercise the power aforesaid, the Council shall adopt, by the affirmative vote of a majority of all members of the Council, a resolution providing for such borrowing.

Approved June 1, 1955.

CHAPTER 186

RELATING TO DEPARTMENT OF PUBLIC WELFARE

AN ACT TO AMEND CHAPTER 140, VOLUME 48, LAWS OF DELAWARE, BY PERMITTING CERTAIN FUNDS TO BE USED FOR ADDITIONS TO THE DEPARTMENT OF PUBLIC WELFARE FACILITIES IN KENT COUNTY.

WHEREAS, the sum of \$200,000 was appropriated to the State Board of Welfare and to the Old Age Welfare Commission by Chapter 140, Volume 48, Laws of Delaware, to be used in part for "the repair, renovation and furnishing of the State-owned building in Dover which is now being used by the State Board of Welfare", AND

WHEREAS, it is desirable that some of the funds so appropriated be used for an addition to such building in Kent County rather than to repair or renovate such building, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 140, Volume 48, Laws of Delaware, is amended by striking out the words "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" as the same appear in Section 1 thereof and substituting the following words "and for additions to and repair, renovation and furnishing of the State-owned building in Dover which is now being used by the Department of Public Welfare".

Approved June 1, 1955.

CHAPTER 187

REGULATING BRINGING OF NON-RESIDENT
CHILDREN INTO STATE**AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" IN REGARD TO THE BRINGING OR SENDING OF NON-RESIDENT CHILDREN INTO THE STATE.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 307 (a), Title 31, Delaware Code, is amended to read as follows:

§ 307. Bringing or sending non-resident children into State regulated

(a) No person or corporation of this State or any child placement agency, or association operating within this State, and supported in whole or in part by public funds, or any bureau, board or commission of this State, or any person, institution, agency, association, corporation, bureau, board or commission without this State shall bring or send into this State, or in any way assist in the bringing or sending into this State of any dependent child who is a resident of another state for the purpose of placing or procuring placement of such child in any free, wage or boarding home, or any child for the purpose of adoption without the written consent of the Department having first been obtained; and such person, agency, institution, association, corporation, board or commission shall abide by all rules laid down by the Department.

Approved June 1, 1955.

CHAPTER 188

APPROPRIATION

KENT AND SUSSEX COUNTY FAIR

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

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

Section 1. The sum of Fifteen Thousand Dollars (\$15,000.00) is 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, 1955 and ending June 30, 1956, and a like sum of Fifteen Thousand Dollars (\$15,000.00) for the fiscal year beginning July 1, 1956 and ending June 30, 1957. 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 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 Fifteen Thousand Dollars (\$15,000.00) 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. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 1, 1955.

CHAPTER 189

APPROPRIATION

STATE BOARD OF AGRICULTURE

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE TO PROVIDE FOR THE PAYMENT OF STATE INDEMNITIES FOR CATTLE CONDEMNED AND SLAUGHTERED AS BRUCELLOSIS OR TUBERCULOSIS REACTORS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the State Board of Agriculture for the purpose of eradicating Brucellosis and controlling Tuberculosis and for payment of State indemnities for cattle condemned and slaughtered as Brucellosis or Tuberculosis reactors in accordance with the authority vested in said Board under § 7309 and § 7329, Title 3, Delaware Code, the sum of Sixty Thousand Dollars (\$60,000.00), for the fiscal year beginning July 1, 1955, and the further sum of Thirty-Five Thousand Dollars (\$35,000.00), for the fiscal year beginning July 1, 1956. Such sums shall be paid by the State Treasurer upon warrants signed by the proper officers of the State Board of Agriculture.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 1, 1955.

CHAPTER 190

AUTHORIZING TRANSFER OF FUNDS OF RALPH W.
EMERSON, FORMER STATE TREASURER**AN ACT AUTHORIZING THE STATE TREASURER TO
TRANSFER CERTAIN BALANCES IN THE ACCOUNTS
OF FORMER STATE TREASURER RALPH W. EMERSON TO THE GENERAL FUND OF THE STATE OF
DELAWARE.***Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Six Thousand Seven Hundred Sixty-one Dollars and Seventy-seven Cents (\$6,761.77) 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	
Ralph W. Emerson	\$1,471.38
Special I. B. M. Payroll Acct.	5,077.57
Motor Fuel Tax Refund Acct.	10.94
Motor Vehicle Licenses & Fees Acct.	147.00
State Treasurer—State Income Tax Acct.	54.88
Total	<hr/> \$6,761.77

Approved June 1, 1955.

CHAPTER 191

RELATING TO GUARDIAN AND WARD

AN ACT TO AMEND CHAPTER 39, TITLE 12, DELAWARE CODE, RELATING TO GUARDIAN AND WARD BY PROVIDING FOR WAIVER OF BOND AND COURT COSTS IN CASES OF INDIGENT WARDS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3914, Chapter 39, Title 12, Delaware Code, is amended by adding at end of said section two new subsections to be known as subsection (f) and subsection (g) to read as follows:

(f) In all cases where, in the opinion of the Orphan's Court, the resources and estate of the person for whose property a guardian is sought are insufficient to warrant the payment of costs and fees, the Orphan's Court may by order provide that the guardian so appointed need not give bond either with or without surety as otherwise required by law, and may further provide that in such cases all costs and fees shall be waived.

(g) The Orphan's Court may make and promulgate such rules with respect to practice and procedure under subsection (f) as may be necessary to give effect thereto.

Approved June 1, 1955.

CHAPTER 192

APPROPRIATION

PUBLIC ARCHIVES COMMISSION

AN ACT MAKING AN APPROPRIATION TO THE PUBLIC ARCHIVES COMMISSION FOR THE OPERATION AND MAINTENANCE OF THE JOHN DICKINSON MANSION AS AN HISTORIC SITE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$18,800 for the fiscal year ending June 30, 1956 and a like sum of \$18,800 for the fiscal year ending June 30, 1957 is appropriated to the Public Archives Commission of the State of Delaware to maintain the John Dickinson Mansion and to make the said mansion available as an historic site and to cover incidental expenses connected therewith. Hereafter the Budget Appropriation Bill will include an appropriation to maintain the John Dickinson Mansion.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 1, 1955.

CHAPTER 193

PROVIDING FOR USE OF INTOXIMETER

AN ACT TO AMEND CHAPTER 35, TITLE 11, DELAWARE CODE, BY PROVIDING FOR THE ADMISSION IN EVIDENCE OF THE WEIGHT OF ALCOHOL IN THE BLOOD OF A PERSON BEING TRIED FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 35, Title 11, Delaware Code, be and the same hereby is amended by adding the following new section thereto to be known as Section 3507.

§ 3507. Evidence of weight of alcohol in the blood of a person alleged to have operated a motor vehicle while under the influence of intoxicating liquor

Upon the trial of any person for the offense of operating a motor vehicle while under the influence of intoxicating liquor, the Court may admit evidence of the amount of alcohol in the blood of such person taken within two hours of the time when such person is alleged to have operated said motor vehicle while under the influence of intoxicating liquor, as shown by a medical or chemical analysis of his breath, blood, urine or saliva. Evidence that there was, at that time 5/100 of one per centum, or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of the statutory definition of the offense. Evidence that there was, at the time, more than 5/100 of one per centum and less than 15/100 of one per centum by weight of alcohol in his blood is relevant evidence, but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of the statutory definition of the offense. Evidence that there was at the time 15/100 of one per centum, or more, by weight of alcohol in his blood, may be admitted as prima

facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of the statutory definition of the offense. The Court shall instruct the jury, if any, accordingly.

Approved June 1, 1955.

CHAPTER 194

RELATING TO PRACTICE OF DENTISTRY

AN ACT TO AMEND SUBCHAPTER II, TITLE 24, DELAWARE CODE, ENTITLED "DENTISTRY", BY INCREASING THE FEES TO BE CHARGED FOR THE RENEWAL OF THE CERTIFICATE OF REGISTRATION REQUIRED FOR THE PRACTICE OF DENTISTRY IN THE STATE OF DELAWARE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1125, Subchapter II, Title 24, Delaware Code, be and the same is hereby amended by striking out thereof "\$2", following the word "of" in the second paragraph and inserting in lieu thereof "\$4"; and by striking out thereof "\$2", following the word "of" in the sixth paragraph and inserting in lieu thereof "\$4".

Approved June 1, 1955.

CHAPTER 195

RELATING TO PRACTICE OF DENTISTRY

AN ACT TO AMEND SUBCHAPTER II, TITLE 24, DELAWARE CODE, ENTITLED "DENTISTRY" BY INCLUDING UNDER QUALIFICATIONS OF APPLICANTS FOR LICENSES, SERVICE AS A DENTAL OFFICER FOR ONE YEAR WITH THE ARMED FORCES OF THE UNITED STATES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1122, Subchapter II, Title 24, Delaware Code, be and the same is hereby amended by inserting the words "one (1) year of active service as a dental officer with the armed forces of the United States, or" immediately after the "," following the word "thereof" and before the word "has" in the twelfth line of sub-paragraph (a) (2) of Section 1122.

Approved June 1, 1955.

CHAPTER 196

RELATING TO ORAL HYGIENE

AN ACT TO AMEND SUBCHAPTER III, TITLE 24, DELAWARE CODE, ENTITLED "ORAL HYGIENE", BY PROVIDING FOR THE ISSUANCE OF A CERTIFICATE FOR THE PRACTICE OF ORAL HYGIENE TO THOSE APPLICANTS WHO HAVE GRADUATED FROM A TWO YEAR APPROVED ACADEMIC COURSE IN A TRAINING SCHOOL FOR ORAL HYGIENISTS WITHOUT THE REQUIREMENT OF ONE YEAR OF CLINICAL WORK.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1151, Subchapter III, Title 24, Delaware Code, be and the same is hereby amended by adding a new subsection to be known as subsection (c) as follows:

(c) If the applicant, after complying with paragraphs (1) and (2) of subsection (a) of this section, shows satisfactory proof that she is a graduate of a high school approved by the Board and that she is also a graduate from a two year approved academic course in a training school for Oral Hygienists, then upon passing a satisfactory examination, she may be fully registered without the clinical experience required under subsection (b).

Approved June 1, 1955.

CHAPTER 197

RELATING TO ORAL HYGIENE

AN ACT TO AMEND SUBCHAPTER III, TITLE 24, DELAWARE CODE, ENTITLED "ORAL HYGIENE", BY INCREASING THE FEES TO BE CHARGED FOR THE RENEWAL OF THE CERTIFICATES OF REGISTRATION REQUIRED FOR THE PRACTICE OF ORAL HYGIENE IN THE STATE OF DELAWARE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1154, Subchapter III, Title 24, Delaware Code, be and the same is hereby amended by striking out thereof "\$2", following the word "of" in the second paragraph and inserting in lieu thereof, "\$3" and by striking out thereof "\$2", following the word "of" in the sixth paragraph and inserting in lieu thereof, "\$3".

Approved June 1, 1955.

CHAPTER 198

CREATING THE NEW CASTLE HISTORIC
BUILDINGS COMMISSION**AN ACT CREATING THE NEW CASTLE HISTORIC BUILDINGS COMMISSION, DEFINING ITS DUTIES AND POWERS; APPROPRIATIONS.**

WHEREAS, the people of Delaware have a justifiable pride in the history and traditions of their State and, in order to perpetuate such pride, it is desirable that the public buildings and monuments connected intimately with the history, traditions and life of the people of Delaware should be preserved, restored and maintained; and

WHEREAS, the old State or Court House situated on the Public Green in the City of New Castle was the meeting place for the General Assembly of the Counties of New Castle, Kent and Sussex on the Delaware long prior to the Declaration of Independence, and long prior to the existence of Delaware as an independent State, and was also the meeting place for the courts of the State of Delaware in and for New Castle County from the first settlement of the State until the year 1879; and

WHEREAS, the said State or Court House is the oldest public building in the State of Delaware and one of the oldest public buildings in America; and

WHEREAS, it is desirable to restore and maintain in a restored state the said Court House building as a monument to the past history of the State of Delaware and as an inspiration for future generations of citizens of the State of Delaware; and

WHEREAS, by an Act of the General Assembly of the Counties of New Castle, Kent and Sussex on the Delaware, dated June 13, 1772, it was enacted that title to the State House and other public buildings with the land and premises upon which they are erected be vested in Trustees; and

WHEREAS, by divers conveyances of the survivors of the Trustees named in said Act of Assembly and their successors, the title to said lands and premises eventually vested in George Gray and John H. Rodney as Surviving Trustees, who, by Act of the General Assembly approved March 31, 1913, were directed to execute a deed conveying title to said lands and premises to Trustees elected under the provisions of Volume 24, Laws of Delaware, Chapter 191; and

WHEREAS, by said deed and by said Act of Assembly, the Trustees of Market Square were vested with title to all the land and buildings erected on the Market Square in the City of New Castle; and

WHEREAS, the title and management of the State or Court House has thereafter continued to reside in the Trustees elected biennially by the qualified voters of the City of New Castle under the name and style of "The Trustees of Market Square"; and

WHEREAS, Historic New Castle, Inc., a non-profit corporation of the State of Delaware, at its own expense or from funds donated to it, has caused to be made historical research and an architectural survey of the Court House building to ascertain the historical development, original construction and alterations of the State or Court House; and

WHEREAS, detailed drawings, plans and specifications for the restoration of the State or Court House have been prepared by the architects employed by Historic New Castle, Inc., all of which have been submitted to or offered for the consideration of the General Assembly of the State of Delaware; and

WHEREAS, it is the considered opinion of the General Assembly of the State of Delaware that a restoration of the State or Court House should be accomplished either in accordance with said plans and specifications or in such other manner as shall be deemed proper; and

WHEREAS, it is considered desirable that title to the State or Court House and other public buildings on the Market Square and the land upon which they are erected be vested in a Com-

mission of the State of Delaware with the power and authority to manage and maintain them as historic monuments of the State of Delaware; NOW, THEREFORE,

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

Section 1. There is hereby created The New Castle Historic Buildings Commission which shall have perpetual succession and existence as a body corporate and politic.

Section 2. The New Castle Historic Buildings Commission shall have all the powers conferred by law upon non-profit corporations organized under the General Corporation Law.

Section 3. The New Castle Historic Buildings Commission shall consist of eleven Commissioners. Five of said Commissioners shall be elected at the biennial municipal elections of the City of New Castle by the qualified voters thereof in the manner heretofore recognized by the provisions of Chapter 191, Vol. 24, Laws of Delaware. The presently serving constituted Trustees of the old State House and Court House and of the Market Square are hereby designated as the five Commissioners to be elected by the qualified voters of the City of New Castle. They shall serve as such Commissioners for a period equal to the unexpired portion of their terms of office as such Trustees and, thereafter, as their terms expire their successors shall be elected, as aforesaid, for the full term of ten years at the biennial municipal elections of the City of New Castle.

Six of said Commissioners shall be appointed by the Governor. The Commissioners so appointed shall be, during their terms of office, citizens of the State of Delaware, and one shall be a resident of Kent County, one a resident of Sussex County, and one a resident of New Castle County. Those Commissioners who are to be resident members of the respective counties shall be so designated by the Governor in their appointment. Three of the said Commissioners shall be appointed at-large from the State of Delaware, one of whom shall be appointed every four years. The terms of office of the first appointees as members of said Commission shall be from the first day of July, 1955, as follows:

The member resident in New Castle County, two years, the member resident in Kent County, four years, the member resident in Sussex County, six years, the two members at-large for Delaware, eight years and ten years respectively. After the expiration of the terms of office aforesaid, the Governor shall appoint the five said members of the Commission for the full term of ten years.

One member of the Commission shall be appointed at-large by the Governor for four years, and after the expiration of his term shall be appointed every four years.

Any vacancy occurring among the Commissioners elected by the qualified voters of New Castle for any reason, except for expiration of term, shall be filled by the remaining Commissioners from citizens of New Castle until the next biennial election in New Castle when vacancy shall be filled for the remainder of the term as the case may be. In case of a vacancy occurring among the Commissioners appointed by the Governor for any reason, except for expiration of term, the Governor shall fill such vacancy for the unexpired term.

The said Commissioners shall not be entitled to receive any compensation for their services as such Commissioners.

Section 4. The Commission shall have, in addition to the general powers conferred upon it by Section 2 of this Act, the following specific powers and authority:

(a) To adopt by-laws providing for the control and management of the affairs of the Commission;

(b) To elect from the members of the Commission a President, Vice-President and to elect a Secretary and Treasurer who need not be members of the Commission, and to prescribe their duties;

(c) To establish such committee or committees, including an executive committee, which to the extent provided in the resolution or resolutions establishing said committees, shall

have and exercise the powers of the Commission, including the power to authorize the seal of the Commission to be affixed to all papers which may require it.

Section 5. There shall be at least one stated meeting of the Commission each year, at such place and time as may be fixed by the by-laws, and special meetings may be held at the call of the President, or the Executive Committee, upon such notice as shall be required by the by-laws.

Section 6. Six Commissioners shall constitute a quorum of the Commission to do business. The affirmative majority of the votes of all the Commissioners present at any meeting of the Commission shall be sufficient for the transaction of the business of the Commission, or the exercise of any of its powers.

Section 7. The Commission, in addition to all powers conferred by law upon public corporations, shall have the following specific powers and authority:

(a) To exercise all those powers, so far as may be practicable, conferred upon private corporations by the General Corporation Law;

(b) To take and hold real and personal estate by deed, devise, bequest, gift, grant or otherwise, and to alien, lease, sell, transfer and dispose of the same as occasion may require;

(c) To invest and reinvest in property, funds or securities for the benefit of the Commission any funds, securities or proceeds of sale received by the Commission, without regard to the technical rules governing the investment of trust funds by Trustees;

(d) To appoint such officers and agents as the business of the Commission shall require and to allow them suitable compensation;

(e) To take and hold by grant from the State of Delaware real and personal estate upon such terms, conditions, and limitations as may be expressed in such grant;

(f) To cooperate with, and to solicit and accept aid from any organization, public or private, interested in the preservation and restoration of historic buildings and monuments;

(g) To maintain a bank account or bank accounts at any banking institution located within the State of Delaware, and to make deposits in and withdrawals from the same;

(h) To accept from the Treasurer of the State of Delaware all moneys from appropriations made by the General Assembly to the Commission, to deposit the same in the Commission's bank account or accounts, and to expend them for the business of the Commission and for the purposes named in said appropriation;

(i) To retain, invest or expend for the benefit of the Commission all income, rents, or profits derived from property, estates, gifts or investments.

Section 8. All accounts of the Commission, or any of its officers, agents or employees, shall be audited by the Auditor of Accounts in the same manner as the accounts of other state agencies.

Section 9. The said Commissioners shall have charge of and are hereby vested with all those three certain tracts or parcels of land with the buildings thereon erected, bounded and described in the Act of June 13, 1772, being Chapter CCXII of Volume 1 Laws of Delaware, in the Preamble to said Act and in Sections 2 and 5 thereof, and also set out in the Act of March 31, 1913, being Chapter 219, Volume 27, Laws of Delaware, subject to the terms of outstanding leases heretofore made by proper authority. All the said land with the immunities, improvements, advantages, hereditaments and appurtenances, and the remainder and reversion thereof shall from and after the passage of this Act be vested in the New Castle Historic Buildings Commission, for the uses and purposes expressed and declared in this Act.

Section 10. To bring about the restoration of the old State and Court House by the Commission as hereinbefore provided, there is hereby appropriated out of the General Fund of the

State not otherwise appropriated the sum of Seventy-Five Thousand Dollars to the New Castle Historic Buildings Commission. To insure the preservation and maintenance of the said buildings and grounds, there is hereby appropriated out of the General Fund of the State not otherwise appropriated to the New Castle Historic Buildings Commission the annual sum of Five Thousand Dollars for each year of the biennium ending July 1, 1957. The moneys hereby appropriated shall not revert to the State Treasury at the end of any fiscal year, but shall remain available to the New Castle Historic Buildings Commission for the accomplishment of the purposes herein stated.

Section 11. The Trustees of Market Square shall, after payment of all outstanding debts and obligations, transfer and deliver all remaining and unexpended cash on hand or on deposit, investments and other assets, to the New Castle Historic Buildings Commission for use in furtherance of the purposes of this Act. Said transfer shall be accomplished by the Trustees of Market Square upon demand of the New Castle Historic Buildings Commission after its organization.

Section 12. In so far as the same is inconsistent with the preceding Section 10 of this Act, Section 1 of Volume 24, Laws of Delaware, Chapter 191, is hereby amended.

Approved June 1, 1955.

CHAPTER 199

RELATING TO JUDICIAL REPORTS

AN ACT TO AMEND CHAPTER 19, TITLE 10, DELAWARE CODE, RELATING TO JUDICIAL REPORTS BY INCREASING PAYMENT TO REPORTERS FOR REPORTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1965, Title 10, Delaware Code, is amended to read as follows:

§ 1965. Payments to reporters for reports

Upon the receipt by the Governor of the certificate of the Secretary of State that the reports published by the Associate Judge resident in Kent County have been deposited in the office of the Secretary of State, as required by law, the Governor shall draw his warrant upon the State Treasurer, in favor of the Judge to pay for the same, for the sum of Four Thousand Seven Hundred Fifty Dollars (\$4,750.00); and upon the receipt by the Governor of the certificate of the Secretary of State that the reports published by the Chancellor have been deposited in the office of the Secretary of State, as required by law, the Governor shall draw his warrant upon the State Treasurer, in favor of the Chancellor, to pay for the same, for the sum of Four Thousand Seven Hundred Fifty Dollars (\$4,750.00).

Approved June 1, 1955.

CHAPTER 200

SEAFORD

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

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

Section 1. That Section 24, Chapter 184, Volume 43, Laws of Delaware, as amended, by Chapter 254, Volume 49, Laws of Delaware, be and it is hereby, further amended by deleting the words "Seventy-Five Thousand Dollars" where the same appear in the fifth line of said section, and by substituting in lieu thereof the expression "One Hundred Ten Thousand Dollars".

Approved June 1, 1955.

CHAPTER 201

SEAFORD

AN ACT TO LEGALIZE AND VALIDATE THE ACTS DONE AND PROCEEDINGS TAKEN BY THE CITY OF SEAFORD, A MUNICIPAL CORPORATION, AND BY ITS OFFICERS AND AGENTS, IN RELATION TO THE ISSUANCE OF THE "\$195,000 SEAFORD BOND ISSUE OF 1955", AND TO LEGALIZE AND VALIDATE SAID BONDS AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS.

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

Section 1. All acts done and proceedings taken by the City of Seaford, a municipal corporation, and by its officers and agents, in relation to the issuance of the bonds of said City, now outstanding, which are designated as "\$195,000 Seaford Bond Issue of 1955" and are of the aggregate principal amount of One Hundred and Ninety-five Thousand Dollars (\$195,000) and are dated April 1, 1955, and consist of one hundred and ninety-five bonds of the denomination of One Thousand Dollars (\$1,000) each, numbered from one (1) to one hundred ninety-five (195) inclusive, and are payable on April 1, 1975, but are redeemable at the option of the City on April 1, 1960 or on any subsequent semi-annual interest period, are hereby legalized and validated; and said bonds are hereby legalized and validated and declared to be general obligations of said City, notwithstanding any defect or irregularity in such acts or proceedings or in the sale, execution or delivery of said bonds. For the payment of the principal of and interest on said bonds, as such principal and interest become due, the City of Seaford shall have power to levy taxes upon all taxable property in the City of Seaford at such rate and in such amount as may be necessary for said purpose.

Approved June 1, 1955.

CHAPTER 202

SEAFORD

AN ACT EXTENDING THE CORPORATE LIMITS OF THE CITY OF SEAFORD.

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

Section 1. It shall hereafter be lawful for the City of Seaford to extend its corporate limits so as to include all or any part of the following proposed addition to the present limits of the City of Seaford:

BEGINNING at a point near the center of the old Seaford Milling Company's Mill dam, near where the water gates once stood, thence from said beginning point, and along the present City Limit lines N. 72° 02' W. 231 feet to a point; N. 45° 32' W. 276.5 feet to a monument set on the prolongation of the Southerly side of Poplar Street; thence N. 0° 32' W. and running on a course parallel with, and at a distance of 473.4 feet from the Easterly side of North Street 2,466 feet to a monument set on the Southeasterly right-of-way line of the State Highway leading from Seaford to Bridgeville, being original U. S. Route 13; thence continuing on with the same course N. 0° 32' W. 49.65 feet to the center-line of said highway; thence N. 31° 24' E. 170.8 feet to a P. T. of curve in said highway at Station 10 + 25.31 on the State Highway Department plans for said old U. S. Route 13; thence with the center line of said highway or Old U. S. Route 13, N. 29° 45' E. 1,889.8 feet to a cross cut in the pavement on the centerline of said Old U. S. Route 13, and in line with a division fence between the lands of Charles W. Hurley and E. C. Davis; thence leaving said Old U. S. Route 13 and running across the lands of J. E. Dutton, Jr., S. 85° 17' E. 2,204.1 feet to the Westerly right-of-way line of the new Dual Highway, or new U. S. Route 13 at a point midway of a curve in said highway; thence along and with said right-of-way line for said Dual Highway in a Southerly direction curving to the left on the arc of a circle, the radius of which is

5,830 feet, a distance of 454.45 feet to the P. C. thereof; thence continuing with said right-of-way line S. 2° 59' E. 3,972 feet to the center of the Nanticoke River; thence following the center of said Nanticoke River down-stream in a Westerly direction, first curving to the left, then curving to the right to the place of beginning, containing within this area three hundred eighty-five (385) acres, more or less. (The bearings in this survey are referred to a magnetic meridian corrected for the declination; declination at time of survey, February, 1955, being approximately 7° 35' W.).

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

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

Approved June 7, 1955.

CHAPTER 203

RELATING TO ZONING IN NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 26, TITLE 9 OF THE DELAWARE CODE CONCERNING THE LIST OF NON-CONFORMING USES RELATED TO ZONING IN NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2621, Title 9 of the Delaware Code is amended by striking out and repealing all of § 2621 thereof and inserting and enacting in lieu thereof a new § 2621 to read as follows:

§ 2621. List of non-conforming uses

Immediately after the adoption of any zoning regulations or changes by the Levy Court, the Building Inspector of New Castle County shall, upon written request from the owner of any premises affected thereby, certify after inspection and investigation the extent and kind of use made of premises and any buildings thereon, and whether such use conforms to the regulations or is to be deemed a non-conforming use. The said Building Inspector shall periodically prepare a list of any premises so certified as non-conforming, including the addresses of the Premises, the names and addresses of the owner or owners, and the nature and extent of the land use. After submission to and approval by the Levy Court, copies of such lists shall be filed for record in the offices of the Building Inspector of New Castle County, the Zoning Commission and of the Board of Adjustment.

Approved June 7, 1955.

CHAPTER 204

RELATING TO NEW CASTLE COUNTY BUILDING CODE

AN ACT TO AMEND CHAPTER 83, TITLE 16 OF THE DELAWARE CODE RELATING TO THE PROMULGATION OF THE BUILDING CODE IN NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 8301, Title 16 of the Delaware Code is amended by striking out and repealing all of § 8301 thereof and inserting and enacting in lieu thereof a new § 8301 to read as follows:

§ 8301. Promulgation of building code

The Levy Court of New Castle County shall promulgate rules and regulations, to be known as the Building Code for rural New Castle County, providing for matters concerning, affecting or relating to construction, alteration, repairs, removal, demolition, equipment, use or occupancy, location and maintenance of buildings or structures erected or to be erected in New Castle County, outside the city limits of the City of Wilmington and outside of incorporated towns or cities and excluding farm properties, properties used for industrial purposes, and properties located in incorporated towns or cities, and built by industrial concerns for the use of their employees and not for sale.

Approved June 7, 1955.

CHAPTER 205

RELATING TO FIRE AND POLICE PROTECTION
IN NEW CASTLE COUNTY**AN ACT TO AMEND CHAPTER 19, TITLE 9 OF THE DELAWARE CODE RELATING TO FIRE AND POLICE PROTECTION IN NEW CASTLE COUNTY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That § 1903, Chapter 19, Title 9 of the Delaware Code is amended by striking out and repealing all of said section and inserting and enacting in lieu thereof a new § 1903 to read as follows:

§ 1903. County police; appointment, qualifications and term; powers and duties

(a) The Levy Court of New Castle County shall appoint four police from Brandywine Hundred, four police from Christiana Hundred, four police from New Castle Hundred and four police from Mill Creek Hundred, and one policeman from each of the remaining six hundreds in New Castle County. They shall hold office during the pleasure of the Levy Court, and the Levy Court may fill any vacancy or vacancies that may occur from time to time, by resignation, death, removal or by any other cause.

(b) All police appointed under this section shall reside in the respective hundreds from which they are appointed, and shall have resided therein at least one year immediately preceding his or their appointment. Two of the police appointed in each of Brandywine, Christiana, New Castle and Mill Creek Hundreds shall be appointed from each of the chief political parties. Those six appointed from the remaining hundreds shall be three from each of the chief political parties. If any person appointed under this section removes from the place where he is required by law to reside, his office shall thereupon become vacant.

(c) Such police shall have all of the police powers conferred by law upon constables in New Castle County and all of such police may exercise such police powers anywhere in New Castle County. All police appointed under this section shall see that the peace and good order of the State within the aforesaid county be duly kept according to their powers and authority; shall 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 take them before a justice of the peace in the respective hundred where the person is apprehended to be dealt with according to law; shall 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, may command aid of any of the people of the State; shall duly prevent all bloodsheds, affrays and breaches of the peace; and shall execute all other duties in accordance with the law. Such police shall patrol said hundreds during such hours, under such conditions and in such manner as may be prescribed by the Levy Court of New Castle County.

(d) The police shall be subject to such rules and regulations as the said Levy Court may prescribe, and their compensation shall be fixed by the Levy Court. The Levy Court may expend such sums of money as may be necessary to carry into effect the provisions of this section, such money to be paid out of the General Fund of New Castle County.

Approved June 7, 1955.

CHAPTER 206

AUTHORIZING KENT COUNTY LEVY COURT TO
MAKE CERTAIN TAX REFUNDS

AN ACT TO AUTHORIZE THE LEVY COURT OF KENT
COUNTY TO MAKE CERTAIN TAX REFUNDS.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The Levy Court is hereby authorized to refund unto Bell A. Dorzback a sum not to exceed \$150.00 for duplicate school and county taxes paid for certain previous years, and the sum not exceeding \$200.00 to the Holt Oil Company or William E. Holt for school and county taxes collected in duplicate for certain previous years.

Approved June 7, 1955.

CHAPTER 207

RELATING TO LIABILITY FOR SUPPORT

AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE, BY ABOLISHING THE PROVISION DEALING WITH LIABILITY FOR SUPPORT OF GRANDPARENTS AND GRANDCHILDREN AND BY ADDING A PROVISION IMPOSING LIABILITY FOR SUPPORT ON SPOUSES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 501 (a), Title 13, Delaware Code, is amended to read as follows:

§ 501. Liability of parents, spouse and children for support; jurisdiction

(a) When any poor person shall be unable to support himself or herself, the parents, spouse or children of such poor person shall be liable for his or her support in the order as named; if the relation prior in order shall not be able, the next in order shall be liable, and several relations of the same order shall, if able, contribute equally.

Approved June 7, 1955.

CHAPTER 208

FORBIDDING FORTUNE TELLING

AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, FORBIDDING FORTUNE TELLING AND RELATED ACTIVITIES.

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding thereto the following new section:

§ 894. Fortune telling and related offenses

(a) Whoever pretends to exercise the art of conjuration, fortune telling, palmistry or dealing with spirits shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned not more than one (1) year or both.

(b) Justices of the peace shall have jurisdiction of violations of this section.

Approved June 7, 1955.

CHAPTER 209

RELATING TO PAYMENT OF LEGACY

AN ACT TO AMEND SECTION 2316, TITLE 12, DELAWARE CODE, RELATING TO DISTRIBUTION OF FUNDS WHERE PERSON ENTITLED TO LEGACY, DISTRIBUTIVE SHARE OR TRUST FUND, REFUSES SAME OR IS OUT OF STATE, UNKNOWN, INCOMPETENT OR SHARES UNCERTAIN.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Subsection (a) of Section 2316, Title 12, Delaware Code, is amended by inserting after the phrase "or any part thereof," the words "refuses to receive the same or".

Section 2. Subsection (b) of Section 2316, Title 12, Delaware Code, is amended by inserting after the words "savings bank" the words "or federal savings and loan association".

Approved June 7, 1955.

CHAPTER 210

RECORDING OF LIENS

AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO THE RECORDING OF LIENS OR ENCUMBRANCES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2334, Title 21 of the Delaware Code is amended by adding the words "or loose leaf volumes" after the words "bound volumes" in the first sentence thereof.

Approved June 8, 1955.

CHAPTER 211

RELATING TO OFFICE OF KENT COUNTY
RECORDER OF DEEDS

AN ACT TO AMEND CHAPTER 327 OF VOLUME 48 LAWS OF DELAWARE (1951) ENTITLED "AN ACT TO AUTHORIZE THE RECORDER OF DEEDS, IN AND FOR KENT COUNTY TO MAKE NEW INDICES FOR MORTGAGES" BY OMITTING CERTAIN MORTGAGES FROM SAID INDICES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1 of Chapter 327 of Volume 48 Laws of Delaware be, and the same is hereby amended to read as follows:

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 mortgages shall be examined to ascertain the satisfaction of all mortgages. Any and all of said mortgages duly and correctly satisfied, and any and all mortgages satisfied by any officer of any corporation shall be omitted from the new indices provided for in this set, and the Recorder of Deeds is hereby authorized and directed to mark, or cause to be marked, the indices of all corporate mortgages satisfied by any officer of any corporation other than the Treasurer, Assistant Treasurer, Cashier or Assistant Cashier of any corporation, prior to the approval of this Act, with a red letter "S" so that the indices of same shall indicate a valid satisfaction. 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.

Approved June 8, 1955.

CHAPTER 212

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 200, VOLUME 49, LAWS OF DELAWARE BY INCREASING THE AMOUNT OF TAXES THAT MAY BE RAISED FOR MUNICIPAL PURPOSES.

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

Section 1. Section 1 of Chapter 200, Volume 49, Laws of Delaware, being an Act amendatory of Chapter 161, Volume 41, Laws of Delaware, establishing the Charter for the City of Rehoboth Beach is amended by striking out the words and figures "One Hundred Twenty-Five Thousand (\$125,000.00) Dollars" and by substituting therefor the words and figures "One Hundred Fifty Thousand (\$150,000.00) Dollars" to the end and purpose that the City of Rehoboth Beach may receive annually for taxation for municipal purposes a sum not exceeding One Hundred Fifty Thousand (\$150,000.00) Dollars.

Section 2. All acts inconsistent herewith are hereby repealed.

Approved June 8, 1955.

CHAPTER 213

REHOBOTH BEACH

AN ACT TO AMEND THE CHARTER OF THE CITY OF REHOBOTH BEACH, IN SUSSEX COUNTY, AS ESTABLISHED BY CHAPTER 161, VOLUME 41, LAWS OF DELAWARE, AND AS AMENDED, BY PROVIDING FOR THE IMPROVEMENT OF STREETS AT THE JOINT EXPENSE OF THE CITY AND ABUTTING PROPERTY OWNERS.

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

Section 1. This Act shall be designated as Section 33A of the Charter of the City of Rehoboth Beach as established by Chapter 161, Volume 41, Laws of Delaware, and as amended.

Section 2. Definitions—The Word street shall include present and future streets, highways, thoroughfares, lanes, avenues and alleys of the City of Rehoboth Beach.

The word block shall include the lineal frontage of all property fronting and abutting upon both sides of any street between two other successive intersecting streets.

The word City shall mean the City of Rehoboth Beach within its territorial limits.

The word Commissioners shall mean The Commissioners of Rehoboth Beach.

Section 3. In addition to the power and authority to improve the streets of the City and to expend its funds therefor, The Commissioners are authorized and empowered to apportion and impose not exceeding two-thirds of the entire cost to the City of improving any street, or part thereof, upon the abutting property owners, block by block, in the following manner:

The entire cost to the City of any such improvement shall include the total costs to be paid by the City out of City funds for improving and repairing the surface of any such street from curb line to curb line.

The cost of improvement of intersections shall be borne solely by the City.

Upon the petition in writing signed by the owners of a majority of the entire lineal frontage of all property fronting on any given block of the City between intersections, and filed with The Commissioners praying that The Commissioners proceed to improve such block of street and the street intersections at each end thereof, The Commissioners may at any time thereafter proceed to improve the street and intersection pursuant to the provisions hereof. No petition shall be received if it purports to restrict the time within which such improvement shall be carried out, or the discretion of the Commissioners as to the nature, extent and cost thereof; nor unless it shall have attached thereto an oath or affirmation of at least two (2) freeholders of the City taken before a person authorized to administer oaths, and verifying that the signatures appended were made in their presence and are the signatures of the persons whose names they purport to be, and that they did fully read such petition to each signer prior to the signing thereof. Whenever any such petition shall have been received, approved and filed by The Commissioners, it may not thereafter be withdrawn, nor shall the signature of any signer be stricken therefrom, except by and with the consent of The Commissioners; and such petitions, received, approved and filed shall be admitted into evidence in any Court of law or equity, and shall be prima facie proof of its contents and of the signatures of the respective signers.

With respect to any one street there shall be, so far as possible, a uniformity of the character of the improvement, and of the kind or class of materials used.

The entire cost of any improvement under the provisions hereof, may be paid, when due, by The Commissioners out of any funds of the City not otherwise appropriated or set aside,

and for any such purpose The Commissioners may borrow money and secure the payment thereof by the issuance of bonds or certificates of indebtedness pledging the full faith and credit of the City, or such other security as The Commissioners shall determine, for the payment of the principal thereof, and the interest due thereon, and pursuant to the terms and provisions of and in the manner provided by Section 40 of the Charter of the City as amended; Provided, However, that it shall not be necessary to call or hold a Special Election of the taxables of the City to secure their approval of such borrowing; and each bond or certificate of indebtedness shall provide that the same may be called in and redeemed and paid by The Commissioners in whole or in part, at its option, at any interest date designated therein.

Upon the completion and acceptance of any such improvement of any block of street The Commissioners shall cause to be made an accurate statement of the whole costs to the City and shall deduct from such whole cost the costs of such improvement to the intersections of any street done and improved in connection with and as a part of any such street improvement.

The entire cost of any street improvement under the provisions hereof, excluding the cost of the improvement of street intersections, shall be divided into three equal parts and the amount of two such equal parts shall be apportioned among, and levied and assessed upon all of the adjacent property and property owners of such block according to the lineal footage of the respective properties abutting upon both sides of the block of the street.

Such levy and assessment shall be made by The Commissioners by causing a complete list of all properties to be assessed, setting forth the number of lineal feet of each such property fronting or abutting upon the street, the owner or owners thereof, and the amount levied and assessed against such property and the owner or owners thereof.

A copy of such special assessment list shall be posted in the City Hall of the City for one week for public inspection. An advertising stating the fact of such posting and the time and

place when and where The Commissioners shall sit to hear objections to the assessment list shall be published in two successive issues of a newspaper published in the City prior to the day fixed for hearing; and the hearing shall not be less than ten (10) days nor more than twenty (20) days after the last publication of such advertisement. The hearing shall be in public on the day and hour and at the place stated in the advertisement, and The Commissioners shall hear and determine all objections to such special assessment list as shall have been made by any party in interest in writing and filed with The Commissioners at any time prior to the hour of such public hearing as fixed in the advertisement. The hearing may be adjourned from time to time until all objections have been heard and determined.

Upon determination of all objections The Commissioners shall cause said assessment list to be corrected and altered, if need be, to conform to and comply with the terms hereof; and such list showing the several amounts, finally determined as having been levied and assessed against the several properties and the owners thereof shall be certified to by The Commissioners as correct.

Any special assessment made hereunder shall be a lien upon the respective properties upon which any such assessment is levied and assessed as of the date that the list shall be certified to by The Commissioners as correct; and such lien shall have priority over all other liens, incumbrances or conveyances excepting only tax liens and prior special assessment lists of like nature for public improvement.

Immediately after certification of the assessment list, The Commissioners shall cause a duplicate thereof to be prepared and delivered to the City Manager, who shall immediately prepare statements of such assessments against each property so assessed, and shall mail, deliver or cause to be delivered such statements to the person or persons whose names appear therein as the owner or owners of such property, or properties, respectively. The mailing of a statement to the last known post office address of any person shall be a sufficient notice of such assessment.

All sums of money paid on account of any such assessment shall be paid to the City Manager who shall give his receipt therefor, and all such sums of money shall be by him paid and delivered to the Treasurer of the City who shall deposit them in some banking institution in the State of Delaware in a special account to be designated as a "Sinking Fund for Street Improvement", separate and distinct from any other funds controlled by said Treasurer. The money so deposited shall only be paid out of any such account for the purpose of paying, retiring or redeeming any borrowing of money, bonds or certificates of indebtedness incurred or issued by the City in pursuance hereof, and for the paying of interest thereon. If at any time all such outstanding borrowings, bonds or certificates of indebtedness, and interest thereon be fully paid and satisfied, any amount remaining in such sinking fund may be paid over into the general fund of the City and used for any lawful municipal purpose.

All special assessments shall be due and payable upon the date that The Commissioners certify to the correctness thereof, and all amounts unpaid thereon after sixty (60) days of the date of certification shall bear lawful interest until the date of payment, and such interest shall be added and considered as a part of any such assessment. Any assessment paid in full within sixty (60) days of the due date shall not bear interest.

Any property owner or owners so assessed may file with the City Manager a statement in writing signed by him or them and stating that such owner or owners elect to pay the assessment in five equal instalments. Any such statement must be filed within sixty (60) days from the due date of such assessment, and if so filed such owner or owners shall then be allowed to pay the same in five (5) equal instalments with interest as aforesaid upon the unpaid balance. The first such instalment shall be due and payable within sixty (60) days from the date that the Commissioners shall certify the list, and a subsequent instalment, with interest as aforesaid, shall be due and payable on the first day of July in each year thereafter until fully paid. Any owner of property shall have the right to pay the full balance due upon his assessment at any time. If any owner, not electing to pay the assessment in instalments, or having so elected, shall neglect to pay any instalment or any part thereof,

when due, the whole of said assessment and interest shall be forthwith collected by the City Manager who is hereby vested with all the rights and powers, and shall proceed to collect the same in any of the manners provided for the collection of other taxes, assessments and charges due the City as more particularly set forth in Section 27 of the Charter of the City.

Approved June 8, 1955.

CHAPTER 214

RELATING TO CATCHING OF SHELLFISH

**AN ACT TO PROHIBIT THE USE OF VACUUM OR SUCTION
DEVICES FOR THE TAKING AND CATCHING OF OYS-
TERS, CLAMS, CRABS AND OTHER SHELLFISH IN
DELAWARE.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. That no person shall use anywhere in the State of Delaware any mechanical device which uses a vacuum or suction method for taking or catching oysters, clams, crabs or other shellfish.

Section 2. That any person violating the provisions of this Act shall be subject to a fine of \$1,000.00 and 1 year imprisonment for each violation.

Approved June 8, 1955.

CHAPTER 215

RELATING TO STATE EMPLOYEES PENSION PLAN

AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO ELIGIBILITY AND BENEFITS BASED UPON MILITARY SERVICE OF CERTAIN SCHOOL EMPLOYEES AND EMPLOYEES OF THE DEPARTMENT OF PUBLIC INSTRUCTION IN THE STATE EMPLOYEES PENSION PLAN.

WHEREAS, Under present regulations for the payment of salaries paid to teachers in the Public School Districts and the State Department of Public Instruction credit for experience is allowed for military service rendered during time of war or national emergency when such service preceded initial teaching service in Delaware; and

WHEREAS, computation for the payment of benefits under the Federal Social Security Act does include all time spent in the military service; and

WHEREAS, Federal Social Security is now an integral part of the Delaware State Employees Pension Plan; but

WHEREAS, under present law the State of Delaware does not accredit military service toward eligibility for pension or for the computation of retirement income when such service preceded initial employment as a teacher, now therefore:

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 55, Subchapter II, Title 29 of the Delaware Code is amended by adding thereto the following new section to be known as Section 5526:

§ 5526. Additional benefits for military service

In determining the number of years of service for establishing eligibility and the computation of benefits in Section 5523 of this chapter in the case of a teacher, principal, super-

visor, administrative assistant, superintendent, or school nurse in all School Districts, Special School Districts, Board of Public Education of the City of Wilmington, State Board of Education, University of Delaware, and Delaware State College, time may be credited for the eligibility and computation if the employee shall have been on full time active duty in the Armed Services of the United States during time of war or national emergency and upon completion of the tour of duty shall have either:

- (a) begun teaching in Delaware or
- (b) completed a course of training in preparation for teaching and then begun teaching in Delaware.

Benefits granted under this section are subject to the following limitations:

(1) No time shall be so credited to the teacher or other person heretofore mentioned if he had taken up work other than teaching or attendance at a school or college upon discharge from the Armed Forces and had remained in such work more than one year before beginning his teaching. No time spent in a school or college shall be accredited under this section.

(2) Time credited under this section may be considered as time in covered employment when the teacher is establishing his eligibility to retire on the basis of 30 years of service to the State of Delaware.

(3) In the case that eligibility is to be based upon 15 years of service and the minimum optional age for retirement established in this chapter or upon 15 years of service and a disability as defined in this chapter, the time credited shall be credited only for computation of benefits and not for initial eligibility to retire.

(4) Time so credited for eligibility or computation of retirement shall not exceed three years.

Approved June 8, 1955.

CHAPTER 216

RELATING TO DESERTION AND SUPPORT

**AN ACT TO AMEND TITLE 13 DELAWARE CODE BY
ABROGATING THE RULE OF LAW WHICH PROHIBITS
A WIFE FROM TESTIFYING TO THE FACT OF NON-
ACCESS BY HER HUSBAND.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That Title 13 of the Delaware Code be amended by striking out Section 508 thereof and enacting in lieu of the part so stricken a new Section 508 thereof as follows:

§ 508. Evidence of proof of marriage and parentage; non-access of husband; competency of husband and wife to testify; willful desertion and neglect to support

In any proceeding in which the fact of marriage and/or of parentage is in issue, no other or greater evidence shall be required to prove that a man and a woman are in fact husband and wife or that the defendant, whether or not he be the husband of the mother of a child or children, is in fact the father of such child or children, than is or shall be required to prove such facts in a civil action and no existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife, or prohibiting the wife from testifying as to the non-access of her husband shall apply. Both husband and wife shall be competent and compellable witnesses to testify in behalf of or against each other, or in behalf of or against a defendant charged with the paternity of or the failure to support a child of the wife, whether such defendant is or is not the husband of the wife, to any and all relevant matters, including the fact of such marriage; the parentage of such child or children and the non-access of the husband to the wife provided, that neither the husband nor the wife, nor the defendant, in cases where he is not the husband of such wife, shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of such wife, child or children in destitute or

necessitous circumstances, or of the neglect of or refusal to provide for the support and maintenance of such wife or child or children shall be prima facie evidence that such desertion, neglect or refusal is willful.

Approved June 8, 1955.

CHAPTER 217

RELATING TO MILEAGE RATE FOR STATE EMPLOYEES

AN ACT TO AMEND CHAPTER 71, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MILEAGE RATE FOR STATE EMPLOYEES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 7102, Title 29 of the Delaware Code, is amended by striking out and repealing said section as it now appears and inserting in lieu thereof a new § 7102 to read as follows:

§ 7102. Mileage rate

The authorized mileage rate for employees of the State, its agencies and departments shall be eight cents per mile.

Approved June 8, 1955.

CHAPTER 218

RELATING TO BUILDING AND LOAN ASSOCIATIONS

AN ACT TO AMEND TITLE 5, DELAWARE CODE, RELATING TO BUILDING AND LOAN ASSOCIATIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1701, Title 5, Delaware Code, is amended by adding thereto the following definitions:

Insured Loan. The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, as those acts are now, or may hereafter be, amended.

Guaranteed Loan. The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, as that act is now, or may hereafter be, amended.

Section 2. § 1904, Title 5, Delaware Code, is amended by striking out and repealing all of said section by inserting and enacting in lieu thereof the following new § 1904:

§ 1904. Dividends

Every building and loan association doing business in this State may provide in its by-laws a schedule of varying rates of dividends for different classes of shares of stock, and different types of shares within any class.

Section 3. § 1905, Title 5, Delaware Code, is amended by striking out and repealing all of said section by inserting and enacting in lieu thereof the following new § 1905:

§ 1905. Direct-reduction loans

(a) Building and loan associations incorporated under this Code or any other law of this State may make direct-reduction loans upon bonds and mortgages against real estate located in this State. A direct-reduction loan means a loan repayable in consecutive monthly installment, equal or unequal, beginning not later than 60 days after the date of the advance of the loan, sufficient to retire the debt, interest and principal within 30 years except that if the loan be insured or guaranteed loan as hereinbefore defined, within the period acceptable to the insuring or guaranteeing agency. In the case of construction loans, the first payment shall not be later than 6 months after the date of the first advance.

(b) Notwithstanding any other provision or provisions of this Act, an association may grant direct-reduction loans to any of its mortgage borrowers for repair, alteration or improvement of the mortgaged real estate on the obligation of a note or bond which is insured or will be insured under the National Housing Act, as that Act is now, or may hereafter be, amended or supplemented. Such loans may be granted in any amount and on any terms that may be acceptable to the Federal Housing Administration.

Section 4. Chapter 19, Title 5, of the Delaware Code, is amended by adding the following new sections to read as follows:

§ 1915. Undivided profits

Any building and loan association may, at the discretion of its Board of Directors, set aside any surplus net income or other available earnings which remain after reserve and dividend requirements have been met and retain such funds in an undivided profits account: provided, that the total undivided profits on hand at any one time shall not exceed ten per cent of the association's paid in capital plus earnings.

§ 1916. Fiscal agent

If and when an association is a member of a Federal Home Loan Bank, it shall have power to act as fiscal agent of the

United States, and, when so designated by the Secretary of the Treasury, it shall perform, under such regulations as he may prescribe, all such reasonable duties as fiscal agent of the United States as he may require, and when authorized shall have power to act as fiscal agent for any instrumentality of the United States or of any instrumentality of this State.

§ 1917. Investment by minors

(a) Any building and loan association in this State may receive funds for investment in the shares of the association from or in the name of a minor. When an investment shall be made in the shares of a building and loan association by a minor or in the name of a minor, the funds shall be held for the benefit of the investor in the same way and to the same extent as if the investor were an adult person. A minor may make drafts upon or withdrawals of his investment to the same extent as if he were an adult person and the funds shall be paid, together with dividends or interest thereon, to the person in whose name the investment shall have been made, or upon his written order. The receipt or acquittance of a minor shall be a valid and sufficient release and discharge to the association for the return of any investment, dividends or interest, or any part thereof.

(b) Any building and loan association shall have the right to refuse to receive funds offered for investment by or in the name of a minor.

(c) A minor investing funds in the shares of a building and loan association shall be subject, in all transactions connected therewith, as between himself and the association, to all obligations, equities and defenses to which an adult person would be subject in similar transactions.

§ 1918. Investments standing in the name of decedents

Building and loan associations may pay out the investment of decedents, together with any dividends or interest thereon, without requiring letters of administration to be issued upon the estates of such decedents, when and as provided by Sections 2305 and 2306 of Title 12.

§ 1919. Investments standing in the names of two or more persons

When an investment in the shares of any building and loan association is made in the name of two or more persons, deliverable or payable to either, or to the survivor or survivors, the investment, or any part thereof, or the increase thereof, may be delivered or paid to either of the persons, or to the survivor or survivors, in due course of business.

§ 1920. Investments in trust

When an investment is made by any person in the shares of a building and loan association in this State, said investment in trust for another, and no other or further notice of the existence and terms of a legal and valid trust has been given in writing to the association, then, in the event of the death of the trustee, the investment or any part thereof, or the increase thereof, may be paid to the person for whose benefit the investment was made, or his legal representative, and the association shall be discharged of any further obligation whatsoever.

Approved June 8, 1955.

CHAPTER 219

DOMESTIC RELATIONS

AN ACT TO AMEND TITLE 13, DELAWARE CODE, ENTITLED "DOMESTIC RELATIONS" BY ENACTING A UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

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

Section 1. Title 13, Delaware Code, is amended by adding a new chapter thereto as follows:

CHAPTER 6

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT

SUBCHAPTER I. GENERAL PROVISIONS

§ 601. Purposes

The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

§ 602. Definitions

As used in this chapter—

"Court" means the Family Court for New Castle County or the Juvenile Court for Kent and Sussex Counties, and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

"Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise.

"Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

"Law" includes both common and statute law.

"Obligee" means any person to whom a duty of support is owed.

"Obligor" means any person owing a duty of support.

"Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

"State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

§ 603. Remedies in addition to those provided elsewhere

The remedies provided in subchapter III hereof are in addition to and not in substitution for any other remedies.

§ 604. Extent of duties of support

Duties of support arising under the law of this State, when applicable under section 620, bind the obligor, present in this State, regardless of the presence or residence of the obligee.

SUBCHAPTER II. CRIMINAL ENFORCEMENT

§ 610. Interstate rendition

The Governor (1) may demand from the governor of any other state the surrender of any person found in such other state who is charged in this State with the crime of failing to provide for the support of any person in this State and (2) may surrender on demand by the governor of any other state any person found in this State who is charged in such other state with the crime of failing to provide for the support of a

person in such other state. The provision for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state.

§ 611. Relief from provisions of section 610

Any obligor contemplated by section 610, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this State during the period of such compliance.

SUBCHAPTER III. CIVIL ENFORCEMENT

§ 620. Choice of law

Duties of support applicable under this chapter are those imposed or impossible under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

§ 621. Remedies of a state or political subdivision furnishing support

Whenever the State or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

§ 622. Enforcement of duties

All duties of support under this chapter are enforceable by petition irrespective of relationship between the obligor and

obligee. Jurisdiction of all proceedings hereunder shall be vested in the Family Court for New Castle County and the Juvenile Court for Kent and Sussex Counties or in a State-wide Domestic Relations Court by whatever name, if such a court should be established.

§ 623. Contents of petition for support

The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information. The petitioner may include in or attach to the petition any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or social security number.

§ 624. Petition for a minor

A petition on behalf of a minor obligee may be brought by a person or agency having legal custody of the minor without appointment as guardian ad litem.

§ 625. Duty of Court of this State as initiating state

If the Court of this State acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the petition (2) its certificate and (3) this chapter to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

§ 626. Jurisdiction by arrest

When the Court of this State, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction it may (1) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (2) as a responding state, obtain the body of the defendant by appropriate process.

§ 627. State information agency

The State Department of Public Welfare is hereby designated as the State information agency under this chapter and it shall be its duty:

(1) To compile a list of the courts and their addresses in this State having jurisdiction under this act and transmit the same to the state information agency of every other state which has adopted this or a substantially similar law; and

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this State having jurisdiction under this chapter.

§ 628. Duty of the Court of this State as responding state

When the Court of this State, acting as a responding State, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the case, (2) set a time and place for a hearing, and (3) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction.

§ 629. Further duty of responding court

(a) If a Court of this State, acting as a responding State, is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the petition or otherwise, the Court shall communicate this fact to the court in the initi-

ating state, shall on its own initiative use all means at its disposal to trace the defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state.

(b) If a Court of this State, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property because the defendant is found to be in another county of the State, the papers in the case shall be transferred to the court having jurisdiction over the defendant.

§ 630. Order of support

If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

§ 631. Responding state to transmit copies to initiating state

The Court of this State when acting as a responding State shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

§ 632. Additional powers of Court

In addition to the foregoing powers, the Court of this State when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(1) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(2) To require the defendant to make payments at specified intervals to the court and to report personally to the court at such times as may be deemed necessary.

(3) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

§ 633. Additional duties of the Court of this State when acting as a responding state

The Court of this State when acting as a responding state shall have the following duties:

(1) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(2) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

§ 634. Additional duty of the Court of this State when acting as an initiating state

The Court of this State when acting as an initiating State shall have the duty to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

§ 635. Evidence of husband and wife

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this chapter. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

§ 636. Evidence

The rules of evidence applicable to marital proceedings generally shall be applicable to proceedings under subchapter III of this chapter.

§ 637. Application of payments

Any order of support issued by a Court of this State when acting as a responding State shall not supersede any previous order of support issued in a divorce or separate maintenance

action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts, accruing or accrued, for the same period under both.

§ 638. Effect of participation in proceeding

Participation in any proceedings under this chapter shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

Section 2. Sections 512 and 513, Title 13, Delaware Code, are hereby repealed.

Section 3. This Act shall be effective July 1, 1955.

Approved June 8, 1955.

CHAPTER 220

RELATING TO STATE DEPARTMENT OF
PUBLIC WELFARE**AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" IN RESPECT TO THE ORGANIZATION AND ADMINISTRATION OF THE STATE DEPARTMENT OF PUBLIC WELFARE; APPROPRIATING FUNDS.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 1, Title 31, Delaware Code, is amended by adding to the end thereof three new sections reading as follows:

§ 121. Financial participation

(a) The State Treasurer shall establish in the State Treasury a State Public Welfare Fund which shall include all funds made available for the purposes of this chapter, or of Chapter 3, Title 31, or of Chapter 5, Title 31, by the State, the several counties, the Federal government or any other source. Within this State Public Welfare Fund there shall be established such separate accounts as the State Treasurer and the State Auditor of Accounts may deem necessary or desirable.

(b) The State Treasurer shall pay from the State Public Welfare Fund the amounts requested by the Department for the purposes of this chapter, Chapter 3, Title 31, or of Chapter 5, Title 31 provided that such amount requested is not in excess of the balance remaining in the State Public Welfare Fund plus authorized advances.

(c) All expenditures of the Department shall be paid by check drawn by the State Treasurer except as hereinafter provided. Such expenditures shall be made on the basis of prescribed invoice and payroll forms preapproved by designated officials of the Department, copies of such approved invoice and

payroll forms to be transmitted to the Auditor of Accounts for preaudit.

(d) Certain expenditures, due to the responsibilities of the Department, are of an emergency nature. Such expenditures shall be made by the Department over the signature of an authorized official, from a revolving fund in an amount to be agreed on by the Department and the State Auditor of Accounts, and which shall be drawn from the State Public Welfare Fund and be deposited with the Farmers' Bank of the State of Delaware to the credit of the Department of Public Welfare.

§ 122. Federal financial participation

The State Treasurer shall receive all money paid to the State by the Secretary of the Treasury of the United States on account of assistance, services and administration provided under this chapter, under Chapter 3, Title 31 and under Chapter 5, Title 31, and make payments from such moneys, and moneys appropriated under such chapters in accordance with the provisions thereof and with the provisions of the United States Social Security Act.

§ 123. County financial participation

The State Treasurer shall receive all money paid to the State by the Receiver of Taxes and County Treasurer of each of the three counties, on account of assistance, services, and administration provided under this chapter, under Chapter 3, Title 31, and under Chapter 5, Title 31, and make payments from such moneys, and moneys appropriated under such chapters in accordance with the provisions thereof.

Section 2. There is appropriated to the State Treasurer the sum of \$4,500 for the fiscal year ending June 30, 1956 and an additional sum of \$4,500 for the fiscal year ending June 30, 1957 to cover any expenses connected with the Treasurer's increased duties hereunder.

Section 3. This Act is a Supplementary Appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Section 4. This Act shall become effective July 1, 1955.

Approved June 8, 1955.

CHAPTER 221

RELATING TO PARKING AUTHORITIES

AN ACT TO AMEND SECTION 508, TITLE 22, DELAWARE CODE, RELATING TO PARKING AUTHORITIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 22, Delaware Code, as amended by 49 Delaware Laws, Chapter 2, is further amended by striking out and repealing the last paragraph of section 508 of said title and substituting in lieu thereof a new paragraph as follows:

Any Municipality establishing an Authority under this chapter may, under such terms and conditions as it may deem appropriate, provide for and pay to such Authority such sum or sums of money necessary to acquire in whole or in part the lands upon which such Authority may undertake to erect a parking facility as herein provided and/or such sum or sums of money necessary to construct in whole or in part a parking facility or facilities as herein provided; the Municipality for the purpose of providing said money may issue its general obligation bonds secured by the faith and credit of the Municipality. The aggregate amount of general obligation bonds issued by a Municipality under this provision shall be in addition to and not within the limitations of any existing statutory debt limitation of the Municipality.

Approved June 8, 1955.

CHAPTER 222

RELATING TO PARKING AUTHORITIES

AN ACT TO AMEND SECTION 504, TITLE 22, DELAWARE CODE, RELATING TO PARKING AUTHORITIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 22, Delaware Code, as amended by 49 Delaware Laws, Chapter 72, is further amended by adding immediately following section 504 (d) (4), of said title, a new subsection as follows:

(e) When any real property or any interest therein heretofore or hereafter acquired by the Authority is no longer needed for the purposes defined in this chapter, or when, in the opinion of the Authority it is not desirable or feasible to hold and use such property for said purposes, the Authority may sell the same at private or public sale as the Authority shall determine, granting and conveying to the purchaser thereof a fee simple marketable title thereto. The Authority may make such sale for such price and upon such terms and conditions as the Authority deems advisable and for the best interests of the Authority and may accept in payment, wholly or partly, cash, bonds, mortgages, debentures, notes, warrants, or other evidences of indebtedness as the Authority may approve. The consideration received from any such sale may be applied by the Authority, in its discretion, to the repayment, in whole or in part, of any funds contributed to the Authority by a Municipality under the provisions of section 508 of this Chapter or retained by the Authority for the purposes of this chapter. Without limitation of the foregoing, the Authority may accept as consideration in whole or in part for the sale of any such real property, a covenant, agreement or undertaking on the part of any purchaser to provide and maintain off-street parking facilities on such property or a portion thereof for the fulfillment of public parking needs for such period and under such terms and conditions as the Authority shall determine. Any such covenant, agreement or undertaking on the part of the

purchaser as aforesaid and the right of the Authority to fix and alter rates to be charged for any such parking facilities as well as the right of appeal as in this Section provided, shall be set forth and reserved in the deed or deeds of conveyance. Any such covenant, agreement or undertaking may be enforced by the Authority in an action for specific performance brought in the Court of Chancery of this State.

Approved June 8, 1955.

CHAPTER 223

APPROPRIATION

STATE BOARD OF HEALTH FOR POLIO VACCINE

AN ACT TO APPROPRIATE MONEY TO THE STATE BOARD OF HEALTH FOR THE PURPOSE OF PURCHASING POLIO VACCINE AND SUPPLIES AND ADMINISTERING POLIO VACCINE TO THE CHILDREN OF THIS STATE.

WHEREAS, the number of children in this State in the age group most susceptible to polio is estimated to be approximately 100,000, and

WHEREAS, the National Foundation for Infantile Paralysis is furnishing free of cost to the State Board of Health enough polio vaccine to immunize 25,000 children, and

WHEREAS, it is estimated that 25,000 children will receive polio vaccine from their family physicians, and

WHEREAS, it is estimated that there will be approximately 50,000 children left unprotected from polio, and

WHEREAS, it is the desire of the General Assembly that all children in this State shall receive the benefit of the great discovery of Dr. Salk, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$150,000 is hereby appropriated to the State Board of Health for the purpose of purchasing polio vaccine and related supplies, and for the purpose of administering polio vaccine to children of this 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 of Delaware.

Approved June 8, 1955.

CHAPTER 224

RELATING TO CLERICAL WORKERS EMPLOYED BY
BOARD OF EDUCATION

AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, BY ADDING TEACHERS AND CLERICAL WORKERS EMPLOYED BY THE STATE BOARD OF EDUCATION TO THE PERSONNEL COVERED BY THAT CHAPTER.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1302, Title 14, Delaware Code is amended by adding to that section a new sentence as follows:

This chapter also applies to those teachers, secretaries, senior secretaries, and clerks who are employed directly by the State Board of Education.

Approved June 8, 1955.

CHAPTER 225

APPROPRIATION

VOLUNTEER FIRE COMPANIES

AN ACT TO APPROPRIATE MONEY TO CERTAIN VOLUNTEER FIRE COMPANIES.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members of each House concurring therein):

Section 1. There is hereby appropriated to each of the following volunteer fire companies, the sum of Seventeen Hundred Fifty Dollars (\$1750.00) annually for each of the fiscal years beginning July 1, 1955 and July 1, 1956 to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment:

Gumboro Volunteer Fire Company
Farmington Volunteer Fire Company
Slaughter Beach Volunteer Fire Company
Belvedere Volunteer Fire Company

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 from monies not otherwise appropriated.

Approved June 8, 1955.

CHAPTER 226

APPROPRIATION

STATE BOARD OF AGRICULTURE

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE FOR THE VACCINATION OF CALVES AND TESTING OF CATTLE FOR BANG'S DISEASE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is 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 in accordance with the authority vested in said Board under § 7323, Title 3 of the Delaware Code, of which the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) shall be available for the fiscal year beginning July 1, 1955, and the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) shall be available for the fiscal year beginning July 1, 1956. Such sums shall be paid by the State Treasurer upon warrants signed by the proper officers of the State Board of Agriculture.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 227

APPROPRIATION

FOR EDUCATION OF CHILDREN OF VETERANS

**AN ACT APPROPRIATING MONEYS FOR EDUCATION AND
TRAINING OF CHILDREN OF VETERANS OF WORLD
WAR I, WORLD WAR II AND KOREAN CONFLICT
WHO DIED WHILE IN THE SERVICE OF THE ARMY,
NAVY, MARINE CORPS, AIR FORCES OR COAST
GUARD OF THE UNITED STATES OR WHO DIED
FROM DISEASE, WOUNDS OR DISABILITIES RESULT-
ING FROM SUCH SERVICE.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Twelve Thousand Dollars (\$12,000.00) 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, Air Forces 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, World War II or Korean Conflict, for the biennium beginning July 1, 1955 and ending June 30, 1957. Six Thousand Dollars (\$6,000.00) of said sum is appropriated for the fiscal year beginning July 1, 1955 and Six Thousand Dollars (\$6,000.00) of said sum is appropriated for the fiscal year beginning July 1, 1956.

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 if the type of training or courses cannot be secured in any institution or agency within the State of Delaware, the Director of the State Board for Vocational Education may use these funds for such training in any institution outside of the bounds of the State, and provided, further, 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 (4) 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. It shall be 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 Seven Hundred and Fifty Dollars (\$750.00) 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 is a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 229

APPROPRIATION

LOUIS L. REDDING COMPREHENSIVE SCHOOL

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
THE BOARD OF SCHOOL TRUSTEES OF LOUIS L.
REDDING COMPREHENSIVE SCHOOL.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The sum of Three Thousand Nine Hundred Twenty Dollars (\$3,920.00) is hereby appropriated to the Board of School Trustees of the Louis L. Redding Comprehensive School to defray unforeseen operational expenses during the fiscal year ending June 30, 1955.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 230

RELATING TO DELAWARE STATE COLLEGE

AN ACT TO AMEND CHAPTER 1, TITLE 1, DELAWARE CODE, RELATING TO THE DELAWARE CODE, BY PROVIDING FOR THE DISTRIBUTION OF A COPY OF SAID CODE TO DELAWARE STATE COLLEGE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 108, Chapter 1, Title 1, Delaware Code, is hereby amended by adding in the third line of subsection (b) of said section, following the words "University of Delaware", the words "Delaware State College".

Approved June 8, 1955.

CHAPTER 231

APPROPRIATION

BLADES SCHOOL

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
THE BOARD OF SCHOOL TRUSTEES OF BLADES
SCHOOL NO. 172.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of One Thousand Four Hundred Seventy Dollars and Eleven Cents (\$1,470.11) is hereby appropriated to the Board of School Trustees of Blades School No. 172 to defray unforeseen operational expenses during the fiscal year ending June 30, 1955.

Section 2. This is a supplementary appropriation, and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 232

APPROPRIATION

MILLSBORO SCHOOL

**AN ACT TO APPROPRIATE CERTAIN MONIES TO THE
BOARD OF SCHOOL TRUSTEES OF MILLSBORO
SCHOOL #23 FOR CURRENT OPERATION.**

WHEREAS, it has been necessary to purchase more fuel because of a long and severe winter; and

WHEREAS, because of increased enrollment in the high school of Millsboro School #23 it has been necessary to purchase more text books; and

WHEREAS, the 117th General Assembly did not appropriate to Millsboro School #23 sufficient funds to meet the unusual current expenses; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Twenty-Five Hundred Ninety-Five Dollars and Thirteen Cents (\$2595.13) is appropriated to the Board of School Trustees of Millsboro School #23 for the purpose of meeting current operation expenses.

Section 2. The 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 of Delaware.

Approved June 8, 1955.

CHAPTER 233

APPROPRIATION

**DELAWARE COMMISSION FOR THE FEEBLE-MINDED
AN ACT APPROPRIATING A SUM OF MONEY TO THE
DELAWARE COMMISSION FOR THE FEEBLE-MINDED
IN ORDER TO PAY FOR CERTAIN LABOR AND MA-
TERIALS SUPPLIED TO THE DELAWARE COLONY.**

WHEREAS, the Pierce Hardware Company, of Milford, Delaware, supplied to the Delaware Colony in the year 1952 labor and materials in the sum of Two Hundred Twenty-Four Dollars and Seventy-Five Cents (\$224.75); and

WHEREAS, payment was not made to the Pierce Hardware Company for the reason that it failed to submit a bill within the required time according to existing laws and regulations; and

WHEREAS, the Pierce Hardware Company should be reimbursed for the labor and materials it supplied to the Delaware Colony; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Two Hundred Twenty-Four Dollars and Seventy-Five Cents (\$224.75) is hereby appropriated to the Delaware Commission for the Feeble-Minded for the purpose of paying the Pierce Hardware Company for labor and materials supplied by said company to the Delaware Colony in the year 1952.

Section 2. This Act is a Supplementary Appropriation Act, and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 234

APPROPRIATION

ELLENDALE SCHOOL

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
THE BOARD OF SCHOOL TRUSTEES OF ELLENDALE
PUBLIC SCHOOL NO. 125.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The sum of One Thousand Two Hundred Dollars (\$1,200.00) is hereby appropriated to the Board of School Trustees of Ellendale Public School No. 125 to defray unforeseen operating expenses of the said school during the fiscal year ending June 30th, 1955.

Section 2. This is a Supplementary Appropriation, and the funds hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 235

RELATING TO HUNTING, TRAPPING AND
FISHING LICENSES**AN ACT AMENDING CHAPTER 5, TITLE 7, DELAWARE
CODE, RELATING TO HUNTING, TRAPPING AND
FISHING LICENSES, BY CHANGING THE EXPIRATION
DATE OF SUCH LICENSES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 512, Title 7, Delaware Code, is hereby amended by striking out the words "thirty-first day of December of the year they are issued" and inserting in lieu thereof the words "thirtieth day of June following the date of their issue."

Section 2. Licenses issued before the effective date of this Act shall remain valid until the expiration date thereof according to the law in effect on the date of their issuance.

Approved June 8, 1955.

CHAPTER 236

RELATING TO RETIRED TEACHERS

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSIONS, BY PERMITTING THE EMPLOYMENT OF RETIRED TEACHERS DURING EMERGENCIES WITHOUT FORFEITURE OF PENSION.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 55, Title 29, Delaware Code, is hereby amended by striking out § 5508 of said chapter and inserting in lieu thereof the following:

§ 5508. Employment of pension beneficiaries by the State; exception of retired teachers in emergencies

No person, while receiving a pension under this chapter, shall be employed by the State of Delaware in any capacity except by gubernatorial appointment, election by popular vote at a regular State election, or employment as a substitute teacher during an emergency of not more than thirty (30) days duly declared by resolution of a Board of School Trustees or Board of Education. During any such term by gubernatorial appointment or election, such person so employed shall not be entitled to a pension unless he serves the term of office without pay, but retired teachers so employed during an emergency for not more than 30 days in a school term shall receive the full amount of pay to which they shall be entitled without any forfeiture or diminution of their pension whatsoever.

Approved June 8, 1955.

CHAPTER 237
APPROPRIATION

BOYS' AND GIRLS' STATE

**AN ACT APPROPRIATING FUNDS TO THE AMERICAN
LEGION AND AMERICAN LEGION AUXILIARY FOR
EXPENSES TO BE INCURRED IN CONNECTION WITH
THE HOLDING OF BOYS' STATE AND GIRLS' STATE.**

*Be it enacted by the General Assembly of the State of
Delaware (three-fourths of each House concurring therein):*

Section 1. The sum of One Thousand Dollars (\$1,000.00) is appropriated to the American Legion Department of Delaware for the bearing of expenses incident to the holding of Boys' State during the years 1955 and 1956; and the further sum of One Thousand Dollars (\$1,000.00) is appropriated to the American Legion Auxiliary Department of Delaware for the bearing of expenses incident to the holding of Girls' State during the years 1955 and 1956. No more than Five Hundred Dollars (\$500.00) shall be spent for the holding of Boys' State and/or Girls' State in any one year.

Section 2. The State Treasurer is authorized and empowered to pay to the Department Finance Office of the American Legion Department of Delaware a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Boys' State in 1955 and a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Boys' State in 1956 upon receipt of drafts properly drawn and signed by said Department Finance Officer.

Section 3. The State Treasurer is authorized and empowered to pay to the Department Treasurer American Legion Auxiliary Department of Delaware a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Girls' State in 1955 and a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Girls' State in 1956 upon receipt of drafts properly drawn and signed by said Department Treasurer.

Section 4. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 238

RELATING TO MILEAGE RATES TO COUNTY
EMPLOYEES**AN ACT TO AMEND SECTION 9121, TITLE 9, DELAWARE
CODE, RELATING TO MILEAGE PAYMENTS TO
COUNTY EMPLOYEES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 9121, Title 9, Delaware Code, is hereby amended by striking out all of said section and inserting in lieu thereof a new section, as follows:

§ 9121. Uniform mileage payments

The authorized mileage rate for officers or employees of the several counties who receive mileage from the respective Levy Courts shall be eight cents (8c) per mile.

Approved June 8, 1955.

CHAPTER 228

APPROPRIATION

STATE HIGHWAY DEPARTMENT

AN ACT APPROPRIATING MONEY TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF LAW RELATING TO STATE POLICE RETIREMENT FUND.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the State Highway Department the sum of Seventy Thousand Dollars (\$70,000.00) for the fiscal year ending June 30, 1956 and the sum of Ninety-four Thousand Dollars (\$94,000.00) for the fiscal year ending June 30, 1957 for the purpose of carrying out the provisions of § 8322, Title 11, Delaware Code, relating to the State Police Retirement Fund.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 239

RELATING TO STATE POLICE

AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE, ENTITLED "STATE POLICE" BY PROVIDING FOR THE SALE OF LOST, STOLEN OR UNCLAIMED PROPERTY AND THE DISPOSITION OF THE PROCEEDS AND FOR THE DISPOSITION OF LOST, ABANDONED OR STOLEN MONEY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 83, Title 11, Delaware Code, is amended by adding thereto a new section as follows:

§ 8306. Disposition of lost or stolen property

(a) Whenever any personal property of any kind, except money, comes into the custody of the State Police and the person entitled to possession of the same cannot be located and fails to claim the same for a period of one year, the Superintendent of the State Police may dispose of the same at public sale at some place which shall be convenient and accessible to the public, provided that the time, place and terms of said sale, together with a description of said personal property, shall be inserted in one or more daily newspapers published in the State at least once each week for two successive weeks prior to said sale. The Superintendent shall in his discretion fix the terms of sale and may employ an auctioneer to make the sale. If the personal property be of the kind for which a certificate of title or registration shall or should have been issued by any Commissioner, Commission or Department, whether State or Federal, the Superintendent shall cause notice by registered mail to be sent at least ten days prior to the sale to the owner and lien holder, if any, shown on the records of such Commissioner, Commission or Department, or to the person entitled to the possession thereof, if his address be known or if it can be ascertained by the exercise of reasonable diligence; and if said address cannot be so ascertained, then such notice shall not be required to be given.

(b) After deducting from the proceeds of the sale the expense of making the same and the amount of storage and any other repair or tow charges incurred during the period in which the same was in custody, and after the payment of all liens to which said property was subject in the order of their priority, the balance remaining, if any, shall be paid into the Police Retirement Fund of the State Police. All lost, abandoned, or stolen money shall also be paid into said Fund if the money is unclaimed.

(c) If the owner or the person entitled to any money in the custody of the State Police or to the possession of personal property, sold as aforesaid, shall present to the Superintendent a claim, duly sworn to, for such money at any time within three years from the date when it came into the custody of the State Police, or, at any time within three years from the date of such sale, a similar claim for the balance remaining from the proceeds of such sale, the Superintendent shall cause to be paid from said Police Retirement Fund the amount of such money or of such balance, without interest, in either case, to such claimant as may be legally entitled thereto. If no claim for such sale or such money is made within three years from the date of such sale or from the date such money came into the custody of the State Police, such balance or such money shall become the property of said Police Retirement Fund in the same manner as other sums contributed thereto. All actions of replevin for the return of any such personal property or money in the custody of said Superintendent and all other suits or actions of a similar nature arising by reason of his custody of said personal property or money shall be brought within three years from the date when the same came into the custody of said Superintendent or be forever barred; provided, however, that this sentence shall not be construed as implying that in the absence thereof said Superintendent would be subject to suit or action of any kind whatsoever and provided, further, that nothing herein shall be construed to waive the immunity from suit or action to which said Superintendent or the State Police would be entitled in the absence of this sentence.

(d) The certificate of the Superintendent that he has sold any such personal property to a purchaser as provided in this section shall constitute sufficient evidence of title to any prop-

erty so sold in order to enable any such purchaser to obtain a certificate of title and registration from the appropriate Commissioner, Commission or Department, which shall recognize such certificate of the Superintendent as sufficient authority for the issuance of a certificate of title and registration.

(e) This section shall not apply to any property the disposition of which is provided for elsewhere in this title.

Approved June 8, 1955.

CHAPTER 240 .

AUTHORIZING RECORDER OF DEEDS TO PROCURE
NEW SEAL**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 June 8, 1955.

CHAPTER 241

PROVIDING FOR OCCUPATIONAL TAX FOR SELF
SERVICE LAUNDRIES**AN ACT TO AMEND TITLE 30, DELAWARE CODE, ENTITLED "STATE TAXES" BY PROVIDING FOR OCCUPATIONAL LICENSES FOR SELF SERVICE LAUNDRIES.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2301, Title 30, Delaware Code, is amended by adding thereto a new paragraph to read as follows:

Self service laundry, §20. "Self service laundry" includes every person engaged in the business of operating a laundry where the objects to be laundered may be and frequently are placed in and removed from the laundering and/or drying machines or other machines by the customers of the laundry whether or not such machines are operated by deposit of coins and whether or not an attendant is available to assist the customers in the operation of the machines. A person operating a self service laundry shall not be regarded as a "hand laundry operator" or a "laundry operator" within the meaning of this chapter unless such person also operates laundry services which do not fall within the above definition of a self service laundry.

Approved June 8, 1955.

CHAPTER 242

PROVIDING FOR DISTRIBUTION OF LAW AND
CHANCERY REPORTSAN ACT TO AMEND TITLE 14, DELAWARE CODE, EN-
TITLED "EDUCATION" BY PROVIDING FOR DISTRIBUTION OF LAW AND CHANCERY REPORTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 7308, Title 14, Delaware Code, is amended to read as follows:

§ 7308. Distribution of law and chancery reports

The State Librarian, upon the receipt of law reports and chancery reports to be deposited in the State Library by law, shall transmit one copy of each of the reports to the library of each state and territory, one copy to the Library of Congress, one copy to the University of Delaware, one copy to the Historical Society of the State of Delaware, one copy to each Court of Common Pleas in the State, one copy to the Wilmington Library of the Court of Chancery of the State of Delaware, and one copy to the Wilmington Institute Free Library.

Approved June 8, 1955.

CHAPTER 243

RELATING TO NARCOTIC DRUGS

AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO NARCOTIC DRUGS, BY REVISING THE PENALTIES IMPOSED FOR VIOLATIONS.

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

Section 1. Chapter 47, Title 16, Delaware Code, is hereby amended by striking out all of Section 4722 and inserting in lieu thereof the following:

§ 4722. Violations and penalties

(a) Whoever violates or fails to comply with any of the provisions of Sections 4702, 4703, 4704, or 4705 of this chapter shall be sentenced as follows:

(1) For the first such offense, imprisonment for not less than three (3) nor more than ten (10) years and a fine of not less than \$500.00 nor more than \$3,000.00;

(2) For the second such offense, imprisonment for not less than seven (7) nor more than twelve (12) years and a fine of not less than \$1,000.00 nor more than \$3,000.00;

(3) For the third or any subsequent such offense or if the offender shall have been convicted two or more times in the aggregate of any violation of the laws of the United States or of this or any other State, Territory, or District relating to narcotic drugs or marijuana, imprisonment for not less than ten (10) nor more than twenty (20) years and a fine of not less than \$2,000.00 nor more than \$5,000.00.

(b) Whoever violates or fails to comply with any of the provisions of any section of this chapter other than Sections 4702, 4703, 4704, and 4705 shall be fined not more than \$3,000.00 or imprisoned not more than ten (10) years, or both.

Approved June 8, 1955.

CHAPTER 244

RELATING TO VOLUNTEER FIREMEN'S RADIO
EQUIPMENT

**AN ACT AUTHORIZING THE LEVY COURT OF KENT
COUNTY TO APPROPRIATE CERTAIN SUMS TO THE
KENT COUNTY VOLUNTEER FIREMEN'S ASSOCIA-
TION FOR THE MAINTENANCE OF RADIO EQUIP-
MENT USED IN CONNECTION WITH VOLUNTEER
FIRE FIGHTING APPARATUS.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The Levy Court of Kent County is authorized to appropriate the sum of Five Hundred Dollars (\$500.00) for the fiscal year beginning July 1, 1955, and a similar sum for the fiscal year beginning July 1, 1956, to the Kent County Volunteer Firemen's Association for the maintenance of radio equipment used in connection with volunteer fire fighting apparatus throughout the county.

Approved June 8, 1955.

CHAPTER 245

RELATING TO SUSSEX COUNTY TAX DITCHES

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE COUNTY MONIES TO PAY ITS SHARE OF DITCH TAXES ASSESSED FOR CONSTRUCTION AND MAINTENANCE PURPOSES ON THE ELI WALL'S TAX DITCH.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Levy Court of Sussex County shall and is hereby authorized to appropriate such sums of money annually as will be necessary to pay for State Lands under the jurisdiction of the Levy Court of Sussex County, on the same basis as other land owners, ditch taxes assessed for construction and maintenance purposes on the Eli Wall's Tax Ditch, if, as and when said Tax Ditch is organized under the provisions of Title 7, Delaware Code, Chapter 41.

Approved June 8, 1955.

CHAPTER 246

PROHIBITING USE OF TELEPHONE TO
DISTURB PRIVACY**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE
CODE, RELATING TO PUBLIC UTILITIES BY PROHIB-
ITING USE OF TELEPHONE TO DISTURB PRIVACY.**

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding a new section at the end of Subchapter XLII to be known as Section 758.

· § 758. Disturbing privacy by use of telephone facilities or equipment

Whoever makes use of telephone facilities or equipment and therein communicates language, suggestions or proposals which are obscene, profane, vulgar, lewd, lascivious, or indecent in a manner reasonably to be expected to annoy, abuse, torment, or embarrass another is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding Two Hundred Dollars (\$200.00) or to undergo imprisonment for not more than one (1) year, or both.

Approved June 8, 1955.

CHAPTER 247

TEACHING CONSTITUTIONS AND GOVERNMENT
IN SCHOOLS**AN ACT TO AMEND TITLE 14, DELAWARE CODE, EN-
TITLED "EDUCATION" IN RESPECT TO TEACHING
CONSTITUTIONS AND GOVERNMENT IN SCHOOLS.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4104, Title 14, Delaware Code is amended to read as follows:

**§ 4104. Teaching Constitution of the United States and Consti-
tution and government of Delaware**

(a) In all public and private schools located within this State, there shall be given regular courses of instruction in the Constitution of the United States and the Constitution and government of the State of Delaware.

(b) The instruction in the Constitution of the United States and the Constitution and government of the State of Delaware shall begin not later than the opening of the eighth grade and shall continue in the high school courses and in courses in State colleges, universities and the educational departments of State and municipal institutions. The extent and content of such courses below the college level shall be determined by the State Board of Education. In institutions of higher learning the trustees or other governing body of such institutions shall determine the extent and content of such courses.

Approved June 8, 1955.

CHAPTER 248

RELATING TO INTESTATE PERSONAL ESTATE

AN ACT TO AMEND CHAPTER 5, TITLE 12, DELAWARE CODE, ESTABLISHING RULES OF DISTRIBUTION OF INTESTATE PERSONAL ESTATE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 512, Chapter 5, Title 12, Delaware Code, is amended by striking out paragraphs numbered "(6)" and "(7)" and inserting in lieu thereof the following new paragraph which shall be unnumbered:

Provided that if the intestate is married at the time of his or her death and leaves no child nor descendants of a child living, the surviving spouse shall be entitled to the residue of the intestate's personal estate absolutely; and provided further that if the intestate is married at the time of his or her death and leaves a child or children living or issue of a child living, the residue of the intestate's personal estate shall be divided among the surviving spouse and such child or children, one-third to the surviving spouse and the remaining two-thirds to the child or children share and share alike, and if any such child or children being dead shall have left issue, such issue shall be entitled to the share of the parent.

Approved June 8, 1955.

CHAPTER 249

RELATING TO TESTAMENTARY TRUSTS

AN ACT TO AMEND SECTION 3525, TITLE 12, DELAWARE CODE, RELATING TO TESTAMENTARY TRUSTS BY PROVIDING THAT INTEREST ON A PECUNIARY BEQUEST IN TRUST SHALL BE PAID BY THE EXECUTOR OUT OF THE RESIDUE OF THE ESTATE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Subsection (a) of Section 3525, Title 12, Delaware Code, is amended by inserting after the word "payable" the words "by the executor out of the residue of the estate".

Approved June 8, 1955.

CHAPTER 250

RELATING TO NON-RESIDENT HUNTING LICENSES
AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE
CODE, RELATIVE TO NON-RESIDENT HUNTING AND
TRAPPING LICENSE FEES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 509, Title 7, Delaware Code, is amended by striking out the figures "\$15.50" in subsection (1) and inserting in lieu thereof the figures "\$20".

Approved June 8, 1955.

CHAPTER 251

RELATING TO MATTRESSES, PILLOWS AND BEDDING
AN ACT TO AMEND CHAPTER 21, TITLE 16, DELAWARE
CODE, RELATING TO MATTRESSES, PILLOWS AND
BEDDING.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 2107, Title 16, Delaware Code, is amended by striking the figures "10" as they appear in the seventh line of said section and substituting in lieu thereof the figures "\$15".

Approved June 8, 1955.

CHAPTER 252

MOTOR VEHICLES

AN ACT TO AMEND TITLE 21, DELAWARE CODE, ENTITLED, "MOTOR VEHICLES" IN REGARD TO THE COLOR OF LIGHTS VISIBLE FROM THE FRONT OF VEHICLES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4333, Title 21, Delaware Code, is amended so that the second paragraph thereof shall read as follows:

This section shall not apply to police, fire department, fire patrol vehicles, ambulances or State Highway Department maintenance equipment.

Approved June 8, 1955.

CHAPTER 253

RELATING TO CRIMINAL OFFENDERS

AN ACT TO AMEND CHAPTERS 31 AND 39, TITLE 11, DELAWARE CODE, BY PROVIDING A NEW PROCEDURE FOR CHARGING AND SENTENCING REPEATING CRIMINAL OFFENDERS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 31, Title 11, Delaware Code, is amended by repealing § 3101 thereof.

Section 2. Chapter 39, Title 11, Delaware Code, is amended by adding thereto the following section designated § 3912:

§ 3912. Sentence of greater punishment because of previous conviction

(a) If, at the time of sentence, it appears to the court that the conviction of a defendant constitutes a second or other conviction making the defendant liable to a punishment greater than the maximum which may be imposed upon a person not so previously convicted, the court shall fully inform the defendant as to such previous conviction or convictions and shall call upon the defendant to admit or deny such previous conviction or convictions. If the defendant shall admit the previous conviction or convictions, the court may impose the greater punishment. If the defendant shall stand silent or if he shall deny the prior conviction or convictions, he shall be tried upon the issue of previous conviction; provided, however, that the foregoing procedure shall not apply in cases of fourth offenders liable to sentence of life imprisonment under § 3911.

(b) If, at any time after conviction and before sentence, it shall appear to the Attorney General or to the Superior Court that, by reason of such conviction and prior convictions, a defendant should be subjected to the provisions of § 3911, the Attorney General shall file an information charging the defendant as an habitual criminal under the provisions of § 3911.

The defendant shall be required to plead to such information. If the defendant remains silent or pleads not guilty, he shall be tried upon the charges of such information, with right to jury trial preserved. If the defendant is found guilty, or if he pleads guilty or nolo contendere, the court may impose the sentence provided by § 3911.

Approved June 8, 1955.

CHAPTER 254

APPROPRIATION

SOCIAL SECURITY ACT

**AN ACT TO APPROPRIATE FUNDS FOR THE PAYMENT
OF STATE CONTRIBUTIONS FOR EMPLOYEE COVER-
AGE UNDER THE SOCIAL SECURITY ACT FOR THE
CURRENT FISCAL YEAR.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. There is appropriated for payment of the State of Delaware's contribution for employee coverage under the Social Security Act the sum of \$35,000 for the fiscal year ending July 1, 1955.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 8, 1955.

CHAPTER 255

RELATING TO APPROPRIATIONS FOR AMBULANCE
SERVICE

AN ACT TO AMEND CHAPTER 61, TITLE 9, DELAWARE
CODE, RELATING TO AUTHORIZED APPROPRIA-
TIONS FOR AMBULANCE SERVICE.

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 6132, Title 9, Delaware Code, is amended by
adding the following new subsection (d):

(d) So long as Lewes Fire Department of Lewes, Dela-
ware, shall have an ambulance and provide ambulance service
for the benefit of the residents of Sussex County, the Levy
Court shall appropriate annually and on the first day of May
of each year shall pay the sum of Five Hundred Dollars
(\$500.00) to it for the maintenance of its ambulance.

Approved June 8, 1955.

CHAPTER 256
MOTOR VEHICLES

AN ACT TO AMEND TITLE 21, DELAWARE CODE, ENTITLED "MOTOR VEHICLES" BY PROVIDING FOR A DEPUTY DIRECTOR OF SAFETY RESPONSIBILITY AND SUCH CLERICAL HELP AS IS NECESSARY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2910, Title 21, Delaware Code, is amended by striking out the second paragraph thereof and substituting the following:

The Commissioner shall hire a Director of Safety Responsibility in Delaware at a salary of \$3,600 per year. The Director shall hire a secretary and such clerical help, not to exceed three, as are necessary 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 used in other states. The State Police shall help enforce this chapter.

Approved June 9, 1955.

CHAPTER 257

RELATING TO FISHING

AN ACT TO AMEND CHAPTER 11, TITLE 7, DELAWARE CODE, RELATING TO FISHING IN CERTAIN WATERS, BY PROVIDING FOR THE ISSUANCE AND SALE OF A DELAWARE TROUT FISHING STAMP AND THE USE OF THE PROCEEDS THEREOF, REQUIRING THE PURCHASE OF SUCH A STAMP FOR FISHING IN TROUT-STOCKED WATERS, AND PROVIDING PENALTIES FOR VIOLATIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 11, Title 7, Delaware Code, is hereby amended by adding before Section 1101 thereof the following heading:

**SUBCHAPTER I. GENERAL PROVISIONS AND
FISHING REGULATIONS**

Section 2. Chapter 11, Title 7, Delaware Code, is hereby further amended by adding after Section 1124 thereof the following subchapter:

SUBCHAPTER II. FRESH WATER TROUT FISHING

§ 1125. Issuance of special trout fishing stamp

The Board of Game and Fish Commissioners shall annually issue a distinctive stamp for fresh water trout fishermen, which shall be known as the Delaware Trout Fishing Stamp.

§ 1126. Sale of stamps; applications; price

(a) Supplies of the said stamps for sale to fishermen shall be furnished to the agents and persons designated to sell hunting and fishing licenses under the provisions of Section 513 of this Title, who shall be entitled to compensation as therein provided for the sale of licenses.

(b) Applications for the purchase of the said stamps shall be in writing and signed by the applicant; they shall include such information as to the identity of the applicant and his previous season's trout catch as the Board may require.

(c) The purchase price of the said stamps shall be set by the Board annually at a figure not in excess of \$2.10 for residents of Delaware and \$5.25 for non-residents.

§ 1127. Stamp to be affixed to fishing license and signed in ink; permission to fish in stocked waters

The holder of a fishing license who wishes to fish for trout shall purchase a Delaware Trout Fishing Stamp, affix the same to his fishing license, and sign his name in ink across the face of said stamp; he shall then be permitted to take trout during the open season for such fish and in the manner permitted by law from the fresh waters which are stocked with trout by the Board.

§ 1128. Exception for owner or lessee of land traversed by trout-stock waters

An owner or bona fide lessee of land traversed by trout-stocked waters and members of his immediate family may fish such waters upon his land without purchasing a stamp.

§ 1129. Use of proceeds of sale of stamps

All moneys received from the sale of Delaware Trout Fishing Stamps shall be deposited at least monthly by the Board of Game and Fish Commissioners with the State Treasurer, to be by him retained until expended upon proper vouchers of the Board only for the purchase of trout for restocking those waters of the State considered suitable for such purpose or for the improvement of such waters for trout fishing.

§ 1130. Offenses; penalty

The following acts shall be offenses under this subchapter punishable by a fine of Twenty Dollars (\$20.00) for each such act:

(a) To alter or change a Delaware Trout Fishing Stamp in any way;

(b) To loan such a stamp to another person for use as authority to fish in trout-stocked waters;

(c) To furnish any false information as to the identity of the applicant upon the application for such a stamp;

(d) To take or attempt to take any rainbow, brown, or brook trout from any fresh waters stocked by the Board with trout without having purchased a stamp and affixed and signed the same as provided in this subchapter, except upon lands owned or leased as provided in Section 1128 hereof;

(e) Upon demand by any Game Warden to fail or refuse to exhibit a stamp when fishing in trout-stocked waters; except upon lands owned or leased as provided in Section 1128.

Approved June 9, 1955.

CHAPTER 258

RELATING TO SALE OF FISHING LICENSES

AN ACT TO AMEND CHAPTER 1, TITLE 7, DELAWARE CODE, WITH RESPECT TO THE USE OF FUNDS DERIVED FROM THE SALE OF FISHING LICENSES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 1, Title 7, Delaware Code, is hereby amended by striking out Section 113 of said chapter and inserting in lieu thereof the following:

§ 113. Use of funds derived from sale of fishing licenses

All funds derived by the State of Delaware from the issuance of yearly licenses issued by the Board for fishing shall be deposited by the Board with the State Treasurer and shall be specifically set aside and 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 at the discretion of the Board of Game and Fish Commissioners for coordinated fish management projects.

Approved June 9, 1955.

CHAPTER 259

RELATING TO HUNTING LICENSE ON SHOOTING
PRESERVES

**AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE
CODE, RELATING TO HUNTING, TRAPPING, AND
FISHING LICENSES, BY PROVIDING FOR A NON-
RESIDENT LICENSE FOR HUNTING ON REGULATED
SHOOTING PRESERVES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 509, Title 7, Delaware Code, is hereby amend-
ed by adding thereto the following subsection:

(3) A non-resident other than an alien, for a fee of \$3.00,
may obtain a license to shoot only on regulated shooting pre-
serves when it is lawful to do so, but nowhere else.

Approved June 9, 1955.

CHAPTER 260

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, BY PROVIDING FOR THE ISSUANCE OF TEMPORARY REGISTRATION PLATES UNDER CERTAIN CONDITIONS AND FOR CERTAIN PURPOSES.

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

Section 1. Chapter 21, Title 21, Delaware Code, is amended by adding thereto the following sections:

§ 2129. Issuance of temporary registration plates with temporary permits; issuance to dealers for re-issuance

(a) The Department may issue a temporary registration plate designed by the Department to an owner to whom it grants a temporary registration permit pursuant to Section 2103 of this Title. The dates of issuance and expiration and the make and serial number of the vehicle for which issued shall be stamped or marked with indelible ink in letters at least three quarters ($\frac{3}{4}$) of an inch high upon any temporary plate so issued and a record of such information, together with the name of the owner, shall be retained by the Department.

(b) The Department may also issue temporary registration plates to a dealer in motor vehicles, either new or used, who submits such proof as the Department requires of his status as a bona fide dealer, for reissuance to purchasers of unregistered motor vehicles. Such plates may be issued to a qualified dealer upon application for not less than 5 of such plates and payment of a fee of \$1 for each plate.

§ 2130. Issuance of temporary plates by dealers; information to be placed on plates; records to be maintained

(a) A dealer may issue a temporary registration plate for a fee of not more than \$1 to a purchaser of an unregistered motor

vehicle who makes proper application to the Department for registration thereof upon an appropriate form and delivers such application, together with the required fee, to the dealer for transmission to the Department.

(b) A dealer who issues a temporary registration plate shall mark or stamp thereon with indelible ink in letters at least three quarters ($\frac{3}{4}$) of an inch high the dates of issuance and expiration and the make and serial number of the vehicle for which issued, and shall immediately transmit to the Department upon forms prescribed and furnished by the Department the aforesaid information and the name of the purchaser.

(c) Every dealer who receives temporary plates from the Department shall maintain at his place of business a record of all such plates issued to him and of all such plates issued by him, with the dates of receipt and issuance, the name of the purchaser to whom issued, the make and serial number of the vehicle for which issued, and such other information as the Department may require. Each such record shall be kept for a period of at least 3 years from the date of entry and shall be available for inspection by representatives of the Department or police officers during regular business hours.

§ 2131. Effect and duration of temporary registration plates; destruction upon expiration

(a) A temporary registration plate properly issued to an owner or purchaser of a vehicle in accordance with Sections 2129 or 2130 of this Title shall be valid and shall entitle said owner or purchaser to operate the vehicle for which issued upon the public highways for a period of 15 days from the date of issuance or until the issuance of a permanent registration plate or until the cancellation or rescission of the contract of purchase, whichever occurs first.

(b) Upon the expiration of a temporary registration plate the holder thereof shall immediately destroy the same.

§ 2132. Regulations by Motor Vehicle Commissioner; power to suspend right to issue temporary plates

The Motor Vehicle Commissioner shall have the power to make rules and regulations, not inconsistent with Sections

2129, 2130, and 2131 of this Title, to carry out the provisions thereof relative to temporary registration plates, and the said Commissioner shall have the specific power, after hearing, to suspend the right to issue temporary plates of any dealer who fails to comply with the requirements of said Sections or of any regulation consistent therewith.

§ 2133. Offenses; penalties; jurisdiction of Justices of the Peace

(a) Any person who—

(1) Knowingly inserts any false information upon the face of a temporary registration plate, or

(2) Issues any temporary registration plate to a person or for a vehicle other than those permitted under this Title, or

(3) Operates any vehicle bearing a temporary registration plate which is invalid or has expired shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$100, or upon failure to pay the fine imposed shall be imprisoned not more than 30 days.

(b) Justices of the Peace shall have jurisdiction of offenses under this Section.

Section 2. This Act shall be effective July 1, 1955.

Section 3. There is hereby appropriated to the State Highway Department the sum of Five Thousand Dollars (\$5,000.00) for the biennium beginning July 1, 1955, and ending June 30, 1957, for the purchase of temporary registration plates and the administration of this Act.

Section 4. This is a supplementary appropriation Act, and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 9, 1955.

CHAPTER 261

RELATING TO STATE SUPPORTED SALARY SCHEDULES
FOR TEACHERS, ETC.

AN ACT TO AMEND CHAPTER 13, TITLE 14, OF THE DELAWARE CODE BY INCREASING THE UNIFORM STATE SUPPORTED SALARY SCHEDULE FOR SUPERINTENDENTS, PRINCIPALS, TEACHERS, NURSES, SECRETARIES, CLERKS, AND CUSTODIAL PERSONNEL OF THE VARIOUS DISTRICTS OF THE STATE, AND BY MAKING ADDITIONAL APPROPRIATIONS THEREFOR.

Be it enacted by the General Assembly of the State of Delaware:

SECTION 1. Title 14, of the Delaware Code, is hereby amended by striking out all of § 1305 (a) and inserting in lieu thereof a new § 1305 (a) as follows:

§ 1305. Basic salary schedule for teachers, principals, and superintendents

(a) Teachers who hold appropriate certificates and whose salaries are paid for 10 months per year shall receive annual salaries according to the following schedule:

Years of Experience	No Degree	Bachelor's Degree	Master's Degree	Doctor's Degree
0	\$2700	\$3100	\$3300	\$3700
1	2860	3260	3460	3860
2	3020	3420	3620	4020
3	3180	3580	3780	4180
4	3340	3740	3940	4340
5	3500	3900	4100	4500
6	3660	4060	4260	4660
7	3820	4220	4420	4820
8	3980	4380	4580	4980
9	4140	4540	4740	5140
10 or more	4300	4700	4900	5300

Section 2. Title 14 of the Delaware Code is hereby amended by striking out § 1308 and inserting in lieu thereof a new § 1308 as follows:

§ 1308. Salary schedule for school senior secretaries

There is hereby established a permanent State Supported Uniform Salary Schedule for Senior Secretaries in the various school districts of this State who have qualifications required by the State Board of Education. Such a Senior Secretary with no experience shall receive \$200 per month, to which shall be added \$10.00 for each additional year of experience up to ten years. A Senior Secretary with ten or more years of experience shall receive \$300.00 per month.

Section 3. Title 14 of the Delaware Code is hereby amended by striking out § 1309 and inserting in lieu thereof a new § 1309 as follows:

§ 1309. Salary schedule for school secretaries

There is hereby established a permanent State Supported Uniform Salary Schedule for Secretaries in the various school districts of this State who have qualifications required by the State Board of Education. Such a Secretary with no experience shall receive \$183.33 per month, to which shall be added \$8.00 for each additional year of experience up to ten years. A Secretary with ten or more years of experience shall receive \$263.33 per month.

Section 4. Title 14 of the Delaware Code is hereby amended by striking out § 1310 and by substituting in lieu thereof a new § 1310 as follows:

§ 1310. Salary schedule for school nurses

(a) A registered nurse without public school or public health experience, and no years of experience shall receive an annual salary of \$2,600.00, to which shall be added \$160.00 for each year of experience up to ten years. A nurse with ten or more years of experience shall receive an annual salary of \$4,200.00.

(b) A registered nurse with 15 credits or 1 year Public Health Experience shall receive \$200.00 above the appropriate figure in subsection (a) of this section.

Section 5. Title 14 of the Delaware Code is amended by striking out § 1311 and by substituting in lieu thereof a new § 1311 as follows:

§ 1311. Salary schedule for school custodial personnel

There is hereby established a permanent State Supported Uniform Salary Schedule for School custodial personnel who have qualifications required by the State Board of Education and who work and are paid for twelve months per year as follows:

(a) Chief Custodians shall receive an annual beginning salary of \$3,300.00 to which shall be added \$100.00 for each year of experience, provided that the maximum annual salary shall not exceed \$3,700.00.

(b) Fireman shall receive an annual beginning salary of \$2,700.00 to which shall be added \$150.00 for each year of experience, provided that the maximum annual salary shall not exceed \$3,300.00.

(c) Custodian-Firemen shall receive an annual beginning salary of \$2,600.00 to which shall be added \$150.00 for each year of experience, provided that the maximum annual salary shall not exceed \$3,200.00.

(d) Custodians shall receive an annual beginning salary of \$2,400.00 to which shall be added \$150.00 for each year of experience, provided that the maximum annual salary shall not exceed \$3,000.00.

Section 6. The salaries paid to persons whose salaries are increased by the foregoing sections of this act shall be paid at the new rate beginning July 1, 1955.

Section 7. Each school board shall upon the request of the Auditor, Budget Commission, or State Board of Education fur-

nish certification that the schedules and the rules and regulations of the State Board of Education regarding salary schedules are being fully complied with.

Section 8. For the purpose of carrying out the foregoing provisions of this act there is hereby appropriated to the State Board of Education, in addition to any sums heretofore appropriated, NINE HUNDRED SIXTY-SIX THOUSAND DOLLARS, and for the fiscal year beginning July 1, 1956, the sum of NINE HUNDRED SIXTY-SIX THOUSAND DOLLARS.

Section 9. This act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware not otherwise appropriated.

Section 10. Amend Chapter 13, Title 14, § 1313, Delaware Code, by striking out the figures "\$400" as they appear therein and substituting in lieu thereof the figures "\$200".

Approved June 9, 1955.

CHAPTER 262

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES BY PROVIDING A RENEWAL PRIVILEGE FOR TEMPORARY INSTRUCTION PERMITS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That § 2708 (b) Chapter 27, Title 21 of the Delaware Code is amended by striking out the period at the end thereof and adding the words "unless the applicant shall request an extension thereof and pay the sum of \$1.00 therefor. Upon payment of the said sum the department shall immediately issue one extension only of the permit for an additional 60 days. If the applicant shall fail to pass the required examination within the additional 60 day period the permit shall become void."

Approved June 9, 1955.

CHAPTER 263

COURTS AND JUDICIAL PROCEDURE

AN ACT TO AMEND CHAPTER 49, TITLE 10 OF THE DELAWARE CODE ENTITLED "COURTS AND JUDICIAL PROCEDURE" IN RESPECT TO UNCLAIMED FUNDS AFTER EXECUTION PROCESS IN NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4986, Chapter 49, Title 10 of the Delaware Code is amended by striking out all of said section and inserting and enacting in lieu thereof the following new section:

§ 4986. Whenever the sheriff or any other officer cannot pay over the proceeds from sale under execution process because the person or persons entitled to the same or any part thereof is or are absent from the state, unknown or incompetent to receive the same or where there is any lien by mortgage, judgment or recognizance (not being the first) against the defendant, or some one or more of them (if there is more than one), in the process referred to in section 4985 of this title, with condition other than for the payment of money, or for the payment of money as or in the nature of an annuity, or for the payment of interest to one or more persons during their lifetime and the principal at their death to some other person or persons, or otherwise, such proceeds from sale under execution process that cannot be paid over because the person or persons entitled to some or any part thereof is or are absent from the state, unknown or incompetent to receive the same, and such part of the proceeds of sale as shall be legally applicable to any such lien as set out above shall be paid into the Court, out of which the process issued, and shall be invested by the Court, or otherwise disposed of for the benefit of the parties interested, as shall be just and proper under the circumstances. Such payment into Court shall discharge the officer selling the property from all liability for the money so paid.

Approved June 9, 1955.

CHAPTER 264

RELATING TO FAMILY COURT OF NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 9 TITLE 10 DELAWARE CODE BY GRANTING TO THE FAMILY COURT FOR NEW CASTLE COUNTY, DELAWARE, SPECIAL JURISDICTION WITH EQUITABLE POWERS IN CIVIL ACTION ARISING IN NEW CASTLE COUNTY FOR SUPPORT OF MINOR CHILDREN AND/OR SEPARATE MAINTENANCE OF A WIFE AND REMOVING JURISDICTION OVER SAID ACTIONS FROM THE COURT OF CHANCERY OF THE STATE OF DELAWARE.

Be it enacted by the General Assembly of the State of Delaware, (two-thirds of the Members elected to each Branch thereof concurring herein):

Section 1. That Chapter 9 of Title 10 Delaware Code be amended by adding a new § 963 immediately following § 962 of said Chapter as follows:

§ 963. Equitable powers in civil actions for support and/or separate maintenance

The Court shall have exclusive original jurisdiction in New Castle County over civil actions heretofore within the jurisdiction of the Court of Chancery in which it is alleged that the father of a minor child or children has, without just cause, deserted them or willfully neglected them, and has refused to provide for their necessary support and maintenance, or in which a wife claims in a sworn petition that her husband has, without just cause, deserted her or willfully neglected her and has refused to provide for her necessary support and maintenance.

In either such proceeding:

1. The Court may make a money award in such single amount or in such stated periodic amounts as it deems proper for the support and maintenance of the said children and/or the

support and maintenance of the petitioning wife for a discretionary period of time or for so long as respondent's desertion shall continue. Such award shall be based on:

(a) The manner of living to which the parties have been accustomed;

(b) The financial ability and/or earning capacity of the respondent; and

(c) The general equities inherent in the situation.

2. The Court shall have and exercise all other jurisdiction and powers relating to support and separate maintenance actions heretofore possessed by the Chancellor and/or the Court of Chancery of the State of Delaware.

3. The child or children, acting through a next friend, shall possess all rights heretofore possessed by destitute, deserted or neglected children in an action for support in the Court of Chancery of the State of Delaware; and the petitioning wife shall possess all rights heretofore possessed by a destitute, deserted or neglected wife in an action for support and/or separate maintenance in the Court of Chancery of the State of Delaware, including but not limited to the following:

(a) The right to institute and retain complete control of the suit.

(b) The right to select counsel with the right, in the discretion of the Court, to an award against the father and/or husband, of the expenses of litigation.

(c) The right to have any order or decree entered in favor of the next friend and/or the petitioning wife enforced by attachment of the father and/or husband, or by sequestration of his property.

(d) The right to appeal, in the name of the next friend and/or the petitioning wife, as the case may be, to the Superior Court of the State of Delaware in the event any said action re-

sults in an order or decree adverse to the interest of the children and/or the petitioning wife. Said appeal shall be in form and in manner as provided by law.

4. These civil provisions are in addition to the Court's jurisdiction over the criminal or quasi-criminal proceedings in which the State acts, on behalf of a deserted, neglected or unsupported wife, against her husband.

Approved June 9, 1955.

CHAPTER 265

RELATING TO FAMILY COURT OF NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 9 OF TITLE 10 DELAWARE CODE ENTITLED "FAMILY COURT FOR NEW CASTLE COUNTY" BY GRANTING JURISDICTION TO THE FAMILY COURT OVER ANY CHILD FOUND IN NEW CASTLE COUNTY; BY EMPOWERING SAID COURT TO PROSECUTE PERSONS CHARGED WITH ANY OFFENSE EXCEPT FELONIES AGAINST CHILDREN; BY GRANTING JURISDICTION TO SAID COURT OF THE CRIME COMMONLY KNOWN AS "WIFE-BEATING"; BY GRANTING JURISDICTION TO THE SAID COURT OF THE OFFENSE OF SELLING OR DELIVERING ALCOHOLIC LIQUORS TO A MINOR; BY GRANTING JURISDICTION TO SAID COURT OF THE CRIME OF HARBORING OR USING A CHILD FOR SEXUAL PURPOSES; BY EMPOWERING SAID COURT TO PUNISH ANY PERSON ATTEMPTING TO EVADE THE JURISDICTION OF THE COURT BY REMOVING FROM THE STATE A CHILD CONCERNING WHOSE CUSTODY OR POSSESSION PROCEEDINGS HAVE BEEN FILED WITH THE COURT.

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

Section 1. Amend Title 10 Delaware Code by striking out sub-section (1) of § 951 thereof, and by substituting in lieu of the part stricken a new sub-section (1) §. 951 to read:

(1) Concerning any child residing or found in New Castle County who is alleged to be delinquent, neglected or dependent;

Section 2. Further amend Title 10 Delaware Code by striking out sub-section (2) of § 951 thereof, and by substituting in lieu of the part stricken a new sub-section (2) of § 951 to read:

(2) Concerning any child residing or found in New Castle County charged with having violated any law of this State or any charter, ordinance or regulation of a sub-division thereof.

Section 3. Further amend Title 10 Delaware Code by striking out sub-section (4) of § 951 thereof, and by substituting in lieu of the part stricken a new sub-section (4) § 951 to read:

(4) For the prosecution and punishment of persons charged with ill treatment, abuse, abandonment or neglect of children, or with contributing to a child's delinquency, or with any other common law or statutory offense against a child, or in which a child is used in the commission of crime, with or without the child's consent, except felonies against children.

Section 4. Further amend Title 10 Delaware Code by striking out the words "and wife-beating", as said words appear in sub-section (5) of § 951 thereof.

Section 5. Further amend Title 10 Delaware Code by adding at the end of sub-section (16) of § 951 thereof, relating to exclusive jurisdiction, the following words:

"and relative to the sale or delivery, directly or indirectly, of alcoholic liquor to and for consumption by a person less than twenty-one (21) years of age, as provided in § 904 Title 4, Delaware Code."

Section 6. Further amend Title 10 Delaware Code by adding two new sub-sections (20) and (21) immediately following sub-section (19) of § 951 thereof relating to exclusive jurisdiction, as follows:

(20) Of the offense of harboring a male or female child under eighteen (18) years for sexual purposes or in a house of ill fame, as provided by § 821, Title 11, Delaware Code.

(21) For the prosecution and punishment by contempt proceedings of any person who shall attempt to evade the jurisdiction of the Court by removing from the State of Delaware any child, for the gaining or retaining of whose possession or custody habeas corpus or other proceedings shall have been regularly filed with the Court.

Approved June 9, 1955.

CHAPTER 266 .

RELATING TO COURT OF COMMON PLEAS FOR
NEW CASTLE COUNTY**AN ACT TO AMEND CHAPTER 13, TITLE 10 OF THE DELAWARE CODE RELATING TO THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That § 1302 (a), Chapter 13, Title 10 of the Delaware Code be and the same is hereby amended by striking out and repealing said § 1302 (a) and substituting and enacting in lieu thereof the following new section to be known as § 1302 (a) :

§ 1302 (a) The Governor shall, with the approval of the Senate, appoint and commission two Judges, each for a term of four years and each of whom shall be qualified to hold and preside over the Court of Common Pleas for New Castle County. Both Judges shall not be appointed from the membership of the same political party.

Section 2. That § 1302 (c), Chapter 13, Title 10 of the Delaware Code be and the same is hereby amended by striking out and repealing said § 1302 (c) and substituting and enacting in lieu thereof the following new section to be known as § 1302 (c) :

§ 1302 (c) The Judges of the Court of Common Pleas for New Castle County shall each receive an annual salary of not less than \$4,500.00, nor more than \$5,500.00 as determined by the Levy Court of New Castle County payable as other salaries are paid by the Levy Court of New Castle County.

Section 3. That § 1305 (a), Chapter 13, Title 10 of the Delaware Code is hereby amended by striking out and repealing said § 1305 (a) and substituting and enacting in lieu thereof the following new section to be known as § 1305 (a) :

§ 1305 (a) In the event the Judges of the Court of Common Pleas for New Castle County are both disabled, disqualified or unable for any cause to preside over the Court, the President Judge of the Superior Court shall thereupon assign one of the Judges of the Superior Court of the State of Delaware to hold Court of Common Pleas during the absence, disability or disqualification of both Judges thereof.

Section 4. Any laws, acts, parts of laws or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency.

NOTE: This bill became a law on June 6, 1955 without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 267

RELATING TO WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, TO PERMIT CHIROPRACTIC SERVICES TO BE COMPENSATED FOR UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2322 (a), Title 19, Delaware Code, is amended by striking out the first sentence thereof and substituting the following:

(a) During the first 30 days of the injury the employer shall furnish reasonable surgical, medical, dental, optometric, chiropractic and hospital services, medicine, and supplies, including repairing damage to or replacing false dentures, false eyes or eye glasses, as and when needed, unless the employee refuses to allow them to be furnished by the employer.

Section 2. § 2323, Title 19, Delaware Code, is amended to read as follows:

§ 2323. Selection of physician, surgeon, dentist, optometrist or chiropractor by employee

Any employee may apply in writing to the Board for permission to employ a physician, surgeon, dentist, optometrist or chiropractor other than the physician, surgeon, dentist, optometrist or chiropractor furnished by the employer. Such application shall state the name and address of the physician, surgeon, dentist, optometrist or chiropractor whose services are desired by the employee. Upon the approval by the Board of any such application, the employee by whom or on whose behalf the application was filed shall be entitled to receive from his employer the reasonable cost of the services of any physician, surgeon, dentist, optometrist or chiropractor whose employment was approved, performed subsequent to such approval, within the limitations provided for in section 2322 of this title.

Section 3. § 2332 (a), Title 19, Delaware Code, is amended by striking out the first sentence thereof and substituting the following:

(a) Should the employee die as a result of the injury, no reduction shall be made for the amount paid for medical, surgical, dental, optometric, chiropractic or hospital services, and medicines, not for the expense of last sickness and burial as provided in this chapter. Should the employee die from some other cause than the injury as herein defined, the liability for compensation, expense of last sickness, and burial of such employee, shall cease.

Section 4. § 2346, Title 19, Delaware Code, is amended to read as follows:

§ 2346. Hearing upon disagreement on charges for medical and other services and benefits

If any person charged with the payment of surgical, medical, dental, optometric, chiropractic or hospital services, medicines and supplies, and the person to whom the same is due and payable, fail to reach an agreement in regard to such charges, either party may notify the Board of the facts and the Board shall thereupon, after notice of the time and place of hearing sent by registered mail to all parties in interest, hear and determine the matter and notify such parties of its conclusions.

Section 5. § 2353 (b), Title 19, Delaware Code, is amended to read as follows:

(b) If any employee be injured as a result of his intoxication, or because of his deliberate and reckless indifference to danger, or because of his wilful intention to bring about the injury or death of himself, or of another, or because of his wilful failure or refusal to use a reasonable safety appliance provided for him, or to perform a duty required by statute, he shall not be entitled to recover damages in an action at law, or compensation or medical, dental, optometric, chiropractic or hospital service under the compensatory provisions of this chapter. The burden of proof under the provisions of this subsection shall be on the employer.

NOTE: This bill became a law on June 9, 1955 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 268

RELATING TO COMPOSITION OF STATE HIGHWAY
DEPARTMENT**AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE BY ABOLISHING THE PRESENT STATE HIGHWAY DEPARTMENT AND CREATING A NEW STATE HIGHWAY DEPARTMENT AND TRANSFERRING THE POWERS, DUTIES AND PROPERTY.**

WHEREAS, the State Highway Department had been for many years efficiently operated and the business thereof conducted in a fine manner by a 5 member department, and

WHEREAS, for some, as yet unjustified reason, it was seen fit in a past session of this legislature to increase the number of members of that department, and

WHEREAS, the legislature is now satisfied that this action has not proved to be in the best interest of the citizens of this State and they desire to correct this mistake,

NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Section 111, Chapter 1, Title 17 of the Delaware Code is hereby repealed.

Section 2. The present existing State Highway Department is hereby abolished and a new State Highway Department is hereby established as hereinafter provided. All of the powers, duties and property of the State Highway Department which is hereby abolished are transferred to the new State Highway Department hereby created.

Section 3. Chapter 1, Title 17 of the Delaware Code is hereby amended by adding thereto the following new section to be known as § 111:

§ 111. Composition; appointment; term; qualifications; vacancy

(a) The State Highway Department shall consist of 5 members; 2 members shall be residents of Sussex County; 2 members shall be residents of Kent County and 1 member shall be a resident of New Castle County, and all of whom shall be citizens of the State of Delaware.

(b) The following persons are appointed members of the State Highway Department to serve until July 1, 1961:

Benjamin F. Shaw, II of New Castle County
J. Gordon Smith of Kent County
Francis Gebhart of Kent County
Thurman Adams of Sussex County
Carey Sapp of Sussex County

Thereafter the Governor shall appoint 5 members, each for a term of 4 years from July 1, 1961 and shall thenceforth upon the expiration of the term of any member appoint a successor for an additional term of 4 years from the date of expiration of the term of his predecessor.

In the event of a vacancy prior to the expiration of the 4 year term of any member due to his death or resignation the Governor shall appoint his successor who shall serve for the balance of the unexpired term of the said member.

(c) No more than 3 members of the Department shall belong to the same political party. Any appointment for an unexpired term shall be made from the membership of the same political party to which the member originally appointed for that term belonged.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

NOTE: This bill became a law on June 9, 1955 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 269

APPROPRIATION

MILLSBORO SCHOOL

**AN ACT TO APPROPRIATE CERTAIN MONIES TO THE
BOARD OF SCHOOL TRUSTEES OF MILLSBORO
SCHOOL #23.**

WHEREAS, the Lions Club of Millsboro did donate an athletic field lighting system to the Millsboro School District #23; and

WHEREAS, hurricane Hazel did Six hundred ninety-nine dollars and sixty-nine cents (\$699.69) damage to the poles and lights; and

WHEREAS, the State of Delaware had no insurance to cover this damage; and

WHEREAS, the Board of School Trustees of Millsboro School #23, had to draw upon funds intended for other purposes to pay for said damage; Now, Therefore

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Six hundred ninety-nine dollars and sixty-nine cents (\$699.69) is appropriated to the Board of School Trustees of Millsboro School No. 23 for the purpose of allowing normal school operations and maintenance to continue.

Section 2. 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 of Delaware, not otherwise appropriated.

Approved June 13, 1955.

CHAPTER 270

RELATING TO UNDERTAKERS

AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, BY PROVIDING FOR THE REFUSAL TO GRANT OR RENEW AND THE SUSPENSION OR REVOCATION OF CERTIFICATES TO ENGAGE IN THE UNDERTAKING BUSINESS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 31, Title 24, of the Delaware Code, is amended by repealing all of section 3110 and substituting in lieu thereof, the following new section:

§ 3110. Refusal to grant or renew certificate; suspension or revocation of certificate; causes; hearing

(a) The Board may refuse to grant or renew, or may suspend or revoke, a certificate for the causes stated below.

(1) Material misrepresentation of fact in obtaining certificate.

(2) Aiding and abetting the wrongful issuance of a certificate.

(3) Non-payment to the Board of the fees required by this chapter.

(4) Use of another person's certificate, except as provided in this chapter.

(5) Intentional violation or non-compliance with duly promulgated rules, regulations or orders of the Board.

(6) Violation of any of the provisions of this chapter or of any law of this State relating to embalming, burial or disposal of dead human bodies.

- (7) Conviction of a felony.
- (8) Solicitation of patronage other than by proper advertising.
- (9) Payment of a commission for solicitation of business.
- (10) Gross incompetency, negligence, or misconduct in the practice of the undertaking business.
- (11) Use, participation, sale, promotion, servicing or operating, directly or indirectly, of any burial association, burial certificate or burial insurance certificate system.
- (12) Failure to pay annual License fee for a period of Five (5) years, excluding periods when the holder is in active military service.

(b) Prior to the refusal to grant or renew a certificate, or the suspension or revocation of a certificate, for the said causes, the Board shall deliver or have delivered to, or send by registered mail to the last known address of the accused person, a statement in writing of the material facts. The accused person shall be given a hearing before the Board in person or by an attorney.

Section 2. Chapter 31, Title 24, Delaware Code, is amended by adding thereto a new section as follows:

§ 3118. Appeals

Any person aggrieved by any action of the Board denying, suspending or revoking his certificate may appeal to the Superior Court of the county in which such person resides, and after full hearing such Court shall make such decree sustaining or reversing the action of the Board as to it seems just and proper.

Approved June 13, 1955.

CHAPTER 271

RELATING TO ARTIFICIAL SWEETENERS IN
SOFT DRINKSAN ACT TO AMEND CHAPTER 43, TITLE 16 OF THE DELA-
WARE CODE RELATING TO ARTIFICIAL SWEETEN-
ERS IN SOFT DRINKS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4312, Title 16 of the Delaware Code is amended by striking out said section as it now appears and inserting in lieu thereof a new § 4312 to read as follows:

§ 4312. Artificial sweeteners

The State Board of Health shall have authority to approve artificial sweeteners for use in carbonated beverages. Such approval shall be in writing and the Board will publish a list of such approved artificial sweeteners. Bottles or other containers filled with carbonated beverage, to which artificial sweetener approved by the Board of Health has been added, shall be labeled "DIETETIC". The label of each container shall also have printed thereon the name of the artificial sweetener used and the amount of the same which has been added.

Approved June 13, 1955.

CHAPTER 272

RELATING TO ATTORNEY GENERAL

**AN ACT TO AMEND CHAPTER 25, TITLE 29, SECTION 2505,
OF THE DELAWARE CODE RELATING TO THE ATTOR-
NEY GENERAL BY PROVIDING THAT THE ATTORNEY
GENERAL AND DEPUTIES MAY ADMINISTER OATHS
AND AFFIRMATIONS.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. That Chapter 25, Title 29, Section 2505 (a) is amended to read as follows:

§ 2505 (a) The Attorney General or any deputy may administer oaths and affirmations to any person including witnesses, at any time or in any place; and may issue process to compel the attendance of persons and witnesses at the office of the Attorney General, or at such other place designated.

Approved June 13, 1955.

CHAPTER 273

RELATING TO PENSION FUND FOR WILMINGTON
TEACHERS

AN ACT TO FURTHER AMEND CHAPTER 208, VOLUME 26, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO ESTABLISH A RETIREMENT FUND FOR PENSIONING TEACHERS OF THE PUBLIC SCHOOLS IN THE CITY OF WILMINGTON, AND TO REGULATE THE COLLECTION, MANAGEMENT AND DISBURSEMENT THEREOF, BY INCREASING THE MAXIMUM AMOUNT OF THE ANNUAL CONTRIBUTIONS BY TEACHERS TO SAID FUND.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch thereof concurring therein):

Section 1. Section 2 of said Chapter 208, Volume 26, Laws of Delaware, as amended by Chapter 210, Volume 27, Laws of Delaware, as further amended by Chapter 148, Volume 43, Laws of Delaware, is further amended by striking out of paragraph 4 in said Section 2, the words "One Hundred Twenty Dollars", and the numerals "(\$120.00)" where such words and numerals appear in said Section, and by inserting in lieu thereof the words "Three Hundred Dollars" and the numerals "(\$300.00)".

Section 2. The maximum amount of the annual contributions by teachers to said Fund, as herein established, shall apply only to those teachers regularly employed by the Board of Public Education in Wilmington after the passage of this Act; as to those teachers so employed prior to the passage of this Act, the maximum amounts of the annual contributions heretofore established, shall prevail.

The term "regularly employed" as used in this Section has reference to teachers enjoying for the first time following the passage of this Act, full and complete employment by the Board of Public Education in Wilmington as opposed to probationary employment.

Approved June 13, 1955.

CHAPTER 274

RELATING TO SERVICE OF PROCESS

AN ACT TO AMEND CHAPTER 5, TITLE 18, DELAWARE CODE, ENTITLED "REGULATORY PROVISIONS", BY PROVIDING FOR ACTIONS IN THIS STATE AGAINST AND FOR THE SERVICE OF PROCESS UPON INSURERS NOT AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 510, Chapter 5, Title 18, Delaware Code, is amended by striking out all of said section 510 and substituting the following:

§ 510. Service of process upon insurers not authorized to transact business in this State

The purpose of this section is to subject certain insurers to the jurisdiction of courts of this State in suits by or on behalf of insureds or beneficiaries under insurance contracts. The General Assembly declares that it is a subject of concern that many residents of this State hold policies of insurance issued or delivered in this State by insurers while not authorized to do business in this State, thus presenting to such residents the often insuperable obstacle of resorting to distant forums for the purpose of asserting legal rights under such policies. In furtherance of such State interest, the General Assembly herein provides a method of substituted service of process upon such insurers and declares that in so doing it exercises its power to protect its residents and to define, for the purpose of this section, what constitutes doing business in this State, and also exercises powers and privileges available to the State by virtue of Public Law 15, 79th Congress of the United States, Chapter 20, 1st Session, S. 340, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

(a) Service of process upon unauthorized insurer.

(1) Any of the following acts in this State, effected by mail or otherwise, by an unauthorized foreign or alien insurer: (A) the issuance or delivery of contracts of insurance to residents of this State or to corporations authorized to do business therein, (B) the solicitation of applications for such contracts, (C) the collection of premiums, membership fees, assessments or other considerations for such contracts, or (D) any other transaction of insurance business, is equivalent to and shall constitute an appointment by such insurer of the Commissioner and his successors or successors in office, to be its true and lawful attorney, upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance, and any such act shall be significant of its agreement that such service of process is of the same legal force and validity as personal service of process in this State upon such insurer.

(2) Such service of process shall be made by delivering to and leaving with the Commissioner or some person in apparent charge of his office two copies thereof and the payment to him at the time of said service the sum of Five Dollars (\$5.00). The Commissioner shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business, and shall keep a record of all process so served upon him. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by registered mail by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt, or receipt issued by the postoffice with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

(3) Service of process in any such action, suit or proceeding shall in addition to the manner provided in subsection (a) (2) of this section be valid if served upon any person within this State who, in this State on behalf of such insurer, is (A) soliciting insurance, or (B) making, issuing or delivering any contract of insurance, or (C) collecting or receiving any premium, membership fee, assessment or other consideration for insurance; and a copy of such process is sent within ten days thereafter by registered mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the postoffice with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

(4) No plaintiff or complainant shall be entitled to a judgment by default under this section until the expiration of thirty days from the date of the filing of the affidavit of compliance.

(5) Nothing in this section contained shall limit or abridge the right to serve any process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

(b) Defense of action by unauthorized insurer.

(1) Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall either (A) deposit with the clerk of the court in which such action, suit or proceeding is pending cash or securities or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action, or (B) procure a certificate of authority to transact the business of insurance in this State.

(2) The court in any action, suit or proceeding in which service is made in the manner provided in subsections (a) (2) or (a) (3) may, in its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of subsection (b) (1) of this section and to defend such action.

(3) Nothing in subsection (b) (1) is to be construed to prevent an unauthorized foreign or alien insurer from filing a motion to quash a writ or to set aside service thereof made in the manner provided in subsections (a) (2) or (a) (3) hereof on the ground either (A) that such unauthorized insurer has not done any of the acts enumerated in subsection (a) (1), or (B), that the person on whom service was made pursuant to subsection (a) (3) was not doing any of the acts therein enumerated.

(c) Attorney fees.

In any action against an unauthorized foreign or alien insurer upon a contract of insurance issued or delivered in this State to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for thirty days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half per cent of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

(d) Exclusions from operation of this section.

The provisions of this section shall not apply to any action, suit or proceeding against any unauthorized foreign or alien insurer arising out of a contract of:

(1) Reinsurance effectuated in accordance with this title;

(2) Aircraft insurance;

(3) Insurance on property or operations of railroads engaged in interstate commerce;

(4) Insurance against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside of this State; or

(5) Insurance against loss of or damage to any property having a permanent situs outside this State where such contract contains a provision designating the Commissioner and his successor or successors in office to be its true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract or where the insurer enters a general appearance in any such action, suit or proceeding.

Approved June 13, 1955.

CHAPTER 275

RELATING TO PROHIBITED CONDUCT AND PRACTICES

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 18, DELAWARE CODE, ENTITLED "PROHIBITED CONDUCT AND PRACTICES", BY DEFINING TRADE PRACTICES IN THE BUSINESS OF INSURANCE WHICH CONSTITUTE UNFAIR METHODS OF COMPETITION OR UNFAIR OR DECEPTIVE ACTS OR PRACTICES AND BY PROHIBITING THE TRADE PRACTICES SO DEFINED; BY PROHIBITING FALSE SWEARING AND POLITICAL CONTRIBUTIONS; AND BY PROVIDING PENALTIES THEREFOR AND FOR VIOLATION OF TITLE 18.

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

Section 1. Subchapter II, Chapter 5, Title 18, Delaware Code, is amended by striking out all of said Subchapter II and substituting the following:

**SUBCHAPTER II. UNFAIR METHODS OF COMPETITION
AND UNFAIR AND DECEPTIVE ACTS AND PRACTICES**

§ 531. Declaration of purpose

The purpose of this subchapter is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), by defining all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

§ 532. Definitions

As used in this subchapter—

"Person" means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer,

fraternal benefit society, and any other legal entity engaged in the business of insurance, including agents, brokers and adjusters.

§ 533. Unfair methods of competition or unfair and deceptive acts or practices prohibited

No person shall engage in this State in any trade practice which is defined in section 534 as an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

§ 534. Unfair methods of competition and unfair or deceptive acts or practices defined

The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) Misrepresentations and false advertising of policy contracts. Making, issuing, circulating, or causing to be made, issued or circulated, any estimate illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(2) False information and advertising generally. Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any

radio station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading.

(3) Defamation. Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Boycott, coercion and intimidation. Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(5) False financial statements. Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive.

Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, wilfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(6) Stock operations and advisory board contracts. Issuing or delivering or permitting agents, officers, or em-

fraternal benefit society, and any other legal entity engaged in the business of insurance, including agents, brokers and adjusters.

§ 533. Unfair methods of competition or unfair and deceptive acts or practices prohibited

No person shall engage in this State in any trade practice which is defined in section 534 as an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

§ 534. Unfair methods of competition and unfair or deceptive acts or practices defined

The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) Misrepresentations and false advertising of policy contracts. Making, issuing, circulating, or causing to be made, issued or circulated, any estimate illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(2) False information and advertising generally. Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any

radio station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading.

(3) Defamation. Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Boycott, coercion and intimidation. Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(5) False financial statements. Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive.

Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, wilfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(6) Stock operations and advisory board contracts. Issuing or delivering or permitting agents, officers, or em-

ployees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Unfair discrimination.

(A) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(B) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(8) Rebates.

(A) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of life insurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(B) Nothing in paragraph (7) or paragraph (8) (A) of this section shall be construed as including within the definition of discrimination or rebates any of the following practices: (i) in the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders; (ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of insurer in an amount which fairly represents the saving in collection expense; (iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.

§ 535. Power of Commissioner

The Commissioner shall have power to examine and investigate into the affairs of every person engaged in the business of insurance in this State in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by section 533. When after examination and investigation the Commissioner is satisfied that any person has violated the provisions of section 533, he shall present the facts relating thereto to the Attorney General for action.

§ 536. Penalty

Any person who violates section 533 shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 537. Provisions of Subchapter II additional to existing law

The powers vested in the Commissioner by this subchapter shall be additional to any other powers to enforce any penalties, fines or forfeitures authorized by law with respect to the methods, acts and practices hereby declared to be unfair or deceptive.

§ 538. Immunity from prosecution

If any person shall ask to be excused from attending and testifying or from producing any books, papers, records, correspondence or other documents at any hearing or before any court, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall notwithstanding be directed to give such testimony or produce such evidence, he must none the less comply with such direction, but he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence pursuant thereto, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation or proceeding, provided, however, that no such individual so testifying shall be exempt from prosecution or punishment for any perjury committed by him while so testifying and the testimony or evidence so given or produced shall be admissible against him upon any criminal action, investigation or proceeding concerning such perjury, nor shall he be exempt from the refusal, revocation or suspension of any license, permission or authority conferred, or to be conferred, pursuant to this title. Any such individual may execute, acknowledge and file in the office of the Commissioner or the Attorney General a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified in such statement and thereupon the testimony of such person or such evidence in relation to such transaction, matter or thing may be received or produced before any judge or justice, court, tribunal, grand jury or otherwise, and if so received or produced such individual shall not be entitled to any immunity or privilege on account of any testimony he may so give or evidence so produced.

SUBCHAPTER III. PROHIBITED CONDUCT AND PRACTICES**§ 551. False swearing**

If any person making an oath or affirmation required by this title, shall swear falsely, or make a false affirmation, he shall be guilty of perjury.

§ 552. Prohibition of political contributions; penalty

(a) No insurance company doing business in this State shall, directly or indirectly, pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation or association organized or maintained for political purposes or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used.

(b) Any officer, director, stockholder, attorney or agent of any company which violates any of the provisions of this section, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives money or property in violation of this section, shall be imprisoned not more than one year and fined not more than \$1,000, and any officer aiding or abetting in any contribution made in violation of this section, shall be liable to the company for the amount so contributed.

(c) The provisions of section 538, Subchapter II, shall be applicable to any investigation, proceeding or trial for a violation of any of the provisions of this section.

§ 553. Violations and penalties

Any insurance company, agent or broker who violates or fails to observe and comply with any of the provisions of this title for which a penalty is not specifically provided, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any officer, manager or agent of such corporation wilfully violating or failing to observe or comply with the provisions of this title, shall be punishable under this section.

Approved June 13, 1955.

CHAPTER 276

RELATING TO DRAINAGE OF LAND

AN ACT TO AMEND CHAPTER 41, TITLE 7, DELAWARE CODE, ENTITLED "DRAINAGE OF LANDS; TAX DITCHES".

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

Section 1. § 4101, Title 7, Delaware Code, is amended to read as follows:

§ 4101. Declaration of policy

It is declared that the drainage and the prevention of flooding 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. § 4103, Title 7, Delaware Code, is amended by adding a fourth definition thereto as follows:

"Drainage" means water management, by drainage areas or watersheds, to safely remove or control both excess, surface flood waters and damaging, excess sub-surface waters.

Section 3. § 4104, Title 7, Delaware Code, is amended to read as follows:

§ 4104. Application of chapter; effect of chapter on previously established drainage organizations and on earlier drainage laws

(a) Any landowner or owners in an area served by a drainage organization established prior to June 1, 1951, under any other law of this State, or any landowner or owners who desire their lands to be drained or protected from flooding may, at any time, petition for the establishment of a Tax Ditch under the provisions of this chapter.

(b) In those cases, when an existing drainage organization becomes a Tax Ditch under the provisions of this chapter, the present assets or liabilities of said existing drainage organization may be transferred to the Tax Ditch provided that such assets or liabilities are declared by the Tax Ditch Commissioners in their report, and that the transfer of such assets or liabilities is approved by the affected taxables either by a referendum held by Board of Ditch Commissioners pursuant to section 4132 of this title or by a signed statement pursuant to section 4135 of this title.

(c) No drainage organization shall be established or reorganized under any law of this State, other than this chapter. However, Article 2, Chapter 65, and Article 1, Chapter 105, of the 1935 Revised Code of Delaware shall remain in effect and shall apply to drainage organizations established thereunder prior to June 1, 1951, unless such drainage organizations reform or reorganize under the provisions of this chapter.

Section 4. § 4106, Title 7, Delaware Code, is amended to read as follows:

§ 4106. Continuation; membership; qualifications; term of office; vacancies; secretary

(a) A Board of Ditch Commissioners, consisting of three ditch commissioners and three alternate ditch commissioners, is continued for each county within the State. Upon the expiration of the terms of office of the present and all future commissioners, the Resident Associate Judge for each county shall appoint ditch commissioners and alternate ditch commissioners, who may be selected from lists of ten or more names submitted by the supervisors of the Soil Conservation District within the County. Each ditch commissioner and alternate ditch commissioner shall be a resident landowner of the county from which he is appointed, shall have some knowledge of flood and drainage problems and shall be familiar with farming and with land values within such county.

(b) The term of office for each ditch commissioner shall be three years. The term of office for the alternate ditch commissioners shall be one year each. A ditch commissioner or alter-

nate ditch commissioner may be re-appointed to succeed himself. All appointments shall be effective as of August 1 of each year.

(c) In the case of the death, resignation, or removal from office of a ditch commissioner, the vacancy shall be filled by the appointment of one of the alternate ditch commissioners to serve for the remainder of the term of the vacating ditch commissioner.

(d) Except in the case of death or removal from office, a ditch commissioner shall hold office until his successor has been appointed.

(e) The State Drainage Engineer shall serve as secretary, without voting authority, for each of the County Boards of Ditch Commissioners.

Section 5. § 4109 (b), Title 7, Delaware Code, is amended to read as follows:

(b) 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 the Ditch Order has become effective, or at such time as the Superior Court issues an order denying the petition for the formation of the Tax Ditch.

Section 6. § 4117, Title 7, Delaware Code, is amended to read as follows:

§ 4117. Petition for formation of a Tax Ditch; assistance of State Drainage Engineer

(a) Whenever one or more of the owners of any lands desire their lands to be drained or protected from flooding, 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, or protected from flooding, is located, through the Board of Supervisors of the Soil Conservation District of the county.

(b) The services of the State Drainage Engineer shall be available to assist the landowners in the preparation of such petitions.

Section 7. § 4122, Title 7, Delaware Code, is amended to read as follows:

§ 4122. Investigation; hearing

The County Soil Conservation District shall cause an investigation to be made by the State Drainage Engineer in order to ascertain the general location and approximate watershed boundaries of the proposed Tax Ditch, and to obtain other information to assist the District to determine whether the formation of the 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 8. § 4125, Title 7, Delaware Code, is amended to read as follows:

§ 4125. Filing of petition and report; action by District when formation is found to be not practicable and feasible

(a) If the County Soil Conservation District determines that the formation of the proposed Tax Ditch is practicable, feasible and 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 or protected from flooding is located, together with the report of the State Drainage Engineer and such other relevant information as the District deems appropriate.

(b) In those cases where the County Soil Conservation District determines that the formation of the proposed Tax Ditch is not practicable and feasible or is not in the interest of the public health, safety and welfare, it shall so notify all of the petitioners involved, and a new petition for the formation of that Tax Ditch may not be re-filed for a period of one year from the date of said notice.

Section 9. § 4126, Title 7, Delaware Code, is amended to read as follows:

§ 4126. Determinations to be made by Board of Ditch Commissioners

(a) Upon the filing of a petition for the formation of a Tax Ditch in the office of the Prothonotary of a county, the Board of Tax Commissioners of such county, acting as officers of the Court, shall, at the direction of the Resident Judge thereof, go upon the lands to be drained or protected from flooding and determine the approximate sizes, grades and locations of the required drainage ditches; the sizes, locations and specifications for required dikes, levees, structures and other necessary works of improvement; the location of public roads and railroads, and public utility installations within the watershed of the proposed Tax Ditch; the exterior boundaries of said watershed; the approximate boundaries of each farm, parcel or piece of land within the Tax Ditch watershed; the location and extent of needed permanent rights of way; the estimated total cost of all required Tax Ditch works of improvement; the damages to lands, if any, which will result from the construction of the Tax Ditch; and an equitable basis, considering relative benefits to each landowner, for the distribution of costs. The Board of Ditch Commissioners shall obtain from the County Soil Conservation District such assistance and information as is needed in making the required determinations.

(b) In those cases when all of the landowners involved, with the approval of the Board of Ditch Commissioners and with the cooperation of the County Soil Conservation District and the State Drainage Engineer, (1) jointly make the determinations regularly assigned to the Board of Ditch Commissioners in sections 4126 (a) and 4127 of this title, and (2) prepare the assessment list required by section 4129 of this title, and (3) supply any additional data necessary to complete the report of the Board of Ditch Commissioners required by section 4130 of this title and (4) personally sign a statement to the effect that they approve the formation of the Tax Ditch, the Board of Ditch Commissioners shall prepare their report from said determinations and such data without going upon the lands to be drained or protected from flooding.

Section 10. § 4127, Title 7, Delaware Code, is amended to read as follows:

§ 4127. Existing works of improvement; compensation for work done thereon

The Board of Ditch Commissioners may deem adequate any works of improvement already constructed, including but not limited to ditches and structures and may incorporate these in the Tax Ditch, and may allow a fair compensation to landowners for work previously done by them on such works of improvement.

Section 11. § 4128, Title 7, Delaware Code, is amended to read as follows:

§ 4128. Factors in determination of cost

(a) In determining the total cost of the proposed Tax Ditch works of improvement, the Board of Ditch Commissioners shall include, among other things, the estimated costs of construction, the estimated cost of forming the Tax Ditch, the amount of damages, if any, awarded to landowners and the amount of compensation, if any, to be paid to landowners for works of improvement previously constructed and deemed adequate under section 4127 of this title.

(b) The estimated cost of interest which will develop if the Tax Ditch borrows money to finance construction and the estimated cost of annual maintenance shall not be included in the total cost of the proposed Tax Ditch works of improvement.

Section 12. § 4129, Title 7, Delaware Code, is amended to read as follows:

§ 4129. Assessment list

After determining the basis for distribution of costs among the landowners, the Board of Ditch Commissioners shall prepare an assessment list which shall show the names of all owners of property, wholly or partly within the watershed of the proposed Tax Ditch, together with addresses and descriptions of those properties as currently recorded by the Board of Assessment of the county. The list shall also show, for each property,

that portion, expressed in acres, which is within the watershed or drainage area. The cost-sharing or assessment base, expressed in dollars, for each of said properties shall also be shown. The sum of the individual property assessment bases shall be termed the total assessment base which in all cases shall be equal to or greater than the total cost of the proposed Tax Ditch works of improvement. The assessment list, as modified by the Ditch Order, described in section 4137 of this title, shall be the basis for all taxes levied under this chapter.

Section 13. § 4130, Title 7, Delaware Code, is amended to read as follows:

§ 4130. Proposed report of Board of Ditch Commissioners

The Board of Ditch Commissioners, with the assistance of the State Drainage Engineer, shall prepare a proposed report containing the following determinations and information—

- (1) The name of the proposed Tax Ditch;
- (2) The Hundred and the County in which the proposed Tax Ditch is situated;
- (3) A map, drawing or serial photograph, to a suitable scale, on which the following is shown:
 - (A) The main ditch, all prongs, all sub-prongs and other divisions of the proposed Tax Ditch;
 - (B) All dikes, levees, structures and other works of improvement of the proposed Tax Ditch;
 - (C) All railroads, public highways and all public utility installations near the points where such reach, cross, or pass close to any part of the proposed Tax Ditch;
 - (D) The exterior boundaries of the Tax Ditch watershed or area proposed to be drained;
 - (E) The approximate boundaries of each farm, parcel or piece of land within the proposed Tax Ditch water-

shed, together with the identification of each farm, parcel or piece of land by name or code number;

(F) The location and extent of rights of way, including overhead and underground clearances where necessary, assigned to the Tax Ditch for construction and maintenance operations;

(4) 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 specifications, together with necessary drawings, for all other work of improvement of the proposed Tax Ditch; and the required capacities of structures such as culverts and bridges under roads and railroads which cross any part of the Tax Ditch;

(5) The estimated total cost of the proposed Tax Ditch works of improvement;

(6) The assessment list required under section 4129 of this title;

(7) Factors which influenced the determination of relative benefits and the basis for distribution of costs among the landowners, and other pertinent information;

(8) The names of all landowners awarded damages or to be paid compensation for works of improvement previously constructed and deemed adequate under section 4127 of this title; and the amount of damages or compensation to which each such landowner is entitled; and factors which influenced the determination of the damages awarded and compensation to be paid;

(9) The number of Ditch Managers, not less than two nor more than five, required to conduct the business affairs of the proposed Tax Ditch;

(10) In the case of a previously existent drainage organization, the amount of present assets to be turned over to, or liabilities to be assumed by the proposed Tax Ditch.

Section 14. § 4131, Title 7, Delaware Code, is amended to read as follows:

§ 4131. Notice of hearing on establishment of Tax Ditch

Upon completion of the proposed report required by section 4130 of this title, the Board of Ditch Commissioners shall notify all owners of property, wholly or partly within the watershed of 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 or protected from flooding is located. The notice shall be given by first class mail at least 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 may affect the lands of the person notified and to hold a referendum among the affected landowners concerning the establishment of a Tax Ditch. In addition, the notice shall state the place where a copy of the above proposed report of the Board of Ditch Commissioners will be open to inspection for at least 5 days, excepting Saturday and Sunday, prior to the hearing.

Section 15. § 4132, Title 7, Delaware Code, is amended to read as follows:

§ 4132. Hearing; adoption of proposed report; right to adjourn hearing; referendum

At the time and place designated in the 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 proposed report required by section 4130 of this title. The Board of Ditch Commissioners shall make such changes in the proposed report as it deems warranted from evidence presented at the hearing, and shall then adopt the report and declare it final. If, however, as a result of the hearing, the Board of Ditch Commissioners deems it advisable, it may adjourn the 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. At the conclusion of the hearing, a referendum shall be held under the supervision of the Board of

Ditch Commissioners and the State Drainage Engineer. The 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 final report of the Board of Ditch Commissioners. Each landowner shall be entitled to the same number of votes as the number of dollars shown as the assessment base for his lands by the Board of Ditch Commissioners.

Section 16. § 4133, Title 7, Delaware Code, is amended to read as follows:

§ 4133. Report; recommendations and other papers; filing

After holding the hearing and supervising the referendum provided for in section 4132 of this title, the Board of Ditch Commissioners shall file the original and two copies of its final report in the office of the Prothonotary of the county in which all or the major portion of the lands to be drained or prevented from flooding is located, and shall attach to the 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—

(1) Whether the Board of Ditch Commissioners has fully discharged the duties assigned to it as prescribed by law;

(2) Whether the proposed Tax Ditch is practicable and feasible and in the interest of the public health, safety and welfare;

(3) 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 Tax Ditch;

(4) 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;

(5) Whether, in the opinion of the Board of Ditch Commissioners, the benefits that will result from the construction of the proposed Tax Ditch will exceed the total cost;

(6) Any other recommendations or information which the Board of Ditch Commissioners deems pertinent.

Section 17. § 4135, Title 7, Delaware Code, is amended to read as follows:

§ 4135. Waiving of Commissioners' hearing and referendum

In those cases, when all of the landowners involved, indicate by signed statement that they are familiar with the report of the Board of Ditch Commissioners and that they favor the formation of the Tax Ditch, the Board of Ditch Commissioners shall not hold a hearing and referendum, pursuant to section 4132 of this title, nor shall they give notice thereof as pursuant to section 4131 of this title, but they shall prepare the statement required and file their report, pursuant to section 4133 of this title, without a certificate of referendum.

Section 18. § 4136, Title 7, Delaware Code, is amended by re-wording subsection (c) and by adding subsection (d) as follows:

(c) 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 statement attached to said report indicates that the total benefits that will result from the Tax Ditch will exceed the total cost of the proposed Tax Ditch works of improvement, 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, then the Superior Court shall set a date for the final hearing on the petition and shall direct the Prothonotary to give notice of the hearing by publication in a newspaper of general circulation in each county in which any of the lands to be drained or protected from flooding are located and by posting a written or printed notice on the door of the court house of each such county, such publication and posting to be made for at least 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.

(d) In those cases, when all of the landowners involved have indicated by signed statement that they are familiar with

the report of the Board of Ditch Commissioners and that they favor the formation of the Tax Ditch, and 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 statement attached to the report indicates that the total benefits that will result from the Tax Ditch will exceed the total cost of the proposed Tax Ditch works of improvement, then the Superior Court shall not hold a final hearing, nor give notice thereof, but shall confirm the report and issue an order granting the petition for the formation of the proposed Tax Ditch, the order to become effective immediately, and to be known as the Ditch Order. The confirmed report shall be considered a part of the Ditch Order.

Section 19. § 4137, Title 7, Delaware Code, is amended to read as follows:

§ 4137. 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. The Superior Court shall 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 subsection (c) of section 4136 of this title, still exist after the 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 the report and issue an order granting the petition for the formation of the proposed Tax Ditch, said order to be known as the Ditch Order. The confirmed report shall be considered a part of said Ditch Order. If no objections are filed at the final hearing before the Superior Court the Ditch Order shall become effective when issued.

Section 20. § 4138, Title 7, Delaware Code, is amended by re-wording the first sentence thereof to read as follows:

§ 4138. Right to jury trial; procedure

In those cases when objections to the report of the Board of Ditch Commissioners are filed in writing with the Superior

Court and when the party filing feels aggrieved by the report of the Board of Ditch Commissioners, such party may apply to the Superior Court, within 30 days after the issuance of the Ditch Order, for an order in the nature of a writ of inquiry to ascertain by the verdict of a jury at the bar of the Court, the full and true value of the relative benefits, damages, injury or loss which will result to the lands of such person from the construction of the proposed Tax Ditch.

Section 21. § 4140, Title 7, Delaware Code, is amended to read as follows:

§ 4140. Notice of final action on Ditch Order

When the Ditch Order has become effective because no objection has been filed, or because the right to appeal therefrom has expired, the Prothonotary shall notify the State Drainage Engineer and the appropriate County Soil Conservation District accordingly, and shall forward two certified copies of the Ditch Order to the State Drainage Engineer.

Section 22. § 4141, Title 7, Delaware Code, is amended by re-wording the final sentence as follows:

The Prothonotary shall make such docket entries of proceedings as directed by Rule of Court.

Section 23. § 4151 (b), Title 7, Delaware Code, is amended to read as follows:

(b) The State Drainage Engineer shall send a notice to every taxable, by first class mail to that landowner's address as currently recorded by the Board of Assessment of the county, at least 10 days prior to said meeting, stating the time, place and object of the meeting.

Section 24. § 4152, Title 7, Delaware Code, is amended to read as follows:

§ 4152. Distribution of Ditch Order and of this chapter; filing of assessment list

(a) At the organization meeting of the Tax Ditch, the State Drainage Engineer shall deliver to the managers, when

elected, a certified copy of the Ditch Order and a copy of this chapter, together with all effective amendments thereto.

(b) The State Drainage Engineer shall deliver another certified copy of the Ditch Order to the State Soil Conservation Commission. This certified copy shall remain as a permanent record in the office of that Commission.

(c) The State Drainage Engineer shall deliver a copy of the assessment list prepared under section 4129 of this title, as modified by the Ditch Order, to the Board of Assessment of the county, making such changes in the names of the owners thereon as are warranted by transfers, to new owners, of lands assessed.

Section 25. § 4156 (c), Title 7, Delaware Code, is amended by deleting the third and final sentence thereof.

Section 26. § 4159, Title 7, Delaware Code, is amended to read as follows:

§ 4159. Annual and other meetings of taxables; notice of meetings

At the first meeting the taxables shall set a date for the regular annual meeting, which shall be held in January. This date may not be changed except by action of a majority of the taxables present at a regular annual meeting. The chairman of the ditch managers may call special meetings at such times as the circumstances warrant. At least 10 days notice of all meetings shall be given by the ditch managers using either of the following methods:

(1) By publishing in a newspaper of general circulation in the area of a Tax Ditch, and by posting at five conspicuous places in or near the area of said Tax Ditch, a notice stating the time, place and object of the meeting; or

(2) By mailing to each affected taxable at the address currently shown on the records of the Board of Assessment of the county, a notice stating the time, place and object of the meeting.

Section 27. § 4161, Title 7, Delaware Code, is amended by adding the following at the end thereof:

(8) Accept contributions from landowners assessed in the Tax Ditch, and disburse such funds for the purposes of performing certain operations, such as, but not limited to, additional clearing or the installation of structures, which operations are authorized in the Tax Ditch Order, but which are not included in the original estimated construction requirements and costs.

(9) Call upon the State Drainage Engineer for assistance with administrative and operations problems of the Tax Ditch.

Section 28. § 4162, Title 7, Delaware Code, is amended to read as follows:

§ 4162. Duties of ditch managers

In addition to the duties specified in other sections of this chapter, the ditch managers shall—

(1) Determine from the taxables the desired program of operations;

(2) Determine the amount of taxes to be levied to carry out such desired program;

(3) Secure specific authority for borrowing money, in the name of the Tax Ditch, by a majority vote of the taxables present at a duly called meeting of the Tax Ditch;

(4) At the first meeting, or within 30 days thereafter, 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 the program;

(5) Execute warrants, with the assistance of the State Drainage Engineer, to the Receiver of Taxes and County

Treasurer authorizing and requesting the collection of all Tax Ditch taxes other than maintenance taxes;

(6) Execute a warrant, with the assistance of the State Drainage Engineer, to the Receiver of Taxes and County Treasurer authorizing and requesting the annual collection of a tax in the amount of 2 percent of the total assessment base, or in the amount of 2 percent of the total benefits for Tax Ditches previously formed under the original provisions of this chapter, said warrant to be marked plainly as being for annual maintenance taxes, and to be issued simultaneously with the issuance of the first warrant for the collection of taxes for construction purposes;

(7) Make a report, at the annual meeting, of their activities during the year preceding such annual meeting;

(8) Provide for construction work on the Tax Ditch;

(9) Provide for adequate maintenance of the Tax Ditch.

Section 29. § 4168, Title 7, Delaware Code, is amended to read as follows:

§ 4168. Limitation on borrowing power of Tax Ditch

A Tax Ditch may borrow money pursuant to this chapter with the consent of a majority of the votes cast at a meeting duly called under the provisions of section 4159 of this title. In no event shall a Tax Ditch borrow money in excess of 90 percent of the total assessment base established by the Ditch Order.

Section 30. § 4171, Title 7, Delaware Code, is amended by adding the following sentence at the end thereof:

The State Drainage Engineer shall assist the various Boards of Assessment of all three counties, upon request, to make such changes in their special ditch assessment books as are warranted by transfers of properties listed therein.

Section 31. § 4172, Title 7, Delaware Code, is amended to read as follows:

§ 4172. Determination of tax; method

In determining the amount of any taxes to be levied against each owner's lands under this chapter, the ditch managers shall determine the same in accordance with the ratio which exists between the assessment base for each property and the total assessment base for the Tax Ditch.

Section 32. § 4176, Title 7, Delaware Code, is amended to read as follows:

§ 4176. Collection of Taxes levied by Tax Ditch; duties of Receiver of Taxes and County Treasurer

All taxes levied by any Tax Ditch organized under the provisions of this chapter shall be collected by the Receiver of Taxes and County Treasurer in the county or counties wherein the lands taxed are located. The Receiver of Taxes and County Treasurer shall accept tax warrants in proper form from such Tax Ditches, shall refer to Tax Ditch assessment lists on file with the Board of Assessment of the County 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 receiver designated in the tax warrants. Warrants received not later than May first of each year, by the Receiver of Taxes and County Treasurer, shall be processed to be collected during that same year. Tax warrants marked plainly as being for annual maintenance taxes shall be filed by the Receiver of Taxes and County Treasurer in a special binder 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 original or a revised maintenance tax warrant is delivered to the Receiver of Taxes and County Treasurer, in which case the levy shall be effective from and after the date of the delivery of such warrant. Annual maintenance taxes, once warranted, shall be collected yearly by the Receiver of Taxes and County Treasurer, except that an annual maintenance tax shall not be collected during any tax year when another warrant, whether for construction taxes or

special taxes, for an identical portion of the Tax Ditch is in effect and is being collected. The Receiver of Taxes and County Treasurer shall accept original tax warrants for annual maintenance taxes signed by the chairman of the ditch managers and attested by the secretary-treasurer of the Tax Ditch. Such warrants may not be withdrawn and may not be revised except with the consent of the County Soil Conservation District, pursuant to section 4181 of this title.

Section 33. § 4186, (c), Title 7, Delaware Code, is amended to read as follows:

(c) Whoever wilfully obstructs or damages any part of a Tax Ditch, as specified in subsection (a) of this section, or wilfully interferes in any way with Tax Ditch operations as provided for in this chapter or in a Ditch Order made pursuant to this chapter, shall be fined not more than \$100.

Section 34. § 4188, Title 7, Delaware Code, is amended to read as follows:

§ 4188. Addition of territory to a Tax Ditch

(a) Any landowner who desires his lands to be included within a Tax Ditch formed under the provisions of this chapter, may present a petition for an amendment to the existing Ditch Order to include such lands, to the Superior Court of the county which issued said Ditch Order through the Board of Supervisors of the Soil Conservation District of the same county, and the procedure shall be substantially the same as method in section 4189 (c) of this title, for amending a Ditch Order, except that, in addition to establishing an assessment base which will be the basis for all future ditch taxes, for each parcel of land being included within the Tax Ditch, a special assessment, based generally on the approximate total amount of taxes that would have been levied against such parcels of land since the Tax Ditch was formed, had such lands been within the original boundaries of said Tax Ditch and other considerations, shall be determined by the Board of Ditch Commissioners and payment thereof prescribed in their report to the Superior Court.

(b) In those cases when any landowner drains, directly or indirectly, into any part of a Tax Ditch, land which is not

within the drainage area of the Tax Ditch as established in the Ditch Order and which was not assessed as part of the Tax Ditch, or which was not assessed to the prong or part of the Tax Ditch into which said land is drained, and when the landowner or owners have not secured an amendment to the Ditch Order in accordance with the procedure set forth in subsection (a) of this section, it shall be assumed that such landowner accepts the liability for payment of a special assessment and costs incurred in processing an amendment to the Ditch Order, in addition to all future ditch taxes, and it shall be the duty of the Ditch Managers in the name of the Tax Ditch to present a petition for an amendment to the existing Ditch Order to include such lands, in the same manner as set forth in subsection (a) of the section and the procedure shall be the same as outlined in that subsection, except that estimated costs of processing the amendment shall be added to the special assessment which will be established by the Board of Ditch Commissioners.

(c) In those cases when any landowner desires his lands to be included within a Tax Ditch and when agreement can be reached on the part of the landowner and the Tax Ditch managers as to the special assessment to be paid and the assessment base to be established as the basis for all future ditch taxes, then method (1) or method (2) of section 4189 of this title may be used to add the additional territory to the Tax Ditch.

Section 35. § 4189, Title 7, Delaware Code, is amended to read as follows:

§ 4189. Alteration of Tax Ditches; amendments to Ditch Orders

If it becomes necessary to change any part of a Tax Ditch, such changes may be made in one of the following ways:

(1) The desired or required changes, justified in writing and including any necessary maps or drawings, shall be presented by the Tax Ditch managers to the taxables at a regularly called Tax Ditch meeting. If a majority vote of the taxables present favors the changes, and providing that such changes do not include any relocations of works of improvement, or of the construction area, or of the maintenance right-of-way on the lands of any owner without his consent, the Tax

Ditch managers shall present 4 copies of their request for the changes, including the written justification and any necessary maps or drawings, and also including the results of the referendum, to the State Drainage Engineer for his approval. Should that approval be given, the change shall be effective at once, and the State Drainage Engineer shall file the original request with supporting papers in the office of the Prothonotary of the proper county, return one copy to the Tax Ditch, and file one copy with the State Soil Conservation Commission. Whenever changes are made which affect the Tax Ditch assessment list, the State Drainage Engineer shall notify the Board of Assessment of the proper county of such changes.

(2) When all landowners affected consent to changes of any part of a Tax Ditch, including the assessment list, they shall enter into a written agreement to make such changes and present 4 copies of such agreement, together with any necessary maps or drawings, to the State Drainage Engineer for his approval. Should that approval be given, the change shall be effective at once, and the State Drainage Engineer shall file the original request with supporting papers in the office of the Prothonotary of the proper county, return one copy to the Tax Ditch, and file one copy with the State Soil Conservation Commission. Whenever changes are made which affect the Tax Ditch assessment list, the State Drainage Engineer shall notify the Board of Assessment of the proper county of such changes.

(3) Any landowner within the boundaries of a Tax Ditch, or the Tax Ditch managers in the name of said Tax Ditch, may, at any time, petition for the amendment of the Ditch Order that created the Tax Ditch. Such petition shall list the changes that are desired and shall be presented to the Superior Court that issued the Tax Ditch Order through the Board of Supervisors of the Soil Conservation District of the same county. That Board of Supervisors shall require and handle a deposit from the petitioners in accordance with section 4120 of this title, so far as that section is applicable. As soon as the deposit is received, the Board of Supervisors shall file the petition in the office of the Prothonotary of the

proper county without further investigation. Upon the filing of a petition for amendments to a Ditch Order in the office of the Prothonotary of a county, the Board of Ditch Commissioners of such county, shall, at the direction of the Resident Judge thereof, go upon the lands of the Tax Ditch watershed, if necessary, review the existing Ditch Order, consider the changes requested and make determinations regarding these. The Board of Ditch Commissioners shall obtain from the County Soil Conservation District such assistance and information as may be required. The Board of Ditch Commissioners, with the assistance of the State Drainage Engineer, shall prepare a special proposed report in the nature of one or more proposed amendments to the existing Ditch Order, together with any maps or drawings deemed necessary. Upon completion of that report, they shall give notice, and hold a hearing and referendum in accordance with sections 4131 and 4132 of this title so far as these are applicable. After holding the hearing and supervising the referendum, the Board of Ditch Commissioners shall file the original and two copies of its report in the Office of the Prothonotary of the county in which all the major portion of the Tax Ditch is located and shall attach to the report a certificate showing 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) the Board of Ditch Commissioners has fully discharged the duties assigned to it as prescribed by law,

(B) 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,

(C) any other recommendations or information which the Board of Ditch Commissioners deems advisable including their determination as to whether the petitioners or the Tax Ditch are liable for the costs of this action.

Action by the Superior Court shall follow sections 4136, 4137, 4138, 4139, 4140, 4141, of this title so far as these sections are applicable.

Section 36. Each Prothonotary may dispose of the transcribed petitions, court orders, and all proceedings in connection therewith made pursuant to § 4141, Title 7, Delaware Code as said section stood before the effective date of this Act.

Approved June 13, 1955.

CHAPTER 277
APPROPRIATION
LAUREL SCHOOL

**AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE
BOARD OF EDUCATION OF THE LAUREL SPECIAL
SCHOOL DISTRICT.**

WHEREAS, on December 1, 1952 the Sycamore School burned to the ground, and

WHEREAS, the State Board of Education called upon the Laurel Special School District to take over the responsibility for the pupils of Sycamore School, which was done, and

WHEREAS, the Sycamore School Board of Education held fire insurance upon the school building and the sum of \$19,000 was received from the insurer for the damage to the Sycamore School building, incurred on December 1, 1952, and

WHEREAS, the said sum of \$19,000 was paid into the general fund of the State of Delaware, and

WHEREAS, subsequently the Sycamore School District was consolidated into the Laurel Special School District, and

WHEREAS, the Laurel Special School District has also been called upon to relieve the State Board of Education of certain responsibilities relating to the Laurel Schools NOW THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$19,000 is hereby appropriated to the Board of Education of the Laurel Special School District.

Section 2. This is a Supplementary Appropriation Act and the monies hereby appropriated shall be paid from the General Fund from monies not otherwise appropriated.

Approved June 13, 1955.

CHAPTER 278

RELATING TO WELFARE

AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" BY ESTABLISHING A PUBLIC ASSISTANCE CODE FOR THE STATE DEPARTMENT OF PUBLIC WELFARE AND REPEALING INCONSISTENT PROVISIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Sections 105, 114, 116, 117, 118 and 119, Title 31, Delaware Code, are repealed.

Section 2. Subchapter 2, Chapter 3, Title 31, Delaware Code, is repealed.

Section 3. Chapter 5, Title 31, Delaware Code is repealed.

Section 4. Chapter 6, Title 31, Delaware Code, is repealed.

Section 5. A new Chapter 5, Title 31, Delaware Code, is enacted as follows:

CHAPTER 5

STATE PUBLIC ASSISTANCE CODE

§ 501. Legislative intent

It is declared to be the legislative intent that the purpose of this chapter is to promote the welfare and happiness of all the people of the State, by providing public assistance to all of its needy and distressed; that assistance shall be administered promptly and humanely with due regard for the preservation of family life, and without discrimination on account of race, religion or political affiliation, and that assistance shall be administered in such a way and manner as to encourage self-respect, self-dependency, and the desire to be a good citizen and useful to society.

§ 502. Definitions

As used in this chapter—

“Applicant” means any person who applies for assistance or welfare services, or on whose behalf such application is made, under the terms of this chapter;

“Assistance” means money payments (except that in General Assistance non-money payments may be made) to or in behalf of eligible needy persons to enable them to provide for themselves a decent and healthful standard of living. Assistance shall be in the form of direct money payments to the recipient, and may in addition to direct money payment, include care, support, service, medical or surgical care, nursing, burial, or board and care in a private institution or boarding home or house, or in a public medical institution as a patient, and such other aid as conditions may make necessary.

“Board” means the Board of Welfare;

“Department” means the Department of Public Welfare;

“Director” means the Director of Welfare;

“Recipient” means any person to whom or for whom assistance is paid under the provisions of this chapter.

§ 503. Eligibility for assistance; amount

(a) Assistance shall be granted under this chapter to any needy person who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health, who has not conveyed or transferred his real or personal property of a value of \$500 or more without fair consideration within two years preceding the date of application for assistance or subsequently while receiving assistance, and who is not an inmate of any public institution (except as a patient in a medical institution).

(b) Assistance shall not be granted to any person (1) who is a patient in an institution for tuberculosis or mental

disease, or (2) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof.

(c) The amount of assistance allowed in each case of old age assistance, as defined below, shall be limited by the circumstances of such case as ascertained, after full and complete investigation, by the Department. The amount of assistance allowed in each case shall be determined by the Department with due regard to the circumstances, but will not exceed \$600 annually. In no case shall the amount of assistance allowed exceed \$50 monthly.

(d) The amount of assistance or supplementary services granted for any child as aid to dependent children, as defined below, shall be determined by the 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 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 a dependent child, for any calendar month, exceed \$75 for the first dependent and only child.

If there are the number of dependent children in the same home or in the same family, as specified below, the amount paid for any calendar month shall not exceed the amount specified below in each case.

2 dependent children	\$ 87.
3 dependent children	99.
4 dependent children	111.
5 dependent children	121.
6 dependent children	131.
7 dependent children	141.
8 dependent children	150.

In no event shall the total amount paid for aid to dependent children in the same home or in the same family exceed \$150 for any calendar month.

§ 504. Categories of assistance

Assistance shall be administered under the following categories—

(1) Old Age Assistance; assistance granted to needy persons who are 65 years of age or over, and who have resided in Delaware for a period of one year immediately preceding application.

(2) Aid to dependent children; assistance granted with respect to needy dependent children. Aid to dependent children shall mean aid granted with respect to a child under the age of sixteen or under the age of eighteen if found by the Department to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their own home, or any other person in loco parentis, designated by the Department and the child or parents, guardian or guardians. A child shall be eligible for aid who has resided in the State for one year immediately preceding the application, or who was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the State for one year immediately preceding the birth; or if the parent or parents, relative, guardian, or person in "loco parentis" with whom the child is living, has been a resident of the State for one year immediately preceding the application.

(3) Aid to the disabled; assistance granted to needy persons who are permanently and totally disabled, as defined by the Department, who have attained the age of eighteen, and who have resided in Delaware for a period of one year immediately preceding application.

(4) General assistance; assistance granted to all other needy persons who have resided in Delaware for a period of one year immediately preceding application.

§ 505. Duplication of assistance

No person shall receive assistance for the same period under more than one of the categories of assistance listed in paragraphs 1 through 4 of section 504, including assistance to the needy blind.

§ 506. Temporary assistance to non-residents

Any person in need of public assistance while physically present in Delaware, but who lacks residence in this State as defined in this chapter, may be granted assistance subject to the immediate initiation, pursuant to rules and regulations of the Department, of all lawful steps to determine residence elsewhere. Assistance to any such person shall be terminated when any one of the following events first occurs:

- (1) he moved to some other jurisdiction;
- (2) he receives public assistance of any kind from some other jurisdiction;
- (3) he ceases to be a needy person; or
- (4) he is found to have residence elsewhere.

§ 507. Application for assistance

Application for assistance shall be made to the appropriate county office of the Department. The application shall be in writing in the manner and form, and giving such information, as shall be required by the Department. An opportunity to file an application shall be given any person desiring to do so. The Department shall act on all applications and furnish aid to eligible persons with reasonable promptness.

§ 508. Continuing eligibility

All assistance grants made under this chapter shall be reconsidered as frequently as may be required by the rules of the Department to assure continued eligibility. After such further investigation, as the Department may deem necessary, the

amount and manner of giving assistance may be changed or the assistance payments shall be terminated if it is found that the recipient's circumstances have altered sufficiently to warrant such action. Assistance payments may at any time be cancelled or revoked, or suspended for a temporary period pending further determination, if the recipient's eligibility is not clearly established.

§ 509. Recipients to report acquisition of resources

If at any time during the period assistance payments are being made to any person, such person becomes possessed of any property, real or personal, or of any income in excess of the amount of such property and income last declared by him to the Department, he shall notify the Department promptly concerning the receipt and possession of such property or income and the Department shall, in accordance with rules established by it, reconsider the eligibility of such person to receive such assistance or the amount of assistance to which entitled, according to the circumstances. Any excess paid to any person by reason of his failure to report as required by this section shall be recoverable in a civil action against such person or against his estate.

§ 510. Responsibility of relatives

Nothing contained in this chapter shall be construed to relieve any person from the liability of maintaining and supporting his parent or parents or child or spouse, as provided by the laws of this State.

§ 511. Administration

The Department shall administer this chapter, and in connection therewith, shall

(1) establish, with the approval of the Board, rules and regulations to carry out the provisions of this chapter, including rules, regulations and standards as to eligibility for assistance and as to its nature and extent;

(2) cooperate with the Federal Department of Health, Education and Welfare or with any successor Department or agency thereof, in any reasonable manner not contrary to law,

as may be required to qualify for Federal aid with respect to functions and programs coming within the purview of this chapter, and make such reports to the Department of Health, Education and Welfare in such form and containing such information as that Department may from time to time require, and comply with such provisions as said agency may from time to time find necessary to assure the correctness and verification of such reports;

(3) make periodic surveys of cost of living factors in relation to the needs of recipients of assistance and welfare services, in order that the standards for such assistance and welfare services may be reasonably sufficient to provide recipients with a subsistence compatible with recognized scientific standards;

(4) enter into agreements or understandings with appropriate public agencies in other States whereby any or all of the benefits of this chapter may be extended to Delaware residents living in other States, or to residents of other States living in Delaware, on a reciprocal basis. In this connection the Department may establish policies which waive or alter the residence requirements of section 504;

(5) promulgate such rules and regulations as may be necessary to assure that its information concerning applicants and recipients is used or disclosed solely for purposes directly connected with the administration of assistance;

(6) cooperate with the Federal government in carrying out the purposes of any Federal acts concerning public welfare and in other matters of mutual concern pertaining to public welfare, including the adoption of such methods of administration as are necessary for the efficient operation of the plan for such public assistance and welfare services.

§ 512. Assistance not assignable

Assistance granted under this chapter shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this chapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

§ 513. Financial participation

(a) The amount of assistance paid to a recipient of Old Age Assistance, Aid to Dependent Children, Aid to the Disabled, and to a recipient of General Assistance who shall receive cash assistance in accordance with Department policies, shall be by check or warrant drawn by the State Treasurer.

(b) For the purpose of providing Aid to Dependent Children under this chapter each county shall appropriate for each fiscal year, an amount equal to the estimated needs in that county for this category of assistance as determined by the Department of Public Welfare.

The Department shall furnish each county with an estimate of needs for each fiscal year not later than two months prior to the beginning of each fiscal year. The Department shall furnish each county supplementary estimates of need not later than 30 days prior to the beginning of each fiscal year quarter to enable each county to meet any changing conditions not foreseen in annual estimates.

The Receiver of Taxes and County Treasurer for each county shall pay to the State Treasurer, on or before the first day of each month, an amount equal to one-third of the estimated needs for the fiscal year quarter as set forth in the quarterly estimate submitted by the Department. Each quarterly estimate prepared for each county by the Department shall set forth actual expenditures for the preceding quarter and compensating adjustments shall be made in the estimated needs for the future quarter, either increasing or decreasing estimated needs for the future quarter, thus maintaining county fund requirements on a current basis.

Estimated county funds needs shall be based on equal sharing by State and individual county of the difference between the total Aid to Dependent Children assistance grants paid to eligible recipients residing in that county each month and the amount of Federal financial participation in such total grants paid each month.

Each county shall be furnished a listing by name, address, and amount paid, of each recipient eligible for Aid to Dependent Children each month, such lists to be used for the purposes of this chapter only and information from them to be disclosed solely for purposes directly connected with the administration of assistance.

(c) For the purpose of providing General Assistance under this chapter each county shall appropriate for each fiscal year an amount equal to the estimated needs in that county for this category of assistance as determined by the Department of Public Welfare.

The Department shall furnish each county with an estimate of needs for each fiscal year not later than two months prior to the beginning of each fiscal year. The Department shall furnish each county supplementary estimates of need not later than 30 days prior to the beginning of each fiscal year quarter to enable each county to meet any changing conditions not foreseen in the annual estimate.

The Receiver of Taxes and County Treasurer of each county shall pay to the State Treasurer on or before the first day of each month an amount equal to one-third of the estimated needs for the fiscal year quarter as set forth in the quarterly estimate submitted by the Department.

Each quarterly estimate prepared for each county by the Department shall set forth actual expenditures for the preceding quarter and compensating adjustments shall be made in the estimated needs for the future quarter, either increasing or decreasing estimated needs for the future quarter, thus maintaining county fund requirements on a current basis.

Estimated county funds shall be based on equal sharing by State and the individual county of General Assistance costs for assistance paid on behalf of eligible recipients residing in that county, and administration costs allocable to that county, such administration costs being pro-rated among the several counties on the basis of caseloads each month.

Each county shall be furnished a listing by name, address, and amount paid, of each recipient eligible for General Assist-

ance each month, as well as a detailed statement of administrative costs chargeable to the individual county, such lists to be used for the purposes of this chapter only and information from them to be disclosed solely for purposes directly connected with the administration of assistance.

§ 514. Appeals from administrative decisions; hearings; powers of Board

(a) If an application for aid or assistance is not acted upon by the Department or its agent within a reasonable time after the filing of the application, or is denied in whole or in part, or if any award of assistance is modified or cancelled, or if an applicant or recipient is in any manner aggrieved by reason of any action or inaction on the part of the Department, the applicant or recipient may appeal to the Board in the manner and form prescribed by the Board.

The Board shall, upon receipt of such an appeal, give the applicant or recipient reasonable notice and opportunity for a fair hearing.

(b) The Board shall hear and determine appeals provided for under subsection (a) of this section and appeals from any other administrative action and decision of the Director or other officers and employees of the Department, under rules of procedure which the Board shall adopt.

The Board and its members may compel the attendance of witnesses in conjunction with any such appeal and administer oaths to such witnesses.

§ 515. Effect of change of laws or allowances

Every allowance of assistance under the provisions of this part shall be deemed to have been allowed under and shall be held subject to the provisions of any amending or repealing act that may be passed, and no person receiving assistance under this part shall have any claim for compensation by reason of the allowance for assistance being affected in any way by any such amending or repealing act.

Taxes and assessments for public purposes by the State or any political subdivision thereof, whether county, hundred, city or town, shall be assessed and levied upon the property of aged persons to whom assistance has been allowed under this chapter in the same manner as such taxes and assessments are levied and assessed by law upon the properties of other owners. The time for payment of any taxes or assessments so levied and assessed shall be deferred until such time as the property of such aged person is transferred from the name of such aged person or until such aged person dies, in which event the face amount of the taxes and assessments so levied or assessed, without penalties or interest, shall be payable within 90 days from the date of such transfer or death. After the expiration of such 90-day period there shall be due, with respect to any such property, the same amount or amounts for taxes or assessments as would have been due after the expiration of 90 days from the date the taxes or assessments became due and payable had the property not been owned by an aged person, to whom assistance had been allowed under the chapter. In the event of the sale of any such property under any form of execution process (including sales in any form of insolvency proceeding), such taxes and assessments shall be due and payable as of the date of the offering of such property for sale under such execution process.

§ 516. Fraudulent acts; penalties

Whoever knowingly obtains, or attempts to obtain, or aid or abets any person to obtain by means of a wilfully false statement or representation or by impersonation, or other fraudulent device, or by failure to report material facts to the Department, assistance to which he is not entitled, shall be fined not more than \$500 or imprisoned for not more than 6 months, or both, and may be required to make restitution.

Section 6. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Section 7. This Act shall become effective July 1, 1955.

Approved June 13, 1955.

CHAPTER 279

RELATING TO PARKING AUTHORITIES

AN ACT TO AMEND SECTION 504, TITLE 22, DELAWARE CODE, RELATING TO PARKING AUTHORITIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Section 504 (a), Title 22, Delaware Code, as amended by 49 Delaware Laws, Chapter 72, is further amended by repealing the last sentence thereof and substituting in lieu of such sentence, new sentences as follows:

Any such lease shall be granted by the Authority to the highest and best bidder, upon terms specified by the Authority, after due public notice has been given, asking for competitive bids; provided, however, that if after such public notice no bid is received and/or the Authority rejects any bid or bids received, thereafter the Authority may negotiate any such lease or leases without further public notice but on a basis more favorable than that contained in any bid or bids rejected, if any. The phrase "due public notice", as used in this section, shall mean a notice published at least ten days before the award of any such lease 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 the County where the Authority has its principal office. The Authority may reject any or all bids if, in the opinion of the Authority, any such lease granted as a result of any such bid or bids would not be adequate or feasible for the financing and operation of such facilities.

Section 2. Section 504 (b) Title 22, Delaware Code, is amended by repealing subparagraph (1) thereof and substituting in lieu thereof a new subparagraph (1) to read as follows:

(1) To have existence for a term of fifty years as a corporation and thereafter until the principal and interest upon

all of its Bonds shall have been paid or provisions made for such payment, and until all of its other obligations shall have been discharged.

Approved June 13, 1955.

CHAPTER 280

RELATING TO FILING OF FINANCIAL REPORT

AN ACT TO AMEND CHAPTER 65, TITLE 29 OF THE DELAWARE CODE BY REQUIRING ALL PERSONS, FIRMS OR CORPORATIONS RECEIVING APPROPRIATIONS FROM THE STATE TO FILE A FINANCIAL REPORT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 6508 (a), Title 29 of the Delaware Code is amended by adding a new sentence at the end thereof to read as follows:

All persons, firms, or corporations, other than a state agency, who receive an appropriation of money from the State of Delaware, other than an appropriation of money for a claim of a non-recurring nature, shall file biennially, or before the first day of December of the year of a general election, a similar report covering operations of the person, firm or corporation concerned for the two years preceding.

Section 2. § 6508 (b), Title 29 of the Delaware Code is amended by inserting the words "or biennial" between the word "annual" and the word "reports" in the first line thereof.

Approved June 13, 1955.

CHAPTER 281

RELATING TO EDUCATION OF BLIND CHILDREN

**AN ACT APPROPRIATING MONEY TO THE DELAWARE
COMMISSION FOR THE BLIND FOR THE EDUCATION
OF BLIND CHILDREN.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the Delaware Commission for the Blind the sum of Twelve Thousand Dollars (\$12,000) for the fiscal year beginning July 1, 1956, and ending June 30, 1957, to be used for the education of blind children in special schools outside the State of Delaware.

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 13, 1955.

CHAPTER 282

AUTHORIZING SALE OF BOARD OF WELFARE PROPERTY

AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC WELFARE TO SELL THE PROPERTY LOCATED AT 905-907 WEST STREET IN WILMINGTON, DELAWARE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Board of Welfare is authorized and directed to cause the properties at 905 and 907 West Street in Wilmington to be sold at public auction to the highest and best responsible bidder after proper notice of said sale by newspaper advertisement or otherwise. The Governor and the Secretary of State are authorized to execute in the name of the State of Delaware a deed or deeds conveying the said properties to the purchaser or purchasers thereof and to affix the great seal of the State thereto.

Section 2. All funds received from the sale of said properties, after deducting the necessary expenses of said sale, shall be paid into the General Fund of the State of Delaware.

Approved June 13, 1955.

CHAPTER 283

PROVIDING FOR ANTIQUE AUTOMOBILE LICENSING
AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE
BY PROVIDING FOR ANTIQUE AUTOMOBILE LICENS-
ING.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 21, Title 21 of the Delaware Code is amended by adding a new subchapter thereto to read as follows:

SUBCHAPTER VII. ANTIQUE AUTOMOBILES

§ 2196. Special antique automobile plates

If any Antique Automobile is duly registered in the State of Delaware under this Title, the owner of such Antique Automobile may apply to the Motor Vehicle Commissioner, on special Application forms, prescribed by the Commissioner, for a Special Antique Automobile Plate to be displayed on the front of such Antique Automobile. Applicant must furnish proof that said Antique Automobile is registered in The Antique Automobile Club of America Inc. or The Veteran Motor Car Club of America, since said Antique Automobile is not to be operated daily, or as other registered vehicles.

Upon receipt of an application for a Special Antique Automobile Plate, on a form prescribed by the Commissioner, the Commissioner shall issue to such applicant, a Special Antique Automobile Plate on a permanent basis, and it shall bear no date but shall bear the inscription "Antique Automobile Delaware" with yellow letters on a blue background and shall be valid without renewal as long as the automobile is in existence. This special plate shall be issued for the applicant's use only for such automobile, and in the event of a transfer of title, the transferor shall surrender the special plate to the Commissioner of Motor Vehicles. Such special antique automobile plate shall be issued in addition to that already issued for such antique automobile under this chapter.

§ 2197. License fee

In lieu of the annual license tax levied under this chapter, a special license tax shall be levied on the operation of Antique Automobiles. The fee for a license shall be \$10 and shall be issued on a permanent basis without renewal.

§ 2198. Annual inspection

Antique automobiles shall be presented at any inspection lane in this State at the same time EXEMPTED vehicles are presented for inspection and when so presented shall be given EXEMPT inserts in lieu of the usual expiration date, upon passing inspection.

Approved June 13, 1955.

CHAPTER 284

RELATING TO ELECTIONS TO AUTHORIZE
SCHOOL BONDS**AN ACT TO AMEND CHAPTER 21, TITLE 14 OF THE DELA-
WARE CODE RELATING TO BALLOTS USED IN SPE-
CIAL ELECTIONS TO AUTHORIZE SCHOOL BONDS.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 2120, Title 14 of the Delaware Code is amended by striking out and repealing the third sentence thereof and by inserting and enacting in lieu thereof a new third sentence to read as follows:

At the election, at each voting place there shall be provided a sufficient number of ballots on which shall be written or printed the words "for the bond issue" and the words "against the bond issue", each to be separated and each followed by a blank square in which the voter shall mark his choice.

Approved June 13, 1955.

CHAPTER 285

RELATING TO TRAFFIC LIGHT AT WILMINGTON
MANOR FIRE HALL**AN ACT TO REQUIRE THE STATE HIGHWAY DEPARTMENT TO INSTALL A PUSH BUTTON TRAFFIC LIGHT CONTROL IN THE WILMINGTON MANOR FIRE HALL.**

WHEREAS, it is necessary for the engines of the Wilmington Manor Fire Company to cross the duPont Highway when answering fire alarms, and,

WHEREAS the traffic of the said duPont Highway is exceedingly heavy

NOW THEREFORE:

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the State Highway Department is hereby authorized and directed to install a push button control in the Wilmington Manor Fire Hall which will, when operated, instantly cause the two traffic lights on the duPont Highway nearest to the said Fire Hall to turn red for all traffic and stay red for a period of two minutes before automatically returning to its normal operation.

Section 2. That there is hereby appropriated to the State Highway Department the sum of \$650.00 for the sole purpose of installing the aforesaid automatic control. Such sum shall be paid by the State Treasurer out of the General Fund from money not otherwise appropriated. Any portion of the said sum of \$650.00 which shall remain unused after the installation of the aforementioned control shall revert to the General Fund.

Approved June 13, 1955.

CHAPTER 286

APPROPRIATION

STATE HIGHWAY DEPARTMENT

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
STATE HIGHWAY DEPARTMENT TO CONDUCT AN
EDUCATIONAL CAMPAIGN ON STREET AND HIGH-
WAY SAFETY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. The sum of Ten Thousand Dollars (\$10,000.00) is appropriated to the State Highway Department for the fiscal year ending June 30, 1956 and an additional sum of Ten Thousand Dollars (\$10,000.00) for the fiscal year ending June 30, 1957, to be used for the purpose of conducting throughout the State of Delaware an educational campaign on street and highway safety, such campaign to be conducted by the said State Highway Department in the manner which it deems most beneficial to accomplish the purpose thereof, and said Department is especially authorized to use and employ the facilities of the Delaware Safety Council or any similar organization.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 13, 1955.

CHAPTER 287

APPROPRIATION

MAREN F. McDOWELL

AN ACT APPROPRIATING CERTAIN MONEYS TO MAREN F. McDOWELL FOR ADDITIONAL SALARY TO WHICH HE WAS ENTITLED TO BE PAID AS A TEACHER AT THE WILLIAM W. M. HENRY COMPREHENSIVE HIGH SCHOOL.

WHEREAS, Maren F. McDowell is employed by the Board of School Trustees at the William W. M. Henry Comprehensive High School, District 133-C, Dover, Delaware, as a school teacher; and

WHEREAS, the said Maren F. McDowell was so first employed for the school term beginning in September 1952; and

WHEREAS, the said Maren F. McDowell did at time of this employment hold a Master's degree; and

WHEREAS, through clerical error, the said Maren F. McDowell was paid during the school term 1952-53 only that salary prescribed in the laws of Delaware for a Bachelor's degree, a degree lower than a Master's degree; and

WHEREAS, the difference in the salaries assigned the Bachelor's and Master's degree is \$200.00 for the school term of ten months; and

WHEREAS, the said State Board of Education would have paid him the aforesaid additional salary if it had had funds available for that purpose; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Treasurer is directed to pay to Maren F. McDowell, within thirty (30) days, the sum of Two Hundred Dollars (\$200.00) in payment of the additional salary to which

he is entitled as a school teacher in the William W. M. Henry Comprehensive High School, District 133-C, Dover, Delaware, for the school term of 1952-53.

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.

Approved June 13, 1955.

CHAPTER 288

DESIGNATION OF OFFICIAL STATE FLAG

AN ACT TO AMEND CHAPTER 5, TITLE 29, OF THE DELAWARE CODE BY PROVIDING FOR THE DESIGNATION OF THE OFFICIAL FLAG OF THE STATE OF DELAWARE.

WHEREAS, a Commission was authorized by Chapter 306, Volume 27, Laws of Delaware (1913) to decide upon a uniform and standard flag for the State of Delaware; and

WHEREAS, the said act provided for the flag and colors to be decided upon by the said Commission to be recognized as the official flag and colors of the State of Delaware; and

WHEREAS, the said Commission on July 24, 1913, did decide upon the official flag and colors of the State of Delaware; and

WHEREAS, the provision for said official flag and colors of the State of Delaware was omitted from the Delaware Code,

NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That Chapter 5, Title 29 of the Delaware Code be and the same is hereby amended by adding the following new section thereto to be known as section 506:

§ 506. State flag

The following described flag is the official flag of the State of Delaware. The design of the State Flag shall be as follows: a background of Colonial Blue surrounding a diamond of Buff in which diamond is placed the correct Coat of Arms of the State of Delaware in the colors prescribed by law and in accordance

with § 501, Chapter 5, Title 29, of the Delaware Code with the words: December 7, 1787, to be inscribed underneath the diamond.

The official State Colors, Colonial Blue and Buff are designated by the Textile Color Card Association of the United States, Inc., New York, as "Arno Blue" Cable No. 10663, and "Golden Beige" Cable No. 10781 respectively; the color shades having been determined by Colorimetric Specifications of the National Bureau of Standards, United States Department of Commerce, in Test No. 2, 1/140565, dated November 18, 1954, which is on file with the Public Archives Commission of the State of Delaware, Hall of Records, Dover, Delaware. The colors of the Coat of Arms and other elements of the State Flag shall be the following: Husbandman, trousers of gray brown, shirt of red, hat and hilling hoe of brown; Rifleman, suit of green, binding, bag and leggings of buff, hat of brown, powder flask and feather of gray; Shield, frame of shaded yellow, top panel of orange, center panel of blue, lower panel of white, ox of red brown, grass and corn of green, wheat and branches underfoot of yellow, heraldic wreath to be blue and silver (twisted); Ship under full sail to have a dark hull and white sails; Date, December 7, 1787, to be white; Cord and Tassels to be blue and gold.

Approved June 13, 1955.

CHAPTER 289

DESIGNATION OF OFFICIAL STATE FLOWER

AN ACT TO AMEND CHAPTER 5, TITLE 29, OF THE DELAWARE CODE BY PROVIDING FOR THE DESIGNATION OF THE OFFICIAL FLOWER OF THE STATE OF DELAWARE.

WHEREAS, the flower adopted on May 9, 1895, as the floral emblem of the State of Delaware was omitted from the Delaware Code,

NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

That Chapter 5, Title 29 of the Delaware Code be and the same is hereby amended by adding the following new section thereto to be known as section 508.

§ 508. State flower

The Peach Blossom, as originally adopted as the floral emblem of the State of Delaware on May 9, 1895, shall be the official State Flower.

Approved June 13, 1955.

CHAPTER 290

DESIGNATION OF OFFICIAL GOVERNOR'S FLAG

AN ACT TO AMEND CHAPTER 5, TITLE 29 OF THE DELAWARE CODE BY PROVIDING FOR THE DESIGNATION OF THE OFFICIAL FLAG OF THE GOVERNOR OF THE STATE OF DELAWARE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That Chapter 5, Title 29 of the Delaware Code be and the same is hereby amended by adding the following new section thereto to be known as section 507.

§ 507. Governor's flag

The official flag of the Governor of the State of Delaware shall be identical to the official flag of this State except that it shall also bear a fringe of gold surrounding the edge of the flag and the pole upon which the Governor's flag is carried shall have mounted thereon a model of a Blue Hen's Fighting Cock.

Approved June 13, 1955.

CHAPTER 291

RELATING TO MEETINGS OF STATE BOARD AND
COMMISSIONS

**AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE
CODE, RELATIVE TO MEETINGS OF STATE BOARDS
AND COMMISSIONS.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Chapter 51, Title 29, Delaware Code, is amended by adding thereto a new section, as follows:

**§ 5109. Meetings of State boards and commissions; executive
sessions**

The meetings of all boards and commissions of the State of Delaware or any political subdivision thereof at which any business is transacted shall be open to the public and to representatives of the press. Nothing contained herein shall be construed to prohibit executive sessions or conferences of such boards and commissions at which no business shall be transacted.

Approved June 13, 1955.

CHAPTER 292

RELATING TO MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO EQUIPMENT AND CONSTRUCTION OF VEHICLES, BY REVISING THE PROVISIONS FOR LIGHTS ON VEHICLES, AND TO REPEAL CERTAIN SECTIONS OF CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO LIGHTS ON VEHICLES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 43, Title 21, Delaware Code, is amended by striking out sections 4331 to 4344 inclusive, constituting subchapter II of said chapter, and inserting in lieu thereof the following subchapter:

SUBCHAPTER II. LIGHTS**§ 4331. When lighted lamps are required**

Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

§ 4332. Visibility distance and mounted height of lamps

(a) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in section 4331 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

§ 4333. Head lamps on motor vehicles

(a) Every motor vehicle, trailer, semi-trailer and pole motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(b) Every motor cycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

(c) Every head lamp upon every motor vehicle, including every motor cycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 28 inches, to be measured as set forth in section 4332 (b).

§ 4334. Tail lamps

(a) Every motor vehicle, trailer, semi-trailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp, mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such abovementioned vehicle, other than a truck tractor, registered in this State and manufactured or assembled after July 1, 1956, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 20 inches.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

§ 4335. New vehicles to be equipped with reflectors

(a) Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motor cycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section 4338 shall be equipped with reflectors as required in those sections applicable thereto.

(b) Every such reflector shall be mounted on the vehicle at a height not less than 20 inches nor more than 60 inches measured as set forth in section 4332 (b), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 350 feet to 100 feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

§ 4336. Stop lamps and turn signals required on new motor vehicles

(a) From and after July 1, 1955, it shall be unlawful for any person to sell any new motor vehicle, including any motor cycle or motor-driven cycle, in this State or for any person to drive such vehicle on the highways unless equipped with at least one stop lamp meeting the requirements of section 4347.

§ 4337. Application of succeeding sections

Those sections of this chapter which follow immediately, including sections 4338, 4339, 4340, 4341 and 4342, relating to clearance and marker lamps, reflectors and stop lights, shall

apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semi-trailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at times mentioned in section 4331 except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

§ 4338. Additional equipment required on certain vehicles

In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in section 4337:

(a) On every bus or truck, whatever its size, there shall be the following:

On the rear, two reflectors, one at each side, and one stop light.

(b) On every bus or truck 80 inches or more in overall width, in addition to the requirements in paragraph (a) :

On the front, two clearance lamps, one at each side; on the rear, two clearance lamps, one at each side; on the side, two side marker lamps, one at or near the front and one at or near the rear; on each side two reflectors, one at or near the front and one at or near the rear.

(c) On every truck tractor:

On the front, two clearance lamps, one at each side; on the rear, one stop light.

(d) On every trailer or semi-trailer having a gross weight in excess of 3000 pounds:

On the front, two clearance lamps, one at each side; on each side, two side marker lamps, one at or near the front and

one at or near the rear; on each side two reflectors, one at or near the front and one at or near the rear; on the rear two clearance lamps, one at each side, also two reflectors, one at each side, and one stop light.

(e) On every pole trailer in excess of 3000 pounds gross weight:

On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear; on the rear of the pole trailer or load, two reflectors, one at each side.

(f) On every trailer, semi-trailer or pole trailer weighing 3000 pounds gross or less:

On the rear, two reflectors, one on each side. If any trailer or semi-trailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

§ 4339. Color of clearance lamps, side marker lamps, backup lamps, and reflectors

(a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

§ 4340. Mounting of reflectors, clearance lamps and side marker lamps

(a) Reflectors when required by section 4338 shall be mounted at a height not less than 24 inches and not higher than 60 inches above the ground on which the vehicle stands,

except that if the highest part of the permanent structure of the vehicle is less than 24 inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

§ 4341. Visibility of reflectors, clearance lamps and marker lamps

(a) Every reflector upon any vehicle referred to in section 4338 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at a distance of 500 feet from the side of the vehicle on which mounted.

§ 4342. Obstructed lights not required

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp

(except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

§ 4343. Lamp or flag on projecting load

Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the time specified in section 4331 hereof, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

§ 4344. Lamps on parked vehicles

(a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a

red light visible from a distance of 500 feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

§ 4345. Lamps on other vehicles and equipment

Every vehicle, including animal-drawn vehicles and vehicles referred to in section 4331 (c), not specifically required by the provisions of this article to be equipped with lamps or other lighting devices, shall at all time specified in section 4331 of this Act be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than 500 feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 500 feet to the rear and two red reflectors visible for distances of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps.

§ 4346. Spot lamps and auxiliary lamps

(a) Spot Lamps. Any motor vehicle may be equipped with not to exceed two spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

(b) Fog Lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance

of 25 feet ahead project higher than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in section 4349.

(c) **Auxiliary Passing Lamp.** Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 4349 shall apply to any combination of head lamps and auxiliary passing lamp.

(d) **Auxiliary Driving Lamp.** Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 4349 shall apply to any combination of head lamps and auxiliary driving lamp.

§ 4347. Signal lamps and signal devices

(a) Any motor vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.

(b) Any motor vehicle may be equipped and when required under this chapter shall be equipped with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for such purpose, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than 100 feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced

laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Where mechanical signal devices are used for such purpose, said devices shall be self-illuminated when in use at the times mentioned in section 4331.

(c) No stop lamp or signal lamp or device shall project a glaring light.

§ 4348. Additional lighting equipment

(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this Act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade

of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

§ 4349. Multiple-beam road-lighting equipment

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading;

(b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

§ 4350. Use of multiple-beam road-lighting equipment

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 4331 the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity

to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 4349 (b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(c) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in paragraph (a) of section 4349.

§ 4351. Lighting equipment on motor-driven cycles

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour, and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour;

2. In the event the motor-driven cycle is equipped with a multiple beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 4349 (a) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 4349.

3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

§ 4352. Number of driving lamps required or permitted

(a) At all times specified in section 4331, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candle power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

§ 4353. Special restrictions on lamps

(a) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school-bus warning lamps, which projects a beam of light of an intensity greater than 300 candlepower, shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this Act.

(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard required unusual care in approaching, overtaking or passing.

§ 4354. Standards for lights on snow-removal equipment

(a) The State Highway Department shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal equipment when operated on the highways of this State in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(b) It shall be unlawful to operate any snow-removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

§ 4355. Scope and effect of regulations

(a) It is a misdemeanor for any person to drive or move times equipped with such lamps and other equipment in proper or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all condition and adjustment as required in this subchapter, or which is equipped in any manner in violation of this subchapter, or for any person to do any act forbidden or fail to perform any act required under this subchapter.

(b) Nothing contained in this subchapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this subchapter.

(c) The provisions of this subchapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

§ 4356. Violations of subchapter; penalties

Whoever violates any provision of this subchapter shall, for the first offense, be fined not less than \$5 nor more than \$25, or imprisoned for not less than 2 nor more than 10 days, or both. For each subsequent like offense within one year he shall be fined not less than \$25 nor more than \$50, or imprisoned for not less than 2 nor more than 15 days, or both.

Section 2. § 4114, § 4115, and § 4153 of this Title and all other sections or parts of sections inconsistent with this Act are hereby repealed.

Approved June 13, 1955.

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CHAPTER 293

SELBYVILLE

AN ACT TO AMEND CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF SELBYVILLE" AS AMENDED, BY INCREASING THE AMOUNT OF TAXES THAT MAY BE RAISED IN ANY ONE YEAR BY TAXATION.

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

Section 1. Chapter 166, Volume 37, Laws of Delaware, as amended, by Chapter 20, Volume 47, Laws of Delaware, is amended, by striking out the words and figures "Twenty-five thousand dollars (\$25,000.00)" wherever the same appear in Section 8 of Chapter 166, Volume 37, Laws of Delaware, as amended, and by substituting therefor the words and figures "Forty thousand dollars (\$40,000.00)", to the end and purpose that the Town of Selbyville may raise annually by taxation for municipal purposes a sum not exceeding Forty thousand dollars (\$40,000.00).

Section 2. All acts inconsistent herewith are hereby repealed.

Approved June 13, 1955.

CHAPTER 294

FERRIS SCHOOL

AN ACT TO AMEND CHAPTER 290, VOLUME 47, LAWS OF DELAWARE, SO AS TO PERMIT THE USE OF A PORTION OF THE FUNDS BORROWED THEREUNDER FOR A COTTAGE FOR EMPLOYEES AT FERRIS SCHOOL FOR BOYS.

WHEREAS, Chapter 290, Volume 47, Laws of Delaware authorized the State to borrow funds for capital improvements, and

WHEREAS, the said Chapter authorized the borrowing of \$250,000 for certain specified capital improvements at Ferris School for Boys, and

WHEREAS, \$12,282.87 of the said \$250,000 was not used for the purposes specified in the said Chapter but is needed to build a cottage for employees of the school; NOW, THEREFORE

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

Section 1. Chapter 290, Volume 47, Laws of Delaware, is amended so that Section 1 (h) thereof shall read as follows:

(h) To be expended by the Ferris School for Boys for constructing a cottage for its employees and a building for vocational training—\$250,000.00.

Approved June 13, 1955.

CHAPTER 295

RELATING TO MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO MOTOR VEHICLES BY CHANGING THE MARKINGS OF VEHICLES USED TO TRANSPORT EXPLOSIVES IN ORDER TO CONFORM WITH THE INTERSTATE COMMERCE COMMISSION REGULATION.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4373 (b) Chapter 43, Title 21, Delaware Code, is amended to read as follows:

(b) The prescribed markings shall be by means of signs or lettering on each side and the rear of the motor vehicle, and the letters shall be at least three (3) inches high on a background of sharply contrasting color.

Approved June 13, 1955.

CHAPTER 296

**AUTHORIZING COMMISSION FOR THE FEEBLEMINDED
TO SELL EXCESS PRODUCTS****AN ACT TO AMEND CHAPTER 55, TITLE 16, DELAWARE
CODE, BY AUTHORIZING THE DELAWARE COMMISSION
FOR THE FEEBLEMINDED TO SELL EXCESS FARM
PRODUCE AND LIVE STOCK.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Chapter 55, Title 16, Delaware Code, is amended by adding a new section at the end thereof to read as follows:

§ 5507. Sales by Commission

The Commission may from time to time sell excess farm produce and live stock in such manner and on such terms as the Commission deems to be for the best interests of the home for the feeble-minded.

Approved June 13, 1955.

CHAPTER 297

PROVIDING FOR WILMINGTON PARK POLICE PENSION
AN ACT PROVIDING FOR A PARK POLICE PENSION
FUND FOR MEMBERS OF THE PARK POLICE OF THE
CITY OF WILMINGTON.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each House concurring therein):

Section 1. The provisions of this Act shall apply to any person who shall be a member of the Park Police of the Board of Park Commissioners of The Mayor and Council of Wilmington at the time of its enactment or who shall become such a member thereafter. This Act shall also apply to those members of said Park Police who have retired as of the date of its enactment as employees of The Mayor and Council of Wilmington, in so far as prospective benefits are concerned, but shall not apply to said retired members so as to confer retroactive benefits to said members.

Section 2. When used in this Act the word or words defined in this section shall have the meaning herein assigned to them, as follows:

A. The word "member" means any person employed as a Park Policeman, regardless of capacity, by the Board of Park Commissioners of The Mayor and Council of Wilmington, to whom this Act applies.

B. The words "years of service" means the number of years, including fractional parts thereof to the nearest one-twelfth ($1/12$), of continuous employment as such a member, provided, however, that where continuous employment is interrupted by a leave of absence granted by the Board of Park Commissioners, the period of continuous employment prior to such leave of absence shall be included in "years of service", and provided that in the discretion of the Board the period of such leave of absence may likewise be included in "years of service".

C. The words "average retiring salary" means an amount equal to the aggregate of the full monthly salary for the last sixty (60) months of service prior to retirement without taking into consideration any period which a leave of absence may have been granted, divided by sixty (60).

D. The word "Board" means the Board of Park Commissioners or a majority of them.

Section 3. Any member may be retired by the Board, in their absolute discretion and without hearing or other trial, after the member attains the age of fifty (50) years. Any member who shall have completed twenty (20) years of service, and who shall apply for retirement under the provisions of this Act, shall be retired by the Board. Any such retired member shall be entitled during life to a service pension payable monthly as hereinafter provided. Such service pension shall be an amount equal to two per cent (2%) of the average retiring salary multiplied by the number of years of service up to and including twenty (20) years of service, plus one per cent (1%) of such average retiring salary multiplied by the number of years of service in excess of twenty (20) years.

Section 4. In case of the disability of a member which permanently prevents such member from performing his or her active duties, such member may be retired by the Board in their absolute discretion.

A. In the event that such disability can be shown to the satisfaction of the Board to have been acquired in the prosecution of his or her official duties, such member, as long as such member shall live and continue to be so disabled shall receive a pension under this Act. The amount of such pension during the first year of such retirement shall be the full monthly salary at the rate of pay last received by such member for active service, and thereafter shall be either half the monthly salary at the rate of pay last received by such member for active service, or the amount of service pension which such retired member would have been entitled to if retiring on service pension at the time of retirement, whichever is higher, plus, after the first year of said retirement, Ten Dollars (\$10.00) per

month for each living dependent child born or conceived before such retirement and currently under the age of eighteen (18) years. If a member so retired because of a disability so acquired shall die during the continuance of such disability, leaving a widow who had been continuously married to and living with such member from before retirement until his death, and/or a living dependent child or children born or conceived at the time of such retirement and currently under the age of eighteen (18) years, such pension shall be continued as hereinafter provided in this paragraph of Section 4. If such member shall leave such a widow alone surviving him, the pension shall be continued payable to such widow until her death or remarriage. If such member shall leave a widow and such child or children, or such child or children alone surviving, the pension shall be continued at the same rate payable to such widow or to the guardian of such child or children until the death or remarriage of such widow or until such youngest living child reaches the age of eighteen (18) years, whichever event happens last. If such member shall so die without leaving such a widow or such child or children surviving but leaving a dependent parent or parents for whom such member was the principal means of support, a pension equal to one-third ($1/3$) of the pension hereinabove provided for the disabled member shall be continued to each such parent so surviving during his or her lifetime or until his or her dependency shall cease.

B. In case of disability to perform his or her active duties, which disability cannot be shown to the satisfaction of the Board to have been acquired in the prosecution of his or her official duties, such member so retired, provided he or she has performed ten (10) years of service, shall be entitled to a pension, payable monthly, as long as such retired member lives and continues disabled. Such pension shall be an amount equal to two per cent (2%) of the average retiring salary of such member multiplied by the number of years of service up to and including twenty (20) years of service, plus one per cent (1%) of such average retiring salary multiplied by the number of years of such service in excess of twenty (20) years.

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

to total or partial disability of any member 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 from active service, shall entitle the member to the benefits of this Act regardless of the period of service at the time the disability occurs.

No member shall be retired under the provisions of Section 4 of this Act until he or she shall have been found to be permanently disabled to perform his or her active duties by a majority of three (3) physicians, one appointed by the member, one appointed by the Board and the third selected by the first two, and until such board of three (3) physicians shall have certified that such disability has been shown to have been acquired in the prosecution of the official duties of such member or that such disability has not been shown to have been acquired in the prosecution of his or her official duties; provided, however, the requirement of action by physicians may be dispensed with by the consent in writing of such member to such retirement and the amount of pension applicable hereunder. The findings of a majority of the three (3) physicians in respect to any question before them shall be final. Compensation to said three (3) physicians shall be paid by the City of Wilmington as a part of the cost of the pensions and benefits provided by this Act.

The Board may at any time and from time to time but not after such member attains the age of fifty (50) years, require a retired member who has been retired under Section 4 of this Act, to be re-examined by a physician, and if on such re-examination such retired member is reported capable of performing regular duty, such retired member may be required by the Board to return to active duty in the same rank and grade in which he or she was serving at the time of retirement, whereupon pension hereunder shall cease.

Section 5. In the event of the death of a member which can be shown to the satisfaction of the Board to have occurred in the prosecution of his or her official duties, a pension shall be paid from the date of such death as hereinafter provided.

The amount of such pension shall be the last full monthly salary at the rate of pay last received by such member for active service for one year from his or her death and thereafter shall be either half the monthly salary at the rate of pay last received by such member for active service or, after such first year, the amount of service pension that said member would have been entitled to if retiring on service pension at the date of his or her death, whichever is higher, plus Ten Dollars (\$10.00) per month for each living dependent child of such member who was currently under the age of eighteen (18) years. Such pension shall be paid in monthly payments to the widow of such member living with such member at his death until her death or remarriage. Upon the death or remarriage of such widow, or upon the death of such member if no such widow shall survive, such pension shall be paid to the guardian of such living dependent child or children of such member currently under the age of eighteen years. If such deceased member shall not leave such a widow or such dependent child or children surviving him or her, but shall leave a dependent parent or parents surviving, one-third (1/3) of the pension which would have been paid to such a surviving widow, had a widow survived, shall be paid to each such surviving parent during his or her lifetime or until such dependency ceases.

In the event of the death of a member occurring after ten (10) years of service as a member, which death cannot be shown to have occurred in the prosecution of his or her official duties, one year's salary at the last current rate of pay of such member shall be paid in a lump sum to the widow, guardian of a surviving child or children under the age of eighteen (18), or dependent parent or parents for whom such member was the principal means of support, in the order named.

In the event of the death of a retired member who has been retired either on service pension provided in Section 3 or on disability pension provided under Section 4, occurring before such retired member shall have received monthly pension payments aggregating such one year's salary, the excess of such one year's salary over the monthly pension payments so received shall be paid in one lump sum to the person or persons designated in the last preceding paragraph in the order named.

No determination shall be made by the Board that the death of a member has or has not shown to have occurred in the prosecution of his or her official duties unless and until all of the persons immediately entitled to any benefits under the provisions of this Act shall have been afforded a hearing and an opportunity to produce testimony in this respect. The decision of the Board in this respect after such hearing, shall be final.

Section 6. Any pension payable under the provisions of this Act shall be reduced or suspended as follows:

A. No pension shall be payable to a retired member during the time he or she is employed at a job, the salary of which is derived in whole or in part from public taxation.

B. No pension shall be paid to any eligible widow, whether with or without an eligible child or children, during the time she is employed at a job, the salary of which is derived in whole or in part from public taxation.

C. Any pension payable to anyone entitled thereto shall be reduced or entirely suspended by the amount which and while the recipient or person or persons for whose benefit it is payable is entitled to any pension, grant, aid, payment or contribution by the way of pension, old-age retirement benefit, unemployment compensation benefit, social security benefit, industrial accident benefit, or other benefit; provided that such reduction or suspension shall not reduce the aggregate of the pension payable hereunder plus the amounts of other such benefits payable to such recipient or for the benefit of such person or persons below one hundred and fifty per cent (150%) of the benefits otherwise payable by way of pension hereunder; provided, further, that these provisions or suspensions may at any time be amended or the percentage herein established may be hereafter increased or decreased.

Section 7. Any person who is a member to which this Act applies may voluntarily accept the provisions of this Act, and upon such acceptance in writing, in form prescribed by the Board, said member and his or her dependents shall cease to be entitled to any benefits whatsoever under the existing pen-

sion plans applicable to said member, and shall forfeit all right, title and interest now or hereafter existing in said existing pension funds. This Act shall not apply to members who fail to sign such acceptance in writing, but such members shall continue to be entitled to their rights in existing pension plans.

No member who comes under the provisions of this Act by the voluntary acceptance as above provided shall be entitled to a pension, upon retirement, greater than fifty per cent (50%) of the last current rate of monthly salary of such retiring member unless prior to such retirement such member has served as a member for at least five (5) years after the voluntary acceptance of the provisions of this Act.

Any member voluntarily accepting the provisions of this Act as above provided shall receive credit for the prior continuous years of service as a member.

Section 8. Every person who shall hereafter become a member and every member voluntarily accepting the provisions of this Act shall be given a certificate setting forth that he or she is entitled to the benefits of this Act and giving the date when he or she became a member. Said certificate shall be signed by the member and by a majority of the Board. Said certificate shall be deposited with the City Treasurer and shall be cancelled upon the member ceasing to be a member prior to his or her retirement.

Section 9. The Board shall from time to time certify to the City Treasurer the name and address of each person entitled to receive payment of benefits under this Act, the amount of such payments, and the name of the member because of whose services such payments are due. The City Treasurer shall make such payments in accordance with the certification of the Board; provided, however, that no such payments shall be made by the City Treasurer unless there is on deposit with him an uncanceled certificate showing the eligibility for the benefits of this Act of the person because of whose services such payments are due.

Section 10. The right of any person to any payment under this Act shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable, or rights exist-

ing under this Act shall be subject to execution, levy attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency laws.

Section 11.

A. The City Treasurer of the City of Wilmington be and he is hereby authorized to withhold from the salary of each member who voluntarily accepts the provisions of this Act as hereinabove provided, a sum equal to two per cent (2%) of said salary.

B. Said contributions from members shall be retained by the City Treasurer of the City of Wilmington in a trust fund to be known as the "Park Police Pension Fund", which shall be used and distributed for the purposes of effectuating the provisions of this Act. The Council of The Mayor and Council of Wilmington shall annually appropriate and credit to the Park Police Pension Fund such sum as may be required to meet all charges on said Park Police Pension Fund not covered by the annual income on said Fund and the other revenues coming into said Fund.

C. Said Treasurer shall execute a bond for the faithful performance of his duties with respect to this Fund, in such sum and form and with such surety as will be satisfactory to the Board. The cost of said bond shall be defrayed from the proceeds of said Fund.

D. Upon the receipt of written instructions from the Board, the City Treasurer may invest any part of said Park Police Pension Fund that the Board deems proper, in national, state, county or municipal bonds, and the said Treasurer shall make a report to the said Board and to The Council of The Mayor and Council of Wilmington of the condition of said Fund on the first day of April of each year. The fiscal year of the Park Police Pension Fund shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Approved June 14, 1955.

CHAPTER 298

RELATING TO ESCHEATED PROPERTY

AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF STATE OF THE STATE OF DELAWARE TO CONVEY ANY INTEREST IN CERTAIN REAL PROPERTY IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, WHICH MAY HAVE ESCHEATED OR BE SUBJECT TO ESCHEAT TO THE STATE OF DELAWARE.

WHEREAS, prior to March 8, 1938, Mary Hall Farmer, deceased, was seised in fee simple of the following described real property, with improvements, in Baltimore Hundred, Sussex County, Delaware, being portions of Block No. 7, and having the Lot numbers stated, on the map of the Bethany Beach Improvement Company's plot of Bethany Beach, Delaware:

(1) Lot No. 7, being shore front property, extending 40' along ocean and 130' back from ocean towards Atlantic Avenue;

(2) Lot No. 8, fronting on Atlantic Avenue, extending 40' along Atlantic Avenue and 130' towards ocean to Lot No. 7;

(3) Lot No. 10, fronting on Atlantic Avenue, extending 40' along Atlantic Avenue contiguous to Lot No. 8 and 130' towards ocean; and

(4) Lot No. 12, fronting on Atlantic Avenue, and a street at a right angle thereto, extending 50' along Atlantic Avenue contiguous to Lot No. 10 and 130' towards ocean.

WHEREAS, said Mary Hall Farmer died March 8, 1938, leaving her surviving no lawful issue, heirs, or other kindred; and

WHEREAS, in her will said Mary Hall Farmer devised the real property referred to above to her husband, Henry F. Farmer, who had died January 10, 1938, and thus had predeceased her; wheretofore said devise of said real property did lapse; and

WHEREAS, said Henry F. Farmer left surviving lawful issue by a former marriage, viz., three children, Bessie Farmer, Albert R. Farmer, and Eleanor F. Worley, which said lawful issue for more than thirty years had been treated by said Mary Hall Farmer as though they were her own lawful issue; and

WHEREAS, said Albert R. Farmer died on July 12, 1948, and devised his real property to his wife, Caroline Farmer, who is now entitled to any interest in real property belonging to said Albert R. Farmer; and

WHEREAS, if said lawful issue of Henry F. Farmer had also been lawful issue of Mary Hall Farmer the said real property would have descended to them under the provisions of the applicable Delaware Statute; and

WHEREAS, said lawful issue of said Henry F. Farmer have continued to pay all taxes and assessments upon said real property, and have continued to occupy and enjoy the same without interference; and

WHEREAS, said real property is possibly subject to escheat to the State of Delaware (although no steps have been taken by the State of Delaware to obtain title under the escheat statute) and the possible technical right of the State of Delaware to obtain such title under the escheat statute is a cloud upon the title of said real property; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Secretary of State of the State of Delaware be and he hereby is authorized, empowered, and directed, to execute and deliver to Bessie Farmer, Caroline Farmer, and Eleanor F. Worley, and to their heirs, as interest may appear, complete and proper deed or deeds conveying the real property described herein by the same, better, or other, descriptions, unto them, their heirs and assigns, any and all right, title, and interest, therein and thereto which may have escheated or be subject to escheat to the State of Delaware.

Approved June 15, 1955.

CHAPTER 299

RELATING TO CRIMES OF EMBEZZLEMENT

AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO THE CRIMES OF EMBEZZLEMENT, RECEIVING OF EMBEZZLED GOODS AND LARCENY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 635, Title 11, Delaware Code is amended to read as follows:

§ 635. Embezzlement of property valued at One Hundred Dollars (\$100.00) or more and knowingly receiving same

Whoever embezzles money or other property which may be the subject of larceny, to the value of One Hundred Dollars (\$100.00) or more; or whoever receives, conceals, or retains the same knowing it to have been embezzled, is guilty of a felony and shall be fined in such amount or imprisoned for such term, or both, as the Court, in its discretion, may determine.

Section 2. § 636, Title 11, Delaware Code is amended to read as follows:

§ 636. Embezzlement of property valued at less than One Hundred Dollars (\$100.00) and knowingly receiving same

Whoever embezzles money or other property which may be the subject of larceny, to the value of less than One Hundred Dollars (\$100.00); or whoever receives, conceals or retains the same knowing it to have been embezzled, shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned not more than one (1) year, or both.

Section 3. §§ 637, 638, 639, 641, 642, and 643, Title 11, Delaware Code of 1953 are repealed.

Section 4. § 640, Title 11, Delaware Code is amended to read as follows:

§ 640.

Whoever fraudulently issues any note, or fraudulently puts forth any certificate of deposit or any certificate of stock, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, judgment or decree, or makes any false entry in any book, report or statement, with intent in either case to injure or defraud the bank, association, society, institution or company, State, county, city, town, village or borough of which he is an officer, shall be imprisoned not less than two (2) nor more than ten (10) years.

Section 5. Title 11, Delaware Code is amended to add an additional section to read as follows:

§ 3708.

A person indicted for or charged with embezzlement may be found guilty of larceny, and a person indicted for or charged with larceny may be found guilty of embezzlement if the evidence warrants such a finding.

Approved June 20, 1955.

CHAPTER 300

RELATING TO ALCOHOLIC LIQUORS

AN ACT TO AMEND CHAPTER 1, TITLE 4, DELAWARE CODE, ENTITLED "ALCOHOLIC LIQUORS", BY CHANGING THE DEFINITION OF "IMPORTER".

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 101, Title 4, Delaware Code, is amended by striking out and repealing the definition of the word "Importer" as it appears in said section and by inserting and enacting in lieu thereof a new definition to read as follows:

"Importer" means the person transporting or ordering, authorizing or arranging the transportation or shipment of alcoholic liquors into the State of Delaware whether the person is a resident or citizen of Delaware or not, said person being permitted to sell said alcoholic liquors only to those persons licensed to resell alcoholic liquors, provided however that nothing contained in the definition of "importer" shall be construed as prohibiting an importer from selling such alcoholic liquors to an active owner of a wholesale liquor business for the latter's personal use and not for resale;

Approved June 20, 1955.

CHAPTER 301

RELATING TO PRIVATE DETECTIVES

AN ACT TO AMEND CHAPTER 13, TITLE 24, DELAWARE CODE, BY REVISING THE PROVISIONS FOR THE LICENSING AND REGULATION OF PRIVATE DETECTIVES AND DETECTIVE AGENCIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 13, Title 24, is hereby amended to read as follows:

CHAPTER 13

DETECTIVES (PRIVATE)

§ 1301. Issuance of license; inquiries and investigations; copies; fees; bonds; terms; revocations; form and contents; changes in membership; officers or directors; qualifications of applicants, appeals; license to conduct business; violation of section as misdemeanor

(a) No person, firm, association or corporation shall engage in the private detective business or as a private detective or investigator or advertise his or its business to be a private detective business or that of a detective agency or investigator without having first obtained from the superintendent a license to conduct such business, as hereinafter provided. Any person, firm, association or corporation who shall violate any of the provisions of this section shall be fined not more than Five Hundred Dollars (\$500.00) or imprisonment not more than one year, or both.

(b) The Superintendent, when satisfied from the examination of any application, and such further inquiry and investigations as he shall deem proper as to the good character, competency and integrity of the applicant and the persons named in the application, shall issue and deliver his report to the "Board

of Examiners" for their approval or disapproval. If the application is approved, the Superintendent shall issue and deliver to the applicant a license to conduct such business, and to own, conduct or maintain one or more bureaus, agencies, sub-agencies, offices or branch offices for the conduct of such business at the locations stated in said application, together with as many copies of said license as there are to be offices, bureaus, agencies, sub-agencies, offices or branch offices, upon the payment by the applicant to the Superintendent of a license fee which in the case of an individual shall be Two Hundred Dollars (\$200.00), and in the case of a firm, association or corporation shall be Three Hundred Dollars (\$300.00), and upon the applicant executing and delivering to the Superintendent a bond with a surety company authorized to be surety in the State of Delaware, as surety, and approved as to form, manner of execution and sufficiency by the Superintendent of the State Police, running to the State of Delaware, and which shall be for the benefit of any person injured by the willful, malicious or wrongful act of the applicant, which in the case of an individual shall be Three Thousand Dollars (\$3,000.00), and in the case of a firm, association or corporation, Five Thousand Dollars (\$5,000.00), which said bond shall be conditioned for the faithful and honest conduct of such business by the applicant. The license so granted by the Superintendent shall be valid for a period of two (2) years but shall be revocable by the Superintendent after hearing for cause. In case of revocation or surrender of any license, no refund shall be made of any license fee paid under the provisions hereof. The license shall be in a form prescribed by the Superintendent and shall set forth the full name of the applicant, the location of the principal office or place of business, and the location of each bureau, agency, sub-agency, office or branch office for which the license is issued, the date on which it will expire, and the name or names of the persons named in the application, and their respective addresses. In the event of any change in the membership of the firm or in the officers or directors of any association or corporation or any change in the address of any office or location of such business, the Superintendent shall be notified in writing of such change within five (5) days thereafter, and failure to give such notification shall be sufficient cause for revocation of such license. The "Board of

Examiners" shall be responsible for establishing such general qualifications as the Board deems necessary.

(c) All fees received by the Superintendent of the State Police for the issuance of said license shall be forwarded by him to the Treasurer of the State of Delaware.

(d) On recommendation by the "Board of Examiners" that such applicant should be denied a license, he shall be so notified by the Superintendent of the State Police. The applicant may file an appeal before the "Board of Examiners" within fifteen (15) days of notification of rejection.

§ 1302. Surrender of license after expiration; posting and display of license; loss or destruction of license; change in location of office or place of business

(a) Any person, firm, association or corporation to whom a license may be issued in accordance with this chapter shall surrender such license and all duplicate copies thereof which shall have expired or shall have been revoked, suspended, or surrendered. Failure to comply with the provisions of this section shall constitute a misdemeanor.

(b) Before any applicant shall exercise any rights under the license issued to him, such license, or a certified copy thereof, shall be posted and at all times thereafter while the same is in force be displayed in a conspicuous place in the principal office and in each bureau, agency, sub-agency, office or branch office for which it is issued. Any person, firm, association or corporation holding any license issued by the superintendent under this act who posts or permits such license to be posted upon premises other than those described therein, or to which it may be transferred pursuant to the provisions of this act, or who fails to maintain such license in a conspicuous place in such offices or places of business, or knowingly alters, defaces or destroys any such license or permits the alteration, defacement or destruction thereof, shall be guilty of a misdemeanor. In the event that any license or certified copy thereof issued by the superintendent is lost or destroyed, notice of such loss or destruction shall be given to the superintendent forthwith, and the superintendent may, in his discretion, issue a duplicate or certi-

fied copy thereof. Upon written application to the superintendent setting forth a proposed change in the location of any office or place of business of the licensee as set forth in his license, the superintendent may authorize a new location for any such office or place of business, in which case, the licensee shall produce to the superintendent his license and all copies thereof to the end that the superintendent may either endorse thereon such change of location or issue a new license as of the same date as the original license in lieu of the license so surrendered.

§ 1303. Employment of assistants; false statements or misrepresentations; disclosure of information; false reports or statements to employer; reports on convictions; employees of licensees; fingerprint

(a) The holder of any license issued under the provisions of this act may employ to assist him in his work and in the conduct of his business as many persons as he may deem necessary, and he shall at all times during such employment be accountable for the good conduct in the business of each and every person so employed. No such employee need be the holder of a license issued under this act, but his employer shall be responsible for his actions and conduct in connection with such employer's business. Should the holder of a license falsely state or represent that any person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person who may be or has been employed by the holder of a license under this act shall not divulge to anyone other than his employer, or in such manner and to such person as his employer shall direct, any information acquired by him during such employment in respect to any work to which he shall have been assigned by such employer, except as such disclosure may be required by the provisions of this act or in connection with any investigation of a licensee by the superintendent or as may be required by constituted authority or under process of law. Any person violating any of the provisions of this section and any employee of a licensed private detective business who shall wilfully make a false report or statement to his employer in respect to any matter or thing connected with his employment shall be guilty of a misdemeanor.

(b) The Prothonotary, Clerk of Court, or Justice of the Peace of the county in which any conviction for a violation of any provision of this chapter shall, within ten days thereafter, make and file with the superintendent a report showing the date of such conviction, the name of the person convicted and the nature of the charge.

(c) No holder of any unexpired license issued pursuant to this act shall knowingly employ in connection with his or its business in any capacity whatsoever any person who has been convicted of a felony, a misdemeanor involving an assault or battery or use of violence upon another or any of the following misdemeanors, or offenses, and who has not subsequent to such conviction received executive pardon therefor removing any civil disabilities incurred thereby, to wit; (1) illegally using, carrying or possessing a pistol or other dangerous weapon; (2) making or possessing burglar's instruments; (3) aiding escape from prison; (4) unlawfully possessing or distributing habit forming narcotic drugs; (5) any person whose private detective or investigator's license was revoked or application for such license was denied by the superintendent or by the authorities of any other State or Territory because of conviction of any of the crimes or offenses specified in this section. Should the holder of an unexpired license falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license.

(d) No person shall be employed by any holder of a license until he shall have executed and furnished to such license holder a verified statement, to be known as "employee's statement", setting forth:

- (1) His full name, age, residence address, and place of and date of birth;
- (2) The country of which he is a citizen;
- (3) The business or occupation engaged in for the five years immediately preceding the date of the filing of the statement, setting forth the place or places where such busi-

ness or occupation was engaged in and the name or names of employers, if any;

- (4) That he has not been convicted of a felony or of any offense involving moral turpitude or of any of the misdemeanors or offenses described in this section;
- (5) Such further information as the superintendent may by rule require to show the good character, competency, and integrity of the person executing the statement; Immediately upon the verification of an employee's statement, the holder of a license by whom such person has been or is to be employed shall cause three sets of fingerprints of the two hands of such person to be recorded in such manner as the superintendent may by rule prescribe. The holder of a license shall immediately stamp in indelible ink the employee's statement and each set of fingerprints with the name, year and license number of such holder and a number, which number shall be determined by the number of such holder and shall be in numerical sequence;
- (6) The holder of a license shall require any employee in his employ to file an employee statement and two (2) sets of fingerprints with the superintendent within 48 hours of such employment. The employee shall report to a Delaware State Police office and have such prints taken for examination by the superintendent.

§ 1304. Identification card; badges; wearing of badges or shields; advertising by license holder; offense, use of identification card

(a) For the purpose of identification of persons engaged in the conduct of a private detective business as private detective or private investigator, each such person shall carry and show when requested an identification card, which shall be issued by the superintendent at the time of issuance of license. For the purpose of employees of a private detective business, upon examination of employee's statement and fingerprint cards the superintendent shall furnish an employee's identification card.

(b) No person licensed under the provisions of this chapter or the officers, directors, employees, operators, or agents thereof, shall wear, carry or accept any badge or shield purporting to indicate that such person is a private detective or investigator, or connected with a private detective business but any such person, officer, director, employee, operator or agent, who is acting as a guard or performs any such service may, while in uniform, and while on the premises of the employer of the licensee where he is so acting wear a badge or shield inscribed with the license holder's name and the word "guard" or "special guard". Any person violating this section shall be guilty of a misdemeanor.

(c) Any licensee under the provisions of this chapter shall, on notice from the superintendent, discontinue any advertising or the use of any advertisement, seal or card, which in the opinion of the superintendment may tend to mislead the public. Failure to comply with any such order of the superintendent shall be cause for revocation of the license of such licensee.

(d) Any person, firm, association or corporation licensed under the provisions of this chapter who shall issue identification cards to any person other than a bona fide employee, or who shall sell, issue, rent, loan or distribute badges or membership cards indicating that the holder thereof is a private detective or investigator or is engaged in the private detective business, to any person or persons other than those lawfully entitled to such identification cards shall be guilty of a misdemeanor.

§ 1305. Licensees of other states; licenses under prior laws

(a) Any other person, firm, association or corporation incorporated or licensed under the laws of any other State of the United States, and intending to conduct a private detective business or act as a private detective or investigator within this state shall file in the office of the superintendent a written application duly signed and verified and obtain from the superintendent a license as herein provided and shall be subject to all the provisions of this act.

(b) Licenses issued under any other law of this State prior to the passage of this act, authorizing the conduct of a

private detective business or the business of a private detective or investigator, shall continue in force until the expiration thereof, but such licensees in all other respects shall be subject to all the provisions of this chapter.

§ 1306. Definition of terms

(a) The term "private detective business" shall mean the business of conducting a private detective agency for the purpose of making for hire or reward any investigation or investigations or for the purpose of obtaining information with reference to any of the following matters, notwithstanding the fact that other functions and services may also be performed by the same person, firm, association, or corporation for fee, hire, or reward, to wit: (1) crime or wrong done or threatened or assumed to have been done or threatened against the Government of the United States of America, or any State, Territory or Possession of the United States of America; (2) the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person, association, organization, society or groups of persons, firms or corporations; (3) the credibility of witnesses or other persons; (4) the whereabouts of missing persons; (5) the location or recovery of lost or stolen property; (6) the causes and origin of, or responsibility for, fires, libels, accidents, damage, injuries or losses to persons, firms, associations or corporations, or to real or personal property; (7) the affiliation, connection or relation of any person, firm, or corporation with any organization, society, association, or with any official member or representative thereof; (8) with reference to the conduct, honesty, efficiency, loyalty or activities of employees, agents, contractors and sub-contractors; (9) the securing of evidence to be used before any investigating committee, board of award, board of arbitration, or in the trial of any civil or criminal cause; provided, however, that the term shall not include a person, firm, association or corporation engaged exclusively in the business of making investigations and reports as to the financial standing, credit and financial responsibility of persons, firms, associations or corporations nor to electrically controlled burglar or fire alarm system with a central unit, nor to any person, firm, association, or corporation engaged in the business of making reports for insurance or credit purposes. Also, it shall mean

the furnishing for hire or reward of watchmen or guards or private patrolmen or other persons to protect persons or property, either real or personal, or for any other purpose whatsoever. The term shall not include and nothing in this chapter shall apply to any lawful activity of any board, body, commission or agency of the United States of America or any State, Territory or Possession of the United States of America or any county, municipality, school district or any officer or employee solely, exclusively and regularly employed by any of the foregoing; nor to any attorney or counsellor-at-law in connection with the regular practice of his profession, nor to any person employed by such attorney or counsellor-at-law when engaged upon his employer's business; nor to any employee, investigator or investigators solely, exclusively and regularly employed by any person, firm, association, or corporation which is not engaged in any of the businesses hereinbefore described in items numbered one to nine, both inclusive, of this sub-section insofar as their acts may relate solely to the business of their respective employers; nor to any person, firm, association, or corporation licensed to do a business of insurance of any nature under the insurance laws of this State, nor to any employee or licensed agent thereof; nor to any person, firm, association or corporation conducting any investigation solely for its own account.

(b) The terms "the business of detective agency", "the business of investigator," and "the business of watch, guard or patrol agency" shall mean any person, firm, association or corporation engaged in the private detective business as defined in subsection (a) of this section, who employs one or more persons in conducting such business.

(c) The terms "private detective" or "investigator" shall mean and include any person who singly and for his own account and profit conducts a private detective business without the aid or assistance of any employees or associates.

(d) The masculine shall include the feminine and the neuter genders.

(e) The term "superintendent" means the Superintendent of Delaware State Police.

The "Board of Examiners" shall consist of the superintendent of Delaware State Police and three (3) other members who have had at least five (5) years of experience in investigative duties, in addition to, if desired, a member of the Delaware Bar, all of whom shall be appointed by the Superintendent.

§ 1307. Enforcement through State Police and other police agencies of the State of Delaware; violation of act as ground for revocation of license; carrying concealed deadly weapons

(a) All police agencies and law enforcement officers of the State of Delaware are hereby authorized to carry out the provisions of this chapter and to enforce compliance therewith.

(b) A violation of any of the provisions of this chapter shall be cause for revocation of any license issued hereunder, notwithstanding that the same violation may constitute a misdemeanor or felony.

(c) Any person licensed as a private detective, or in the employ of any detective or agency, is not authorized to carry a concealed deadly weapon unless he is so licensed in accordance with the laws of this State.

Section 2. Effect of partial invalidity.

Should any section or provisions of this act be held to be invalid by any court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than the portion so held to be invalid.

Approved June 20, 1955.

CHAPTER 302

RELATING TO EMPLOYEES PENSION

AN ACT TO AMEND CHAPTER 17 TITLE 9 DELAWARE CODE RELATING TO EMPLOYEES PENSIONS IN NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Amend § 1705 (b) Title 9 of the Delaware Code by adding at the end thereof the following additional paragraph.

Where a person eligible for a pension under this chapter shall have served in covered employment for at least twenty five years (25) and shall have served for at least fifteen years (15) thereof without interruption up to the date of retirement, his monthly pension payment shall be one-sixtieth of the monthly retiring base pay multiplied by the total number of years served regardless of interruption.

Approved June 20, 1955.

CHAPTER 303

RELATING TO WATER COMPANIES IN
NEW CASTLE COUNTY

**AN ACT TO REGULATE THE EXPANSION OF FACILITIES
AND SERVICES OF WATER COMPANIES DOING BUSI-
NESS IN NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. No water company doing business in New Castle County shall expand its facilities within New Castle County in order to service new customers or subscribers in New Castle County, nor shall any such company supply water to any new or additional customers or subscribers in New Castle County until the company is furnishing water to its present customers or subscribers in New Castle County in such a fashion that water pressure at every house supplied is at least 25 pounds at all times.

Section 2. No water company doing business in New Castle County shall expand its facilities in order to service new customers or subscribers unless it shall furnish water to the house of each new customer or subscriber in New Castle County at the pressure of at least 25 pounds at each house at all times while continuing also to supply each old customer or subscriber at the pressure of at least 25 pounds at each house at all times.

Approved June 21, 1955.

CHAPTER 304

APPROPRIATION

WOODS HAVEN SCHOOL FOR GIRLS

AN ACT APPROPRIATING MONEY TO THE WOODS HAVEN SCHOOL FOR GIRLS.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members of each Branch thereof concurring therein):

Section 1. There is appropriated to the Woods Haven School for Girls, the sum of Sixty-five Thousand Dollars (\$65,000.00) for the fiscal year beginning July 1, 1955, and the sum of Sixty-five Thousand Dollars (\$65,000.00) for the fiscal year beginning July 1, 1956, for the maintenance and training of girls committed thereto, and for salaries, wages and for operation.

Said sums shall be paid to the school from time to time upon vouchers signed by the proper school authorities. The sums hereby appropriated shall be used by the school for the purposes and in the amounts shown below:

	Year beginning July 1,	
	1955	1956
Salaries and wages of employees...	\$38,166.00	\$38,726.00
Office Expense	1,200.00	1,200.00
Travel	1,800.00	1,800.00
Operations	19,559.00	19,549.00
Repairs and Replacements	4,275.00	3,725.00
	<hr/>	<hr/>
	\$65,000.00	\$65,000.00

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 23, 1955.

CHAPTER 305

APPROPRIATION

HISTORICAL SOCIETY OF DELAWARE

AN ACT APPROPRIATING CERTAIN MONEYS TO HISTORICAL SOCIETY OF DELAWARE FOR OPERATION EXPENSES.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members of each Branch thereof concurring therein):

Section 1. The sum of One Thousand Dollars (\$1,000.00) is appropriated to Historical Society of Delaware for the fiscal year ending June 30, 1956, and an additional sum of One Thousand Dollars (\$1,000.00) is appropriated for the fiscal year ending June 30, 1957 for operation expenses.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 23, 1955.

CHAPTER 306
APPROPRIATION

DELAWARE COLONY FOR THE FEEBLE MINDED

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION FOR THE FEEBLE MINDED TO BUILD AND EQUIP AN INFIRMARY AT THE DELAWARE COLONY FOR THE FEEBLE MINDED AT STOCKLEY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$925,000 or so much thereof as may be necessary is appropriated to the Delaware Commission for the Feeble Minded to build and equip an infirmary at the Delaware Colony for the Feeble Minded at Stockley, such infirmary to accommodate at least 100 patients.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of money received by the sale of bonds authorized under a separate Act of the 118th General Assembly. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain available until the objects and purposes of this Act have been fully accomplished.

Approved June 23, 1955.

CHAPTER 307

APPROPRIATION

DELAWARE COLONY FOR THE FEEBLE MINDED

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION FOR THE FEEBLE MINDED TO EQUIP THE NEW CENTRAL KITCHEN AT THE DELAWARE COLONY FOR THE FEEBLE MINDED AT STOCKLEY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$37,000.00 or so much thereof as may be necessary is appropriated to the Delaware Commission for the Feeble Minded to be expended for the equipping of the new central kitchen at the Delaware Colony for the Feeble Minded at Stockley.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of money received by the sale of bonds authorized under a separate Act of the 118th General Assembly. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain available until the objects and purposes of this Act have been fully accomplished.

Approved June 23, 1955.

CHAPTER 308
APPROPRIATION

DELAWARE COLONY FOR THE FEEBLE MINDED

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION FOR THE FEEBLE MINDED TO CONVERT PRESENT DECENTRALIZED KITCHENS INTO SERVICE PANTRIES AT THE DELAWARE COLONY FOR THE FEEBLE MINDED AT STOCKLEY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sums specified below or so much thereof as may be necessary are appropriated to the Delaware Commission for the Feeble Minded to be expended for the designated purposes at the Delaware Colony for the Feeble Minded at Stockley:

Conversion of the present cottage kitchens into service pantries and equipment for such pantries	\$65,800.00
Engineering fees in connection with the above work	1,736.70
	<hr/> \$67,536.70

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of money received by the sale of bonds authorized under a separate Act of the 118th General Assembly. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain available until the objects and purposes of this Act have been fully accomplished.

Approved June 23, 1955.

CHAPTER 309

RELATING TO UNDERTAKERS

AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO UNDERTAKERS, BY RAISING THE FEES FOR CERTIFICATE RENEWALS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3111, Chapter 31, Title 24, Delaware Code, is hereby amended by striking out the figures "\$5" in the fourth sentence of the first paragraph of said section and inserting in lieu thereof the figures "\$10".

Section 2. § 3112, Chapter 31, Title 24, Delaware Code, is hereby amended by striking out the figures "\$5" in the third paragraph of said section and inserting in lieu thereof the figures "\$10".

Approved June 23, 1955.

CHAPTER 310

RELATING TO MENTALLY ILL PERSONS

AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE CODE, BY MAKING PROVISIONS FOR THE CARE OF MENTALLY ILL PERSONS IN STATE INSTITUTIONS APPLICABLE TO COMMITMENT, TRANSFER, CARE AND RELEASE OF PERSONS ENTITLED TO SUCH SERVICES IN HOSPITALS OF THE VETERANS ADMINISTRATION.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 51, Title 16, Delaware Code, is amended by adding at the end of subchapter II thereof and after section 5130, a new section to be known as section 5131.

§ 5131. Veteran Hospitals

The provisions in the Delaware Code pertaining to the admission, commitment, care and release of mentally ill persons at State institutions shall apply with the same force and effect to persons entitled to the services of hospitals for the mentally ill operated by the Veterans Administration. Persons so entitled may be transferred from State institutions to such Veteran Administration hospitals subject to the statutory provisions affording interested parties the right to have the mentally ill person's status determined as provided by law.

Approved June 23, 1955.

CHAPTER 311

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY ADDING TO THE PROVISIONS FOR WHICH INDEBTEDNESS MAY BE INCURRED BY THE ISSUE OF BONDS.

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

Section 1. § 36, Chapter 152, Volume 48, Laws of Delaware, as amended, is further amended by striking out the period at the end of the first sentence of the first paragraph thereof, by inserting in lieu thereof a semi-colon, and by adding the following additional language:

"or to fund notes issued by the City of Newark pursuant to Section 37 of this charter to finance any one or more of such projects, or to replace any monies advanced from current funds of the City to finance any one or more of such projects."

Approved June 23, 1955.

CHAPTER 312

RELATING TO STATE BOARD OF HEALTH

AN ACT TO AMEND CHAPTER 1, TITLE 16, DELAWARE CODE, RELATING TO THE STATE BOARD OF HEALTH BY INCREASING THE POWER OF THE BOARD IN REFERENCE TO SEWAGE DISPOSAL.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 122 (3) (D), Chapter 1, Title 16, Delaware Code, is amended to read as follows:

Provide for the proper collection, storage, and disposal of sewage, household wastes and garbage by public authorities and individuals and to require sewage works or disposal areas to be covered in a proper manner where said sewage works or disposal areas produces or results in offensive odors being emitted.

Approved June 23, 1955.

CHAPTER 313

RELATING TO VITAL STATISTICS

AN ACT TO AMEND CHAPTER 31, TITLE 16, DELAWARE CODE, RELATING TO VITAL STATISTICS; FEES FOR ISSUANCE OF CERTIFICATES AND SEARCHES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 3137, Chapter 31, Title 16, Delaware Code, is amended by striking out paragraphs (1), (2), (3) and (4) of subsection (a) thereof, and substituting in lieu thereof four new paragraphs to read as follows:

(1) For a search of the files and records, \$1 an hour or fractional part thereof.

(2) For issuance of a certificate of birth registration, \$1.

(3) For issuance of a certified copy of any record, \$2.

(4) For issuance of a photostatic copy of any record, \$2.50.

Section 2. § 3137, Chapter 31, Title 16, Delaware Code, is further amended by adding at the end thereof a new subsection to read as follows:

(d) The local registrar of the City of Wilmington, upon collecting any of the fees specified in subsection (a) of this section for issuance of any certified records, shall on or before the fifteenth day of the month following the receipt of such fees account for on forms provided by the State Registrar and transmit one-half of such fees to the State Board of Health for deposit with the State Treasurer.

Approved June 23, 1955.

CHAPTER 314

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 North-easterly 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 Northeasterly 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 North-easterly line of the tract known as "Baldton"; thence North-easterly and crossing Moore Avenue by the line of the said tract "Baldton," to the corner of said tract; thence Southeasterly by the Northeasterly 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, 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 legislative body of the City and shall be composed of five Members, 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 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. Members of Council shall be elected at every biennial city election held in accordance with the provisions of Section 6 of this Charter for a term of two years.

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

(c) 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.

(d) 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.

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

(f) At the first meeting of Council following each biennial City election the five newly elected Members of Council shall elect from amongst themselves a President of Council who shall preside at all meetings of City Council and discharge such other duties, as may be confided to him by this Charter.

Section 5—(a) The Mayor shall be the chief executive and judicial officer of the City. He shall be above the age of twenty-one years and shall have resided within the limits of the City for the two years next preceding his election; he shall be elected at each biennial City election for a term of two years.

Section 6—(a) Any person desiring to become a candidate for the office of Mayor or Member of Council shall file with 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 City Council the sum of Ten Dollars (\$10.00) as a filing fee for use in defraying City Council's expenses of said election.

Section 7—(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.

(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 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 un-
 dersigned, 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 to do so, 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 marks, 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.

(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 registra-

tion 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 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 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 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 City Council to be kept safely and produced 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 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, sign and deliver certificates of election 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 majority of all its members shall determine the tie.

(n) The Pay for Inspector or Judge of any municipal election shall be fixed by the City Council and paid out of City funds. All expenses of said elections, including rental for polling places shall be paid out of City funds.

Section 8.—(a) As soon as conveniently may be after the delivery to him of his certificate of election, 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 certificates of election of the Mayor and Members of Council together with their oaths taken shall be entered in the Journal of City Council and shall thereafter be returned to the successful candidates.

(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 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) All meetings of City Council shall be public.

(f) 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 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.

(g) The City Council shall determine its rules and order of business, and 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.

(h) 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.

Section 9.—(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; provided 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 determine the salaries or compensation of all City officers and employees except the salaries of the Mayor and Members of City Council. The Mayor and the President of City Council shall receive as compensation for their services the sum of three hundred dollars (\$300.00) per year; the remaining Members of City Council shall receive as compensation for their services the sum of two hundred and forty dollars (\$240.00) per year.

(s) 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.

(t) 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 Council in said projects but shall have no authority to incur any indebtedness without the prior authorization of City Council.

(u) 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 10.—(a) The City Council is authorized and empowered to fix, reset, renew and repair curb stones and gutters, to pave sidewalks, cut gutters and keep them clean and to direct the connecting 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 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 Council 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 11.—(a) In furtherance of the powers hereby granted, the City 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, water or electric supply 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 City 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 sub-section (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 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 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 12.—(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 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 13.—(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 14.—(a) The Mayor of the City of New Castle 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 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 witness, 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. All fines imposed 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 imprisonment, 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. Costs shall be retained by the Mayor.

(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 President of City Council is empowered and authorized to enforce the ordinances of the City of New Castle and exercise the magisterial functions hereinbefore granted to the said Mayor, during such disqualification. If the President of City Council is unwilling or unable to exercise the magisterial function of the Mayor during such disqualification, the justice of the peace resident in the City of New Castle shall be 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 15.—(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 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. 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. He shall receive for his services such compensation as shall be fixed by City Council.

Section 16.—(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 17.—(a) There shall be a Board of Health for the City of New Castle which shall consist of the Mayor, a member of City Council and three additional persons to be appointed for a term of two years, or until their successors are duly qualified, by City Council at each biennial meeting. City Council shall endeavor to appoint at least one practicing physician and one licensed plumber to the Board of Health. All members of the Board of Health 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 18.—(a) The Mayor shall appoint, subject to confirmation by City Council, 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 Council 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 or powers 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 conduct of the Police Force and its members, and to enforce such rules and regulations of the Police Force by suspension from duty, loss of pay, or dismissal.

(f) 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 Council shall prepare and consider 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 may be desirable or 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 per-

sons 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 of 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 therefor, to an amount not exceeding, in the aggregate of all bonds issued and outstanding, five percentum 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, and 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 therefor up to an amount of 20 percentum of the assessed valuation of the real estate in said city after a special election has been called by the Council and held by three persons to be appointed by it, and a majority of the legal votes cast at such election has been ascertained to be in favor of the borrowing money and issuing bonds. Due notice of the time and place of such election shall be given by the Council by advertisements posted in at least ten public places in said City at least ten days prior to any election. The voting at such election shall be by ballot. Every resident of the City of New Castle, both male and female, of the age of twenty-one years, shall on personally appearing before the election officers, be entitled to one vote for every one hundred dollars of assessment assessed as personal or poll tax against him or her or against property which he or she may own at the time of such election, provided the City tax for the preceding year on such assessment has been paid, no fraction of one hundred dollars to be considered. The election officers shall take the same oath and be subject to the same duties and penalties as are hereinbefore provided for the biennial City election. The Council shall furnish the election officers with the last City assessment or a certified copy of the same.

(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 Council shall appoint a Tax Collector who shall receive such compensation for performance of his duty as shall be determined by the City Council. Before entering upon his duties as such, the Tax Collector shall furnish

to the City Council a bond in such amount and with such surety as City Council shall approve, conditioned upon the faithful performance by the Tax Collector of his duties and responsibilities as such. The cost of the said bond shall be paid from City funds. The Tax Collector shall serve at the pleasure of City Council.

(b) All taxes levied by the City Council as aforesaid shall be collected by the Tax Collector and 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 become 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 Tax Collector 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 Tax Collector 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 action.

(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 counsel 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 Tax Collector may at any time notify the person or corporation by whom any taxable liable for personal or poll tax 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.

The Tax Collector shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. Such person or corporation shall be entitled to deduct from the moneys collected from each employee the costs incurred from the extra bookkeeping necessary to record such transactions, not exceeding two percentum of the amount of money so collected and paid over to the Tax Collector.

Section 25.—(a) The Tax Collector 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 Tax Collector 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 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 that the Tax Collector 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 Tax Collector 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 Tax Collector.

(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 Tax Collector 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 Tax Collector 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 Tax Collector 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 Tax Collector 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 Tax Collector 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 Tax Collector 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 Tax Collector 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 Tax Collector 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. Within sixty days after this charter shall have been enacted and approved, and shall have been placed in full force and effect, the Board of Water and Light Commissioners of New Castle and the Sewer Commission of New Castle shall deliver to the City Council all of its property and effects whereupon the City Council shall be charged with all the duties and responsibilities of each thereof and shall be invested with the rights and privileges of each thereof. Upon delivery of the property and effects aforesaid, the City Council shall become the successor to the Board of Water and Light Commissioners and to the Sewer Commission and shall thereupon have full responsibility for carrying out the functions heretofore discharged by those bodies respectively.

Section 27. No City employee, including employees employed by the Board of Water and Light Commissioners and the Sewer Commission prior to adoption of this charter, shall be discharged from his or her position saving for a good cause which shall be stated in writing to the employee concerned. Any employee discharged for good cause shall have the right to a public hearing before the City Council upon filing a written

request therefor with City Council within five days after receiving the aforesaid written statement of good cause. If, after a public hearing as aforesaid, City Council determines that the employee was improperly discharged, said employee shall be restored to his or her position and shall suffer no loss of compensation.

Section 28.—(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"; 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," and Chapter 19, Volume 48, Laws of Delaware, entitled "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."

(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.

(c) Notwithstanding the foregoing, the persons comprising the Board of Water and Light Commissioners of New Castle and the Sewer Commission of New Castle are fully empowered to remain in, and discharge the functions of, their respective offices until the transfer of property and effects to City Council pursuant to Section 26 hereof has been accomplished.

Section 29.—(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 City 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. Upon the recording of the written certificate as aforesaid, this charter shall be in full force and effect.

(g) The persons serving as Mayor, President of Council, Members of Council and City Treasurer at the time this charter becomes effective shall continue to serve in their respective capacities until the next succeeding biennial city election and until their successors have been elected or appointed and qualified, and the persons occupying the offices aforesaid shall discharge the duties of said offices in conformity with this charter; provided, however, that if any such person is unwilling or unable to continue in office under this charter, he may resign from his office and a successor shall be appointed by City Council or by such members of City Council as shall remain in office, to discharge the duties of the affected office for the unexpired portion of the term thereof.

(h) 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.

Approved June 23, 1955.

CHAPTER 315

WYOMING

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF WYOMING' TO 'THE TOWN OF WYOMING' AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, 1941, AS AMENDED BY CHAPTER 87, VOLUME 47, LAWS OF DELAWARE, 1949, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED EACH YEAR IN TAXES.

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

Section 1. Section 15 of Chapter 189, Volume 43, Laws of Delaware, 1941, as amended, is hereby further amended by striking out all of paragraph 13 of said section and substituting in lieu thereof a new paragraph 13, to read as follows:

13. The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Twelve Thousand Dollars (\$12,000.00) in any one year clear of all delinquencies and expenses of collection; provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in respects as provided for in Section 5 of this Act, may raise by taxation any amount above and exceeding the sum of Twelve Thousand Dollars (\$12,000.00). At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation", and another set of ballots shall have written or printed thereon the words "against increased taxation", and both sets of ballots shall specify thereon the amount proposed to be raised. Any sum authorized by referendum to be raised by taxation pursuant to the provisions of this Act shall become and remain the lawful maximum sum to be raised by taxation in any one year until such time as such maximum sum shall be increased, either by another referendum held under the provisions hereof, or by Act of the General Assembly of the State of Delaware.

Approved June 23, 1955.

CHAPTER 316

RELATING TO DENTAL EXAMINERS

**AN ACT TO AMEND SUBCHAPTER I, TITLE 24, DELAWARE
CODE, ENTITLED "STATE BOARD OF DENTAL EXAM-
INERS", BY INCREASING THE COMPENSATION OF
MEMBERS OF THE BOARD.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 1105, Subchapter I, Title 24, Delaware Code,
be and the same is hereby amended by striking out thereof "\$5",
following the word "of" and before the word "for" in the first
paragraph and inserting in lieu thereof, "\$10".

Approved June 23, 1955.

CHAPTER 317

APPROPRIATION

DELAWARE COMMISSION FOR THE FEEBLE MINDED

AN ACT TO APPROPRIATE FUNDS FOR A FIRE ALARM SYSTEM AND FIRE FIGHTING EQUIPMENT AT THE DELAWARE COLONY FOR THE FEEBLE MINDED AT STOCKLEY.

WHEREAS, the Delaware Colony for the Feeble Minded has no fire alarm system, and

WHEREAS, the protection of the patients and the property is seriously hampered because of the lack of a fire alarm system and because of a great need for fire fighting equipment, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$6,500.00 or so much thereof as is necessary is appropriated to the Delaware Commission for the Feeble Minded for the purchase and installation of a fire alarm system for the Delaware Colony for the Feeble Minded at Stockley, for incidental expenses connected therewith and for fire fighting equipment to be used at such institution.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 23, 1955.

CHAPTER 318

RELATING TO EXPENSES IN SPECIAL ELECTIONS

AN ACT TO AMEND CHAPTER 71, TITLE 15, DELAWARE CODE, TO PROVIDE THE NECESSARY COSTS AND EXPENSES IN SPECIAL ELECTIONS SHALL BE PAID BY THE STATE TREASURER OUT OF THE STATE TREASURY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 7112, Chapter 71, Title 15, Delaware Code, is amended to read as follows:

§ 7112. Costs of Special Election

All necessary costs and expenses incurred in carrying into effect the proclamation of the Governor or of the presiding officer of the house in which the vacancy exists, relative to special elections, unless otherwise provided by the laws of this State, including the compensation of election officers shall be paid by the State Treasurer from any moneys in the State Treasury, not otherwise appropriated, upon proper warrants and vouchers submitted to the Governor and approved by the Auditor of Accounts.

Approved June 23, 1955.

CHAPTER 319

RELATING TO LIEN ON JUDGMENTS

AN ACT TO AMEND CHAPTER 47, TITLE 10, DELAWARE CODE, IN RELATION TO THE LIEN OF JUDGMENTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 4711, Title 10, Delaware Code, be and the same is hereby amended by adding the following sentence at the end thereof:

No judgment which is a general lien, including judgments for costs and judgments in favor of the State of Delaware or any political subdivision thereof, shall remain a lien for more than the ten year period hereinabove provided, unless renewed for a further ten year term in accordance with the provisions of this Section.

Section 2. § 4716, Title 10, Delaware Code, be and the same is hereby amended by striking out and repealing the said section and inserting in lieu thereof a new section as follows:

§ 4716. Cases in which the limitation shall not apply

The provisions of this subchapter shall not operate to defeat the due enforcement of any writ of execution under any judgment for the recovery of money entered or recorded in the Superior Court, by virtue of which real estate is seized or taken, if such writ of execution is issued before the expiration of the said term of ten years. They shall not apply to any judgment upon a mortgage or mechanics lien.

Section 3. No general lien which would otherwise remain in force shall be lost by virtue of the passage of this Act if within one year from the effective date of this Act the said lien be extended in accordance with the provisions of this chapter.

Approved June 23, 1955.

CHAPTER 320

RELATING TO NEW CASTLE COUNTY LEVY COURT

AN ACT TO AMEND CHAPTER 3, TITLE 9, OF THE DELAWARE CODE RELATING TO STAGGERED TERMS OF OFFICE OF LEVY COURT COMMISSIONERS OF NEW CASTLE COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. 303 (c), Chapter 3, Title 9, Delaware Code is amended to read as follows:

(c) The full term of office of Levy Court Commissioner of New Castle County shall be six years, commencing on the first Tuesday in January following the election; provided, however, that in the event that any six year term, in effect at the time of passage of this act or thereafter, follows a term of less than six years for Levy Court Commissioner from the same Levy Court District, due to the filling of a vacancy, the next term for Levy Court Commissioner from the same Levy Court District shall be of such duration, not exceeding six years, as will result in staggered full terms for Levy Court Commissioners in the same sequence as existed prior to the vacancy.

Approved June 23, 1955.

CHAPTER 321

RELATING TO BOND SERVICING PROCEDURE

AN ACT TO AMEND CHAPTER 27, TITLE 29, DELAWARE CODE, RELATING TO STATE TREASURER BY PROVIDING CHANGES IN THE BOND SERVICING PROCEDURE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2711, Title 29, Delaware Code, is amended to read as follows:

The State Treasurer shall maintain reconciliation statements on all state bonds and coupons. Said reconciliation statements shall balance with bank statements on bond and coupon accounts. 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 office to be cancelled and destroyed according to the provisions of this chapter.

Approved June 23, 1955.

CHAPTER 322 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, 1956 AND JUNE 30, 1957.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The several amounts named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the agencies named herein, are appropriated and authorized to be paid out of the Treasury of this State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the provisions of Part VI, Title 29, Delaware Code, and for the periods specified. 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; provided, however, that no funds shall revert which are encumbered pursuant to Section 6521, Title 29, Delaware Code, which are appropriated to the State Board of Education for the operation of 1, 2 and 3 teacher schools, or which are appropriated to the State Highway Department for maintenance and construction and provided further that vouchers for payment of obligations entered into prior to the end of the fiscal year may be presented for approval within twelve (12) days after the end of the fiscal year.

The several amounts hereby appropriated are as follows:

AGENCIES

LEGISLATIVE AND ELECTIONS

COMMISSION ON UNIFORM LAWS

	Year Ending June 30	
	1956	1957
Dues	\$ 300.00	\$ 300.00
Travel	150.00	150.00
Total	\$ 450.00	\$ 450.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE COMMISSION ON INTERSTATE COOPERATION

Office Expense	\$	50.00	\$	50.00
Fees		6,000.00		6,000.00
Travel		600.00		600.00
Interstate Conference in Delaware		350.00		350.00
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Total	\$	7,000.00	\$	7,000.00

REGISTRATIONS AND ELECTIONS

Salaries of Registrars, Assistants and Presidential Electors	\$	27,500.00
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Total	\$	27,500.00

LEGISLATIVE REFERENCE BUREAU

Salary of Executive Director ...	\$	6,000.00	\$	6,000.00
Salaries and Wages		3,650.00		3,650.00
Office Expense		750.00		1,000.00
Travel		150.00		100.00
Repairs and Replacements		200.00		150.00
Equipment		250.00		100.00
<hr/>				
Total	\$	11,000.00	\$	11,000.00

GENERAL ASSEMBLY

Salaries of House Members	\$	35,000.00	\$	35,000.00
Salaries of Senate Members		18,000.00		18,000.00
<hr/>				
Total	\$	53,000.00	\$	53,000.00

TOTAL LEGISLATIVE

AND ELECTIONS	\$	71,450.00	\$	98,950.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

EXECUTIVE AND FINANCIAL

GOVERNOR

Salary of Governor	\$ 12,000.00	\$ 12,000.00
Salaries and Wages	12,000.00	12,000.00
Office Expense	2,300.00	2,300.00
Governor's Conference	400.00	400.00
Contingent Expenses	4,000.00	4,000.00
Repairs and Replacements	500.00	500.00
Equipment	500.00	500.00
Total	\$ 31,700.00	\$ 31,700.00

SECRETARY OF STATE

Salary of Secretary of State	\$ 8,000.00	\$ 8,000.00
Salaries and Wages	80,000.00	81,000.00
Printing Laws—General Assembly	20,000.00
Office Expense	5,500.00	6,500.00
Magistrate Bonds	400.00	400.00
Travel	2,000.00	2,000.00
Dissolution Account	6,500.00	6,500.00
Departmental Supplies	38,000.00	38,000.00
Repairs and Replacements	3,000.00	3,000.00
Equipment	2,000.00	2,000.00
Total	\$ 165,400.00	\$ 147,400.00

STATE TREASURER

Salary of Treasurer	\$ 6,000.00	\$ 6,000.00
Salary of Deputy Treasurer	5,000.00	5,000.00
Salaries and Wages	30,000.00	30,000.00
Office Expense	17,500.00	17,500.00
Travel	500.00	500.00
Repairs and Replacements	500.00	500.00
Equipment	750.00	750.00
Total	\$ 60,250.00	\$ 60,250.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BUDGET COMMISSION

Salary of Chief Accountant	\$ 7,500.00	\$ 7,500.00
Salaries and Wages	43,000.00	44,000.00
Office Expense	2,500.00	2,500.00
Travel	4,000.00	4,000.00
Special Audits by C. P. A.'s	10,000.00	10,000.00
Repairs and Replacements	2,000.00	2,000.00
Equipment	1,500.00	500.00
Total	\$ 70,500.00	\$ 70,500.00

AUDITOR OF ACCOUNTS

Salary of Auditor	\$ 6,000.00	\$ 6,000.00
Salary of Deputy Auditor	5,000.00	5,000.00
Salaries and Wages	24,300.00	24,300.00
Office Expense	1,500.00	1,500.00
Travel	500.00	500.00
Repairs and Replacements	500.00	500.00
Equipment	500.00	500.00
Total	\$ 38,300.00	\$ 38,300.00

STATE REVENUE COLLECTOR

Salary of Collector	\$ 2,500.00	\$ 2,500.00
Office Expense	40.00	40.00
Travel	550.00	550.00
Total	\$ 3,090.00	\$ 3,090.00

STATE INSURANCE COMMISSIONER

Salary of Commissioner	\$ 6,000.00	\$ 6,000.00
Salary of Actuary	3,500.00	3,500.00
Salary of Deputy Commissioner	5,000.00	5,000.00
Salary of Chief Clerk	3,000.00	3,000.00
Salary of Clerk	2,500.00	2,500.00
Office Expense	1,200.00	1,300.00
Travel	1,000.00	1,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Operations—Insurance Premiums—State Property	56,000.00	57,000.00
Repairs and Replacements	100.00	100.00
Equipment	200.00	200.00
Total	\$ 78,500.00	\$ 79,600.00

OYSTER REVENUE COLLECTOR

Salary of Collector	\$ 2,400.00	\$ 2,400.00
Salaries and Wages	11,000.00	11,000.00
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
Total	\$ 15,575.00	\$ 15,575.00

BOAT INSPECTOR

Salary of Boat Inspector	\$ 1,500.00	\$ 1,500.00
Office Expense	10.00	10.00
Travel	600.00	600.00
Operations	60.00	60.00
Total	\$ 2,170.00	\$ 2,170.00

STATE TAX DEPARTMENT

Salary of Commissioner	\$ 8,000.00	\$ 8,000.00
Salaries and Wages	219,000.00	219,000.00
Office Expense	50,000.00	50,000.00
Travel	1,500.00	1,500.00
Repairs and Replacements	1,000.00	1,000.00
Operations—Social Security Division	6,000.00	6,000.00
Equipment	2,485.00	1,400.00
Total	\$ 287,985.00	\$ 286,900.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE BANK COMMISSIONER

Salary of Commissioner	\$	7,000.00	\$	7,000.00
Salaries and Wages		45,000.00		45,000.00
Office Expense		2,500.00		2,500.00
Travel		6,000.00		6,000.00
Repairs and Replacements		750.00		750.00
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Total	\$	61,250.00	\$	61,250.00

DELAWARE LIQUOR COMMISSION

Salaries and Wages	\$	76,050.00	\$	76,050.00
Office Expense		22,000.00		22,000.00
Travel		9,500.00		9,500.00
Operations		150.00		150.00
Repairs and Replacements		2,000.00		2,000.00
Equipment		300.00		300.00
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Total	\$	110,000.00	\$	110,000.00

DELAWARE RACING COMMISSION

Salaries of Commissioners	\$	4.00	\$	4.00
Salaries and Wages		2,100.00		2,100.00
Office Expense		2,415.00		1,950.00
Travel		400.00		400.00
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Total	\$	4,919.00	\$	4,454.00

DELAWARE HARNESS RACING COMMISSION

Salaries of Commissioners	\$	3.00	\$	3.00
Operations		6,000.00		6,000.00
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Total	\$	6,003.00	\$	6,003.00

TOTAL EXECUTIVE AND

FINANCIAL	\$	935,642.00	\$	917,192.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

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	18,300.00	18,300.00
Office Expense	1,000.00	1,000.00
Chancellor's Report	3,350.00
Travel	400.00	400.00
Repairs and Replacements	350.00	350.00
Equipment	375.00
Chancellor for Reporting	200.00	200.00
Total	\$ 54,475.00	\$ 50,750.00

SUPERIOR COURT

Salary of President Judge	\$ 15,500.00	\$ 15,500.00
Salaries of Associate Judges	60,000.00	60,000.00
Salaries and Wages	38,200.00	38,200.00
Office Expense	3,000.00	3,000.00
Reports	3,000.00	3,000.00
Travel	3,500.00	3,500.00
Equipment	1,000.00	1,000.00
Repairs and Replacements	1,000.00	1,000.00
Kent Resident Judge for Reporting	200.00	200.00
Total	\$ 125,400.00	\$ 125,400.00

COURT OF COMMON PLEAS—KENT COUNTY

Salary of Judge	\$ 5,000.00	\$ 5,000.00
Total	\$ 5,000.00	\$ 5,000.00

COURT OF COMMON PLEAS—SUSSEX COUNTY

Salary of Judge	\$ 10,000.00	\$ 10,000.00
Total	\$ 10,000.00	\$ 10,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE LIBRARIAN

Salary of Librarian	\$ 2,500.00	\$ 2,500.00
Salary of Clerk	2,000.00	2,000.00
Salaries and Wages	100.00	100.00
Office Expense	200.00	200.00
Repairs and Replacements	300.00	300.00
Equipment	2,500.00	2,500.00
Total	\$ 7,600.00	\$ 7,600.00

ATTORNEY-GENERAL

Salary of Attorney-General	\$ 7,500.00	\$ 7,500.00
Salary of Chief Deputy	6,000.00	6,000.00
Salary of New Castle County Deputy	4,000.00	4,000.00
Salary of Kent County Deputy ..	3,500.00	3,500.00
Salary of Sussex County Deputy.	3,500.00	3,500.00
Salaries of Tax Deputies (2) ...	6,000.00	6,000.00
Salaries of State Detectives (3) .	9,000.00	9,000.00
Salaries and Wages	2,000.00	2,000.00
Office Expense	3,000.00	3,000.00
Travel	1,500.00	1,500.00
Requisition Travel Expense	1,500.00	1,500.00
Operations	3,500.00	3,500.00
Repairs and Replacements	1,500.00	1,500.00
Equipment	200.00	200.00
Total	\$ 52,700.00	\$ 52,700.00

SUPREME COURT

Salary of Chief Justice	\$ 17,500.00	\$ 17,500.00
Salaries of Associate Justices ...	34,000.00	34,000.00
Salaries and Wages	16,020.00	16,920.00
Office Expense	8,350.00	8,350.00
Travel	600.00	600.00
Repairs and Replacements— Library	1,000.00	1,000.00
Total	\$ 77,470.00	\$ 78,370.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

JUVENILE COURT—KENT & SUSSEX COUNTIES

Salary of Judge	\$ 10,000.00	\$ 10,000.00
Salaries and Wages	24,000.00	24,000.00

Total	\$ 34,000.00	\$ 34,000.00
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TOTAL JUDICIAL AND

LEGAL	\$ 366,645.00	\$ 363,820.00
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DEBT SERVICE

REDEMPTIONS—STATE BONDS

Bonds Issued	\$ 4,935,000.00	\$ 4,911,000.00
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Total	\$ 4,935,000.00	\$ 4,911,000.00
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INTEREST—STATE BONDS

Bonds Issued	\$ 1,441,842.48	\$ 1,358,992.44
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Total	\$ 1,441,842.48	\$ 1,358,992.44
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TOTAL STATE

OBLIGATIONS	\$ 6,376,842.48	\$ 6,269,992.44
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PURCHASE OF COUNTY HIGHWAY

BONDS AND COUPONS

Purchase of County Highway

Bonds	\$ 160,000.00	\$ 145,000.00
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Purchase of County Highway

Coupons	40,400.00	34,800.00
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Total	\$ 200,400.00	\$ 179,800.00
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TENTATIVE BOND ISSUES

Redemptions	\$ 500,000.00
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Interest	\$ 200,000.00	200,000.00
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Total	\$ 200,000.00	\$ 700,000.00
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TOTAL DEBT SERVICE..	\$ 6,777,242.48	\$ 7,149,792.44
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

REGULATORY BOARDS

MEDICAL COUNCIL OF DELAWARE

Salaries and Wages	\$	1,100.00	\$	1,100.00
Office Expense		850.00		850.00
Travel		450.00		450.00
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Total	\$	2,400.00	\$	2,400.00

STATE BOARD OF PHARMACY

Salaries and Wages	\$	3,600.00	\$	3,600.00
Office Expense		750.00		750.00
Travel		1,300.00		1,300.00
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Total	\$	5,650.00	\$	5,650.00

STATE BOARD OF DENTAL EXAMINERS

Salaries and Wages	\$	570.00	\$	570.00
Office Expense		140.00		140.00
Travel		290.00		290.00
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Total	\$	1,000.00	\$	1,000.00

STATE BOARD OF EXAMINERS FOR BARBERS

Salaries and Wages	\$	700.00	\$	700.00
Office Expense		150.00		150.00
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Total	\$	850.00	\$	850.00

STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages	\$	150.00	\$	150.00
Office Expense		25.00		25.00
Travel		25.00		25.00
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Total	\$	200.00	\$	200.00

STATE BOARD OF ACCOUNTANCY

Salaries and Wages	\$	240.00	\$	240.00
Office Expense		460.00		460.00
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Total	\$	700.00	\$	700.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE BOARD OF EXAMINERS IN OPTOMETRY

Salaries and Wages	\$	105.00	\$	105.00
Office Expense		45.00		45.00
Travel		75.00		75.00
		<hr/>		
Total	\$	225.00	\$	225.00

STATE BOARD OF EXAMINERS OF GRADUATE NURSES

Salaries of Board Members	\$	400.00	\$	400.00
Salaries and Wages		2,400.00		2,400.00
Office Expense		1,300.00		1,300.00
Travel		600.00		600.00
		<hr/>		
Total	\$	4,700.00	\$	4,700.00

STATE BOARD OF EXAMINERS OF UNDERTAKERS

Salaries and Wages	\$	500.00	\$	500.00
Operations		200.00		200.00
		<hr/>		
Total	\$	700.00	\$	700.00

DELAWARE REAL ESTATE COMMISSION

Salaries and Wages	\$	2,200.00	\$	2,200.00
Office Expense		600.00		600.00
Travel		200.00		200.00
		<hr/>		
Total	\$	3,000.00	\$	3,000.00

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS

Salaries and Wages	\$	200.00	\$	200.00
Office Expense		250.00		250.00
Travel		250.00		250.00
Equipment		50.00		50.00
		<hr/>		
Total	\$	750.00	\$	750.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE ATHLETIC COMMISSION

Salaries of Commissioners	\$	900.00	\$	900.00
Salaries and Wages		150.00		150.00
Office Expense		500.00		500.00
Travel		200.00		200.00
Total	\$	1,750.00	\$	1,750.00

ATLANTIC STATES MARINE FISHERIES COMMISSION

Dues	\$	700.00	\$	700.00
Travel		200.00		200.00
Total	\$	900.00	\$	900.00

STATE BOARD OF REGISTRATION FOR PROFESSIONAL

ENGINEERS AND LAND SURVEYORS

Salary of Secretary	\$	1,200.00	\$	1,200.00
Office Expense		1,200.00		1,200.00
Travel		250.00		250.00
Equipment		100.00		100.00
Total	\$	2,750.00	\$	2,750.00

DELAWARE COMMISSION ON SHELL FISHERIES

Salaries and Wages	\$	3,000.00	\$	3,000.00
Office Expense		200.00		200.00
Travel		300.00		300.00
Operations		12,000.00		12,000.00
Total	\$	15,500.00	\$	15,500.00

DEPARTMENT OF CIVIL DEFENSE

Salary of Director	\$	6,000.00	\$	6,000.00
Salaries and Wages		20,000.00		20,000.00
Office Expense		3,000.00		3,000.00
Travel		2,000.00		2,000.00
Operations		4,000.00		4,000.00
Repairs and Replacements		1,000.00		1,000.00
Equipment		2,500.00		2,500.00
Total	\$	38,500.00	\$	38,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE BOARD OF CHIROPODY EXAMINERS

Salaries and Wages	\$	150.00	\$	150.00
Office Expense		30.00		30.00
Travel		20.00		20.00
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Total	\$	200.00	\$	200.00

STATE BOARD OF CHIROPRACTIC EXAMINERS

Salaries and Wages	\$	150.00	\$	150.00
Office Expense		65.00		65.00
Travel		50.00		50.00
Equipment		50.00	
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Total	\$	315.00	\$	265.00

STATE FIRE MARSHAL

Salary of Fire Marshal	\$	5,000.00	\$	5,000.00
Operations		3,750.00		3,750.00
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Total	\$	8,750.00	\$	8,750.00

TOTAL REGULATORY

BOARDS	\$	88,840.00	\$	88,790.00
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ENFORCEMENT BOARDS

LABOR COMMISSION OF DELAWARE

Salary of Child Labor Inspector..	\$	3,000.00	\$	3,000.00
Salary of 10-Hour Law Inspector.		2,500.00		2,500.00
Salaries and Wages		4,000.00		4,000.00
Office Expense		2,000.00		2,000.00
Travel		800.00		800.00
Repairs and Replacements		300.00		300.00
Equipment		900.00	
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Total	\$	13,500.00	\$	12,600.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BOARD OF PAROLE

Salary of Parole Officer	\$	3,600.00	\$	3,600.00
Salaries of Parole Members		480.00		480.00
Office Expense		350.00		350.00
Travel		1,400.00		1,400.00
Out-of-State Parole Supervision.		300.00		300.00
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Total	\$	6,130.00	\$	6,130.00

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	\$	276.00	\$	276.00

BOARD OF BOILER RULES

Salary of Chief Inspector	\$	4,800.00	\$	4,800.00
Salaries and Wages		7,900.00		7,900.00
Office Expense		1,800.00		1,800.00
Travel		2,400.00		2,400.00
Equipment		250.00		250.00
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Total	\$	17,150.00	\$	17,150.00

REGULATORS OF WEIGHTS AND MEASURES

Salaries and Wages	\$	7,000.00	\$	7,000.00
Office Expense		200.00		200.00
Travel		1,800.00		1,800.00
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Total	\$	9,000.00	\$	9,000.00

INDUSTRIAL ACCIDENT BOARD

Salaries of Members	\$	10,800.00	\$	10,800.00
Salary of Court Reporter		1,500.00		1,500.00
Salaries and Wages		11,000.00		11,000.00
Office Expense		6,200.00		5,600.00
Travel		1,250.00		1,250.00
Repairs and Replacements		1,200.00		1,200.00
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Total	\$	31,950.00	\$	31,350.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

NATIONAL GUARD

Salary of Adjutant-General	\$ 3,000.00	\$ 3,000.00
Salaries and Wages	44,000.00	44,000.00
Office Expense	4,500.00	4,500.00
Travel	2,000.00	2,000.00
Operations	38,000.00	38,000.00
Repairs and Replacements	20,000.00	20,000.00
Equipment	4,500.00	4,500.00
Uniform Allowance	13,250.00	13,250.00
Units—\$250.00 per Company . .	8,000.00	8,000.00
Total	\$ 137,250.00	\$ 137,250.00

PUBLIC SERVICE COMMISSION

Salaries of Board Members	\$ 13,500.00	\$ 13,500.00
Salaries and Wages	25,000.00	25,000.00
Office Expense	3,500.00	3,500.00
Travel	3,500.00	3,500.00
Operations	6,500.00	6,500.00
Equipment	2,000.00	2,000.00
Total	\$ 54,000.00	\$ 54,000.00

STATE BOARD OF HOUSING

Operations	\$ 800.00	\$ 800.00
Total	\$ 800.00	\$ 800.00

TOTAL ENFORCEMENT

BOARDS	\$ 270,056.00	\$ 268,556.00
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PENSIONS AND SOCIAL SECURITY

STATE BOARD OF EDUCATION—RETIRED AND
DISABLED TEACHERS' PENSIONS

Operations	\$ 118,800.00	\$ 118,800.00
Total	\$ 118,800.00	\$ 118,800.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE TREASURER—STATE EMPLOYEES PENSION PLAN

Salaries and Wages	\$ 1,000.00	\$ 1,000.00
Office Expense	250.00	250.00
Travel	100.00	100.00
Benefits	550,000.00	600,000.00

Total	\$ 551,350.00	\$ 601,350.00
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STATE SHARE—TAX DEPARTMENT

Social Security Contribution	\$ 470,000.00	\$ 530,000.00
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Total	\$ 470,000.00	\$ 530,000.00
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TOTAL PENSIONS AND

SOCIAL SECURITY	\$ 1,140,150.00	\$ 1,250,150.00
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MISCELLANEOUS

CUSTODIAN OF STATE HOUSE

Salary of Custodian	\$ 3,000.00	\$ 3,000.00
Salaries and Wages	35,000.00	35,000.00
Office Expense	600.00	600.00
Operations	20,000.00	20,000.00
Repairs and Replacements	10,000.00	10,000.00
Equipment	2,500.00	2,500.00

Total	\$ 71,100.00	\$ 71,100.00
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STATE BUILDING AND GROUNDS COMMISSION

Operations	\$ 500.00	\$ 500.00
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Total	\$ 500.00	\$ 500.00
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STATE LIBRARY COMMISSION

Salaries and Wages	\$ 15,635.00	\$ 15,635.00
Office Expense	580.00	580.00
Travel	650.00	650.00
Operations	2,775.00	2,775.00
Repairs and Replacements	1,000.00	1,000.00
Equipment	7,200.00	7,200.00

Total	\$ 27,840.00	\$ 27,840.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

PUBLIC ARCHIVES COMMISSION

Salaries and Wages	\$ 46,000.00	\$ 46,000.00
Office Expense	1,500.00	1,500.00
Travel	1,000.00	1,000.00
Operations	2,000.00	2,000.00
Repairs and Replacements	200.00	200.00
Historic Markers	300.00	300.00
Equipment	950.00	950.00
Total	\$ 51,950.00	\$ 51,950.00

PUBLIC ARCHIVES—STATE MUSEUM

Salaries and Wages	\$ 14,000.00	\$ 14,000.00
Office Expense	850.00	850.00
Travel	200.00	200.00
Operations	600.00	600.00
Repairs and Replacements	350.00	350.00
Equipment	2,500.00	600.00
Total	\$ 18,500.00	\$ 16,600.00

PORTRAIT COMMISSION

Office Expense	\$ 50.00	\$ 50.00
Repairs and Replacements	225.00	225.00
Equipment	400.00	400.00
Travel	25.00	25.00
Total	\$ 700.00	\$ 700.00

JOHN DICKINSON MANSION

Salaries and Wages	\$ 3,000.00	\$ 3,000.00
Operations	2,000.00	2,000.00
Total	\$ 5,000.00	\$ 5,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE PARK COMMISSION—TRAPPE POND

Salary of Superintendent	\$	4,200.00	\$	4,200.00
Salaries and Wages		2,300.00		2,300.00
Office Expense		1,000.00		1,000.00
Operations		1,250.00		1,250.00
Repairs and Replacements		2,000.00		2,000.00
Total	\$	10,750.00	\$	10,750.00

STATE PARK COMMISSION—FORT DELAWARE

Salary of Superintendent	\$	2,100.00	\$	2,100.00
Office Expense		200.00		200.00
Repairs and Replacements		1,100.00		1,100.00
Equipment		1,100.00		1,100.00
Total	\$	4,500.00	\$	4,500.00

STATE PARK COMMISSION—BRANDYWINE SPRINGS PARK

Salary of Superintendent	\$	5,200.00	\$	5,200.00
Salaries and Wages		6,600.00		6,600.00
Office Expense		1,000.00		1,000.00
Travel		900.00		900.00
Operations		3,300.00		3,300.00
Repairs and Replacements		700.00		700.00
Total	\$	17,700.00	\$	17,700.00

STATE PARK COMMISSION—GENERAL OPERATIONS

Salary of Secretary	\$	1,200.00	\$	1,200.00
Office Expense		100.00		100.00
Travel		300.00		300.00
Total	\$	1,600.00	\$	1,600.00

DELAWARE STATE DEVELOPMENT COMMISSION

Salary of Director	\$	5,000.00	\$	5,000.00
Salaries and Wages		9,000.00		9,000.00
Office Expense		2,800.00		2,800.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Travel	2,500.00	2,500.00
Operations	12,500.00	12,500.00
Repairs and Replacements	450.00	450.00
Equipment	640.00	150.00

Total	\$ 32,890.00	\$ 32,400.00
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LEWES MEMORIAL COMMISSION

Salaries and Wages	\$ 5,650.00	\$ 5,650.00
Office Expense	250.00	250.00
Travel	100.00	100.00
Operations	700.00	700.00
Repairs and Replacements	400.00	400.00

Total	\$ 7,100.00	\$ 7,100.00
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DELAWARE DAY COMMISSION

Operations	\$ 100.00	\$ 100.00
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Total	\$ 100.00	\$ 100.00
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DELAWARE ARCHAEOLOGICAL BOARD

Operations	\$ 100.00	\$ 100.00
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Total	\$ 100.00	\$ 100.00
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TOTAL MISCELLANEOUS.	\$ 250,330.00	\$ 247,940.00
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ROADS, MAINTENANCE, POLICE, ETC.

STATE HIGHWAY DEPARTMENT

ADMINISTRATION

Salary of Chief Engineer	\$ 12,500.00	\$ 12,500.00
Salary of Secretary	8,000.00	8,000.00
Salaries and Wages of Employees	26,000.00	26,000.00
Office Expense	6,500.00	6,500.00
Travel	700.00	700.00
Operations	5,000.00	5,000.00
Repairs and Replacements	3,000.00	3,000.00
Equipment	700.00	700.00

Total	\$ 62,400.00	\$ 62,400.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

MOTOR VEHICLE DIVISION

Salaries and Wages	\$ 285,000.00	\$ 283,000.00
Office Expense	44,000.00	44,000.00
Travel	2,000.00	2,000.00
Operations	80,000.00	81,000.00
Repairs and Replacements	9,000.00	10,000.00
Equipment	2,000.00	2,000.00
Total	\$ 422,000.00	\$ 422,000.00

MOTOR VEHICLE SAFETY RESPONSIBILITY DIVISION

Salary of Directors	\$ 3,600.00	\$ 3,600.00
Salaries and Wages	9,000.00	9,000.00
Office Expense	4,400.00	4,400.00
Travel	600.00	600.00
Repairs and Replacements	400.00	400.00
Operations	1,500.00	1,500.00
Total	\$ 19,500.00	\$ 19,500.00

STATE POLICE DIVISION

Salaries and Wages	\$ 699,000.00	\$ 691,000.00
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	45,000.00	45,000.00
Equipment	8,000.00	8,000.00
Total	\$ 890,000.00	\$ 882,000.00

MOTOR FUEL TAX DIVISION

Salaries and Wages	\$ 16,000.00	\$ 16,000.00
Office Expense	1,550.00	1,550.00
Travel	1,650.00	1,650.00
Repairs and Replacements	650.00	650.00
Equipment	150.00	150.00
Total	\$ 20,000.00	\$ 20,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

HIGHWAY MAINTENANCE

Salaries and Wages	\$ 1,550,000.00	\$ 1,550,000.00
Office Expense	6,000.00	6,000.00
Operations	450,000.00	450,000.00
Repairs and Replacements	700,000.00	700,000.00
Equipment	84,000.00	84,000.00
Total	\$ 2,790,000.00	\$ 2,790,000.00

HIGHWAY CONSTRUCTION

Salaries and Wages	\$ 350,000.00	\$ 350,000.00
Operations	440,000.00	440,000.00
Total	\$ 790,000.00	\$ 790,000.00

MOSQUITO CONTROL

Salaries and Wages	\$ 45,000.00	\$ 45,000.00
Office Expense	800.00	800.00
Travel	500.00	500.00
Operations	75,000.00	75,000.00
Repairs and Replacements	4,000.00	4,000.00
Equipment	1,000.00	1,000.00
Total	\$ 126,300.00	\$ 126,300.00

TOTAL ROADS, MAINTENANCE, POLICE, ETC. . \$ 5,120,200.00 \$ 5,112,200.00

HEALTH

STATE BOARD OF HEALTH

Salary of Secretary and Registrar of Vital Statistics	\$ 12,500.00	\$ 12,500.00
Salary of Kent County Plumbing Inspector	3,990.00	3,990.00
Salaries and Wages	287,550.00	287,550.00
Office Expense	21,535.00	21,535.00
Travel	10,575.00	10,575.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Operations	15,600.00	15,600.00
Repairs and Replacements	20,000.00	20,000.00
Equipment	500.00	500.00

Total	\$ 372,250.00	\$ 372,250.00
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CRIPPLED CHILDREN

Salaries and Wages	\$ 50,000.00	\$ 50,000.00
Travel	500.00	500.00
Operations	1,000.00	1,000.00
Equipment	100.00	100.00

Total	\$ 51,600.00	\$ 51,600.00
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CANCER CONTROL

Detection and Control	\$ 40,000.00	\$ 40,000.00
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Total	\$ 40,000.00	\$ 40,000.00
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WATER POLLUTION COMMISSION

Salaries and Wages	\$ 23,310.00	\$ 23,560.00
Office Expense	5,200.00	5,200.00
Travel	1,840.00	1,840.00
Operations	1,500.00	1,500.00
Repairs and Replacements	150.00	150.00
Equipment	500.00	250.00

Total	\$ 32,500.00	\$ 32,500.00
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TOTAL HEALTH	\$ 496,350.00	\$ 496,350.00
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AGRICULTURE, FORESTRY, ETC.

STATE BOARD OF AGRICULTURE

Salaries and Wages	\$ 162,000.00	\$ 162,000.00
Office Expense	9,000.00	9,000.00
Travel	14,000.00	14,000.00
Operations	20,000.00	20,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Repairs and Replacements	7,500.00	7,500.00
Equipment	2,500.00	2,500.00
News Letter	1,000.00	1,000.00
Total	\$ 216,000.00	\$ 216,000.00

SOIL CONSERVATION COMMISSION

Salaries and Wages	\$ 10,200.00	\$ 10,200.00
Office Expense	900.00	900.00
Travel	2,200.00	2,200.00
Equipment	200.00	200.00
Total	\$ 13,500.00	\$ 13,500.00

STATE POULTRY COMMISSION

Salary of Executive Secretary ..	\$ 2,000.00	\$ 2,000.00
Salary of Stenographer	1,400.00	1,400.00
Office Expense	350.00	350.00
Travel	600.00	600.00
Operations	10,000.00	10,000.00
Equipment	200.00	200.00
Total	\$ 14,550.00	\$ 14,550.00

TOTAL AGRICULTURE .. \$ 244,050.00 \$ 244,050.00

STATE FORESTRY DEPARTMENT

ADMINISTRATION

Salaries and Wages	\$ 20,000.00	\$ 20,000.00
Total	\$ 20,000.00	\$ 20,000.00

SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages	\$ 7,500.00	\$ 7,500.00
Office Expense	1,000.00	1,000.00
Travel	300.00	300.00
Operations	450.00	450.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Repairs and Replacements	1,200.00	1,200.00
Equipment	1,000.00	1,000.00

Total	\$ 11,450.00	\$ 11,450.00
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TOTAL STATE FORESTRY

DEPARTMENT	\$ 31,450.00	\$ 31,450.00
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GAME AND FISH COMMISSION

Salaries of Commissioners	\$ 900.00	\$ 900.00
Salary of Chief Warden	3,600.00	3,600.00
Salary of Game Technician	5,000.00	5,000.00
Salaries and Wages	38,500.00	38,500.00
Office Expense	4,000.00	4,000.00
Travel	2,075.00	2,075.00
Operations	19,000.00	19,000.00
Repairs and Replacements	2,500.00	2,500.00
Equipment	1,500.00	1,500.00
Moore's Lake Rearing Ponds ...	250.00	250.00

Total	\$ 77,325.00	\$ 77,325.00
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TOTAL AGRICULTURE,

FORESTRY, ETC.	\$ 352,825.00	\$ 352,825.00
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PUBLIC WELFARE

BOARD OF WELFARE

Salary of Director (State's Share)	\$ 5,517.00	\$ 5,517.00
Salaries and Wages (State's Share)	150,000.00	150,000.00
Office Expense (State's Share) ..	24,000.00	24,000.00
Travel (State's Share)	9,000.00	9,000.00
Repairs and Replacements (State's Share)	6,000.00	6,000.00
Equipment (State's Share)	1,000.00	1,000.00
Old Age Assistance—Grants (State's Share)	243,000.00	243,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Direct Care—Child Welfare		
Service (State's Share)	233,000.00	233,000.00
Assistance Grants—A. D. C.		
(State's Share)	128,000.00	128,000.00
Aid to Disabled—Grants		
(State's Share)	28,500.00	28,500.00
Reimbursement to Counties—		
General Relief (State's Share) .	190,000.00	190,000.00
Total	\$ 1,018,017.00	\$ 1,018,017.00

DELAWARE COMMISSION FOR THE BLIND AND SUNNYBROOK COTTAGE

Salaries and Wages	\$ 57,500.00	\$ 57,500.00
Office Expense	1,530.00	1,530.00
Travel	4,230.00	4,230.00
Operations	18,000.00	18,000.00
Material	9,000.00	9,000.00
Repairs and Replacements	5,400.00	5,400.00
Assistance Grants	73,000.00	73,000.00
Benefits—Education	28,600.00	28,600.00
Total	\$ 197,260.00	\$ 197,260.00

STATE WELFARE HOME AND HOSPITAL FOR CHRONICALLY ILL

Operations—Reimbursement to		
Counties	\$ 290,000.00	\$ 290,000.00
Total	\$ 290,000.00	\$ 290,000.00

DELAWARE STATE HOSPITAL

Salary of Superintendent	\$ 12,500.00	\$ 12,500.00
Salaries and Wages	945,000.00	945,000.00
Office Expense	13,700.00	13,700.00
Travel	5,400.00	5,400.00
Operations	392,600.00	392,600.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Repairs and Replacements	53,950.00	53,950.00
Equipment	6,650.00	6,650.00
Total	\$ 1,429,800.00	\$ 1,429,800.00

GOVERNOR BACON HEALTH CENTER

Salary of Superintendent	\$ 5,000.00	\$ 5,000.00
Salaries and Wages	478,100.00	478,100.00
Office Expense	9,500.00	9,500.00
Travel	3,000.00	3,000.00
Operations	154,400.00	154,400.00
Repairs and Replacements	20,000.00	20,000.00
Total	\$ 670,000.00	\$ 670,000.00

DELAWARE COMMISSION FOR THE FEEBLEMINDED

Salaries and Wages	\$ 290,000.00	\$ 290,000.00
Office Expense	7,200.00	7,200.00
Travel	3,200.00	3,200.00
Operations	185,000.00	185,000.00
Repairs and Replacements	100,000.00	100,000.00
Equipment	5,000.00	5,000.00
Total	\$ 590,400.00	\$ 590,400.00

EMILY P. BISSELL SANATORIUM

Salaries and Wages	\$ 360,000.00	\$ 360,000.00
Office Expense	8,000.00	8,000.00
Travel	2,500.00	2,500.00
Operations	200,000.00	200,000.00
Repairs and Replacements	26,000.00	26,000.00
Equipment	6,000.00	6,000.00
Total	\$ 602,500.00	\$ 602,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

FERRIS SCHOOL FOR BOYS

Salary of Vocational Instructor. \$	5,000.00	\$	5,000.00
Salaries and Wages	111,500.00		111,500.00
Office Expense	2,500.00		2,500.00
Travel	4,500.00		4,500.00
Operations	70,000.00		70,000.00
Repairs and Replacements	25,000.00		25,000.00
Equipment	2,500.00		2,500.00
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Total	\$ 221,000.00	\$	221,000.00

DETENTION HOME FOR JUVENILES

Salaries and Wages	\$ 8,740.00	\$	9,220.00
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Total	\$ 8,740.00	\$	9,220.00

KRUSE SCHOOL

Salaries and Wages	\$ 31,200.00	\$	31,200.00
Office Expense	1,560.00		1,560.00
Travel	760.00		760.00
Operations	22,000.00		22,000.00
Repairs and Replacements	7,000.00		7,000.00
Equipment	480.00		480.00
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Total	\$ 63,000.00	\$	63,000.00

TOTAL PUBLIC

WELFARE \$ 5,090,717.00 \$ 5,091,197.00

GRANTS-IN-AID

PENINSULA HORTICULTURAL SOCIETY

Office Expense	\$ 900.00	\$	900.00
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Total	\$ 900.00	\$	900.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

CROP IMPROVEMENT ASSOCIATION

Operations	\$	450.00	\$	450.00
Total	\$	450.00	\$	450.00
TOTAL GRANTS-IN-AID..	\$	1,350.00	\$	1,350.00
TOTAL AGENCIES	\$20,961,797.48		\$21,439,112.44	

EDUCATION

UNIVERSITY OF DELAWARE

Salaries and Wages	\$	1,561,280.00	\$	1,561,280.00
Office Expense		30,000.00		30,000.00
Travel		16,100.00		16,100.00
Operations		207,455.00		207,455.00
Repairs and Replacements		50,000.00		50,000.00
Equipment		41,000.00		41,000.00
Permanent Improvements		7,000.00		7,000.00
Scholarships		25,000.00		25,000.00
Total	\$	1,937,835.00	\$	1,937,835.00

DELAWARE GEOLOGICAL COMMISSION

Salaries and Wages	\$	11,000.00	\$	11,000.00
Travel		500.00		500.00
Operations		13,000.00		13,000.00
Total	\$	24,500.00	\$	24,500.00

DELAWARE STATE COLLEGE

Salaries and Wages	\$	190,000.00	\$	190,000.00
Office Expense		6,000.00		6,000.00
Travel		2,000.00		2,000.00
Operations		50,000.00		50,000.00
Repairs and Replacements		25,000.00		25,000.00
Equipment		25,000.00		20,000.00
Scholarships		15,000.00		15,000.00
Total	\$	313,000.00	\$	308,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE BOARD OF EDUCATION

GENERAL OR ADMINISTRATIVE CONTROL

Salaries and Wages	\$ 72,225.00	\$ 72,225.00
Office Expense	14,500.00	14,500.00
Travel	2,575.00	2,575.00
Telephone and Telegraph	4,200.00	4,200.00
Convention Travel	250.00	250.00
Other Costs	1,000.00	1,000.00
Special Printing Course of Study	1,500.00	1,500.00
Total	\$ 96,250.00	\$ 96,250.00

INSTRUCTIONAL SERVICE

Salaries of Supervisors	\$ 119,770.00	\$ 119,770.00
Travel	7,200.00	7,200.00
Instructional Service Supplies ..	400.00	400.00
Other Costs	4,200.00	4,200.00
Text Books	500.00	500.00
Visual Education	1,000.00	1,000.00
Total	\$ 133,070.00	\$ 133,070.00

FIXED CHARGES

Fire Insurance	\$ 45,000.00	\$ 47,000.00
Other Insurance	8,000.00	8,500.00
Rent	6,700.00	6,700.00
Total	\$ 59,700.00	\$ 62,200.00

ADULT EDUCATION

Salaries and Wages	\$ 7,250.00	\$ 7,250.00
Travel	400.00	400.00
Other Costs	600.00	600.00
Total	\$ 8,250.00	\$ 8,250.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SCHOOL LUNCH PROGRAM

Salaries and Wages	\$	5,600.00	\$	5,600.00
Travel		400.00		400.00
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Total	\$	6,000.00	\$	6,000.00

SERVICE BUREAU

Salaries and Wages	\$	8,480.00	\$	8,480.00
Travel		100.00		100.00
Rent		720.00		720.00
Other Costs		220.00		220.00
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Total	\$	9,520.00	\$	9,520.00

VISITING TEACHERS

Salaries and Wages	\$	15,500.00	\$	15,500.00
Travel		3,000.00		3,000.00
Other Costs		300.00		300.00
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Total	\$	18,800.00	\$	18,800.00

STUDENT DRIVER TRAINING

Salaries and Wages	\$	47,000.00	\$	47,000.00
Travel		3,700.00		3,700.00
Equipment		1,000.00		1,000.00
Other Costs		2,000.00		2,000.00
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Total	\$	53,700.00	\$	53,700.00

TRANSPORTATION

Salaries and Wages	\$	12,750.00	\$	12,750.00
Travel		450.00		450.00
Contract Service		810,000.00		840,000.00
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Total	\$	823,200.00	\$	853,200.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

CAPITAL OUTLAY

Equipment	\$	1,000.00	\$	1,000.00
Library Books		200.00		200.00
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Total	\$	1,200.00	\$	1,200.00

HANDICAPPED CHILDREN

Salaries and Wages	\$	82,600.00	\$	82,600.00
Deaf Wards		27,300.00		27,300.00
Supplies and Travel		16,800.00		16,800.00
Day School—All Costs		32,500.00		32,500.00
Governor Bacon Health Center—				
All Costs		32,550.00		32,550.00
A. I. DuPont Institute—All Costs		4,500.00		4,500.00
Sanatoria—All Costs		2,100.00		2,100.00
Detention Home—All Costs		2,900.00		2,900.00
Home Bound—All Costs		16,100.00		16,100.00
Wilmington—All Costs		55,300.00		55,300.00
Special Classes		47,350.00		47,350.00
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Total	\$	320,000.00	\$	320,000.00

TOTAL STATE BOARD

OF EDUCATION \$ 1,529,690.00 \$ 1,562,190.00

STATE BOARD OF VOCATIONAL EDUCATION

VOCATIONAL EDUCATION (AG., HOME EC., TRADES)

Salary of Director (State				
Share)	\$	4,000.00	\$	4,000.00
Salaries and Wages (State				
Share)		28,500.00		28,500.00
Travel (State Share)		3,200.00		3,200.00
Other Vocational Costs (State				
Share)		2,000.00		2,000.00
Training (Ag., Home Ec., Etc.)				
(State Share)		15,000.00		15,000.00
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Total	\$	52,700.00	\$	52,700.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

REHABILITATION DIVISION

Operations (State Share)	\$	58,000.00	\$	58,000.00
Total	\$	58,000.00	\$	58,000.00

TOTAL STATE BOARD
OF VOCATIONAL

EDUCATION	\$	110,700.00	\$	110,700.00
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SPECIAL SCHOOL DISTRICTS

CAESAR RODNEY

SALARIES

Administrative	\$	7,700.00	\$	7,700.00
Clerical		9,415.00		9,595.00
Instructional		232,358.00		235,094.00
Janitorial		20,300.00		20,800.00
Health		4,100.00		4,100.00
Capital Outlay		2,800.00		2,800.00
All Other Costs		30,800.00		30,800.00
Total	\$	307,473.00	\$	310,889.00

CLAYMONT

SALARIES

Administrative	\$	7,220.00	\$	7,220.00
Clerical		9,671.00		9,927.00
Instructional		228,100.00		231,700.00
Janitorial		29,125.00		30,125.00
Health		4,100.00		4,100.00
Capital Outlay		2,700.00		2,700.00
All Other Costs		29,700.00		29,700.00
Total	\$	310,616.00	\$	315,472.00

DOVER

SALARIES

Administrative	\$	7,220.00	\$	7,220.00
Clerical		10,946.00		11,226.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Instructional	400,120.00	404,920.00
Janitorial	30,375.00	30,675.00
Health	7,240.00	7,400.00
Capital Outlay	4,800.00	4,800.00
All Other Costs	52,800.00	52,800.00
Total	\$ 513,501.00	\$ 519,041.00

ALEXIS I. DUPONT

SALARIES

Administrative	\$ 7,700.00	\$ 7,700.00
Clerical	7,170.00	7,358.00
Instructional	191,450.00	194,490.00
Janitorial	24,300.00	25,200.00
Health	4,100.00	4,100.00
Capital Outlay	2,250.00	2,250.00
All Other Costs	24,750.00	24,750.00
Total	\$ 261,720.00	\$ 265,848.00

GEORGETOWN

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	7,330.00	7,518.00
Instructional	187,482.00	190,050.00
Janitorial	24,875.00	25,675.00
Health	3,940.00	4,100.00
Capital Outlay	2,250.00	2,250.00
All Other Costs	24,750.00	24,750.00
Total	\$ 257,847.00	\$ 261,563.00

HARRINGTON

SALARIES

Administrative	\$ 7,020.00	\$ 7,020.00
Clerical	7,170.00	7,358.00
Instructional	146,670.00	148,250.00
Janitorial	18,550.00	19,220.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Health	4,100.00	4,100.00
Capital Outlay	1,750.00	1,750.00
All Other Costs	19,250.00	19,250.00
Total	\$ 204,510.00	\$ 206,948.00

LAUREL

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	9,073.00	9,341.00
Instructional	281,870.00	287,310.00
Janitorial	23,525.00	24,225.00
Health	5,830.00	5,990.00
Capital Outlay	3,450.00	3,450.00
All Other Costs	37,950.00	37,950.00
Total	\$ 368,918.00	\$ 375,486.00

LEWES

SALARIES

Administrative	\$ 7,700.00	\$ 7,700.00
Clerical	6,920.00	7,236.00
Instructional	170,930.00	173,810.00
Janitorial	19,625.00	20,325.00
Health	4,100.00	4,100.00
Capital Outlay	2,050.00	2,050.00
All Other Costs	22,550.00	22,550.00
Total	\$ 233,875.00	\$ 237,771.00

MILFORD

SALARIES

Administrative	\$ 7,700.00	\$ 7,700.00
Clerical	11,027.00	11,307.00
Instructional	321,505.00	326,465.00
Janitorial	23,100.00	23,700.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Health	7,560.00	7,720.00
Capital Outlay	3,850.00	3,850.00
All Other Costs	42,350.00	42,350.00
Total	\$ 417,092.00	\$ 423,092.00

MT. PLEASANT

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	15,122.00	15,290.00
Instructional	456,990.00	465,310.00
Janitorial	42,750.00	43,850.00
Health	7,400.00	7,720.00
Capital Outlay	5,450.00	5,450.00
All Other Costs	59,950.00	59,950.00
Total	\$ 594,882.00	\$ 604,790.00

NEW CASTLE

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	13,817.00	13,985.00
Instructional	424,693.00	435,585.00
Janitorial	47,175.00	47,775.00
Health	6,280.00	6,600.00
Capital Outlay	5,400.00	5,400.00
All Other Costs	59,400.00	59,400.00
Total	\$ 563,985.00	\$ 575,965.00

NEWARK

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	13,095.00	13,423.00
Instructional	477,370.00	485,530.00
Janitorial	36,975.00	37,175.00
Health	7,400.00	7,560.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Capital Outlay	5,750.00	5,750.00
All Other Costs	63,250.00	63,250.00
Total	\$ 611,060.00	\$ 619,908.00

REHOBOTH

SALARIES

Administrative	\$ 7,100.00	\$ 7,100.00
Clerical	3,300.00	3,300.00
Instructional	81,200.00	81,200.00
Janitorial	12,475.00	12,575.00
Health	3,940.00	4,100.00
Capital Outlay	900.00	900.00
All Other Costs	9,900.00	9,900.00
Total	\$ 118,815.00	\$ 119,075.00

SEAFORD

SALARIES

Administrative	\$ 7,700.00	\$ 7,700.00
Clerical	11,362.00	11,609.00
Instructional	341,092.00	347,244.00
Janitorial	38,275.00	39,375.00
Health	7,080.00	7,240.00
Capital Outlay	4,150.00	4,150.00
All Other Costs	45,650.00	45,650.00
Total	\$ 455,309.00	\$ 462,968.00

SMYRNA

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	7,522.00	7,622.00
Instructional	194,580.00	197,492.00
Janitorial	18,600.00	18,750.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Health	3,900.00	3,900.00
Capital Outlay	2,400.00	2,400.00
All Other Costs	26,400.00	26,400.00

Total	\$ 260,622.00	\$ 263,784.00
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TOTAL SPECIAL

SCHOOL DISTRICTS ...	\$ 5,480,225.00	\$ 5,562,600.00
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LOCAL SCHOOL DISTRICTS

ARDEN NO. 3

SALARIES

Instructional	\$ 15,180.00	\$ 15,500.00
Janitorial	1,700.00	1,800.00
Capital Outlay	200.00	200.00
All Other Costs	2,200.00	2,200.00

Total	\$ 19,280.00	\$ 19,700.00
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CHRISTIANA NO. 44

SALARIES

Instructional	\$ 32,800.00	\$ 33,600.00
Janitorial	2,850.00	3,000.00
Health	600.00	680.00
Capital Outlay	450.00	450.00
All Other Costs	4,950.00	4,950.00

Total	\$ 41,650.00	\$ 42,680.00
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COMMODORE MacDONOUGH NO. 53

SALARIES

Clerical	\$ 2,100.00	\$ 2,220.00
Instructional	51,800.00	53,420.00
Janitorial	3,625.00	3,825.00
Health	1,390.00	1,470.00
Capital Outlay	700.00	700.00
All Other Costs	7,700.00	7,700.00

Total	\$ 67,315.00	\$ 69,335.00
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APPROPRIATION EXPENSES OF STATE GOVERNMENT

CORBIT NO. 61

SALARIES

Instructional	\$ 18,080.00	\$ 18,720.00
Janitorial	2,100.00	2,100.00
Health	750.00	800.00
Capital Outlay	250.00	250.00
All Other Costs	2,750.00	2,750.00
Total	\$ 23,930.00	\$ 24,020.00

HENRY C. CONRAD NO. 131

SALARIES

Administrative	\$ 6,780.00	\$ 6,780.00
Clerical	6,458.00	6,766.00
Instructional	170,720.00	173,120.00
Janitorial	14,700.00	15,000.00
Health	3,140.00	3,300.00
Capital Outlay	2,050.00	2,050.00
All Other Costs	22,550.00	22,550.00
Total	\$ 226,398.00	\$ 229,566.00

DELAWARE CITY NO. 52

SALARIES

Administrative	\$ 5,760.00	\$ 5,760.00
Clerical	3,025.00	3,025.00
Instructional	52,080.00	52,720.00
Janitorial	5,800.00	6,000.00
Health	1,390.00	1,470.00
Capital Outlay	650.00	650.00
All Other Costs	7,150.00	7,150.00
Total	\$ 75,855.00	\$ 76,775.00

APPROPRIATION EXPENSES OF STATE GOVERNMENT

ALFRED I. DUPONT NO. 7

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	8,353.00	8,741.00
Instructional	225,770.00	229,610.00
Janitorial	23,825.00	24,625.00
Health	4,100.00	4,100.00
Capital Outlay	2,800.00	2,800.00
All Other Costs	30,800.00	30,800.00
Total	\$ 302,868.00	\$ 307,896.00

HOCKESSIN SCHOOL NO. 29

SALARIES

Instructional	\$ 16,660.00	\$ 16,820.00
Janitorial	2,600.00	2,600.00
Health	400.00	420.00
Capital Outlay	250.00	250.00
All Other Costs	2,750.00	2,750.00
Total	\$ 22,660.00	\$ 22,840.00

MARSHALLTON NO. 77

SALARIES

Administrative	\$ 7,020.00	\$ 7,020.00
Clerical	6,730.00	6,918.00
Instructional	152,198.00	154,790.00
Janitorial	14,575.00	14,975.00
Health	4,100.00	4,100.00
Capital Outlay	1,850.00	1,850.00
All Other Costs	20,350.00	20,350.00
Total	\$ 206,823.00	\$ 210,003.00

MIDDLETOWN NO. 60

SALARIES

Administrative	\$ 7,020.00	\$ 7,020.00
Clerical	6,404.00	6,704.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Instructional	137,520.00	139,280.00
Janitorial	14,325.00	14,925.00
Health	4,100.00	4,100.00
Capital Outlay	1,650.00	1,650.00
All Other Costs	18,150.00	18,150.00
Total	\$ 189,169.00	\$ 191,829.00

NEWPORT SCHOOL NO. 21

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	6,906.00	7,094.00
Instructional	162,394.00	166,266.00
Janitorial	19,150.00	19,750.00
Health	3,460.00	3,620.00
Capital Outlay	2,100.00	2,100.00
All Other Costs	23,100.00	23,100.00
Total	\$ 224,330.00	\$ 229,150.00

OAK GROVE NO. 130

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	7,113.00	7,401.00
Instructional	183,820.00	188,460.00
Janitorial	22,715.00	23,515.00
Health	4,100.00	4,100.00
Capital Outlay	2,400.00	2,400.00
All Other Costs	26,400.00	26,400.00
Total	\$ 253,768.00	\$ 259,496.00

RICHARDSON PARK NO. 20

SALARIES

Administrative	\$ 7,220.00	\$ 7,220.00
Clerical	6,730.00	6,918.00
Instructional	164,160.00	165,960.00
Janitorial	16,500.00	16,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Health	4,100.00	4,100.00
Capital Outlay	1,950.00	1,950.00
All Other Costs	21,450.00	21,450.00
Total	\$ 222,110.00	\$ 224,098.00

ROSE HILL-MINQUADALE NO. 47

SALARIES

Administrative	\$ 7,700.00	\$ 7,700.00
Clerical	8,809.00	9,197.00
Instructional	211,450.00	215,450.00
Janitorial	24,200.00	25,500.00
Health	2,980.00	3,140.00
Capital Outlay	2,600.00	2,600.00
All Other Costs	28,600.00	28,600.00
Total	\$ 286,339.00	\$ 292,187.00

STANTON NO. 38

SALARIES

Administrative	\$ 5,540.00	\$ 5,540.00
Clerical	2,100.00	2,220.00
Instructional	53,680.00	54,440.00
Janitorial	5,175.00	5,475.00
Health	1,390.00	1,470.00
Capital Outlay	700.00	700.00
All Other Costs	7,700.00	7,700.00
Total	\$ 76,285.00	\$ 77,545.00

TOWNSEND NO. 81

SALARIES

Instructional	\$ 45,360.00	\$ 45,680.00
Janitorial	3,425.00	3,425.00
Health	900.00	950.00
Capital Outlay	550.00	550.00
All Other Costs	6,050.00	6,050.00
Total	\$ 56,285.00	\$ 56,655.00

APPROPRIATION EXPENSES OF STATE GOVERNMENT

YORKLYN NO. 91

SALARIES

Instructional	\$	21,540.00	\$	21,700.00
Janitorial		2,500.00		2,500.00
Capital Outlay		250.00		250.00
All Other Costs		2,750.00		2,750.00
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Total	\$	27,040.00	\$	27,200.00

MIDDLETOWN NO. 120-C

SALARIES

Administrative	\$	6,620.00	\$	6,620.00
Clerical		4,420.00		4,640.00
Instructional		94,320.00		95,920.00
Janitorial		12,750.00		13,150.00
Health		4,100.00		4,100.00
Capital Outlay		1,100.00		1,100.00
All Other Costs		12,100.00		12,100.00
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Total	\$	135,410.00	\$	137,630.00

MILLSIDE NO. 132-C

SALARIES

Administrative	\$	6,620.00	\$	6,620.00
Clerical		3,940.00		4,160.00
Instructional		86,560.00		89,280.00
Janitorial		6,325.00		6,525.00
Health		3,040.00		3,200.00
Capital Outlay		1,150.00		1,150.00
All Other Costs		12,650.00		12,650.00
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Total	\$	120,285.00	\$	123,585.00

NEWPORT NO. 106-C

SALARIES

Administrative	\$	6,620.00	\$	6,620.00
Clerical		2,460.00		2,580.00
Instructional		59,320.00		61,240.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Janitorial	6,750.00	7,050.00
Health	3,300.00	3,460.00
Capital Outlay	800.00	800.00
All Other Costs	8,800.00	8,800.00
Total	\$ 88,050.00	\$ 90,550.00

CLAYTON NO. 119

SALARIES

Clerical	\$ 1,663.00	\$ 1,743.00
Instructional	47,000.00	47,960.00
Janitorial	5,600.00	5,800.00
Capital Outlay	600.00	600.00
All Other Costs	6,600.00	6,600.00
Total	\$ 61,463.00	\$ 62,703.00

MAGNOLIA NO. 50

SALARIES

Instructional	\$ 16,300.00	\$ 16,300.00
Janitorial	2,700.00	2,700.00
Capital Outlay	200.00	200.00
All Other Costs	2,200.00	2,200.00
Total	\$ 21,400.00	\$ 21,400.00

FELTON NO. 54

SALARIES

Administrative	\$ 6,620.00	\$ 6,620.00
Clerical	4,900.00	5,000.00
Instructional	80,768.00	82,560.00
Janitorial	6,550.00	6,650.00
Health	2,820.00	2,980.00
Capital Outlay	1,050.00	1,050.00
All Other Costs	11,550.00	11,550.00
Total	\$ 114,258.00	\$ 116,410.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

FREDERICA NO. 32

SALARIES

Instructional	\$	31,240.00	\$	32,360.00
Janitorial		3,425.00		3,425.00
Health		1,150.00		1,230.00
Capital Outlay		450.00		450.00
All Other Costs		4,950.00		4,950.00
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Total	\$	41,215.00	\$	42,415.00

HARTLY NO. 96

SALARIES

Instructional	\$	28,140.00	\$	28,300.00
Janitorial		2,700.00		2,700.00
Capital Outlay		400.00		400.00
All Other Costs		4,400.00		4,400.00
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Total	\$	35,640.00	\$	35,800.00

HOUSTON NO. 125

SALARIES

Instructional	\$	15,820.00	\$	15,980.00
Janitorial		2,700.00		2,700.00
Capital Outlay		200.00		200.00
All Other Costs		2,200.00		2,200.00
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Total	\$	20,920.00	\$	21,080.00

WILLIAM W. M. HENRY NO. 133-C

SALARIES

Administrative	\$	5,760.00	\$	5,760.00
Clerical		2,220.00		2,340.00
Instructional		58,380.00		59,900.00
Janitorial		6,750.00		7,050.00
Health		2,940.00		3,100.00
Capital Outlay		700.00		700.00
All Other Costs		7,700.00		7,700.00
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Total	\$	84,430.00	\$	86,550.00

APPROPRIATION EXPENSES OF STATE GOVERNMENT

BRIDGEVILLE NO. 90

SALARIES

Administrative	\$ 7,020.00	\$ 7,020.00
Clerical	4,900.00	5,000.00
Instructional	120,620.00	121,740.00
Janitorial	11,225.00	11,425.00
Health	3,780.00	3,940.00
Capital Outlay	1,400.00	1,400.00
All Other Costs	15,400.00	15,400.00
Total	\$ 164,345.00	\$ 165,925.00

DELMAR NO. 163

SALARIES

Administrative	\$ 6,620.00	\$ 6,620.00
Clerical	3,300.00	3,300.00
Instructional	76,408.00	76,920.00
Janitorial	9,875.00	10,075.00
Health	4,100.00	4,100.00
Capital Outlay	850.00	850.00
All Other Costs	9,350.00	9,350.00
Total	\$ 110,503.00	\$ 111,215.00

BLADES NO. 172

SALARIES

Instructional	\$ 15,140.00	\$ 15,460.00
Janitorial	2,900.00	2,900.00
Capital Outlay	200.00	200.00
All Other Costs	2,200.00	2,200.00
Total	\$ 20,440.00	\$ 20,760.00

ELLENDALÉ NO. 125

SALARIES

Instructional	\$ 20,700.00	\$ 20,700.00
Janitorial	2,500.00	2,600.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Capital Outlay	300.00	300.00
All Other Costs	3,300.00	3,300.00
Total	\$ 26,800.00	\$ 26,900.00

JOHN M. CLAYTON NO. 97

SALARIES

Administrative	\$ 6,620.00	\$ 6,620.00
Clerical	4,780.00	5,000.00
Instructional	95,720.00	97,000.00
Janitorial	10,275.00	10,775.00
Health	2,620.00	2,780.00
Capital Outlay	1,150.00	1,150.00
All Other Costs	12,650.00	12,650.00
Total	\$ 133,815.00	\$ 135,975.00

GREENWOOD NO. 91

SALARIES

Administrative	\$ 6,620.00	\$ 6,620.00
Clerical	3,300.00	3,300.00
Instructional	85,360.00	86,640.00
Janitorial	8,400.00	8,500.00
Health	3,780.00	3,940.00
Capital Outlay	1,000.00	1,000.00
All Other Costs	11,000.00	11,000.00
Total	\$ 119,460.00	\$ 121,000.00

GUMBORO NO. 37

SALARIES

Instructional	\$ 16,900.00	\$ 16,900.00
Janitorial	2,500.00	2,500.00
Capital Outlay	200.00	200.00
All Other Costs	2,200.00	2,200.00
Total	\$ 21,800.00	\$ 21,800.00

APPROPRIATION EXPENSES OF STATE GOVERNMENT

LINCOLN NO. 3

SALARIES

Instructional	\$	19,980.00	\$	20,140.00
Janitorial		2,500.00		2,600.00
Capital Outlay		250.00		250.00
All Other Costs		2,750.00		2,750.00
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Total	\$	25,480.00	\$	25,740.00

LORD BALTIMORE NO. 28

SALARIES

Administrative	\$	6,620.00	\$	6,620.00
Clerical		4,540.00		4,760.00
Instructional		88,520.00		89,800.00
Janitorial		9,750.00		10,150.00
Health		4,100.00		4,100.00
Capital Outlay		1,050.00		1,050.00
All Other Costs		11,550.00		11,550.00
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Total	\$	126,130.00	\$	128,030.00

MILLSBORO NO. 23

SALARIES

Administrative	\$	7,020.00	\$	7,020.00
Clerical		4,540.00		4,760.00
Instructional		110,440.00		112,360.00
Janitorial		10,650.00		10,950.00
Health		3,780.00		3,940.00
Capital Outlay		1,350.00		1,350.00
All Other Costs		14,850.00		14,850.00
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Total	\$	152,630.00	\$	155,230.00

MILTON NO. 8

SALARIES

Administrative	\$	6,620.00	\$	6,620.00
Clerical		4,660.00		4,880.00
Instructional		98,976.00		99,976.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Janitorial	11,325.00	11,625.00
Health	4,100.00	4,100.00
Capital Outlay	1,200.00	1,200.00
All Other Costs	13,200.00	13,200.00
Total	\$ 140,081.00	\$ 141,601.00

SELBYVILLE NO. 32

SALARIES

Administrative	\$ 6,620.00	\$ 6,620.00
Clerical	4,420.00	4,640.00
Instructional	87,160.00	88,440.00
Janitorial	9,200.00	9,400.00
Health	3,460.00	3,620.00
Capital Outlay	1,050.00	1,050.00
All Other Costs	11,550.00	11,550.00
Total	\$ 123,460.00	\$ 125,320.00

BRIDGEVILLE NO. 220-C

SALARIES

Instructional	\$ 33,360.00	\$ 33,680.00
Janitorial	2,600.00	2,700.00
Capital Outlay	400.00	400.00
All Other Costs	4,400.00	4,400.00
Total	\$ 40,760.00	\$ 41,180.00

FRANKFORD NO. 206-C

SALARIES

Instructional	\$ 30,640.00	\$ 31,120.00
Janitorial	2,800.00	2,900.00
Health	1,000.00	1,050.00
Capital Outlay	350.00	350.00
All Other Costs	3,850.00	3,850.00
Total	\$ 38,640.00	\$ 39,270.00

APPROPRIATION EXPENSES OF STATE GOVERNMENT

MILLSBORO NO. 204-C

SALARIES

Instructional	\$ 28,360.00	\$ 28,840.00
Janitorial	2,800.00	2,900.00
Capital Outlay	350.00	350.00
All Other Costs	3,850.00	3,850.00
Total	\$ 35,360.00	\$ 35,940.00

WILLIAM C. JASON NO. 192-C

SALARIES

Administrative	\$ 6,620.00	\$ 6,620.00
Clerical	4,900.00	5,000.00
Instructional	94,120.00	97,160.00
Janitorial	9,050.00	9,250.00
Health	3,300.00	3,460.00
Capital Outlay	1,200.00	1,200.00
All Other Costs	13,200.00	13,200.00
Total	\$ 132,390.00	\$ 135,890.00

SELBYVILLE NO. 210-C

SALARIES

Instructional	\$ 19,420.00	\$ 19,900.00
Janitorial	2,400.00	2,500.00
Capital Outlay	350.00	350.00
All Other Costs	3,850.00	3,850.00
Total	\$ 26,020.00	\$ 26,600.00

STATE BOARD OF EDUCATION FOR 1, 2 AND 3 TEACHER SCHOOLS OF THE STATE BOARD UNITS

SALARIES

Instructional	\$ 275,520.00	\$ 277,440.00
Janitorial	16,495.00	16,495.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Capital Outlay	3,650.00	3,650.00
All Other Costs	43,800.00	43,800.00

Total	\$ 339,465.00	\$ 341,385.00
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TOTAL LOCAL SCHOOL

DISTRICTS	\$ 4,822,755.00	\$ 4,899,459.00
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WILMINGTON BOARD OF EDUCATION

SALARIES

Administration and Supervisors	\$ 170,263.00	\$ 170,423.00
Clerical	154,490.00	157,370.00
Instructional	2,458,670.00	2,477,290.00
Janitorial	271,850.00	282,050.00
Health	54,000.00	54,960.00
Capital Outlay	28,500.00	28,500.00
All Other Costs	313,500.00	313,500.00

Total	\$ 3,451,273.00	\$ 3,484,093.00
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TOTAL EDUCATION	\$17,669,978.00	\$17,889,377.00
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TOTAL AGENCIES	20,961,797.48	21,439,112.44
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TOTAL AGENCIES AND

EDUCATION	\$38,631,775.48	\$39,328,489.44
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Section 2. If the estimated revenue of the State proves to be insufficient for the payment of the several appropriations provided for herein, resulting in deficiencies of revenue for either of the fiscal years aforesaid, the State Treasurer is 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 part or all of said appropriations.

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

(1) The notes or certificates shall be numbered consecutively in such denominations and in such form as the Commission provided for under the provisions of sub-section (5) of this Section shall determine.

(2) They shall be payable at any period not exceeding one (1) year from the date of the issuance thereof.

(3) They shall be redeemable at the Farmers' Bank in Dover on the date of their maturity.

(4) They shall be signed by the Governor, the Secretary of State and the State Treasurer and shall have the State Seal affixed.

(5) The Governor, Secretary of State, and State Treasurer shall constitute a Commission to negotiate and arrange for the sale or disposition of the notes or certificates of indebtedness.

(6) The faith and credit of the State of Delaware is pledged for the payment of the principal and interest of the notes or certificates of indebtedness which shall be exempt from taxation for any purpose by this State.

(7) All expense incident to the advertising, preparing, issuing and delivering of the notes or certificates and interest thereon shall be paid by the State Treasurer upon the production by the State Treasurer of the necessary vouchers as by law required. There is appropriated such sums as may be necessary to pay costs and interest of such notes or certificates.

Section 3. All monies received by the State Treasurer from the sale of the notes or certificates of indebtedness shall be specially pledged and appropriated to and for the payment of the several appropriations in whole or in part.

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Section 4. In the case of any school consolidation, as defined in § 1108 and § 1109, Chapter 11, Title 14, Delaware Code, 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, to the appropriation of the district with which any such closed district is consolidated.

Section 5. Any amount of money derived from the income from the State School Funds 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 to the General Fund of this State for the purposes of meeting the expenses incurred in accordance with allowances for appropriations provided in Section 1 of this Act.

Section 6. The transfer of any funds herein appropriated by this Act to any Salary Account, or to any Salaries and Wages Account, or to any other agency, is prohibited. Transfers to other accounts may be made, but only with the approval of the Budget Commission.

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, to each of the several Boards of School Trustees, and to the Boards of Trustees of any University or College supported by state funds, the amounts necessary to be allocated by said respective Boards to comply with the purposes and intent of said educational acts which require 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 provisions of

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

the Delaware State Plan for vocational education, but rather shall be treated as a return of moneys advanced by the State for vocational education and paid to the State Treasurer and by him deposited to the credit of the General Fund of the State.

Section 8. The sums appropriated to the schools as "unit costs" shall be used for all school costs except salaries, debt service, "capital outlay" and transportation of pupils to and from the regular sessions of school as provided for in the appropriation to the State Board of Education for this purpose.

Approved June 23, 1955.

CHAPTER 323

WILMINGTON

**AN ACT TO AMEND SECTION 40 OF THE CHARTER OF
THE CITY OF WILMINGTON, AS AMENDED, BY
CHANGING THE PROVISIONS RELATIVE TO THE
SALARY OF THE CITY SOLICITOR.**

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

Section 1. Section 40, Chapter 20, Volume 17, Laws of Delaware as amended by Section 40, Chapter 109, Volume 49, Laws of Delaware, is further amended by striking out and repealing the third sentence of Section 40, Chapter 109, Volume 49, Laws of Delaware, namely, the words: "The Council of the Mayor and Council of Wilmington for a sum not to exceed Five Thousand Dollars (\$5,000) per annum, (payable in the same manner as other city officers are paid)," and by substituting and enacting in lieu thereof the following sentence: "The Council of the Mayor and Council of Wilmington shall have the authority to fix the salary of the City Solicitor for a sum not to be less than Four Thousand Dollars (\$4,000) per annum, (payable in the same manner as other city officers are paid)."

Approved June 23, 1955.

CHAPTER 324

DELAWARE STATE COLLEGE

AN ACT PROVIDING FOR THE USE OF THE UNEXPENDED PORTIONS OF CERTAIN FUNDS APPROPRIATED TO DELAWARE STATE COLLEGE AND AMENDING CHAPTER 408, VOLUME 47, AND CHAPTER 231, VOLUME 48, LAWS OF DELAWARE, TO THE EXTENT OF ANY INCONSISTENCY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The unexpended portion of the sums appropriated to Delaware State College by Chapter 408, Volume 47, Laws of Delaware, and Chapter 231, Volume 48, Laws of Delaware, may be used by the said Delaware State College for the erection, equipping and furnishing of a men's dormitory, a multiple purpose building, faculty-staff buildings or a classroom and laboratory building at Delaware State College, or for incidental expenses connected therewith, and the said appropriation acts, Chapter 408, Volume 47, Laws of Delaware, and Chapter 231, Volume 48, Laws of Delaware, are hereby amended to the extent of any inconsistency herewith.

Approved June 23, 1955.

CHAPTER 325

CHIROPRACTIC

AN ACT TO AMEND CHAPTER 7, TITLE 24, DELAWARE CODE, REGARDING CHIROPRACTIC.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 704, Title 24, Delaware Code is amended by striking out the words "January and July" as they appear in the last sentence thereof and substituting the words "April and November".

Section 2. § 707, Title 24, Delaware Code, is amended to read as follows:

§ 707. Requirements for applicants for examination

Before any applicant shall apply for the examinations set forth in this chapter, he shall furnish proof to the Board that he is a graduate of a chiropractic school or college approved by the Board in which the minimum course leading to a degree of Doctor of Chiropractic (D C) is four years of nine months each. The applicant must also submit certified transcript of records showing the satisfactory completion of two full academic years of college work, including qualified credits in sciences of biology, chemistry and physics, in an accredited college or university. The above two year college requirements shall not apply to students enrolled in Chiropractic Schools or Colleges as of September 1, 1954.

Section 3. § 712, Title 24, Delaware Code, is amended to read as follows:

§ 712. Causes for refusal of certificate; hearing

The Board may refuse to issue or reissue a license issued for the practice of the profession of chiropractic for (A) material misrepresentation of facts in the application; or (B)

chronic and persistent inebriety or chronic drug addiction; or (C) moral turpitude; or (D) the practice of criminal abortion; or (E) other unethical practices; or (F) public advertising of special ability to cure chronic incurable diseases; or (G) the presentation to the board of examiners of licenses or certificates that have been illegally obtained or have been signed or issued unlawfully or under fraudulent representation.

The Board may act upon complaint in writing made to it, or upon its own motion. The accused person shall be furnished with a copy of the complaint charged, and shall be afforded an opportunity for hearing before the Board in person or by attorney.

Approved June 23, 1955.

CHAPTER 326

IN RESPECT TO PRINTING NEEDS OF
GENERAL ASSEMBLY**AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE
ENTITLED "STATE GOVERNMENT" IN RESPECT TO
THE PRINTING NEEDS OF THE GENERAL ASSEMBLY.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 1102, Title 29, of the Delaware Code is amended to read as follows:

§ 1102. Advertisements for bids; preparation of specifications

On or before the first day of December in any year preceding the year when the General Assembly meets in regular session, as provided by the Constitution of the State, the Legislative Reference Bureau of Delaware shall advertise for bids for supplying the printing needs of the General Assembly and performing the necessary work in connection therewith. The advertisement for bids shall be published in at least two newspapers of general circulation in each county of the State. The Bureau shall prepare or cause to be prepared specifications for the printing as shall be required during the next succeeding regular session of the General Assembly following the advertisement for bids. The specifications shall include the printing of the calendars for the Senate and for the House of Representatives, the printing of bills, printing of rule books, roll call books and the various printed forms and supplies which are needed and used in the regular work of the General Assembly. On or before the date of publishing the advertisement, the Bureau shall send a copy of the specifications to not less than ten printers throughout the State.

Section 2. § 1105, Title 29 of Delaware Code is amended to read as follows:

§ 1105. Duties of printing committee chairmen

Upon receipt of such bids, which shall be submitted in person by the bidder or by his agent, prior to 3:00 P. M. on the day designated for the receipt of bids by the Chairmen of the Printing Committee in each House, the Chairman of the Committee of the Senate and the Chairman of the Committee of the House of Representatives shall notify each member of his Printing Committee of the hour and place of a meeting of his full Committee in some part of the Legislative Building, in Dover, for the purpose of opening the bids received by him. The Chairman of the Printing Committee of either House shall give public notice of the date designated by him for the receipt of bids by causing to be published an advertisement in a newspaper of general circulation in each county of the State.

Section 3. § 1112, Title 29 of the Delaware Code is amended to read as follows:

§ 1112. Absence of sufficient number of bids; special session

If less than three bids are received at any regular session of the General Assembly from responsible bidders, to supply all or some part of the printing needs set forth in the specifications, or when the General Assembly convenes in special session, the printing needs of the Senate and of the House of Representatives shall be supplied as the respective branches of the General Assembly direct.

Approved June 23, 1955.

CHAPTER 327

APPROPRIATION

MILLSBORO SCHOOL

AN ACT TO APPROPRIATE CERTAIN MONIES TO THE BOARD OF SCHOOL TRUSTEES OF MILLSBORO SCHOOL #23 FOR THE PURPOSE OF RESTORING CERTAIN MONIES THAT REVERTED TO THE GENERAL FUND.

WHEREAS, the chimney of the Millsboro School #23 did not function properly after the conversion from coal to oil, and

WHEREAS, the 117th General Assembly did appropriate certain monies to Millsboro School #23 for the purpose of making the chimney higher; and

WHEREAS, upon the advise of certain engineers it was ascertained that this correction could more efficiently and economically be achieved by the use of a forced draft; and

WHEREAS, the Trustees of Millsboro School #23 found that after complying with this advice that these monies could not be used because the purpose of the aforesaid appropriation had been to extend the chimney; and

WHEREAS, these monies reverted to the General Fund and could not be used to correct the situation, Now, therefore,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Thirteen hundred and twenty-seven dollars and eighty-nine cents (\$1327.89) is appropriated to the Board of School Trustees of Millsboro School #23 for the purpose of restoring the above amount that reverted to the General Fund in order that the normal repairs might proceed.

Section 2. 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 of Delaware, not otherwise appropriated.

Approved June 23, 1955.

CHAPTER 328

KENT COUNTY JAIL

AN ACT TO AMEND CHAPTER 69, TITLE 11 OF THE DELAWARE CODE RELATING TO THE FORMULATION OF RULES AND REGULATIONS OF THE KENT COUNTY JAIL.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 6923, Title 11 of the Delaware Code is amended by striking out and repealing all of said section and inserting in lieu thereof a new § 6923 to read as follows:

§ 6923. Warden to formulate rules and regulations

The warden shall formulate written rules and regulations for the proper operation and maintenance of the jail as to the safe keeping of all prisoners. One set of rules shall apply to the conduct of prisoners, and one set of regulations shall define the duties of the deputy warden and other employees. These rules and regulations shall be as comprehensive as possible. Before such rules and regulations however, shall become effective, the same shall be approved by the Levy Court of Kent County. The rules and regulations may be added to or amended or repealed, subject to the same procedure or provisions as applicable to the proper adoption of the original rule and regulations.

Approved June 23, 1955.

CHAPTER 329

UNDERTAKERS

AN ACT TO AMEND CHAPTER 31, TITLE 24 OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS AND APPRENTICESHIP REQUIREMENTS FOR APPLICANTS FOR A CERTIFICATE TO ENGAGE IN THE UNDERTAKING BUSINESS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 31, Title 24, of the Delaware Code is amended by repealing all of Section 3108 and inserting in lieu thereof the following section:

§ 3108. Qualifications and apprenticeship requirements for applicants

(a) No person or member of a firm or corporation desiring to engage in the undertaking business in this State shall be eligible, or shall be permitted, to be examined as to his qualifications for such business, as provided in this chapter, unless he has been a bona fide resident of this State for a period of at least two years immediately preceding his application for such examination, and unless he has served an apprenticeship of at least two years with a licensed undertaker of this State who, at the commencement of such apprenticeship, shall have registered the name, age and address of the apprentice with the Secretary of the Board.

(b) If the apprenticeship referred to in subsection (a) of this section shall have been served with more than one licensed undertaker of this State, the requirements for eligibility and permission to be examined, as provided by such subsection, shall not be met unless all of the licensed undertakers concerned shall have made the registration described in such subsection.

(c) Apprentices shall be furnished with proper Identification Cards showing names and dates served under each licensed Funeral Director.

(d) At least one year of the aforementioned apprenticeship shall be served prior to the applicant's commencement of the course of study at a regular, recognized school or college of embalming required by this section.

(e) No certificate shall be issued by the Board unless the applicant has a high school education, and is a graduate from a regular, recognized college or school of embalming.

(f) No applicant shall be registered with the Board as an apprentice until he has fulfilled the requirements of a high school education. The name and address of the applicant shall be filed with the Board not less than two years next preceding his examination.

(g) An apprentice shall be required to have assisted in the embalming of at least twenty-five cases for which case reports shall be submitted to the Board, certified to by the licensed undertaker or undertakers under whom such cases were embalmed.

(h) At no time may an apprentice attend a school of Embalming and Funeral Management concurrently with the service of an apprenticeship.

Approved June 23, 1955.

CHAPTER 331

REGIONAL PLANNING COMMISSION OF
NEW CASTLE COUNTY

**AN ACT TO AMEND CHAPTER 25, TITLE 9 OF THE DELA-
WARE CODE RELATING TO APPROPRIATIONS TO
THE REGIONAL PLANNING COMMISSION OF NEW
CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. § 2515, Title 9 of the Delaware Code is amended
by repealing all of section 2515 and substituting and enacting in
lieu thereof a new § 2515 to read as follows:

§ 2515. Appropriation; authority to make

The Levy Court of New Castle County may appropriate
out of the general County funds such monies otherwise not ap-
propriated as it may deem necessary to finance the work of
the Regional Planning Commission of New Castle County, to
be paid as other County expenses out of money collected for
taxes for County purposes.

Approved June 23, 1955.

CHAPTER 332

SANITARY SEWER DISTRICTS IN NEW CASTLE COUNTY

AN ACT TO LEGALIZE AND VALIDATE ACTS DONE OR PROCEEDINGS TAKEN TO ESTABLISH SANITARY SEWER DISTRICTS IN NEW CASTLE COUNTY AND TO PROVIDE THEREIN FACILITIES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE, AND BONDS ISSUED BY NEW CASTLE COUNTY TO FINANCE THE COST THEREOF.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. All acts done or proceedings taken either by the Levy Court of New Castle County or by other officers or agencies of the County to establish any sanitary sewer district for the purposes set forth either in Article 1 of Chapter 43 of the Revised Code of Delaware, 1935, and the acts amendatory thereof, or in Chapter 23 of Title 9 of the Delaware Code, or to construct in any such sanitary sewer district facilities for the collection, treatment and disposal of sewage or to issue bonds of New Castle County to finance the cost thereof, and any such bonds heretofore issued, are hereby legalized and validated, notwithstanding any error or omission or irregularity in such acts or proceedings or any lack of authority therefor and notwithstanding any failure to prescribe in said acts the qualifications for voters voting at any election to determine whether such sanitary sewer district shall be established, provided a majority of the voters voting at an election held in said sanitary sewer district by order of the Levy Court shall have voted for the establishment of such sanitary sewer district and provided said bonds so issued shall have been signed and sealed as provided in Chapter 23 of Title 9 of the Delaware Code, and the County shall have received in payment therefor not less than par and accrued interest.

Approved June 23, 1955.

CHAPTER 330

RELATING TO DRY CLEANERS AND LAUNDERERS

**AN ACT TO PERMIT DISPOSAL OF GARMENTS LEFT WITH
DRY CLEANERS AND LAUNDERERS AND WHICH
ARE UNCLAIMED.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. That any garment left with a retail dry cleaner or retail launderer for dry cleaning or laundering which is not redeemed within one year (1) may be disposed of by the dry cleaner or launderer without any liability or responsibility for the garment or any proceeds realized therefrom, provided however that this act shall apply only where advice to that effect is clearly printed in clear emphasized and differentiated type on the slip, ticket or check presented to the owner of the garment at the time it is left for dry cleaning or laundering.

Approved June 23, 1955.

CHAPTER 333

RELATING TO SERVICE OF PROCESS ON NON-RESIDENT
OWNERS OF MOTOR VEHICLES**AN ACT TO AMEND SECTION 3112 OF TITLE 10 OF THE
DELAWARE CODE RELATING TO SERVICE OF PRO-
CESS ON NON-RESIDENT OWNERS, OPERATORS OR
DRIVERS OF MOTOR VEHICLES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Section 3112 of Title 10 of the Delaware Code is amended by substituting the following subsections (a)-(j) for the presently designated subsections (a), (b), and (c):

(a) Any non-resident owner, operator or driver of any motor vehicle, not registered under the laws of this State providing for the registration of motor vehicles, who accepts the privilege extended by law to non-residents of this State to operate or drive such motor vehicles on the public streets, roads, turnpikes or highways of this State by operating or driving such motor vehicle or by having the same operated or driven on any public street, road, turnpike or highway of this State shall by such acceptance of the privilege be deemed thereby to have appointed and constituted the Secretary of State of this State, his agent for the acceptance of legal process in any civil action against such non-resident owner, operator or driver arising or growing out of any accident or collision occurring within this State in which such motor vehicle is involved. The acceptance shall be a signification of the agreement of such non-resident that any such process when so served shall be of the same legal force and validity as if served upon such non-resident personally within this State.

(b) Service of the legal process provided for in this Section, with the fee of \$2, shall be made upon the Secretary of State of this State in the same manner as is provided by law for service of writs of summons, and when so made shall be as effectual to all intents and purposes as if made personally

upon such non-resident within this State; provided, that not later than seven days following the filing of the return of service of process in the court in which the civil action is commenced, the plaintiff or a person acting in his behalf shall send by registered mail to the non-resident defendant a notice consisting of a copy of the process and complaint served upon the Secretary of State and the statement that service of the original of such process has been made upon the Secretary of State of this State, and that under the provisions of this Section such service is as effectual to all intents and purposes as if it had been made upon such non-resident personally within this State; and provided further that, (1), an affidavit made by or on behalf of the plaintiff of the defendant's non-residence and of the sending and date of mailing of the notice, and, (2), either the return receipt of defendant or his agent, or, if acceptance was refused by the defendant or his agent, the original envelope bearing a notation by the postal authorities that receipt was refused together with an affidavit by or on behalf of the plaintiff that notice of such mailing and refusal was within three days of the return of the original envelope sent to the defendant by ordinary mail, are filed in the action within ten days of the receiving by or on behalf of the plaintiff from the postal authorities of either the defendant's return receipt or the original envelope bearing the notation that acceptance was refused.

(c) Where the notice provided for in subsection (b) of this section is mailed to a foreign country, other official proof of the delivery of the mail may be filed in case the post office department is unable to obtain a return receipt.

(d) The return receipt or other official proof of delivery shall constitute presumptive evidence that the notice mailed was received by the defendant or his agent; and the notation of refusal shall constitute presumptive evidence that the refusal was by the defendant or his agent.

(e) The plaintiff or his counsel of record in the action may within seven days following the return of any undelivered notice mailed in accordance with the provisions of paragraph (b) of this section other than a notice, delivery of which is shown by the notation of the postal authorities on the original

envelope to have been refused by the defendant or his agent, file with the court in which the civil action is commenced proof of the non-receipt of the notice by the defendant or his agent, which proof shall consist of the usual receipt given by the post office at the time of mailing to the person mailing the registered article containing the notice, the original envelope of the undelivered registered article, and an affidavit made by or on behalf of plaintiff specifying (1) the date upon which the envelope containing the notice was mailed by registered mail, (2) the date upon which the envelope containing the notice was returned to the sender, (3) that the notice provided for in paragraph (b) of this section was contained in the envelope at the time it was mailed, and (4) that the receipt, obtained at the time of mailing by the person mailing the envelope containing the notice, is the receipt filed with the affidavit.

(f) The time in which defendant shall serve his answer shall be computed from the date of the mailing of the registered letter mentioned in subsection (b) ; provided, however, that the court in which the action is pending may, at any time before or after the expiration of the prescribed time for answering, order such continuances as may be necessary to afford the defendant therein reasonable opportunity to defend the action.

(g) This section is an extension of and not a limitation upon the right otherwise existing of service of legal process, by foreign attachment and otherwise, upon non-residents or their property in this State.

(h) In any civil action against a non-resident owner, operator or driver of a motor vehicle pending on the effective date of this Act in which it appears to the satisfaction of the Court in which the action is pending that service of process has not been attempted or has not been perfected because of the unconstitutionality or a question of the constitutionality of the procedure provided by statute for such service of process, the court upon the application of plaintiff or his attorney made within 60 days following the effective date of this Act may permit service of process to be made in accordance with the provisions of this Act if the plaintiff or his attorney files with the Court within 10 days following the granting of such permission a written

application for the issuance of process; provided that such actions shall be deemed to have been commenced upon the date of the filing of the complaint.

(i) Where a cause of action or claim for relief has accrued since February 12, 1953, and a civil action is not instituted upon the cause of action or claim for relief until after the effective date of this Act, service of process in such civil action shall be effective if made in compliance with the provisions of this Act. This sub-section shall not be construed to be an extension of any statute of limitations relating to any cause of action or claim for relief referred to in this sub-section.

(j) If any provision of this Act or amendments hereto, or the application hereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of this Act or such amendments as can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Approved June 23, 1955.

CHAPTER 334

NEW CASTLE COUNTY WORKHOUSE

AN ACT TO AMEND CHAPTER 67, TITLE 11 OF THE DELAWARE CODE RELATING TO THE NEW CASTLE COUNTY WORKHOUSE, BY PROVIDING FOR THE SALE OR LEASE OF PROPERTY AND DISPOSITION OF PROCEEDS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 67, Title 11 of the Delaware Code is amended by adding a new section thereto, to be designated as § 6726, and to read as follows:

§ 6726. Sale or lease of property and disposition of proceeds

When any property, real, personal, or mixed, vested in the Board of Trustees of the New Castle County Workhouse is no longer needed for Workhouse purposes, the Board of Trustees may sell or lease such property, and grant, sell, demise, or convey to the purchaser or tenant a good and sufficient title, interest, or estate therein, and the proceeds or rents received therefrom shall be used by the Board for Workhouse purposes.

Approved June 23, 1955.

CHAPTER 335

RELATING TO BONDS AND RECOGNIZANCES

**AN ACT TO AMEND CHAPTER 17, TITLE 11 OF THE
DELAWARE CODE RELATING TO BONDS AND RE-
COGNIZANCES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Chapter 17, Title 11 of the Delaware Code is amended by adding a new section thereto to be designated § 1703 and to read as follows:

§ 1703. Bonds and recognizances

Where the signature of an owner of realty is required upon any bond or recognizance in any court of this state or before any justice of the peace of this state, it shall not be required that the owner own realty in the county where the court or justice of the peace is located but it shall be regarded as sufficient security if the owner owns realty located anywhere in this state.

Section 2. Any act or part of an act inconsistent with this act is repealed to the extent of any such inconsistency.

Approved June 23, 1955.

CHAPTER 336

REGARDING TRASH IN VICINITY OF HIGHWAYS

AN ACT TO AMEND CHAPTER 5, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS, ROADS AND BRIDGES WITH REGARD TO TRASH IN THE VICINITY OF HIGHWAYS; PENALTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 5, Title 17 of the Delaware Code be and the same is hereby amended by adding thereto the following new section to be known as § 518.

§ 518. Trash within a certain distance of the highway; penalty

(a) No person shall throw, deposit or place any trash, rubbish or garbage within 100 feet of any public highway in this State.

(b) Who ever violates any provision of this Section shall be fined the sum of not less than \$50.00 for each violation.

Each day that any violation is continued shall be deemed a separate offense and violation of the provisions of this Section.

Approved June 23, 1955.

CHAPTER 337

TRANSFERRING LAND TO TIDE WATER ASSOCIATED
OIL COMPANYAN ACT TO TRANSFER A CERTAIN TRACT OF PUBLIC
LAND TO TIDE WATER ASSOCIATED OIL COMPANY.

WHEREAS, the State of Delaware is owner of a certain tract of land lying beneath the waters of Delaware River off Delaware City and containing 74.89 acres more or less; and

WHEREAS, Tide Water Associated Oil Company has offered to construct a dike on said land and greatly improve the same by filling behind the dike; and

WHEREAS, the General Assembly deems it to be in the best interest of the State of Delaware for said land to be filled thereby increasing the useable area of this State; NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State of Delaware does hereby grant and convey unto Tide Water Associated Oil Company, a corporation of the State of Delaware, its successors and assigns, all that certain piece or tract of land, situate in Red Lion Hundred, New Castle County and State of Delaware, more particularly bounded and described as follows, to-wit:

BEGINNING at a point in the present Low Water Line of the Delaware River at a corner for lands of C. D. Haman and Knollwood, Inc., said point of Beginning being distant North 42°-23'-40" East, 912.7 feet, more or less, measured along the division line between said lands of C. D. Haman and Knollwood, Inc., from the intersection thereof with the northeasterly right of way line of the Philadelphia, Baltimore & Washington Railroad (Delaware City Branch) (at 100' wide), said point of intersection being in the center line of North Drain; thence along said present Low Water Line of the Delaware River by the

various courses thereof in a northwesterly direction, 3440 feet, more or less, along said lands of C. D. Haman and lands of Sidney Scott, et. al. in part to a point in the proposed Low Water Line, said point being distant by the two following described tie lines: (1) North 47°-55' West, 2221.14 feet to a point, a corner for said lands of C. D. Haman and Sidney Scott, et. al.; and (2) North 43°-20' West, 772.8 feet to said point in the proposed Low Water Line; thence along the said proposed Low Water Line, the three following described courses and distances: (1) North 79°-01' East, 173.0 feet more or less, to a point; (2) due East 950.0 feet, more or less, to a point; and (3) South 45°-East, 4398 feet, more or less, to a point in the present Low Water Line and in line of lands of the said Philadelphia, Baltimore & Washington Railroad; thence along said present Low Water Line by the various courses thereof and along lands of said Philadelphia, Baltimore & Washington Railroad; Dunlap; W. H. Press; and the said Knollwood, Inc., in a general northwesterly direction 2605.0 feet, more or less, to said corner for lands of C. D. Haman and Knollwood, Inc., and the point and place of Beginning, said point of Beginning being distant by the five following described tie lines; (1) South 71°-31'-50" West, 211.40 feet to a point, a corner for lands of said Philadelphia, Baltimore & Washington Railroad and Dunlap; (2) South 86°-01'-08" West, 405.75 feet to a point, another corner for said lands of Philadelphia, Baltimore & Washington Railroad and Dunlap; (3) North 53°-11'-40" West, 646.63 feet to a point in line of lands of said Philadelphia, Baltimore & Washington Railroad and a corner for said lands of W. H. Press; (4) North 65°-28'-55" West, 179.43 feet to a point, a corner for said lands of W. H. Press and Knollwood, Inc.; and (5) North 49°-13'-45" West, 1009.81 feet to said point of BEGINNING. CONTAINING within said described metes and bounds 74.89 acres of land, be the same, more or less.

Section 2. The Governor and Secretary of State of the State of Delaware are hereby authorized and directed to execute a good and sufficient deed granting and conveying said piece or tract of land to the Tide Water Associated Oil Company, a corporation of the State of Delaware.

Approved June 23, 1955.

CHAPTER 338

RELATING TO ACCIDENT AND SICKNESS INSURANCE

AN ACT TO AMEND TITLE 18, DELAWARE CODE, RELATING TO ACCIDENT AND SICKNESS INSURANCE; TO ADD A NEW CHAPTER ENTITLED "ACCIDENT AND SICKNESS INSURANCE" PROVIDING FOR ACCIDENT AND SICKNESS POLICY PROVISIONS, AND TO AMEND AND REPEAL SECTIONS IN CONFLICT THEREWITH.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 18, Delaware Code, is amended by adding a new chapter as follows:

CHAPTER 31

ACCIDENT AND SICKNESS INSURANCE

§ 3101. Purpose

The purpose of this chapter is to enact the provisions of the "Uniform Individual Accident and Sickness Provisions Law" as approved and adopted by the National Association of Insurance Commissioners on June 15, 1950. The General Assembly declares that this is a subject of concern respecting the health and welfare of the residents of this State, and considers it to be in the public interest to establish these standards with which individual policies of accident and sickness insurance must comply.

§ 3102. Definition of accident and sickness insurance policy

As used in this chapter, the term "policy of accident and sickness insurance" includes any policy or contract covering insurance against loss resulting from sickness or from bodily injury or death by accident, or both.

§ 3103. Form of policy

(a) No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this State unless:

(1) the entire money and other considerations therefor are expressed therein;

(2) the time at which the insurance takes effect and terminates is expressed therein;

(3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed nineteen years and any other person dependent upon the policyholder;

(4) the style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurance company, name or title of the policy, the brief description if any, and captions and subcaptions);

(5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 3104 of this chapter, are printed, at the insurance company's option, either included with the benefit provision to which they apply, or under an appropriate caption such as **EXCEPTIONS**, or **EXCEPTIONS AND REDUCTIONS**, provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies;

(6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) it contains no provision purporting to make any portion of the charter, rules, constitution, or by-laws of the insurance company a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

(b) If any policy is issued by an insurance company domiciled in this State for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the Commissioner that any such policy is not subject to approval or disapproval by such official, the Commissioner may by ruling require that such policy meet the standards set forth in subsection (a) of this section and in section 3104.

§ 3104. Accident and sickness policy provisions

(a) Required Provisions. Except as provided in subsection (c) of this section each such policy delivered or issued for delivery to any person in this State shall contain the provisions specified in this subsection in the words in which the same appear in this section; provided, however, that the insurance company may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this subsection or, at the option of the insurance company, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

(1) A provision as follows: **ENTIRE CONTRACT: CHANGES:**

This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No

change in this policy shall be valid until approved by an executive officer of the company and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions.

(2) A provision as follows: **TIME LIMIT ON CERTAIN DEFENSES:** (A) After three years from the date of issue of this policy no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three year period.

The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three year period, nor to limit the application of section 3104 (b) (1), (2), (3), (4) and (5) in the event of misstatement with respect to age or occupation or other insurance.

A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age 50 or, (B) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision, from which the clause in parentheses may be omitted at the insurance company's option, under the caption **INCONTESTABLE:** After this policy has been in force for a period of three years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.

(B) No claim for loss incurred or disability (as defined in the policy) commencing after three years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

(3) A provision as follows: **GRACE PERIOD:** A grace period of.....(insert a number not less than "7" for weekly premium policies, "10" for monthly premium policies

and "31" for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force.

A policy which contains a cancellation provision may add, at the end of the above provision: subject to the right of the company to cancel in accordance with the cancellation provision hereof.

A policy in which the insurance company reserves the right to refuse any renewal shall have, at the beginning of the above provision: Unless not less than five days prior to the premium due date the company has delivered to the insured or has mailed to his last address as shown by the records of the company written notice of its intention not to renew this policy beyond the period for which the premium has been accepted.

(4) A provision as follows: **REINSTATEMENT:** If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the company or by any agent duly authorized by the company to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy; provided, however, that if the company or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the company or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the company has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and company shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty days prior to the date of reinstatement.

The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or (2) in the case of a policy issued after age 44, for at least five years from its date of issue.

(5) A provision as follows: NOTICE OF CLAIM: Written notice of claim must be given to the company within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the company at.....(insert the location of such office as the company may designate for the purpose), or to any authorized agent of the company, with information sufficient to identify the insured, shall be deemed notice to the company.

In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurance company may at its option insert the following between the first and second sentences of the above provision: Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of claim, give to the company notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the company on account of such claim or any denial of liability in whole or in part by the company shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given.

(6) A provision as follows: CLAIM FORMS: The company, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the

policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

(7) A provision as follows: **PROOFS OF LOSS:** Written proof of loss must be furnished to the company at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the company is liable and in case of claim for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required.

(8) A provision as follows: **TIME OF PAYMENT OF CLAIMS:** Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid.....(insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof.

(9) A provision as follows: **PAYMENT OF CLAIMS:** Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the company, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured.

The following provisions, or either of them, may be included with the foregoing provision at the option of the insurance company: (A) If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the company may pay such indemnity, up to an amount not exceeding \$. (insert an amount which shall not exceed \$1000), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the company to be equitably entitled thereto. Any payment made by the company in good faith pursuant to this provision shall fully discharge the company to the extent of such payment. (B) Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the company's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person.

(10) A provision as follows: **PHYSICAL EXAMINATIONS AND AUTOPSY:** The company at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law.

(11) A provision as follows: **LEGAL ACTIONS:** No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished.

(12) A provision as follows: **CHANGE OF BENEFICIARY:** Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy.

The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurance company's option.

(b) Other Provisions. Except as provided in subsection (c) of this section, no such policy delivered or issued for delivery to any person in this State shall contain provisions respecting the matters set forth below unless such provisions are in the words in which the same appear in this section; provided, however, that the insurance company may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the Commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this subsection or, at the option of the insurance company, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

(1) A provision as follows: **CHANGE OF OCCUPATION:** If the insured be injured or contract sickness after having changed his occupation to one classified by the company as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the company will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the company for such more hazardous occupation. If the insured changes his occupation to one classified by the company as less hazardous than that stated in this policy, the company, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro-rate unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the company prior to the occurrence of the loss for which the company is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then

the classification of occupational risk and the premium rates shall be those last made effective by the company in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation.

(2) A provision as follows: **MISSTATEMENT OF AGE:** If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age.

(3) A provision as follows: **OTHER INSURANCE IN THIS COMPANY:** If an accident or sickness or accident and sickness policy or policies previously issued by the company to the insured be in force concurrently herewith, making the aggregate indemnity for..... (insert type of coverage or coverages) in excess of \$. (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate.

Or in lieu thereof: Insurance effective at any one time on the insured under a like policy or policies in this company is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the company will return all premiums paid for all other such policies.

(4) A provision as follows: **INSURANCE WITH OTHER COMPANIES:** If there be other valid coverage, not with this company, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this company has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this company had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro-rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis,

the "like amount" of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage.

If the foregoing policy provision is included in a policy which also contains the next following policy provision there shall be added to the caption of the foregoing provision the phrase **EXPENSE INCURRED BENEFITS**. The insurance company may, at its option, include in this provision a definition of "other valid coverage", approved as to form by the Commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the Commissioner. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be other valid coverage of which the insurance company has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as other valid coverage.

(5) A provision as follows: **INSURANCE WITH OTHER COMPANIES**: If there be other valid coverage, not with this company, providing benefits for the same loss on other than an expense incurred basis and of which this company has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the company had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro-rata portion for the indemnities thus determined.

If the foregoing policy provision is included in a policy which also contains the next preceding policy provision there shall be added to the caption of the foregoing provision the phrase **OTHER BENEFITS**. The insurance company may, at its option, include in this provision a definition of "other valid coverage", approved as to form by the Commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the Commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be other valid coverage of which the insurance company has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as other valid coverage.

(6) A provision as follows: **RELATION OF EARNINGS TO INSURANCE**: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the company will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro-rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of

benefits payable under all such coverage upon the insured below the sum of two hundred dollars or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time.

The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or, (2) in the case of a policy insured after age 44, for at least five years from its date of issue. The insurance company may, at its option, include in this provision a definition of "valid loss of time coverage", approved as to form by the Commissioner which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the Commissioner or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.

(7) A provision as follows: **UNPAID PREMIUM:** Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

(8) A provision as follows: **CANCELLATION:** The company may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the company, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the company, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the company will return promptly the unearned portion of any premium paid. If the insured cancels, the earned

premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the company cancels, the earned premium shall be computed pro-rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation.

(9) A provision as follows: **CONFORMITY WITH STATE STATUTES:** Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes.

(10) A provision as follows: **ILLEGAL OCCUPATION:** The company shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation.

(11) A provision as follows: **INTOXICANTS AND NARCOTICS:** The company shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician.

(c) Inapplicable or inconsistent provisions. If any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy the insurance company, with the approval of the Commissioner, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

(d) Order of certain policy provisions. The provisions which are the subject of subsections (a) and (b) of this section, or any corresponding provisions which are used in lieu thereof in accordance with such subsections, shall be printed in the consecutive order of the provisions in such subsections or, at the option of the insurance company, any such provision may appear

as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

(e) Third party ownership. As used in this chapter, the word "insured" shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

(f) Requirements of other jurisdictions.

(1) Any policy of a foreign or alien insurance company, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this chapter and which is prescribed or required by the law of the state under which the insurance company is organized.

(2) Any policy of a domestic insurance company may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

(g) Approval and filing of forms.

(1) No policy of accident and sickness insurance shall be issued or delivered to any person in this State, or shall be issued anywhere by an insurance company organized under the laws of this State, nor shall any application, rider or endorsement be used in connection therewith until a copy of the form thereof and of the classification or risk and the premium rates, or, in the case of cooperatives or assessment companies the estimated cost pertaining thereto have been filed with the Commissioner. The Commissioner may make such reasonable rules and regulations concerning the procedure for the filing or submission of policies subject to this chapter as are necessary, proper or advisable to the administration of this chapter. This provision shall not abridge any other authority granted the Commissioner by law.

(2) No such policy shall be issued, nor shall any application, rider or endorsement be used in connection therewith, until the expiration of 30 days after it has been so filed unless the Commissioner shall sooner give his written approval thereto.

(3) The Commissioner may within 30 days after the filing of any such form, disapprove such form (A) if the benefits provided therein are unreasonable in relation to the premium charged, or (B) if it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or such as to encourage misrepresentation of such policy, or (C) if it fails to comply with any of the requirements of this chapter. If the Commissioner notifies the insurance company which has filed any such form that it does not comply with the provisions of this subsection, such company shall not thereafter issue such form or use it in connection with any policy. In such notice the Commissioner shall specify the reasons for his disapproval and state that a hearing will be granted within 20 days after request in writing by the insurance company.

(4) The Commissioner may at any time, after a hearing of which not less than 20 days' written notice shall have been given to the insurance company, withdraw his approval of any such form on any of the grounds stated in this subsection. The insurance company shall not issue such form or use it in connection with any policy after the effective date of such withdrawal of approval. The notice of any hearing called under this subsection shall specify the matters to be considered at such hearing and any decision affirming disapproval or directing withdrawal of approval under this subsection shall be in writing and shall specify the reasons therefor.

§ 3105. Conforming to statute

(a) No policy provision which is not subject to section 3104 of this chapter shall make a policy, or any portion thereof, less favorable in any respect to the insured or the beneficiary than the provisions thereof which are subject to this chapter.

(b) A policy delivered or issued for delivery to any person in this State in violation of this chapter shall be held valid but

shall be construed as provided in this chapter. When any provision in a policy subject to this chapter is in conflict with any provision of this chapter, the rights, duties and obligations of the insurance company, the insured and the beneficiary shall be governed by the provisions of this chapter.

§ 3106. Application

(a) The insured shall not be bound by any statement made in an application for a policy unless a copy of such application is attached to or endorsed on the policy when issued as a part thereof. If any such policy delivered or issued for delivery to any person in this State shall be reinstated or renewed, and the insured or the beneficiary or assignee of such policy shall make written request to the insurance company for a copy of the application, if any, for such reinstatement or renewal, the insurance company shall within fifteen days after the receipt of such request at its home office or any branch office of the insurance company, deliver or mail to the person making such request, a copy of such application. If such copy shall not be so delivered or mailed, the insurance company shall be precluded from introducing such application as evidence in any action or proceeding based upon or involving such policy or its reinstatement or renewal.

(b) No alteration of any written application for any such policy shall be made by any person other than the applicant without his written consent, except that insertions may be made by the insurance company, for administrative purposes only, in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant.

(c) The falsity of any statement in the application for any policy covered by this chapter may not bar the right to recovery thereunder unless such false statement materially affected either the acceptance of the risk or the hazard assumed by the insurance company.

§ 3107. Notice, waiver

The acknowledgement by any insurance company of the receipt of notice given under any policy covered by this chapter, or the furnishing of forms for filing proofs of loss, or the ac-

ceptance of such proofs, or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurance company in defense of any claim arising under such policy.

§ 3108. Age limit

If any such policy contains a provision establishing, as an age limit or otherwise, a date after which the coverage provided by the policy will not be effective, and if such date falls within a period for which premium is accepted by the insurance company or if the insurance company accepts a premium after such date, the coverage provided by the policy will continue in force subject to any right of cancellation until the end of the period for which premium has been accepted. In the event the age of the insured has been misstated and if, according to the correct age of the insured, the coverage provided by the policy would not have become effective, or would have ceased prior to the acceptance of such premium or premiums, then the liability of the insurance company shall be limited to the refund, upon request, of all premiums paid for the period not covered by the policy.

§ 3109. Non-application to certain policies

Nothing in this chapter shall apply to or affect (1) any policy of workmen's compensation insurance or any policy of liability insurance with or without supplementary coverage therein; or (2) any policy or contract of reinsurance; or (3) any blanket or group policy of insurance; or (4) life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as (a) provide additional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

§ 3110. Violation

Any person, partnership or corporation willfully violating any provision of this chapter or order of the Commissioner made

in accordance with this chapter, shall forfeit to the people of the State a sum not to exceed \$500 for each such violation, which may be recovered by a civil action. The Commissioner may also suspend or revoke the license of an insurance company or agent for any such willful violation.

§ 3111. Judicial review

(a) Any order, decision or act of the Commissioner under this chapter shall be subject to judicial review upon petition of any company, person or organization aggrieved. The appeal shall be to the Court of Chancery in any county of this State. A petition for the review of the action of the Commissioner shall be filed within 60 days from notice of the order, decision or act of the Commissioner. The commencement of such proceeding shall not affect the enforcement or validity of the Commissioner's action under review unless the court shall determine after notice to the Commissioner, that a stay of enforcement until further direction of the court will not unduly injure the interests of the public.

(b) The Commissioner may, through the Attorney General of this State, invoke the aid of the Court of Chancery to enforce any order made or action taken by him pursuant to this chapter, which proceedings may be instituted in any county of the state as may seem most convenient. In such proceedings, the court may make such orders, either preliminary or final, as it deems right and proper under the facts as presented and established before it.

§ 3112. Effective date of chapter

A policy, rider or endorsement, which could have been lawfully used or delivered or issued for delivery to any person in this State immediately before the effective date of this chapter may be used or delivered or issued for delivery to any such person during five years after the effective date of this chapter without being subject to the provisions of sections 3103, 3104 or 3105 of this chapter.

Section 2. § 2302 (b) (2), Title 18, Delaware Code, is amended to read as follows:

(b) (2) Accident and health insurance;

Section 3. § 2317, Title 18, Delaware Code, is amended by striking out and repealing said section.

Approved June 23, 1955.

CHAPTER 339

RELATING TO WORKMEN'S COMPENSATION

AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2301, Title 19, Delaware Code, is amended by striking out and repealing the last paragraph and substituting in lieu thereof the following:

"Services" and "supplies" mean all treatments and apparatus, including glasses, artificial members, shoes and any other corrective appliance made necessary by reason of the injuries sustained.

Section 2. § 2302, Title 19, Delaware Code, is amended by striking out and repealing subsections (b) and (c) thereof and substituting a new subsection to read as follows:

(b) If the rate of wages is fixed by the day or hour, his weekly wages shall be taken to be that rate times the number of days or hours in an average work week of his employer at the time of the injury. If the rate of wages is fixed by the output of the employee, then his weekly wage shall be taken to be his average weekly earnings for during so much of the preceding six months as he has worked for the same employer. If, because of exceptional causes, such method of computation does not ascertain fairly the earnings of an employee, then the weekly wage shall be based on the average earnings for six months of an average employee of the same or most similar employment.

Section 3. § 2302, Title 19, Delaware Code, is amended by redesignating subsection (d) thereof as subsection (c) and by striking out and repealing the words and figures "fifty cents

(\$50)" wherever they appear in said redesignated subsection (c) and substituting in lieu thereof the words and figures "three dollars (\$3.00)".

Section 4. § 2308, Title 19, Delaware Code, is amended to read as follows:

§ 2308. Applicability to executive officers

Executive officers of covered employers are included within the provisions of this chapter.

Section 5. § 2322 (a), Title 19, Delaware Code, is amended by striking out and repealing the words "during the first 30 days of the injury" and substituting in lieu thereof the words "during the period of disability".

Section 6. § 2324, Title 19, Delaware Code, is amended by striking out and repealing the figures "\$30" wherever they appear therein and substituting in lieu thereof the figures "\$35" and by striking out and repealing the figures "\$15" wherever they appear therein and substituting in lieu thereof the figures "\$18".

Section 7. § 2325, Title 19, Delaware Code, is amended to read as follows:

§ 2325. Compensation during partial disability

For injuries resulting in partial disability for work, except the particular cases mentioned in subsections (a)-(f) of section 2326 of this title, the compensation to be paid shall be 66-2/3 per cent 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 \$35 per week. This compensation shall be paid during the period of such partial disability for work, not, however, beyond 300 weeks. In construing the words "earning power of the employee thereafter" as those words appear in this section, the Board shall take into consideration the value of gratuities, board, lodging, and similar advantages received by the employee in a subsequent employment.

Section 8. § 2326, Title 19, Delaware Code, is amended to read as follows:

§ 2326. Compensation for certain permanent injuries

(a) For all permanent injuries of the following classes, the compensation to be paid regardless of the earning power of the injured employee after the injury shall be as follows:

For loss of a hand, $66\frac{2}{3}$ per cent of wages during 220 weeks;

For the loss of an arm, $66\frac{2}{3}$ per cent of wages during 250 weeks;

For the loss of a foot, $66\frac{2}{3}$ per cent of wages during 160 weeks;

For the loss of a leg, $66\frac{2}{3}$ per cent of wages during 250 weeks;

For the loss of two or more of such members, not constituting total disability, $66\frac{2}{3}$ per cent of wages during the aggregate of the period specified for each;

For the loss of a thumb, $66\frac{2}{3}$ per cent of wages during 75 weeks;

For the loss of a first finger, commonly called index finger, $66\frac{2}{3}$ per cent of wages during 50 weeks;

For the loss of a second finger, $66\frac{2}{3}$ per cent of wages during 40 weeks;

For the loss of a third finger, $66\frac{2}{3}$ per cent of wages during 30 weeks;

For the loss of a fourth finger, commonly called little finger, $66\frac{2}{3}$ per cent of wages during 20 weeks;

The loss of the first phalange of the thumb or any finger shall be considered to be equal to the loss of one-half of such thumb or finger and compensation shall be for one-half of the period, and compensation for the loss of one-half of the first phalange shall be for one-fourth of the period;

The loss of more phalanges than one shall be considered as the loss of the entire finger or thumb, provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

The loss of three fingers, or two fingers and a thumb of the same hand shall be considered as the loss of one-half of the hand, and compensation shall be paid for such loss for a period of 110 weeks;

For the loss of a great toe, $66\frac{2}{3}$ per cent of wages during 40 weeks;

For the loss of one of the toes, other than the great toe, $66\frac{2}{3}$ per cent of wages during 15 weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be for one-half of such period;

The loss of more phalanges than one shall be considered as the loss of the entire toe;

For the loss of an eye, $66\frac{2}{3}$ per cent of wages during 200 weeks;

For the loss of a fractional part of the vision of an eye, the compensation shall be for such percentage of the total number of weeks allowed for the total loss of the use of an eye under this section as the loss suffered bears to the total loss of an eye.

(b) Amputation to the ankle or any part of the foot, not including the toes, shall be considered as the equivalent of the loss of a foot. Amputation above the ankle shall be considered as the loss of a leg.

(c) Total loss of the use of a hand, arm, foot, leg, or eye, shall be considered as the equivalent of the loss of such hand, arm, foot, leg or eye.

(d) In all other cases of permanent injury of the classes specified in subsection (a) of this section, or when the usefulness of a member or any physical function is permanently impaired, the compensation shall bear such relation to the number of weeks stated in the schedule set forth in subsection (a) of this section as the disabilities bear to those produced by the injury named in the schedule.

(e) Unless the Board otherwise determines from the facts, the loss of both hands, or both arms, or both feet, or both legs, or both eyes, or an injury to the spine resulting in permanent and complete paralysis of both legs, or both arms, or one leg and one arm, or an injury to the skull resulting in incurable imbecility or insanity, shall constitute total disability for work, to be compensated according to the provisions of section 2324 of this title.

Amputation between the palmer surface of the hand and the shoulder shall be considered as the loss of an arm, and compensation shall be paid for such injury for a period of 250 weeks. Amputation for 50 per cent of the palmer surface of the hand shall be considered as the loss of the hand and compensation shall be paid for a period of 220 weeks.

(f) The Board shall award proper and equitable compensation for serious and permanent disfigurement to any part of the human body up to 150 weeks which shall be paid to the employee at the rate of $66\frac{2}{3}$ per centum of his weekly wages, but no compensation shall be awarded when such disfigurement was caused by the loss of or the loss of use of a member of the body, except the eye or eyes, for which compensation payments are already provided by terms of this section.

For the complete loss of hearing of one ear, the employee shall receive compensation at the rate of $66\frac{2}{3}$ per cent of his weekly wages for a period of 75 weeks.

For the complete loss of hearing in both ears, the employee shall receive $66\frac{2}{3}$ per cent of his weekly wages for a period of 175 weeks.

For the loss of a fractional part of hearing, the compensation shall be for such percentage of the total loss of weeks allowed for the total loss of hearing under this section as the loss suffered bears to the total loss of hearing.

(g) The compensation provided for in subsections (a)-(f) of this section shall not be more than \$35 per week, nor less than \$18 per week. If at the time of injury the employee receives wages of less than \$18 per week, then he shall receive the full amount of such wages per week as compensation.

(h) Subject to subsection (e) of this section, the compensation provided for in subsections (a)-(g) of this section shall be paid in addition to the compensation provided for in sections 2324 and 2325 of this title.

Section 9. § 2330 (a), Title 19, Delaware Code, is amended by striking out and repealing subparagraphs (1) through (6) and substituting in lieu thereof the following:

(1) To the child or children if there is no widow or widower entitled to compensation, 50 per cent of the wages of the deceased, with 10 per cent additional for each child in excess of two, with a maximum of 80 per cent to be paid to their guardian.

(2) To the widow or widower, if there are no children, 50 per cent of wages provided that the minimum amount payable shall not be less than \$15 per week.

(3) To the widow or widower, if there is one child, 65 per cent of wages;

(4) To the widow or widower, if there are two children, 70 per cent of wages;

(5) To the widow or widower, if there are three children, 75 per cent of wages;

(6) To the widow or widower, if there are four or more children, 80 per cent of wages;

Section 10. § 2330 (b), Title 19, Delaware Code, is amended to read as follows:

(b) The wages upon which death compensation shall be based shall not in any case be taken to exceed \$75 per week nor be less than \$15 per week. However, the minimum amount payable to a widow or widower, entitled to compensation shall not be less than \$15 per week. Subject to the provisions of section 2332 of this title, this compensation shall be paid during 400 weeks and in case of children entitled to compensation under this section, the compensation of each child shall continue after such period of 400 weeks until such child reaches the age of 18 years, at the rate of 15 per cent of wages if there is but one child, with 10 per cent additional for each additional child, with a maximum of 65 per cent. Children are not entitled to compensation during the period that compensation is payable to their mother or father, except as provided in this section; provided, however, that the compensation for any child shall not be less than \$10 per week unless the total maximum benefits are being paid.

Section 11. § 2330 (c), Title 19, Delaware Code, is amended by striking out and repealing the figures "16" as they appear therein and substituting in lieu thereof the figures "18".

Section 12. § 2331, Title 19, Delaware Code, is amended by striking out and repealing the figures "\$300" as they appear therein and substituting in lieu thereof the figures "\$700".

Section 13. § 2341, Title 19, Delaware Code, is amended to read as follows:

§ 2341. Notice of injury; time of; and failure to give

Unless the employer has actual knowledge of the occurrence of the injury, or unless the employee or some one on his behalf, or some of the dependents, or some one on their behalf, gives notice thereof to the employer within 90 days after the accident, no compensation shall be due until such notice is given or knowledge obtained.

Section 14. § 2342, Title 19, Delaware Code, is amended by striking out and repealing the figure and word "5 months" and substituting in lieu thereof the words "one year".

Section 15. § 2350, Title 19, Delaware Code, is amended by adding a new subsection to read as follows:

(e) If the decision of the Board is affirmed by an appellate court, the employee shall be entitled to all compensation plus interest at the legal rate from the time of the award by the Board.

Section 16. § 2358 (b), Title 19, Delaware Code, is repealed.

Section 17. § 2361 (a), Title 19, Delaware Code, is amended by striking out and repealed the words "within one year" and substituting in lieu thereof the words "within two years".

Section 18. § 2361 (b), Title 19, Delaware Code, is amended by striking out and repealing the words "two years" and substituting in lieu thereof the words "five years".

Section 19. § 2361 (c), Title 19, Delaware Code, is amended to read as follows:

(c) All claims for compensation for compensable occupational disease shall be forever barred unless a petition is filed in duplicate with the Secretary of the Board within one year after the date on which the employee first acquired such knowledge that the disability was or could have been caused or had resulted from his employment, provided, however, that all claims must be filed within 5 years after the date on which the employee ceased to be exposed in the course of employment with the employer to such occupational disease.

Section 20. § 2362, Title 19, Delaware Code, is amended to read as follows:

§ 2362. Penalty for delay in payment of compensation

An insurance carrier for the employer or the self-insurer who neglects or refuses to make the first payment of compensation more than fifteen (15) days after a compensable injury, such delay being avoidable or due to negligence, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

Section 21. § 2363, Title 19, Delaware Code, is amended to read as follows:

§ 2363. Third person liable for injury; right of employee to sue and seek compensation; right of employer and insurer to enforce liability; notice of action; settlement and release of claim, effect; amount of recovery; reimbursement of employer or insurer; expenses of recovery, apportionment; compensation benefits

(a) Where the injury for which compensation is payable under this chapter was caused under circumstances creating a legal liability in some person other than a natural person in the same employ or the employer to pay damages in respect thereof, the acceptance of compensation benefits or the taking of proceedings to enforce compensation payments shall not act as an election of remedies, but such injured employee or his dependents or their personal representative may also proceed to enforce the liability of such third party for damages in accordance with the provisions of this section. If the injured employee or his dependents or personal representative does not commence such action within 260 days after the occurrence of the personal injury, then the employer or its compensation insurance carrier may, within the period of time for the commencement of actions prescribed by statute, enforce the liability of such other person in the name of that person. Not less than 30 days before the commencement of suit by any party under this section, such party shall notify, by registered mail at their last known address, the Industrial Accident Board, the injured employee, or in the event of his death, his known dependents, or personal representative or his known next of kin, his employer and the workmen's compensation insurance carrier. Any party in interest shall have a right to join in said suit.

(b) Prior to the entry of judgment, either the employer or his insurance carrier or the employee or his personal representative may settle their claims as their interest shall appear and may execute releases therefor.

(c) Such settlement and release by the employee shall not be a bar to action by the employer or its compensation

insurance carrier to proceed against said third party for any interest or claim it might have.

(d) In the event the injured employee or his dependents or personal representative shall settle their claim for injury or death, or commence proceedings thereon against the third party before the payment of workmen's compensation, such recovery or commencement of proceedings shall not act as an election of remedies and any moneys so recovered shall be applied as herein provided.

(e) In an action to enforce the liability of a third party, the plaintiff may recover any amount which the employee or his dependents or personal representative would be entitled to recover in an action in tort. Any recovery against the third party for damages resulting from personal injuries or death only, after deducting expenses of recovery, shall first reimburse the employer or its workmen's compensation insurance carrier for any amounts paid or payable under the workmen's compensation act to date of recovery, and the balance shall forthwith be paid to the employee or his dependents or personal representative and shall be treated as an advance payment by the employer on account of any future payment of compensation benefits.

(f) Expenses of recovery shall be the reasonable expenditures, including attorney fees, incurred in effecting such recovery. Attorney fees, unless otherwise agreed upon, shall be divided among the attorneys for the plaintiff as directed by the court. The expenses of recovery above mentioned shall be apportioned by the court between the parties as their interests appear at the time of said recovery.

Approved June 23, 1955.

CHAPTER 340

CONCERNING ST. ANDREWS CHURCH, WILMINGTON

**AN ACT TO AMEND CHAPTER 65, VOLUME 19, LAWS OF
DELAWARE, CONCERNING ST. ANDREWS CHURCH,
WILMINGTON, DELAWARE, BY REMOVING THE UP-
PER LIMITATION OF THE NUMBER OF VESTRYMEN.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. Section 3, Chapter 65, 19 Laws of Delaware, is amended by striking out all of the next to the last sentence of said Section 3 and substituting in lieu thereof the following:

“The said Vestry shall consist of two wardens and not less than five vestrymen, whose number shall be fixed from time to time by the By-laws, and the number may be increased or decreased as therein provided.”

Approved June 23, 1955.

CHAPTER 341

AUTHORIZING PURCHASE OF NEW SEALS BY
SECRETARY OF STATE

AN ACT TO AMEND CHAPTER 23, TITLE 29, DELAWARE CODE, ENTITLED "SECRETARY OF STATE" TO PERMIT THE SECRETARY OF STATE TO PURCHASE NEW SEALS OF OFFICE AND REQUIRING THAT THE OLD SEALS BE DESTROYED.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2305, Title 29, Delaware Code, is amended by adding thereto the following new paragraph:

The Secretary of State may from time to time replace the seal or seals of his office. When such replacement is made the old seal or seals shall be destroyed in his presence.

Approved June 23, 1955.

CHAPTER 342

APPROPRIATION

BRIDGEVILLE SPECIAL SCHOOL DISTRICT

**AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE
BRIDGEVILLE SPECIAL SCHOOL DISTRICT TO EN-
ABLE IT TO PURCHASE CERTAIN LANDS FOR RECRE-
ATIONAL PURPOSES.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. There is hereby appropriated to the Bridgeville Special School District the sum of \$8500 to enable it to purchase certain lands consisting of 8.5 acres more or less now belonging to Charles W. Anderson and Essie J. Anderson to be used for recreational purposes.

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury of the State of Delaware, and any funds hereby appropriated remaining unexpended at the end of the current fiscal year on June 30, 1955 shall revert to the General Fund.

Approved June 27, 1955.

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CHAPTER 343

QUALIFICATIONS AND SELECTION OF AUDITORS

AN ACT TO AMEND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS AND SELECTION OF AUDITORS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 344, Title 9 of the Delaware Code is amended by striking out said section as it now appears and inserting in lieu thereof a new § 344 to read as follows:

§ 344. Annual audit; qualifications and selection of auditors

(a) The Levy Court of each county shall procure the services of one or more certified public accountants, to audit the accounts of the county at the end of its fiscal year.

(b) Every certified public accountant employed under subsection (a) of this section shall be certified under the laws of Delaware or under the laws of some state having substantially the same qualifications for the certification of public accountants as are required by the laws of Delaware. The Levy Court shall contract with a certified public accountant or certified public accountants, after first giving notice by newspaper advertisement or otherwise of the contemplated employment, and the said Levy Court shall thereafter select the lowest responsible bidder for the purpose of carrying out the requirements of this section. The Levy Courts may appropriate reasonable sums from the general funds of the counties for the payments to the certified public accountants for auditing the county books.

Approved June 27, 1955.

CHAPTER 344

APPROPRIATION

WILLIAM AUSTIN TYDINGS

AN ACT AUTHORIZING THE PAYMENT OF THE SUM OF \$3,000.00 TO WILLIAM AUSTIN TYDINGS FOR EXPENSES AND DAMAGES INCURRED AS A RESULT OF INJURIES RECEIVED BY THE NEGLIGENCE OF A DELAWARE NATIONAL GUARDSMAN.

WHEREAS, William Austin Tydings was injured on July 28, 1953 while operating his vehicle on the road between Rehoboth Beach, Delaware and Indian River Inlet as a result of the negligence of a Delaware National Guardsman operating a radio controlled airplane target (R. C. A. T.), and

WHEREAS, William Austin Tydings incurred expenses and damages in the total sum of \$3,000.00, and

WHEREAS, no remedy is available to William Austin Tydings for recovery of the sum.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Treasurer is hereby directed and authorized to pay the sum of \$3,000.00 to William Austin Tydings, representing the total expense and damage sum incurred as a result of the injuries he received July 28, 1953.

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 of Delaware.

Approved June 27, 1955.

CHAPTER 345
APPROPRIATION
FRANKFORD SCHOOL

**AN ACT APPROPRIATING FUNDS TO THE TRUSTEES OF
THE FRANKFORD SCHOOL #206 FOR THE CURRENT
FISCAL YEAR ON ACCOUNT OF UNANTICIPATED
EXPENSES FOR FUEL AS THE RESULT OF THE CON-
STRUCTION OF A NEW SCHOOL BUILDING.**

WHEREAS, as the result of the construction of a new school building for Frankford School #206, the amount of money allotted to the school for the year 1954-1955 is insufficient to meet the increased expense for fuel, AND

WHEREAS, it is estimated that the Frankford School #206 will require the sum of \$300.00 to meet the increased expense for fuel until the end of the current school year, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the Trustees of the Frankford School #206 the sum of \$300.00 for the current fiscal year ending June 30, 1955 to meet the increased expense for fuel resulting from the construction of a new school building for Frankford School #206.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware upon proper vouchers drawn by the Board of Frankford School #206.

Section 3. In the event that all and any of said sum of \$300.00 shall remain unexpended at the completion of the fiscal year ending June 30, 1955, the unexpended balance shall revert to the General Fund of the State Treasury.

Approved June 27, 1955.

CHAPTER 346

APPROPRIATION

GAME AND FISH COMMISSION

AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GAME AND FISH COMMISSIONERS FOR THE PURPOSE OF OPERATING AND MAINTAINING THE NEWLY ACQUIRED YOUTH CENTER AT PETERSBURG AND TO PROVIDE FOR PERSONNEL, PROGRAMING AND PUBLIC EDUCATION.

WHEREAS the Board of Game and Fish Commissioners has recently acquired a site for a Youth Center at Petersburg; and

WHEREAS the said Board has conducted this Youth Center with great success and wonderful public reception; and

WHEREAS it is necessary in order to further this activity that the program and facilities be expanded and that administration and supervision be provided for; and

WHEREAS the Board of Game and Fish Commissioners has indicated the following listed necessary expenses:

	1955	1956
1. OFFICE EXPENSE—		
2 Films @ \$200 each	\$ 400.00	\$ 400.00
2. TRAVEL—		
18,000 miles @ .06c per mile	1,080.00	1,080.00
12 mo. subsistence @ \$10/mo.	120.00	120.00
3. OPERATION—		
Publications**	\$2,600.00	
Insurance on Petersburg Youth Center	100.00	
Photography	400.00	
Heat & Light Petersburg Youth Center	100.00	3,200.00
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4. REPAIRS AND REPLACEMENTS—

Painting, screens, water & sewer system, windows, heaters, toilets, etc.—Peters- burg Youth Center	500.00	500.00
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5. EQUIPMENT—

Slide Projector and Screen	150.00	
Tape Recorder		150.00

Total	\$5,450.00	\$5,450.00
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**Annual Report

Game Laws (Booklet & Pamphlets)

Teaching Guides

Information Leaflets

NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That the sum of \$5,450 per year for each of the fiscal years beginning July 1, 1955 and July 1, 1956 is hereby appropriated to the Board of Game and Fish Commissioners for the operation, maintenance and administration of the Youth Center at Petersburg.

Section 2. That the funds hereby appropriated shall be paid out by the State Treasurer upon proper vouchers presented by the Board of Game and Fish Commissioners.

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

Approved June 27, 1955.

CHAPTER 347

APPROPRIATION

LORD BALTIMORE SCHOOL DISTRICT

AN ACT MAKING A DEFICIENCY APPROPRIATION TO
THE LORD BALTIMORE SCHOOL DISTRICT

WHEREAS, the Lord Baltimore School District owes \$3,227.47 in architect fees for work done in connection with the gymnasium and elementary school completed approximately three years ago, and

WHEREAS, a contract for an agriculture and industrial arts shop has been awarded requiring expenditures of \$3,800 more than are presently available for such purposes, and

WHEREAS, extra work costing \$691.74 is required to complete the said shop, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sums listed below are appropriated to the Board of School Trustees of Lord Baltimore School #28 for the purposes listed below:

Architect's fees	\$3,227.47
Contract for agriculture and industrial shop..	3,800.00
Extra work to complete agriculture and industrial shop	691.74
	<hr/>
	\$7,719.21

Section 2. This act is a supplementary and deficiency appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 27, 1955.

CHAPTER 348

APPROPRIATION

SELBYVILLE SCHOOL DISTRICT

AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE SELBYVILLE SCHOOL DISTRICT TO ENABLE IT TO PURCHASE CERTAIN LANDS ADJOINING THE SELBYVILLE SCHOOL PROPERTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the Selbyville School District the sum of \$5,372 to enable it to purchase certain lands consisting of 3.55 acres more or less now belonging to Clarence W. Tingle and his wife, and the sum of \$2500 is hereby appropriated to the Selbyville School District to enable it to purchase certain lands consisting of a rectangle 430 feet by 120 feet in dimensions now belonging to Homer H. Pepper, each of said properties adjoining the present property of the Selbyville School.

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury of the State of Delaware, and any funds hereby appropriated remaining unexpended at the end of the current fiscal year on June 30, 1955 shall revert to the General Fund.

Approved June 27, 1955.

CHAPTER 349

APPROPRIATION

BOARD OF GAME AND FISH COMMISSIONERS

AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE BOARD OF GAME AND FISH COMMISSIONERS TO PURCHASE CERTAIN LANDS UNDER HAVEN LAKE IN OR NEAR MILFORD, DELAWARE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the Board of Game and Fish Commissioners the sum of \$6000 to be used to purchase on behalf of the State of Delaware 171 acres more or less now owned by Joseph J. Pearce and Florence J. Pearce and located under Haven Lake in or near Milford, Delaware.

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury of the State of Delaware, and any funds hereby appropriated remaining unexpended at the end of the current fiscal year on June 30, 1955 shall revert to the General Fund.

Approved June 27, 1955.

CHAPTER 350

RELATING TO RETALIATORY BEER TAX

AN ACT TO AMEND SECTION 731, TITLE 4, DELAWARE CODE, RELATING TO THE RETALIATORY BEER TAX.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 731 (a), Title 4, Delaware Code, is hereby amended by striking out the first sentence of said subsection and inserting in lieu thereof the following:

(a) In addition to compliance with all other provisions of this title, the Commission shall require each person, not a licensee of this State, who desires to sell beer manufactured outside this State to licensees of this State, to pay to the Commission the same fee or fees as are required to be paid in the State, territory or country of origin of such beer by a person, not a licensee thereof, who desires to sell beer manufactured in this State to licensees of such state, territory or country of origin, and to observe and comply with the same regulations, prohibitions and restrictions as are required of or enforced against a person who desires to sell beer manufactured in this State to licensees in the said state, territory or country of origin.

Approved June 27, 1955.

CHAPTER 351

APPROPRIATION

DELAWARE COMMISSION FOR THE FEEBLE MINDED

AN ACT TO APPROPRIATE FUNDS TO THE DELAWARE COMMISSION FOR THE FEEBLE MINDED FOR THE CARE OF ABNORMAL INFANTS UNTIL SPACE IS AVAILABLE AT THE DELAWARE COLONY, STOCKLEY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$15,000 for the fiscal year ending June 30, 1956 and a like sum of \$15,000 for the fiscal year ending June 30, 1957 is appropriated to the Delaware Commission for the Feeble Minded to pay the costs of the care of infants under six years of age who must be placed in other institutions awaiting admission to the Delaware Colony for the Feeble Minded at Stockley. The funds herein appropriated shall not be used for the care of infants for whom there is space available at the Delaware Colony. The parents or other persons legally responsible for the care of a particular infant will be required to contribute according to their ability to the cost of the care of such infant before any funds herein appropriated are expended for such care.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 27, 1955.

CHAPTER 352

APPROPRIATION

LIDA GRUWELL

**AN ACT APPROPRIATING A CERTAIN SUM OF MONEY TO
LIDA GRUWELL IN PAYMENT OF A CLAIM AGAINST
THE STATE OF DELAWARE.**

WHEREAS, on the fifteenth day of February, 1954, some pupils of the Viola School #156-C, Kent County, were burning trash and papers on the school grounds with the permission of the teacher; and

WHEREAS, the fire so made did spread out of the control of the pupils and extend beyond the school grounds to the land of Lida Gruwell; and

WHEREAS, the peach orchard of the said Lida Gruwell was severely damaged and at least two hundred thirty-three (233) trees thereof destroyed; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Treasurer is hereby directed to pay to Lida Gruwell, the sum of Two Thousand Three Hundred Thirty Dollars (\$2,330.00) in full payment of her claim for damages to the said peach orchard.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 27, 1955.

CHAPTER 353

APPROPRIATION

STATE HIGHWAY DEPARTMENT

AN ACT APPROPRIATING MONEY TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF REPAIRING AND MAINTAINING CERTAIN PUBLIC WORKS.

WHEREAS, pursuant to authorizations and appropriations of the General Assembly of the State of Delaware, under several Supplementary Appropriation Acts, the State Highway Department has undertaken certain public works projects not relating to highways, in the nature of the repair, reconstruction or construction of sluice gates and dykes; groins, bulkheads and other forms of shore protection; dams and spillways; boardwalks; pumping systems and other installations throughout the State, and

WHEREAS, no provisions have been made for the periodic maintenance, inspection and repair of these installations, and

WHEREAS, serious damages to these installations have resulted from storms, hurricanes, erosion and other natural occurrences, which necessitate immediate repairs in order that the State's investment in these installations should be protected, and that they should perform the functions and services for which they were constructed, NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Forty-five Thousand Dollars (\$45,000.00) is appropriated to the State Highway Department for the immediate correction of damage to public works installations, namely, Dobbinsville Dykes, located in Red Lion Hundred, New Castle County; Blair's Pond, located in Cedar Creek Hundred, Sussex County; Red Lion Dyke and Sluice Gate, located in Red Lion Hundred, New Castle County; and Williams Pond Dam, located in Seaford Hundred, Sussex County.

Section 2. An additional sum of Twenty Thousand Dollars (\$20,000.00) for the fiscal year ending June 30, 1956, and the further sum of Twenty Thousand Dollars (\$20,000.00) for the fiscal year ending June 30, 1957, is appropriated for the annual maintenance and protection of public works installations located at New Castle Dykes and Sluice Gates in New Castle Hundred, Delaware City Dykes in Red Lion Hundred, 1000-Acre Marsh Dyke and Sluice Gate in St. Georges Hundred, Port Penn Dykes and Tide Gates in St. Georges Hundred, Augustine Sluiceway in St. Georges Hundred, Dobbinsville Dyke and Sluice Gate in Red Lion Hundred, Red Lion Dyke and Tide Gate in Red Lion Hundred, all in New Castle County, and at Broadkill Dykes in Broadkill and Cedar Creek Hundreds, Blairs Pond in Cedar Creek Hundred and Williams Pond Dam in Seaford Hundred, all in Sussex County.

Section 3. The State Treasurer is directed to pay all or part of said sums upon warrants approved by the proper officials of the State Highway Department.

The monies appropriated under this Act for the Above purposes, which shall remain unexpended at the end of any fiscal year, shall not revert to the General Fund of the State Treasury, but shall remain available for said purposes.

Section 4. This Act shall be known as a Supplementary Appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 27, 1955.

CHAPTER 354

APPROPRIATION

BUILDING AND GROUNDS COMMISSION

**AN ACT TO APPROPRIATE A SUM OF MONEY TO THE
STATE BUILDING AND GROUNDS COMMISSION FOR
THE CONSTRUCTION OF WATER MAINS AND ASSO-
CIATED EQUIPMENT ON STATE LANDS AT DOVER.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the State Building and Grounds Commission the sum of Nine Thousand Five Hundred Dollars (\$9,500) for the construction during the bien-nium beginning July 1, 1955, of water mains and associated equipment on State lands at Dover, in order to provide additional fire protection and a better supply of water for State buildings there located.

Section 2. The aforesaid water mains and associated equipment shall be constructed and installed by the State Building and Grounds Commission in accordance with the specifications of the City of Dover, which supplies water to the said State buildings.

Section 3. This is a Supplementary Appropriation Act, and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 27, 1955.

CHAPTER 355

APPROPRIATION

BUILDING AND GROUNDS COMMISSION

**AN ACT TO APPROPRIATE A SUM OF MONEY TO THE
STATE BUILDING AND GROUNDS COMMISSION FOR
CONSTRUCTION OF SIDEWALKS AND STREET LIGHTS
ON STATE LANDS AT DOVER.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the State Building and Grounds Commission the sum of Sixty Thousand Dollars (\$60,000) for the construction of sidewalks and street lights on State lands at Dover.

Section 2. The said Building and Grounds Commission shall arrange with the State Highway Department to have these improvements made according to plans and specifications prepared by the said State Highway Department.

Section 3. The said Building and Grounds Commission and the said State Highway Department are hereby directed to have this improvement completed at the earliest possible date.

Section 4. This is a Supplementary Appropriation Act, and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 27, 1955.

CHAPTER 356

APPROPRIATION

MILTON CONSOLIDATED SCHOOL

AN ACT MAKING AN APPROPRIATION TO THE BOARD OF TRUSTEES OF THE MILTON CONSOLIDATED SCHOOL NUMBER 8 FOR THE PURCHASE OF EQUIPMENT FOR CERTAIN DEPARTMENTS OF THE SCHOOL.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of Five Thousand Dollars (\$5,000.00) is hereby appropriated to the Board of Trustees of the Milton Consolidated School Number 8 to be used for the purpose of purchasing necessary equipment for the Agriculture Department, Manual Training Department and Music Department of said school.

Section 2. This shall be known as a Supplementary Appropriation Act and the funds shall be paid out of the General Fund and any monies remaining unexpended shall revert to the General Fund.

Approved June 27, 1955.

CHAPTER 357

DEPARTMENT OF ELECTIONS FOR KENT COUNTY

AN ACT TO AMEND CHAPTER 1, TITLE 15, DELAWARE CODE, RELATING TO THE DEPARTMENT OF ELECTIONS FOR KENT COUNTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 102, § 104, and § 106, Title 15, Delaware Code, are repealed insofar as said sections relate to a Department of Elections for Kent County.

Section 2. The Department of Elections for Kent County as presently constituted is abolished and a New Department of Elections for Kent County is established as hereinafter provided to exercise the same powers and duties as the present Department.

Section 3. Chapter 1, Title 15, Delaware Code, is amended by adding at the end thereof a new section to read as follows:

§ 118. Department of Elections for Kent County; composition; appointment; term; vacancies

(a) The Department of Elections for Kent County shall consist of seven members. One member shall be appointed from each of the five Senatorial Districts in Kent County, and two members shall be appointed at large. Not more than five members of the Department shall belong to the same political party. The term of office of each member shall be four years.

(b) There are hereby appointed seven members of the Department to take office on July 1, 1955, as follows:

W. Frank Hazel, Senatorial District No. 1,
L. Winfred Hughes, Senatorial District No. 2,
Roland Wilkinson, Sr., Senatorial District No. 3,
George B. Vincent, Jr., Senatorial District No. 4,

J. Harry Latchum, Senatorial District No. 5,
John Rogers, at-large,
Thomas Rodway, at-large.

(c) Upon the expiration of the terms of office of the members appointed in subsection (b) and every four years thereafter the Levy Court of Kent County shall appoint the seven members of the Department. When a vacancy occurs among the members of the Department appointed in subsection (b) from any cause, other than the expiration of a full term, the Levy Court shall fill the vacancy by appointment for the residue of the term.

Section 4. § 108, Title 15, Delaware Code, is amended by striking out the figures "\$750" and inserting in lieu thereof the figures "\$500".

Section 5. This Act shall take effect on July 1, 1955.

Section 6. Any act or parts of acts inconsistent with the provisions of this act are repealed to the extent of any such inconsistency.

NOTE: This bill became a law on June 15, 1955 without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 358

RELATING TO GROSS PREMIUMS OF INSURANCE
COMPANIES

AN ACT TO AMEND CHAPTER 27, TITLE 18 OF THE DELAWARE CODE BY PROVIDING FOR A SPECIAL TAX ON CERTAIN GROSS PREMIUMS OF INSURANCE COMPANIES, THE DISTRIBUTION THEREOF, AND REQUIRING CERTAIN POLICE DEPARTMENTS OR BUREAUS TO MAKE CERTAIN REGISTRATIONS WITH THE STATE TREASURER.

WHEREAS, it is imperative for the public safety that State, County and Municipal police forces be maintained with proper and efficient personnel and such personnel can only be attracted to employment in State, County, Municipal police work by the assurance of an adequate pension system; and

WHEREAS, it is necessary to provide the means of assisting the financing of State, County and Municipal police pension funds; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 27, Title 18, Delaware Code, is amended by adding at the end thereof the following four new sections:

§ 2710. Definitions

As used in sections 2711, 2712 and 2713 of this chapter "State Police" means that police agency of the State acting under the direction of the State Highway Department;

"County Police" means any police under the control and direction of the Levy Court of the three counties of this State which are separate and apart from any State or Municipal Police;

"Municipal Police" means police in any incorporated city or town;

"Municipal" means any incorporated city or town; and

"Police pension fund" means any pension or retirement fund established by law for and on behalf of any state, county or municipal police.

§ 2711. Special tax on gross premiums of insurance companies

Every insurance company doing business in this State shall annually pay to the Insurance Commissioner on or before the first day of March, in addition to other taxes, fees and charges required by law, a tax equal to two per cent of the gross premiums, less return and reinsurance premiums received from other companies or by an agent or agents of such company for such company, in cash or otherwise from the insurance on insurable risks covering burglary, robbery, theft, automotive personal and property damage liability, automotive medical payments, automotive collision, and automotive comprehensive within the limits of this State during the preceding calendar year. In case of mutual companies the dividends paid or credited to members on such premiums shall be construed to be return premiums. No insurance company affected by provisions of this section shall increase the rate of insurance premiums upon any insurable risk affected by this section because of the tax provided for in this section, unless the Insurance Commissioner after hearing on the matter shall be satisfied that an increase is necessary, and in the event that the Insurance Commissioner shall be satisfied after such hearing that an increase in the premium rate is necessary, he shall authorize such reasonable increase as he deems fair and equitable.

§ 2712. Distribution of the proceeds of the special tax on gross premiums of insurance companies

Every insurance company doing business in the State shall annually, at the same time that such company files its annual report now required by law, deliver to the Insurance Commissioner a full, detailed statement of all burglary, robbery, theft, automotive personal and property damage liability, automotive medical payments, automotive collision and automotive comprehensive business done by such company in this State, for the

year ending on the previous 31st day of December, which statement shall be verified by the oath or affirmation of the President or Vice-President and Secretary or other officer of such company. Said statement shall be on the blanks prepared and furnished by the Insurance Commissioner for the purpose of carrying out the provisions of this section and section 2711 of this chapter. The money received by the Insurance Commissioner in accordance with the provisions of sections 2711 and 2712 of this chapter shall be paid to the State Treasurer and shall be set aside as a special fund and shall be paid out by the State Treasurer to the proper officers in charge of any State, County or Municipal police department or bureau having a pension fund, or which shall hereafter by law have a police pension fund. The State Treasurer shall determine the total number of State, County and Municipal police entitled to benefits under the provisions of sections 2711 and 2712 of this chapter from an annual registry in accordance with section 2713 of this chapter and shall make distribution proportionately and on a per capita basis to the proper officers of any State, County or Municipal police department or bureau complying with the provisions of sections 2711 and 2712 of this chapter.

§ 2713. Registering information

It shall be the duty of the officer in charge of any State, County or Municipal police department or bureau participating in the provisions of sections 2711 and 2712 of this chapter to register with the State Treasurer on or before the first day of April in each year, and to provide the State Treasurer with the following information: The location, jurisdiction and average number of paid, full time, sworn policemen employed for the year ending on the previous 31st day of December.

NOTE: This bill became a law on June 21, 1955 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 359

APPROPRIATION

BOARD OF TRUSTEES OF THE STATE WELFARE HOME
AND HOSPITAL AT SMYRNA**AN ACT MAKING AN APPROPRIATION TO THE BOARD
OF TRUSTEES OF THE STATE WELFARE HOME AND
HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA
TO MAKE CAPITAL IMPROVEMENTS AND TO PUR-
CHASE EQUIPMENT FOR THE STATE WELFARE
HOME.**

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$1,100,000 or so much thereof as may be necessary is appropriated to the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna for the erection of additional facilities at the State Welfare Home. The additional facilities shall include sleeping quarters, bathrooms, dining rooms and living rooms and such other facilities as are needed. A portion of the funds appropriated may be used for the payment of architects and engineering fees and for the purchase of equipment to be used at the State Welfare Home.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of moneys received by the sale of bonds authorized under a separate Act of the 118th General Assembly. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain available until the objects and purposes of this Act have been fully accomplished.

Approved June 27, 1955.

CHAPTER 360

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COSTS OF THE IMPROVEMENT OF WHITE'S CREEK BETWEEN INDIAN RIVER BAY AND A POINT BEYOND ASSAWOMAN CANAL TO LORD BALTIMORE SCHOOL IN SUSSEX COUNTY, AND AUTHORIZING AND EMPOWERING THE SAID COMMISSION TO ACT AS THE AGENCY OF THE STATE OF DELAWARE TO DO ALL THINGS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES GOVERNMENT RELATIVE TO THE STATE'S CONTRIBUTION TO SAID GOVERNMENT.

WHEREAS, the channel leading from Indian River Bay to Assawoman Canal known as White's Creek, and beyond Assawoman Canal up White's Creek, a distance of about three-quarters of a mile to Lord Baltimore School, near Ocean View, Sussex County, Delaware, has by reason of natural elements shoaled from said canal for all its distance up to the Assawoman Canal and beyond to Lord Baltimore School so that except there be extreme tides it has become impossible for boats drawing more than five feet of water to land their passengers and freight at any of the docks or wharves along said White's Creek; and

WHEREAS, it has become necessary for said channel to be dredged to such depth and width so that all shipping, drawing at least six feet of water, may have safe and sure passage from the said channel to the said docks and wharves in or near the said town of Ocean View; and

WHEREAS, the United States Government, through its proper agencies is prepared to expend the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) for said project, provided the State of Delaware will authorize and em-

power the proper State authorities to make necessary contracts with the United States Government and others; to secure all lands, easements, and rights-of-way and spoil disposal areas for the initial work and for subsequent maintenance; to hold and save the United States free from claims for damages resulting from the improvements; and to give assurance satisfactory to the Secretary of War that suitable terminal facilities will be provided and maintained, open to all on equal terms.

NOW, THEREFORE, in order to avail the State of Delaware of the offer on the part of the government of the United States,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Delaware Commission of Shell Fisheries is authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States in order that the State of Delaware may avail itself of the offer of the Federal Government to dredge the channel in Sussex County, known as White's Creek, leading from Indian River Bay to a point about three-quarters of a mile beyond Assawoman Canal to Lord Baltimore School, and to secure all lands, easements and rights-of-way and spoil disposal areas for the initial work and for subsequent maintenance, to hold and save harmless the United States free from claims for damages resulting from the improvements, and to give the Secretary of War of the United States such assurances, and to do all other things necessary to be done in order that the State of Delaware may avail itself of said offer to improve said channel.

Section 2. Upon compliance with the provisions of this Act, the said channel shall be dredged and improved to such depth and width so that all shipping, drawing at least six feet of water, may have safe and sure passage through and from the said channel to the docks and wharves in or near the town of Ocean View.

Section 3. The sum of Thirty Thousand Dollars (\$30,000.00) is appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, Twenty-Five

Thousand Dollars (\$25,000.00) of which sum so appropriated shall be paid the proper agency of the United States Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned therein, and Five Thousand Dollars (\$5,000.00) of which sum so appropriated shall be used for other purposes necessary to be done or performed on the part of the State of Delaware.

The amount so appropriated shall be paid out of the State Treasury of the State of Delaware upon warrants duly signed and approved by the proper officers of the Delaware Commission of Shell Fisheries.

The funds hereby appropriated shall revert to the General Fund of the State Treasury if the United States Government fails, neglects or refuses to carry out its offer of expending the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) to improve said channel by June 30, 1957. In the event the United States Government does carry out its said offer to improve said channel and any part of said sum hereby appropriated remains unexpended after the completion of the purposes of this Act, the unexpended part thereof shall revert to the General Fund of the State Treasury.

Section 4. This bill shall be known as a Supplementary Appropriation Bill, and the monies hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 27, 1955.

CHAPTER 361

AUTHORIZING BOND ISSUES FOR CONSTRUCTION
OF ARMORIES

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND ISSUE BONDS AND NOTES THEREFOR, TO PROVIDE FOR THE ACQUISITION OF LANDS AND THE CONSTRUCTION, RECONSTRUCTION, REPAIR, IMPROVEMENT AND PURCHASE OF BUILDINGS FOR THE USE OF THE DELAWARE NATIONAL GUARD AND IMPROVEMENTS INCIDENTAL THERETO, AND PROVIDING THE FORM OF SUCH BONDS AND NOTES AS WELL AS THE PROCEDURE FOR THE SALE THEREOF, AND PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES, AND APPROPRIATING THE SUM OR SUMS RECEIVED THEREFROM TO THE DELAWARE NATIONAL GUARD.

Be it enacted by the General Assembly of the State of Delaware (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 full faith and credit of the State of Delaware a sum of money not in excess of Five Hundred Thousand Dollars (\$500,000.00), which shall be used for the purpose of construction, reconstruction, repair and improvement of armories, and improvements incidental thereto, and for the acquisition of lands, rights-of-way, and the surveying, razing, grading and landscaping thereof, and for the purchase or lease of buildings and structures for the use of the Delaware National Guard, and for the costs of labor, material, equipment, supplies, and for buildings or any other purposes incidental and necessary to the foregoing; and the said Issuing Officers are hereby authorized, fully empowered and directed to sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the sum of Five Hundred Thousand Dollars (\$500,000.00).

Section 2. Said bonds shall be issued at one time or from time to time as money is required, as the Issuing Officers shall determine. The bonds of each issue shall constitute a separate series. Each series of bonds shall mature in annual installments, beginning not more than one year after the issuance of such series; and no such annual installment shall be less than one twentieth of the principal amount of such series unless it be the final installment. Each series of bonds shall bear interest at a rate or rates not exceeding 3% per annum, payable semi-annually.

Section 3. Said bonds shall be sold by the Issuing Officers at not less than par and accrued interest, under such terms, conditions and regulations as the Issuing Officers may prescribe, after notice of such sale, published at least once ten days or more before the date of sale in at least one daily newspaper published in the State of Delaware and in a financial journal published in the City of New York.

Section 4. In anticipation of the issuance of said bonds, the Issuing Officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3% per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than July 1, 1957. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed Five Hundred Thousand Dollars (\$500,000.00). Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. Said notes shall be paid, both principal and interest, out of the proceeds of the sale of said bonds or notes.

Section 5. 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 6. The said bonds and notes shall be signed in the name of the State of Delaware, by the State Treasurer and shall be authenticated by the signature or facsimile signature of the Governor and Secretary of State and they shall have the Great Seal of the State impressed thereon. Interest coupons shall be attached to said bonds and shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds and notes may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears thereon or on the coupons of said bonds shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds or notes.

Section 7. The said bonds and notes shall recite that they are issued in pursuance of this Act and the Constitution of this State, and such recital shall be conclusive evidence of the validity of said bonds and notes. Any such bonds or notes containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith, and shall be incontestable for any cause.

Section 8. The said bonds and notes shall be in such form and in such denomination and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by the said Issuing Officers.

Section 9. Any money received from the sale of said bonds and notes, 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 Delaware National Guard the said sum of Five Hundred Thousand Dollars (\$500,000.00), or so much thereof as shall be received from the

sale of the bonds and notes 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 Adjutant General of the State of Delaware, 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 10. The General Assembly hereby appropriates funds sufficient to provide for the payment of interest and principal maturities of said bonds and notes from the day of issue to the end of the biennium on June 30, 1957, and the Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 119th 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 and notes 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 27, 1955.

CHAPTER 362
APPROPRIATION

ABSALOM JONES SCHOOL

**AN ACT APPROPRIATING FUNDS TO THE TRUSTEES OF
THE ABSALOM JONES SCHOOL, DISTRICT 106, FOR
THE CURRENT FISCAL YEAR ON ACCOUNT OF UN-
ANTICIPATED EXPENSES FOR FUEL, ELECTRIC AND
MISCELLANEOUS EXPENSES.**

WHEREAS, at the Absalom Jones School, District 106, as the result of the increase in costs of fuel and electricity over the amount budgeted for the year 1954-55 the amount allotted to the school for the year 1954-55 is insufficient, and

WHEREAS, there are still outstanding bills and obligations for fuel, electric service and miscellaneous incidentals, and

WHEREAS, it is estimated that the Absalom Jones School, District 106, will require the sum of \$3,000.00 to meet the increased expenses for fuel, electric and miscellaneous incidentals until the end of the current school year, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the Trustees of the Absalom Jones School, District 106, the sum of \$3,000.00 for the current fiscal year ending June 30, 1955 to meet the increased expenses for fuel, electric service and miscellaneous incidentals.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware upon proper vouchers drawn by the Board of Trustees of Absalom Jones School, District 106.

Section 3. In the event that all and any of said sum of \$3,000.00 shall remain unexpended at the completion of the fiscal year ending June 30, 1955, the unexpended balance shall revert to the General Fund of the State Treasury.

Approved June 30, 1955.

CHAPTER 363

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

**AN ACT TO APPROPRIATE FUNDS TO THE DELAWARE
COMMISSION OF SHELL FISHERIES FOR THE PUR-
CHASE OF A MOTORBOAT.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. There is hereby appropriated to the Delaware Commission of Shell Fisheries the sum of One Thousand Dollars (\$1,000.00) to be used to purchase a motorboat for the use of the wardens in performing their duties under the law.

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury of the State of Delaware, and any funds hereby appropriated remaining unexpended at the end of the current fiscal year on June 30, 1955 shall revert to the General Fund.

Approved June 30, 1955.

CHAPTER 364

ABOLISHING DELAWARE COMMISSION FOR THE
FEEBLE MINDED

AN ACT TO AMEND TITLE 16, DELAWARE CODE, ENTITLED "HEALTH AND SAFETY" BY ABOLISHING THE DELAWARE COMMISSION FOR THE FEEBLE MINDED AND TRANSFERRING ITS FUNCTIONS AND FACILITIES TO THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Delaware Commission for the Feeble Minded is abolished and all the persons under its care shall be under the care of the State Board of Trustees of the Delaware State Hospital. The custody of all the facilities and property belonging to the State of Delaware and used by the Delaware Commission for the Feeble Minded are transferred to The State Board of Trustees of the Delaware State Hospital at Farnhurst.

Section 2. Subchapter I, Chapter 55, Title 16, Delaware Code, is repealed and a new subchapter is inserted in lieu thereof as follows:

§ 5501. Establishment of Delaware Colony for the Feeble Minded at Stockley

The Delaware Colony for the Feeble Minded at Stockley shall continue to be the State facility for the treatment and maintenance of the feeble minded.

§ 5502. Control and management of Colony

(a) The State Board of Trustees of the Delaware State Hospital at Farnhurst shall have sole and complete control and management of the Delaware Colony for the Feeble Minded at Stockley.

(b) The Board shall appoint an assistant superintendent of the Colony, physicians, specialists, nurses, stewards, matrons, educators, and all other necessary assistants and employees, and shall fix their terms of service as well as their pay or compensation.

(c) The Board shall provide suitable food, raiment, medicine, occupational, vocational, recreational and educational facilities, and all other things necessary for the comfort, care and treatment of the patients of the Colony.

(d) The assistant superintendent of the Colony, and all other professional assistants and employees, shall be directly responsible to the Superintendent of the Delaware State Hospital at Farnhurst, who shall also be the Superintendent of the Colony.

§ 5503. Cost of maintenance of Colony supplied by State

The costs of maintenance of the Colony shall be borne by appropriations from the General Assembly, and shall be paid by the State Treasurer on orders or vouchers signed by the President and Secretary of the State Board of Trustees. The State Board of Trustees of the Hospital shall keep and maintain separate books of account for the Colony.

§ 5504. Improving, selling and buying property

(a) The Board of Trustees of the State Hospital may remodel or otherwise alter the improvements on the land on which the Colony is located, and may likewise construct or cause to be constructed from time to time any additional improvements that may be deemed necessary for the Colony.

(b) The Board of Trustees also may sell from time to time any personal property or equipment on or in the premises whether presently located thereon or hereafter purchased when the Board of Trustees determines that any such property is no longer required or needed for the purposes of the Colony.

(c) In the management of the Colony, the Board of Trustees of the Hospital may purchase from time to time any

and all equipment and personal property that may be deemed advisable or necessary for the efficient and proper operation and conduct of the Colony.

§ 5505. Donations of property; form of devise or gift

Any person may give, grant, devise or bequeath to "The State of Delaware for the Use of the Delaware Colony for the Feeble Minded at Stockley" any property, real, personal or mixed, and the State Board of Trustees of the Hospital may receive, collect, take and hold for the use and behoof of the Colony any and all properties given, granted, devised and bequeathed and manage and use the same for the benefit of the Colony in accordance with the provisions of such grants, devises and bequests and with the law creating and governing the Colony. Nothing contained in this section shall be construed as authorizing or empowering the Board of Trustees of the Hospital to hold in its name any real estate for the use of the Colony, and any devise or gift of real estate to be effective shall be made to The State of Delaware for the use of the Colony.

§ 5506. Liability for maintenance of patient; collection remedies

(a) Any person committed to, or placed in the Delaware Colony for the Feeble Minded at Stockley, shall at all times be liable for the care, maintenance and support furnished to and received by him while a patient of the Colony. Nothing in this section shall relieve from liability for the support of the patient, any person liable under any other law of this State.

(b) The State Board of Trustees of the Delaware State Hospital at Farnhurst shall keep an account of the cost of the care, maintenance, and support furnished each patient while in the Colony and shall credit against the account all monies received from the patient or from any other person for or on behalf of the patient.

(c) The Board of Trustees may collect from any patient, or from the Trustee for any patient, or out of the property, monies and effects of any patient, all monies necessary to discharge and pay all liability of the patient for his care, maintenance and support.

(d) The Board of Trustees may also proceed for the recovery of the monies necessary for the care, maintenance, and support in an action to be brought in the Superior Court in the name of the State Board of Trustees of the Delaware State Hospital at Farnhurst, or by petition to the Court of Chancery if the patient has been ascertained to be mentally incompetent or feeble minded by inquisition duly held.

§ 5507. Accounting by Board of Trustees; special fund

(a) The Board of Trustees of the Delaware State Hospital at Farnhurst, shall keep or have kept a full, true and accurate account of all monies received at the Delaware Colony for the Feeble Minded at Stockley for the board, care and attention of patients at the Colony, commonly known as pay patients, and all monies arising from any other source than the annual appropriation made to the Colony by the State and the Special Fund provided for in subsection (b) of this section, and shall pay the same over to the State Treasurer on or before the 15th day of the month following a receipt of same, at the same time filing with the State Treasurer a full statement of the same.

(b) The State Treasurer shall open and keep a separate account of the monies paid him as provided in subsection (a) of this section, to be known as "Special Account of the Delaware Colony for the Feeble Minded at Stockley". This Fund shall not be drawn upon by the Board of Trustees until the annual appropriation made by the State is exhausted, then only to be used for the actual expenses for operating the Colony.

Sales by Commission

The Commission may from time to time sell excess farm produce and live stock in such manner and on such terms as the Commission deems to be for the best interests of the home for the feeble minded.

Section 3. § 5524, Title 16, Delaware Code is repealed.

Section 4. The term "Delaware Commission for the Feeble Minded" or any reference to such Commission appearing in the

Delaware Code, or the Laws of Delaware, is stricken out and the term "The State Board of Trustees of the Delaware State Hospital at Farnhurst" or a reference to such Board is substituted in lieu thereof.

Section 5. Any appropriation to the Delaware Commission for the Feeble Minded and any credits which the Commission has in any funds of the State are transferred to The State Board of Trustees of the Delaware State Hospital at Farnhurst to be used for the Colony.

Section 6. This act shall become effective July 1, 1955.

Approved June 30, 1955.

CHAPTER 365

APPROPRIATION

HOCKESSIN SCHOOL DISTRICT

AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE TRUSTEES OF THE HOCKESSIN SCHOOL DISTRICT.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the Trustees of the Hockessin School District the sum of \$556.00 to pay for estimated additional fuel and electricity costs until the end of the fiscal year ending June 30, 1955.

Section 2. This Act is a Supplementary Appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from monies not otherwise appropriated.

Approved June 30, 1955.

CHAPTER 366

APPROPRIATION

STATE BOARD OF HEALTH

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF HEALTH FOR THE PURPOSE OF PROVIDING THE PAYMENT OF SALARIES AND WAGES OF EMPLOYEES OVER AND ABOVE THE PRESENT APPROPRIATIONS AVAILABLE TO THE STATE BOARD OF HEALTH AT EMILY P. BISSELL SANATORIUM.

WHEREAS, it has been difficult to anticipate budgetary requirements during the period of construction and expansion at Emily P. Bissell Sanatorium; and

WHEREAS, the care of patients in widely scattered buildings during the new construction and the securing of competent personnel—including new personnel—to take over newly added operations, has necessitated an increase in the total salaries; and

WHEREAS, the State Board of Health has considered it wise to care for all persons making application for admission to the sanatorium to prevent the spread of tuberculosis among the citizens of the State; and

WHEREAS, economies in budget items other than salaries have resulted in savings of \$28,500.00 which cannot be transferred to Salaries and which will be reverted at the end of this fiscal year to the General Fund; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is appropriated to the State Board of Health, to be used only for the purposes indicated, the sum of \$31,000.

Section 2. The funds hereby appropriated shall be available during the fiscal year ending June 30, 1955 and shall be paid out by the State Treasurer upon proper vouchers presented by the State Board of Health.

Section 3. This Act shall be known as a supplementary and a deficiency appropriation bill and the funds hereby appropriated are to be paid out of the General Fund of the State of Delaware. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1955 will revert to the General Fund of the State.

Approved June 30, 1955.

CHAPTER 367

PHYSICAL THERAPISTS

AN ACT TO AMEND TITLE 24, DELAWARE CODE, ENTITLED "PROFESSIONS AND OCCUPATIONS" BY PROVIDING FOR THE EXAMINATION AND REGISTERING OF PHYSICAL THERAPISTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Title 24, Delaware Code, is amended by adding thereto a new chapter to read as follows:

CHAPTER 26

PHYSICAL THERAPY

§ 2601. Definitions

As used in this chapter—

"Board" means the State Examining Board of Physical Therapists.

"Physical Therapist" means a person who practices physical therapy as defined in this chapter under the prescription, supervision and direction of a person licensed in this State to practice medicine and surgery.

"Physical Therapy" means the treatment of any bodily or mental conditions of any person by the use of the physical, chemical and other properties of heat, light, water, electricity, massage and therapeutic exercise which includes posture and rehabilitation procedures. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term physical therapy as used in this chapter.

§ 2602. State Examining Board of Physical Therapists; members; appointment; terms of office; vacancies; organization

(a) The State Examining Board of Physical Therapists is created. The Board shall consist of three members, who shall be appointed by the Governor from a list submitted to him by the Delaware Chapter Inc., of the American Physical Therapy Association. Each member of said Board shall be registered, a resident of the State, and shall have not less than two years experience in the practice of physical therapy immediately preceding his appointment and shall be actively engaged in the practice of physical therapy during his incumbency.

(b) Three members shall be appointed by the Governor, whose terms of office shall commence on July 1, 1955; one member to serve for one year, one member to serve for two years, and one member to serve for three years. Upon the expiration of such terms the Governor shall appoint successors for terms of three years. In the event that a member of the Board for any reason cannot complete his term of office, another appointment shall be made by the Governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive three-year terms. The Board shall designate one of its members as chairman, and one as secretary-treasurer.

§ 2603. Rules and regulations

The Board shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties.

§ 2604. Compensation

Each member of the Board shall receive compensation for each day actually engaged in the discharge of his duties. The compensation shall be determined by the Board and shall be a reasonable amount based on the time spent on work pertaining to the affairs of the Board.

§ 2605. Duties of the Board

The Board shall pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations and determine the applicants who successfully pass examination.

§ 2606. Registration requirement

A person who is not registered with the examining Board as a physical therapist shall not represent himself as being so registered and shall not use in connection with his name the words or letters "R. P. T.", "Registered Physical Therapist", "Physical Therapist", or "Physio-therapist", or any other letters, words or insignia indicating or implying that he is a registered physical therapist. Nothing in the chapter shall prohibit any person who does not in any way assume or represent himself or herself to be a "Registered Physical Therapist", abbreviated "R. P. T.", or "Physical Therapist", or "Physio-therapist", from practicing physical therapy as defined above.

§ 2607. Application requirements

An applicant for a certificate of registration as a physical therapist shall file written application on forms provided by the Board. The applicant shall present satisfactory evidence that he is at least 20 years of age, is of good moral character, has obtained a high school education or its equivalent, and has been graduated from a school of physical therapy approved for training physical therapists by the appropriate sub-committee of the American Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. He shall pay to the Board \$15 and present himself for examination at the first meeting thereafter at which examinations are to be held.

§ 2608. Examination

The examination shall embrace the subjects, theories, and techniques used by the physical therapist in performing the practice of physical therapy as defined in this chapter.

§ 2609. Certificate of registration

(a) The Board shall furnish a certificate of registration to each applicant who successfully passes the examination for registration as a physical therapist.

(b) The Board shall furnish a certificate of registration in physical therapy without examination to any person who applies for such registration on or before July 1, 1957, and who at the time of the passage of this chapter, meets the qualifications for a physical therapist as set forth by the American Physical Therapy Association and for a senior member of the American Registry of Physical Therapists, and who, at the time of application is practicing physical therapy. At the time of making such application, such applicant shall pay to the secretary-treasurer of the Board a fee of \$15.

§ 2610. Reciprocity

The Board may issue a certificate of registration in physical therapy without examination to an applicant who presents evidence satisfactory to the Board of having been licensed or certified as a physical therapist in another State, territory, or foreign country with standards determined by the Board to be as high as those of this State, and if the state, territory, or foreign country whence applicant comes accords a similar privilege of registration without examination to holders of certificates as registered physical therapists under this chapter. At the time of making application, such applicant shall pay to the secretary-treasurer of the Board a fee of \$15.

§ 2611. Temporary certificates

The Board may also issue without examination a permit to practice physical therapy for not to exceed 12 months to any person who meets the qualifications of this chapter upon notice that he has been assigned to this State on a temporary basis to assist in a medical emergency, or to persons who enter the State between dates of examinations.

§ 2612. Renewal of certificate

Every registered physical therapist shall, during the month of January, 1956, and during the month of January every year

thereafter, apply to the Board for an extension of his registration and pay a fee of \$2 to the secretary-treasurer. Registration that is not so extended in the first instance before January 31, 1956 and thereafter before January 31 of every successive year, shall automatically lapse. The Board shall revive and extend a lapsed registration on the payment of all past unpaid extension fees not to exceed \$15.

§ 2613. Grounds for refusal or revocation

The Board shall refuse to grant registration to any physical therapist or shall revoke the registration of any physical therapist if he:

(1) is addicted to the use of narcotic drugs or alcoholic beverages

(2) has been convicted of violating any state or Federal narcotic law

(3) has obtained or attempted to obtain registration by fraud or material misrepresentation

(4) is guilty of any act derogatory to the standing and morals of the profession of physical therapy, including the treatment or undertaking to treat ailments of human beings otherwise than by physical therapy and as authorized by this chapter, and undertaking to practice independent of the prescription, direction and supervision of a person licensed in this State to practice medicine and surgery.

§ 2614. Records; inactive register

(a) The Board shall keep a record of proceedings under this chapter and a register of all persons registered under it. The registration shall show the name of every living registrant, his last known place of business and last known place of residence and the date and number of his registration and certificate as a registered physical therapist. Any interested person in the State is entitled to obtain a copy of that list on application to the Board.

(b) The Board shall also keep an inactive register. Any person who has been registered in the State and is neither residing within the State, nor actively engaged in the practice of physical therapy in the State, may at his request, be placed on the inactive register. Provisions for inactive status shall be set up by the Board.

§ 2615. Violations and penalties

Whoever violates any of the provisions of this chapter or wilfully makes any false representation to the Board in applying for a certificate shall be fined not more than \$500.

Approved July 1, 1955.

CHAPTER 368

AUTHORIZING REBATE TO MURRAY'S FEED
SERVICE, INC.**AN ACT AUTHORIZING A REBATE OF AN OVERPAYMENT
BY MURRAY'S FEED SERVICE, INC. OF THE FEED
TONNAGE TAX IN THE YEARS 1951 AND 1952.**

WHEREAS, Murray's Feed Service, Inc., a corporation of the State of Delaware overpaid the feed tonnage tax in the total amount of \$1002 for the years 1951 and 1952 that was imposed under the provisions of Section 1704, Title 3 of the Delaware Code; and

WHEREAS, said statute does not empower the State Board of Agriculture to make rebates of tax overpayments; NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware (three-fourths of the Members elected to each branch concurring therein):

Section 1. The State Treasurer is hereby directed and authorized to pay to Murray's Feed Service, Inc. the sum of \$1002 representing the amount of overpayment of said corporation of its feed tonnage tax for the years 1951 and 1952, provided, however, that if said corporation is delinquent in the payment of its feed tonnage tax for any subsequent year, the sum of \$1002 shall be credited against any such delinquency.

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 of Delaware.

Approved July 1, 1955.

CHAPTER 369

MEDICINE, SURGERY AND OSTEOPATHY

AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, ENTITLED, "MEDICINE, SURGERY AND OSTEOPATHY" BY CONSOLIDATING THE BOARDS OF MEDICAL EXAMINERS AND GENERALLY REVISING THE PROVISIONS OF THE SAID CHAPTER.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 17, Title 24, Delaware Code, is repealed and a new chapter is substituted in lieu thereof to read as follows:

CHAPTER 17

MEDICINE, SURGERY AND OSTEOPATHY

Subchapter I. Medical Council of Delaware

§ 1701. Establishment and composition

The Medical Council of Delaware, heretofore established and hereafter in this chapter referred to as the "Medical Council", shall consist of the President Judge of the Superior Court and of the Orphans' Court of the State, the President of the State Board of Medical Examiners provided for in subchapter II of this chapter, and a third member elected by a majority of the Board of Medical Examiners, chosen from the membership of the Medical Society of Delaware and not a member of the Board of Medical Examiners.

§ 1702. Quorum; office; rules and regulations

Two members of the Medical Council shall constitute a quorum for the transaction of all business.

The Medical Council may establish and maintain an office within this State and make, adopt and promulgate rules and

regulations for its own government, and for the proper supervision and control of the professional conduct of all persons under its jurisdiction, not inconsistent with the laws of this State or of the United States.

§ 1703. Organization; officers; power to administer oaths

The Medical Council shall annually organize within ten days from the date of the organization of the Board of Medical Examiners, and shall elect from its own number a President and a Secretary, who shall also act as Treasurer, both of whom shall hold their offices for two years, or until their successors are chosen. The President and Secretary may administer oaths in all matters falling within the provisions of this chapter.

§ 1704. Compensation

The members of the Medical Council shall receive, in addition to their necessary expenses, \$25 per day for each meeting of the Medical Council, to be paid out of the appropriation provided for in this chapter.

§ 1705. Meetings; certificates issued; limit of powers

(a) The Medical Council shall hold two stated meetings in each year, and may hold special meetings at such times as it may deem proper.

(b) The Medical Council shall issue certificates for license to practice medicine and surgery to such applicants as have presented such diplomas as required by subchapter III of this chapter and successfully passed the examination provided in subchapter III of this chapter.

(c) The Council shall have no powers, duties or functions, except as provided for in this chapter.

§ 1706. Receipts and disbursements

(a) All fees and other money received by the Medical Council shall be paid over to the State Treasurer, in accordance with chapter 61 of Title 29.

(b) All expenses of the Medical Council, within the limits of appropriations made to it, shall be paid by the State Treasurer upon warrants signed by the proper officers of the Medical Council.

Subchapter II. Board of Medical Examiners

§ 1721. Composition; appointment; qualifications; vacancies; removals; compensation

(a) There shall be a Board of Medical Examiners for this State, representing "The President and Fellows of the Medical Society of Delaware."

(b) The Board shall consist of 10 members. The original Board shall consist of the 10 members who were serving on the Boards of Examiners as they existed prior to the enactment of this chapter. On March 1, 1956 when the terms of 5 of the said members expire, the Governor shall appoint 3 members to serve until March 1, 1960, and two members to serve until March 1, 1958. On March 1, 1957, when the terms of the other 5 members expire, the Governor shall appoint three members to serve until March 1, 1961 and two members to serve until March 1, 1959. Thereafter, as each term expires the Governor shall fill such vacancy for a term of 4 years beginning on March first of the year of such appointment.

(c) The Governor shall appoint the members of such Board of Examiners from the list of resident members submitted by the Medical Society of Delaware, which list shall be transmitted to the Governor by January first of each year under the seal and signed by the Secretary of the Society.

(d) From the list of nominees, the Governor shall appoint a Board of Medical Examiners to be composed exclusively of members of the Medical Society of Delaware. In case of the failure of the Society to submit the list, the Governor shall appoint members in good standing of the Society, without other restrictions.

(e) Each one of the appointees must be a registered physician in good standing, and shall have practiced medicine or

surgery under the laws of this State for a period of not less than five years prior to such appointment.

(f) The Governor shall fill vacancies occurring for any reason other than expiration of term, for unexpired terms of such examiners, from the submitted list, and may remove any member of such Board for continued neglect of the duties required by this chapter, or on recommendation of the Medical Society of Delaware for unprofessional or dishonorable conduct.

(g) The members of the Board of Examiners including the Osteopathic examiner referred to in section 1751 (b), shall receive, in addition to their necessary expenses, \$10 per day for each meeting of said Board, to be paid out of the appropriation provided for in this chapter.

§ 1722. Membership certificates; rules and regulations

(a) Every person appointed to serve on the Board shall receive a certificate of appointment from the Secretary of State under his hand.

(b) The Board of Examiners shall make and adopt all necessary rules, regulations and by-laws, not inconsistent with the laws of this State or of the United States, whereby to perform the duties and transact the business required under the provisions of this chapter.

§ 1723. Organization; meetings; officers; quorum

(a) An annual meeting of the examining board shall be held on the third Thursday of July. At such meeting of the board an organization shall be effected by the election from their own membership of a President and Secretary, who may be the same person, for the purpose of examining applicants for certificate for license. The Board of Medical Examiners shall hold one or more stated or special meetings in each year, due notice of which shall be made public at such times and places as it may determine.

(b) At stated or special meetings a majority of the members of the Board shall constitute a quorum thereof, but the examination may be conducted by a committee duly authorized by the Board.

Subchapter III. Medicine and Surgery

§ 1731. Definitions and application of chapter

(a) As used in this chapter, "practice of medicine or surgery" means to—

(1) Open an office for such purpose; or

(2) Announce to the public, or to any individual, in any way, a desire or willingness or readiness to treat the sick or afflicted in any county in this State; or

(3) Investigate or diagnosticate, or offer to investigate or diagnosticate any physical or mental ailment, or disease of any person; or

(4) Give surgical assistance to, or suggest, recommend, prescribe or direct for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury, or deformity, after having received or with intent of receiving therefor, either directly or indirectly, any money, gift, or other form of compensation.

(b) It shall also be regarded as practicing medicine within the meaning of this chapter if anyone uses in connection with his name, the words or letters, Dr., Doctor, Professor, M. D., D. O., or Healer, or any other title, word, letter or other designation which may imply or designate him as a practitioner of medicine, or surgery, in any of its branches.

(c) Nothing in this chapter shall be construed to—

(1) Apply to the administration of domestic or family remedies in case of emergency;

(2) Apply to dentists or dental surgeons in the practice of dentistry; or

(3) Apply to surgeons of the United States Army, Navy, or Air Force in the discharge of their official duties; or

(4) Prevent the mechanical application of glasses.

• (d) Nothing contained in this chapter shall prevent—

(1) Druggists from practicing pharmacy according to the existing laws; or

(2) The treatment of corns or bunions; or

(3) The business of manicuring; or

(4) The practice of massage.

§ 1732. Qualifications and fees required of applicants for examination

(a) Any person not authorized to practice medicine and surgery in this State, and desiring to enter upon such practice, shall deliver to the Secretary of the Medical Council, upon the payment of a fee of \$25, a written application for examination, together with satisfactory proof that the applicant—

(1) Is more than 21 years of age, and a citizen of the United States;

(2) Is of good moral character;

(3) Has completed a standard four-year high school course;

(4) Has completed two years of acceptable college work, including English, physics, chemistry, biology, and one foreign language;

(5) Has received a diploma conferring the degree of Doctor of Medicine from some legally incorporated medical college which in the opinion of the Medical Council was in good standing at the time of the issuing of the diploma; and

(6) Shall have served as an interne for one year in a hospital approved by the Medical Council.

(b) Applicants who have received their degree in medicine after April 30, 1937, shall have pursued the study of medicine for at least twenty-eight months, prior to the granting of such degree, in some legally incorporated medical college or colleges, approved by the Medical Council.

(c) The proof shall be made upon affidavit. Upon the making of payment and proof, the Medical Council shall issue to the applicant an order for examination before the State Board of Medical Examiners.

§ 1733. Qualifications required of all applicants who are graduates of foreign medical schools

(a) No application will be accepted, either for examination or reciprocity, from a graduate of a foreign medical college, unless the applicant has—

(1) Acquired full American citizenship;

(2) Obtained a degree from an American medical college acceptable to the Medical Council;

(3) Served one year as an interne in an American hospital acceptable to the Medical Council; and

(4) Resided in this State for at least one year.

(b) Exceptions to these qualifications may only be made on unanimous vote of the Medical Council.

§ 1734. Examination questions

The Board of Medical Examiners, not less than two weeks prior to the examination, shall submit to the Medical Council

questions for thorough examinations in (1) anatomy, (2) physiology, (3) hygiene and preventive medicine, (4) chemistry, (5) surgery, (6) obstetrics and gynecology, (7) pathology, (8) diagnosis, (9) materia medica and therapeutics, (10) practice of medicine and pediatrics.

§ 1735. Examinations; action and report

(a) The examinations shall be conducted in writing in accordance with the rules and regulations prescribed by the Board of Medical Examiners, and shall embrace the subjects named in section 1734 of this title.

(b) After the examination, the Board of Medical Examiners shall, without unnecessary delay, act on the same. An official report of such action, signed by the President, Secretary and each member of the Board, stating the result of examination, shall be transmitted to the Medical Council.

§ 1736. Reexamination

In case of failure at any examination, the candidate, after the expiration of one year and within two years, shall have the privilege of a second examination by the Board, without the payment of an additional fee.

§ 1737. Certificate to those passing examinations

(a) On receiving from the Board of Medical Examiners an official report of the examination of any applicant for a certificate for license, the Medical Council shall issue forthwith to each applicant who shall have been returned as having successfully passed the examination, a certificate to that effect.

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

§ 1738. Notice of certificates to State Board of Health

The Secretary of the Medical Council shall, immediately upon issuing a certificate, notify the Executive Secretary of the State Board of Health of such fact, giving to the State Board

of Health the full name and address of the person, and the date of issuing the certificate. This section shall also apply to those given certificates under reciprocity and to internes and residents in hospitals.

§ 1739. License requirement; temporary license

No person shall practice medicine or surgery in this State without having obtained a license therefor as provided in this subchapter. But a temporary license, of not less than two weeks nor more than four months, may be granted to a resident and legally qualified physician of another State to take charge of the practice of a resident and legally qualified physician of this State, during the latter's temporary illness or absence from this State, upon the written request of a physician residing in this State, and the payment to the Secretary of the Medical Council of a fee of \$10. When such temporary license is so issued, the physician receiving such license shall have the right to practice medicine in this State for the time specified in the temporary license.

§ 1740. State license

The State Tax Department shall issue a license signed by the State Tax Commissioner, certifying that the licensee is authorized to practice medicine and surgery in this State, conformably to the laws hereof, to any person who presents to him a certificate as provided in this subchapter, and to no other person. The State Tax Department shall furnish the Medical Council a list of those holding such licenses as of March first and September first of each year.

§ 1741. Refusal to issue license or revocation of same; causes; hearing

(a) The Medical Council may refuse to issue a certificate for a license to practice medicine and surgery or may cancel or revoke a certificate issued for a license to practice medicine or surgery for the causes stated below.

(1) Material misrepresentation of fact in the application.

(2) Chronic and persistent inebriety and/or drug addiction.

(3) The practice of criminal abortion.

(4) Conviction of a crime involving moral turpitude.

(5) For publicly advertising special ability to treat or cure incurable diseases.

(6) Where any person presents to the Medical Council any diploma, license or certificate that has been illegally obtained or that has been signed or issued unlawfully or under fraudulent representations.

(b) In complaints for violating the provisions of this section, the accused person shall be furnished with a copy of the complaint and given a hearing before the Medical Council in person or by attorney.

§ 1742. Residents or internes; requirements; registration; certificate and notice to Secretary of Medical Council

(a) Physicians practicing as hospital residents or internes shall be registered with the Secretary of the Medical Council by the hospital authorities upon a form prescribed by the Medical Council and shall submit, as satisfactory evidence that they have obtained the degree of M. D. or D. O., any of the following:

(1) License from another state; or

(2) A diploma from a medical school accredited by the

Council of Medical Education and Hospitals of the American Medical Association or by the Medical Council of Delaware.

(3) A letter from the Dean of a recognized medical or osteopathic school, stating that the degree of M. D. or D. O. has been conferred upon the applicant after the completion of the required course.

(b) Residents or internes upon whom the degree M. D. or D. O. has been conferred by a legally recognized medical or osteopathic school may engage in the practice of medicine and surgery, or osteopathy in institutions, but they shall confine their activities to the hospitals with which they are connected.

(c) The Secretary of the Medical Council shall immediately notify the Executive Secretary of the State Board of Health of all such registrations granted.

§ 1743. Consulting physicians from other states not affected

The provisions of this chapter shall not apply to physicians who are practitioners of any other state coming into this State in consultation with any lawful practitioner of medicine and surgery or osteopathy in this State.

§ 1744. Temporary admission to practice

The Medical Council may, by general regulations or specific orders, issue temporary emergency certificates, said temporary certificates to be limited to 12 months duration, renewable at the discretion of the Medical Council to such physicians licensed in a state of the United States, other than Delaware, as it finds qualified to practice as such in this State during a serious public emergency so declared by the President of the United States, the Governor of the State of Delaware or at the discretion of the Medical Council. The holder of any such temporary certificate and a State license as provided for in Section 1740, may, during the term specified therein, unless sooner revoked, practice his profession within this State, subject, however, to all laws of the State, generally applicable to the practice of such profession and to such regulations, restrictions and area limitations as the Medical Council may make as to them, or any of them, and their practice within this State.

Subchapter IV. Osteopathy

§ 1751. Qualifications and fees required of applicants for examination

(a). All persons proposing to practice as osteopathic physicians in this State who on March 3, 1939 were authorized by the laws of this State to practice as osteopathic physicians may

continue in such practice without further conforming to, and notwithstanding any of the provisions of, this subchapter.

(b) All persons proposing to practice as osteopathic physicians in this State after March 3, 1939 shall be examined by the Medical Council and an osteopathic physician, who shall be designated by the Delaware State Osteopathic Society, and shall satisfy the Medical Council and associated osteopathic examiner that he—

(1) Is of good moral character;

(2) Has completed a standard four-year high school course; and

(3) Has completed two years of acceptable college work including English, physics, chemistry and biology. This requirement as to two years' college work shall only apply to applicants who enter a school or college of osteopathy after March 3, 1939.

(c) Any person who—

(1) Is holder of a degree of osteopathy granted by any legally chartered and regularly conducted school of osteopathy which maintains a course of study in hours, subjects and terms equal to the standard required for recognition by the American Osteopathic Association as accredited college;

(2) Has been in personal attendance as a student in such school or college for at least thirty-two months prior to the granting of such degree; and

(3) Has served as an interne for a period of one year in a hospital recognized by the American Osteopathic Association or by the American Medical Association, shall be eligible to take the examination.

(d) Applicants for this examination shall pay \$25 as do physicians of other schools of practice under section 1732 of this title.

§ 1752. Examination questions

The applicants to practice as osteopathic physicians shall be examined only upon such questions as shall be selected by the Medical Council and the selected Osteopathic Examiner in (1) anatomy, (2) physiology, (3) hygiene and preventive medicine, (4) chemistry, (5) surgery, (6) gynecology and obstetrics, (7) pathology, (8) practice and principles of osteopathy, (9) practice of medicine and pediatrics, (10) diagnosis.

§ 1753. Certificate to those passing examinations

Upon successfully passing the examination, the applicant shall be entitled to receive, and shall receive, from the Medical Council, a certificate to practice as an osteopathic physician in this State.

§ 1754. State license

The State Tax Commissioner shall, upon the payment of the amount of the State license fee prescribed by law, issue to any osteopathic physician authorized by law to practice in this State and to any such person who presents to him the certificate of the Medical Council, a license signed by the State Tax Commissioner certifying that such a person is licensed to practice as an osteopathic physician in this State conformably to its law.

§ 1755. Revocation of certificate

A certificate issued to practice as an osteopathic physician may be revoked by the Medical Council for the same causes and under the same procedure as stated under section 1741 of this title.

§ 1756. Rights and privileges

Osteopathic physicians and surgeons licensed under the provisions of this chapter shall have the same rights and privileges as do other physicians and surgeons licensed under this chapter.

Subchapter V. General Provisions

§ 1761. Requirements as to certificate to practice medicine and surgery or as an osteopathic physician for those from other states

Any applicant examined and licensed by the State examining and licensing board of another state, or any applicant examined and approved by the National Board of Medical Examiners or by the National Board of Osteopathic Examiners and who also shall have engaged in active practice in the State from which he applies for a period of at least two consecutive years, upon the payment of \$100 to the Treasurer of the Medical Council, and on the filing with the Secretary of the Medical Council of a copy of his license or certificate certified to by the Secretary of such Board, showing also that the standard of requirements of the Board at the time the license or certificate was issued, was substantially the same as that required by the Medical Council, and of his affidavit as to the personality thereof, may be granted a certificate for a license to practice medicine and surgery, or to practice as an osteopathic physician, as the case may be, by the Medical Council upon the recommendation of the Board of Medical Examiners or, in proper cases, upon the recommendation of the selected associated osteopathic examiner, provided for in section 1751 of this title, without further examination by the Board or by the Medical Council and such selected associated osteopathic examiner.

§ 1762. Reports of treatment of wounds caused by firearms

Every physician attending or treating a case of bullet wounds, gunshot wounds, powder burn, or other injury arising from or caused by the discharge of a gun, pistol, or other firearm, or whenever such case is treated in a hospital, sanitarium or other institution, the manager, superintendent or other person in charge shall report such case at once to the police authorities of the city or town where such physician, hospital, sanitarium or institution is located or to the State Police. The provisions of this section shall not apply to such wounds, burns or injuries received by a member of the armed forces of the United States or the State of Delaware while engaged in the actual performance of duty.

Whoever fails to make such report shall be fined not less than \$25.

§ 1763. Reports of epilepsy; limitation on use

Every physician attending or treating epilepsy shall report within one week to the Department of Motor Vehicles the names, ages and addresses of all persons treated as cases of epilepsy.

The reports shall be for the information of the Department of Motor Vehicles in enforcing the provisions of the Motor Vehicle Law. Said reports shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

A physician failing to make such a report shall be fined not less than \$5, nor more than \$50 and costs for each such report he fails to make.

§ 1764. Dentists not affected

This chapter shall not in any way apply to dentists or to dental surgery.

§ 1765. State revenue

Nothing contained in this chapter shall in any way interfere with the operation of the provisions of Title 29, relating to State licenses and taxes.

§ 1766. Violations and penalties

Whoever practices or attempts to practice medicine, surgery or osteopathy within this State contrary to the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500, or be imprisoned not more than one year. The Attorney General of the State of Delaware or his deputies shall be charged with the responsibility of enforcing the provisions of this chapter.

Approved July 1, 1955.

CHAPTER 370

INCREASING SALARIES OF ATTORNEY GENERAL
AND STAFF

AN ACT TO AMEND TITLE 29, CHAPTER 25 OF THE DELAWARE CODE RELATING TO ATTORNEY GENERAL BY INCREASING THE SALARIES OF THE ATTORNEY GENERAL, CHIEF DEPUTY ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERALS AND TO PROVIDE FOR ADDITIONAL DEPUTIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Section 2501, Title 29 of the Delaware Code is amended by amending subsection (a) to read as follows:

(a) The salary of the Attorney General shall be \$10,000.00 per annum.

Section 2. Section 2502 (a), Title 29 of the Delaware Code is amended to read as follows:

(a) (1) The Attorney General may appoint from the practicing members of the Bar of this State a lawyer resident in this State who shall be his Chief Deputy.

(2) The Attorney General may appoint from the practicing members of the Bar of this State two lawyers resident in New Castle County to be his deputies for New Castle County. One of these shall be Deputy Attorney General for New Castle County and the other shall be Assistant Deputy Attorney General for New Castle County.

(3) The Attorney General may appoint from the practicing members of the Bar of this State a lawyer resident in Kent County to be his Deputy Attorney General for Kent County.

(4) The Attorney General may appoint from the practicing members of the Bar of this State two lawyers resident

in Sussex County to be his deputies for Sussex County, one of these shall be Deputy Attorney General for Sussex County and the other shall be Assistant Deputy Attorney General for Sussex County.

(5) The powers of all deputies shall be statewide and the term of office and the duties to be performed by them shall be determined and fixed from time to time by general or special appointments, regulations and orders made by the Attorney General.

Section 3. Section 2503, Title 29 of the Delaware Code is amended to read as follows:

(a) The salary of the Chief Deputy Attorney General shall be \$7,500.00 per annum; the salary of the Deputy Attorney General for New Castle County shall be \$6,500.00 per annum; the salary of the Assistant Deputy Attorney General for New Castle County shall be \$6,000.00 per annum; the salary of the Deputy Attorney General for Kent County shall be \$6,000.00 per annum; the salary of the Deputy Attorney General for Sussex County shall be \$6,000.00 per annum and the salary of the Assistant Deputy Attorney General for Sussex County shall be \$4,000.00 per annum.

(b) The two deputies appointed by the Attorney General by authority of law to give assistance to the State Tax Department and to perform other duties shall each receive a salary of \$6,000.00 per annum.

Approved July 1, 1955.

CHAPTER 371

RELATING TO STATE DETECTIVES

AN ACT TO AMEND CHAPTER 87, TITLE 11 OF THE DELAWARE CODE RELATING TO STATE DETECTIVES BY PROVIDING FOR THEIR APPOINTMENT BY THE ATTORNEY GENERAL, FIXING THEIR SALARIES AND THEIR DUTIES WITH MEMBERS OF POLICE FORCES TO SERVE REQUISITIONS AND BE PAID ACTUAL EXPENSES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Section 8701, Chapter 87, Title 11 of the Delaware Code is amended by striking out paragraphs (a) and (b) and substituting in lieu thereof two new paragraphs to read as follows:

(a) The Attorney General may appoint three (3) suitable persons to be detectives for the State of Delaware and to hold office at the pleasure of the Attorney General.

(b) The detective assigned to New Castle County shall receive a salary of \$4,500 per annum.

The detective assigned to Kent County shall receive a salary of \$3,000 per annum.

The detective assigned to Sussex County shall receive a salary of \$3,000 per annum.

The salaries of all State Detectives shall be payable in equal monthly installments upon the certificate of the Attorney General that they have faithfully performed the duties of their offices during the preceding month.

Section 2. Section 8702, Chapter 87, Title 11, of the Delaware Code is amended to read as follows:

Detectives appointed under this chapter shall not be held to be officers within the scope and meaning of Section 13, Article 3 of the Constitution, but shall be held and considered to be special police officers for the Attorney General.

Section 3. Section 8703 (b), Chapter 87, Title 11, of the Delaware Code is amended to read as follows:

(b) Any State Detective or any police officer of the State or of any subdivision thereof shall, when so requested by the Governor or the Attorney General, serve requisition made by the Governor and for this shall not receive any compensation, but shall receive actual expenses. Such expenses shall be paid by the State Treasurer out of general funds not otherwise appropriated, upon the production of vouchers, approved by the Attorney General.

Approved July 1, 1955.

CHAPTER 372
APPROPRIATION

STATE PARK COMMISSION

AN ACT APPROPRIATING MONEY TO THE STATE PARK COMMISSION OF DELAWARE FOR CAPITAL IMPROVEMENTS AND EQUIPMENT AT BRANDYWINE SPRINGS PARK.

WHEREAS, the General Assembly has directed the State Park Commission to develop and maintain Brandywine Springs Park as a public recreational area, and

WHEREAS, the said Park will soon be opened to the public, and

WHEREAS, a maintenance building, baseball diamonds, other game areas, fire places, additional picnic facilities, connecting roads, day camp areas and other capital improvements must be made in order that the public may utilize and enjoy the said Park, and

WHEREAS, a considerable amount of additional equipment is required for the said Park, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$27,000.00 or so much thereof as is needed, is appropriated to the State Park Commission of Delaware to be used for the development of and for capital improvements upon Brandywine Springs Park and for equipment to be used at the said Park.

Section 2. Any part of the appropriation made by Section 1 of this Act which is not expended for the stated purposes by July 1, 1957, shall revert to the General Fund of the State of Delaware.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of money received by the sale of bonds authorized under a separate Act of the 118th General Assembly.

Approved July 1, 1955.

CHAPTER 373
APPROPRIATION

STATE PARK COMMISSION

**AN ACT MAKING AN EMERGENCY APPROPRIATION TO
THE STATE PARK COMMISSION OF DELAWARE TO
ENABLE THE SAID COMMISSION TO OPEN BRANDY-
WINE SPRINGS PARK.**

WHEREAS, the 117th General Assembly of the State of Delaware appropriated \$67,510.00 for the development of and for capital improvements upon Brandywine Springs Park, and

WHEREAS, approximately \$41,000 of this appropriation has been spent to develop a group picnic shelter and service building and to bring water and electricity to the said picnic area, and

WHEREAS, the facilities which have been developed may not be used until a county sewer connection is obtained, and

WHEREAS, competent engineers have estimated that the necessary sewer work connecting such facilities to the county sewer system will cost \$9,600, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$9,600 or so much thereof as may be necessary is appropriated to the State Park Commission of Delaware to be used to construct sewer connections for Brandywine Springs Park and to pay any incidental expenses connected therewith. The funds herein appropriated shall be made available immediately upon the approval of this bill by the Governor.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 1, 1955.

CHAPTER 374

APPROPRIATION

STATE PARK COMMISSION

AN ACT APPROPRIATING MONEY TO THE STATE PARK COMMISSION OF DELAWARE FOR THE IMPROVEMENT OF THE HOUSE AT BRANDYWINE SPRINGS PARK.

WHEREAS, the State of Delaware has received a gift of the house located at 3010 Faulkland Road, Mill Creek Hundred, New Castle County, adjacent to Brandywine Springs Park, and

WHEREAS, the value of this house and the ground upon which it stands is at least \$20,000, and

WHEREAS, the said house is being used by the State Park Commission for the residence of its Superintendent, and

WHEREAS, the use of this house will continue to be of great benefit to the citizens of the State in connection with Brandywine Springs Park, and

WHEREAS, the house is in immediate need of repairs,
NOW THEREFORE,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The sum of \$1,000 is appropriated to the State Park Commission of Delaware to be used to repair the house located at 3010 Faulkland Road, Mill Creek Hundred, New Castle County, and for incidental expenses connected therewith.

Section 2. Any part of the appropriation made by Section 1 of this Act which is not expended for the stated purpose by July 1, 1957 shall revert to the General Fund of the State of Delaware.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 1, 1955.

CHAPTER 375

APPROPRIATION

STATE BOARD OF EDUCATION

AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE STATE BOARD OF EDUCATION FOR THE EDUCATION, TRAINING OR TRANSPORTATION OF HANDICAPPED CHILDREN.

WHEREAS, Section 1704, Title 14 of the Delaware Code requires the State Board of Education to calculate the number of units in each school district, and

WHEREAS, Section 1703, Title 14 of the Delaware Code states that in cases of exceptional and handicapped children certain conditions for the calculation of the number of units shall prevail, and

WHEREAS, Section 3103, Title 14 of the Delaware Code requires the State Board of Education to provide and maintain special classes and special facilities wherever possible to meet the needs of all handicapped children recommended for special training from any geographical area within the State that can be served by such special facilities, and

WHEREAS, the recommended current budgets of participating local school districts, the State Board of Education, and institutions appear to be inadequate, Now, Therefore,

Be it enacted by the General Assembly of the State of Delaware:

Section 1. There is hereby appropriated to the State Board of Education the sum of \$176,048 for the fiscal year beginning July 1, 1955 and ending June 30, 1956; and the further sum of \$196,241 for the fiscal year beginning July 1, 1956, and ending June 30, 1957.

Section 2. The funds so appropriated shall be used in accordance with the provisions of Section 3104, Title 14 of the Delaware Code.

Section 3. In the use of these funds, the following limits shall be observed: For the year ending June 30, 1956, for the continuance of the present program \$90,048 and for conversion of pupils from regular classes to special classes \$86,000; and for the year ending June 30, 1957, for the continuance of the present program \$106,241 and for conversion of pupils from regular classes to special classes \$90,000.

Section 4. Each district or institution before receiving funds from this appropriation shall submit satisfactory proof to the State Board of Education that State funds have not been appropriated to it for the same purpose, and in the case of school districts, that the pupils for whom instruction is provided are not included in any other enrollment used for the purpose of determining State allotments.

Section 5. This is a supplementary appropriation, and the moneys hereby appropriated shall be paid from the General Fund from moneys not otherwise appropriated.

Approved July 1, 1955.

CHAPTER 376

AUTHORIZING GAME AND FISH COMMISSION
TO PAY CLAIM**AN ACT AUTHORIZING AND DIRECTING THE BOARD OF
GAME AND FISH COMMISSIONERS TO PAY THE SUM
OF \$418.90 TO ARTHUR S. HANBY AND LOUISE B.
HANBY.**

WHEREAS, on July 8, 1953, two dogs came upon the premises of Arthur S. Hanby and Louise B. Hanby, near Georgetown, Delaware, and caused the death of 864 chickens of the value of \$418.90, and

WHEREAS, the Board of Game and Fish Commissioners is required to pay the damages suffered by any owner of poultry caused by dogs under the provisions of section 1709, Title 7 of the Delaware, Code, and

WHEREAS, the Board of Game and Fish Commissioners has failed to pay the claim of Arthur S. Hanby and Louise B. Hanby, although a claim was duly filed, Now, Therefore

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The Board of Game and Fish Commissioners is authorized and directed to pay to Arthur S. Hanby and Louise B. Hanby the sum of \$418.90 representing the damage to their poultry caused by dogs on July 8, 1953, and said payment shall be made from the funds derived from the sale of dog licenses as specified by section 1709, Title 7 of the Delaware Code.

Approved July 1, 1955.

CHAPTER 377

LIMITATIONS ON CLAIMS AGAINST ESTATES

AN ACT TO AMEND CHAPTER 21, TITLE 12 OF THE DELAWARE CODE, RELATING TO LIMITATIONS ON CLAIMS AGAINST ESTATES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2102 (a) Title 12 of the Delaware Code is amended by striking out the words "one year" and inserting in lieu thereof the words "nine months".

Section 2. § 2102 (d), Title 12 of the Delaware Code is amended by striking out the words "one year" and inserting in lieu thereof the words "nine months."

Section 3. § 2102 (e), Title 12 of the Delaware Code is amended by substituting the following subsection (e) for the presently designated subsection (e):

No claim against the estate of any decedent in which letters were granted prior to the effective date of this act shall be in any wise affected by this Act, but as to all such claims the provisions of section 2102 of Title 12 of the Delaware Code heretofore existing shall apply.

Approved July 1, 1955.

CHAPTER 378

RELATING TO WIDOW'S ALLOWANCE

AN ACT TO AMEND CHAPTER 23 TITLE 12 OF THE DELAWARE CODE, RELATING TO WIDOWS' ALLOWANCE.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 2307 (a), Title 12 of the Delaware Code is amended by striking out the words "cash up to the amount of \$500 out of the estate of the decedent, which payment shall take priority over all unsecured debts with the exception of taxes, costs of administration, reasonable funeral expenses and reasonable expenses of medicine and medical attendance and for nursing and necessities during the last illness of the decedent" and inserting in lieu thereof the following words: "cash up to the amount of \$1000 out of the estate of the decedent, which payment shall be made in the order of preference of claims against the estate in section 2105 of this title, as amended".

Section 2. § 2307 (b), Title 12 of the Delaware Code is amended by substituting for the words "the sum of \$500" the words "a specific sum not exceeding \$1,000."

Section 3. § 2307 (d), Title 12 of the Delaware Code is amended by striking out and repealing said subsection and by inserting and enacting in lieu thereof a new subsection (d) to read as follows:

(d) This Act shall not apply to the estates of decedents dying prior to its enactment; but as to such estates, the provisions of section 2307 of Title 12 of the Delaware Code heretofore existing shall apply.

Approved July 1, 1955.

CHAPTER 379

RELATING TO NON-RESIDENT DEFENDANTS

AN ACT TO AMEND CHAPTER 3, TITLE 10, DELAWARE CODE, RELATING TO THE GENERAL JURISDICTION AND POWERS OF THE COURT OF CHANCERY WITH REFERENCE TO COMPELLING APPEARANCE OF NON-RESIDENT DEFENDANTS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 366 (a), Title 10 of the Delaware Code is amended by striking out the last sentence of said paragraph and inserting in lieu thereof the following sentences:

Any defendant whose property shall have been so seized and who shall have entered a general appearance in the cause may, upon notice to the plaintiff, petition the Court for an order releasing such property or any part thereof from the seizure. The Court shall release such property unless the plaintiff shall satisfy the Court that because of other circumstances there is a reasonable possibility that such release may render it substantially less likely that plaintiff will obtain satisfaction of any judgment secured. If such petition shall not be granted, or if no such petition shall be filed, such property shall remain subject to seizure and may be sold to satisfy any judgment entered in the cause. The Court may at any time release such property or any part thereof upon the giving of sufficient security.

Approved July 1, 1955.

CHAPTER 380

RELATING TO STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO JURISDICTION, POWERS AND DUTIES OF THE STATE HIGHWAY DEPARTMENT.

WHEREAS, there are presently approximately 73 miles of streets and roads in this State which are badly in need of repair, reconstruction and maintenance, and

WHEREAS, at present they do not fall within the jurisdiction of the State Highway Department and for that reason cannot be properly maintained,

NOW, THEREFORE

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That Section 131, Chapter 1, Title 17 of the Delaware Code be and the same is hereby amended by adding thereto the following new paragraphs:

All roads and streets situate in unincorporated suburban communities throughout the State which were built or created between July 1, 1935 and July 1, 1951 whether paved or unpaved shall henceforth be under the absolute care, management and control of the State Highway Department and shall be maintained, repaired and reconstructed by the said State Highway Department.

The State Highway Department is hereby authorized and directed to immediately commence the necessary preliminary work in order to bring these roads up to proper standards as soon as possible with due consideration for the immediate needs of certain areas.

Approved July 1, 1955.

CHAPTER 381

RELATING TO BANKING INCORPORATORS

AN ACT TO AMEND TITLE 5, DELAWARE CODE, RELATING TO REGULATIONS GOVERNING BUSINESS OF BANKS AND TRUST COMPANIES BY PROVIDING THAT ANY BANKING CORPORATION MAY IN ITS CERTIFICATE OF INCORPORATION, CONFER UPON THE DIRECTORS THE POWER TO MAKE, ALTER OR REPEAL BY-LAWS SUBSEQUENT TO THE ADOPTION OF ITS FIRST SET OF BY-LAWS AT THE MEETING OF ITS INCORPORATORS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 741 Chapter 7, Title 5, of the Delaware Code, is amended to read as follows:

§ 741. By-Laws, adoption, amendment and repeal

A corporation may adopt by-laws for the proper management of its affairs, and may establish regulations controlling the assignment and transfer of its shares. The first set of by-laws shall be adopted at the meeting of the incorporators, as provided in Section 727 of this title, but thereafter the power to make, alter or repeal by-laws shall be in the stockholders, provided that any corporation may, in the certificate of incorporation, confer that power upon the directors.

Approved July 1, 1955.

CHAPTER 382

REQUIRING ATTENDANCE OF WITNESSES

AN ACT TO AMEND TITLE 29, DELAWARE CODE, ENTITLED "STATE GOVERNMENT" IN REGARD TO THE RIGHT OF THE GENERAL ASSEMBLY TO REQUIRE ATTENDANCE AND PRODUCTION OF RECORDS AND TO ADMINISTER OATHS AND AFFIRMATIONS AND PROVIDING PENALTIES FOR FAILURE TO COMPLY.

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

Section 1. § 705, Title 29, Delaware Code, is amended to read as follows:

§ 705. Power of subpoena; administration of oaths or affirmations; penalties for non-compliance

(a) Whenever it is necessary in connection with any of the powers and duties of the General Assembly of the State of Delaware, the Senate or the House of Representatives may require the attendance of any resident of the State of Delaware and may require any resident to produce any records or papers in his possession located within the State of Delaware by issuing subpoenas and any other necessary legal process.

(b) Any member of the General Assembly may administer oaths or affirmations to witnesses in connection with any hearing or investigation conducted by the House of which he is a member or a committee of which he is a member.

(c) Whoever having been summoned as a witness as herein provided wilfully makes default, or whoever having appeared refuses to answer any question pertinent to the question under inquiry or whoever having possession of records required in a subpoena fails to produce the same shall be fined not more than \$1,000 or imprisoned not more than 12 months, or both.

(d) Nothing in this section shall be construed as a waiver by the General Assembly of its inherent right to issue subpoenas and to punish for contempt of the General Assembly without the intervention of a Court.

Approved July 1, 1955.

CHAPTER 383

APPROPRIATION

HARTLY SCHOOL

**AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE
TRUSTEES OF THE HARTLY SCHOOL DISTRICT TO
ENABLE IT TO BUILD AN ADDITION TO THE HARTLY
SCHOOL.**

*Be it enacted by the General Assembly of the State of
Delaware:*

Section 1. There is hereby appropriated to the Trustees of the Hartly School District the sum of Forty Thousand Dollars (\$40,000) for the purpose of aiding the construction of a new two room addition to the Hartly School, said sum representing 60% of the estimated cost of said addition, and this appropriation is conditioned upon a contribution of the remaining 40% of the estimated cost of said addition by the Hartly School District and in no event shall the contribution by the State of Delaware exceed 60% of the actual cost of said addition.

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury of the State of Delaware, and any funds hereby appropriated remaining unexpended after the completion of construction of the said addition shall revert to the General Fund.

Approved July 1, 1955.

CHAPTER 384

RELATING TO FEES CHARGED BY RECORDERS IN
KENT AND SUSSEX COUNTIESAN ACT TO AMEND CHAPTER 96, TITLE 9 OF THE DELA-
WARE CODE RELATING TO FEES CHARGED BY THE
RECORDER OF DEEDS IN KENT AND SUSSEX COUN-
TIES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 9618, Title 9 of the Delaware Code is hereby stricken out and repealed and a new section is hereby inserted and enacted in lieu thereof to be known as § 9618 and to read as follows:

§ 9618. Fees in Kent and Sussex Counties

The fees of the Recorders in Kent and Sussex Counties, for the services specified, shall be as follows:

For recording, comparing and certifying an official obligation\$2.00.

For recording, comparing and indexing a Private Act of Assembly, deed, mortgage, chattel mortgage, release, assignment, contract of marriage, or other paper proper to be recorded, \$1.75 for the first two record pages or under, and for every additional page or fractional part of a page.....\$.75.

Certificate of Incorporation and Certificate of Amendment of Incorporation, four pages or less,\$3.50.

Each additional page,\$.75.

For certificate under hand and seal of office\$0.50.

For certified copy, office copy or exemplified copy of any record \$.02 per line.

For noting satisfaction of mortgage to be paid at time mortgage is recorded\$0.50.

For certificate under hand, of the date of receiving mortgage for record\$0.50.

For furnishing list of mortgages under hand and seal of office to sheriff for applying proceeds of sale of lands taken in execution, or otherwise\$1.00.

Conveyance and lien searches, time consumed in making same \$2.50 for first hour and \$1.00 additional for every additional hour.

For filing certificate of Prothonotary, and noting on margin of mortgage return on writ of levavi facias. \$.25.

For noting on margin of record of mortgage, names of parties, number of writ and term in scire facias proceedings, upon certificates of Prothonotary....\$.25.

For preparing and furnishing abstract of mortgage in scire facias proceedings, two cents a line.

Registering deeds in Registry Bureau of the City of Wilmington, twenty-five cents for each property described.

A record page shall consist of forty-five lines, and a line, when used as a measure of computation shall mean eight words.

Approved July 1, 1955.

CHAPTER 385

RELATING TO JURORS AND WITNESSES

AN ACT TO AMEND CHAPTER 89, TITLE 10 OF THE DELAWARE CODE RELATING TO JURORS AND WITNESSES.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That § 8902, Title 10 of the Delaware Code is hereby amended by striking out and repealing the figures "\$1.00" as they appear three times therein and substituting and enacting in each case the figures "\$3.00".

Section 2. That § 8902, Title 10 of the Delaware Code is hereby amended by striking out and repealing the words "three cents" as they appear in the fourth paragraph thereof and substituting and enacting in lieu thereof the words "seven cents".

Section 3. That § 8903, Title 10 of the Delaware Code is hereby amended by striking out and repealing the words "three cents" as they appear in the fourth paragraph thereof and substituting and enacting in lieu thereof the words "seven cents".

Approved July 1, 1955.

CHAPTER 386

RELATING TO SCHOOL BOARD ELECTIONS

AN ACT TO AMEND CHAPTER 3, TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BOARD ELECTIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. That § 309 (b) Title 14 of the Delaware Code is hereby amended to read as follows:

§ 309 (b). All the schools in each district shall be open as polling places for their respective districts and voting facilities shall be made available at all schools.

Section 2. § 310, Title 14 of the Delaware Code is hereby repealed and the following new Section to be known as § 310 is substituted and enacted in lieu thereof:

§ 310. The annual school election in each District shall be conducted by the members of the School Board of the District. One member of the School Board shall serve together with two other persons chosen by the School Board as election officers in each school in the District. Where there are more schools in a District than there are School Board members the School Board shall appoint as many additional election officers as shall be necessary so as to man every school in the District with three election officers. If for any reason, one or more members of the School Board are unable to serve as election officers, the School Board shall designate another person, or persons to sit in such capacity. Should the School Board fail or neglect to provide election officers at the election, the voters present, when the polls open, shall designate and appoint election officers to conduct the election.

Approved July 1, 1955.

CHAPTER 387

APPROPRIATION

DELAWARE DAY SCHOOL FOR HANDICAPPED
CHILDREN

AN ACT APPROPRIATING CERTAIN MONEY TO DELA-
WARE DAY SCHOOL FOR HANDICAPPED CHILDREN,
INC.

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

Section 1. The sum of Thirty-five Thousand Dollars (\$35,000.00) is appropriated to Delaware Day School for Handicapped Children, Inc., a corporation of the State of Delaware, for the Education and/or Training of Handicapped and/or Retarded Children, in the Delaware Day School in New Castle County and in the Delaware Day Schools now being organized in Kent County and Sussex County, for operation for the biennium beginning July 1, 1955 and ending June 30, 1957. Seventeen Thousand Five Hundred Dollars (\$17,500.00) of said sum shall be paid within three months after July 1, 1955 and a like sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) shall be paid within three months after July 1, 1956.

Section 2. This act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 1, 1955.

CHAPTER 388

ESTABLISHMENT OF OPTOMETRIC CLINICS

AN ACT TO AMEND CHAPTER 1, TITLE 16 OF THE DELAWARE CODE RELATING TO STATE BOARD OF HEALTH BY PROVIDING FOR ESTABLISHMENT OF OPTOMETRIC CLINICS, AND PROVIDING FOR AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 1, Title 16 of the Delaware Code is amended by adding at the end of said chapter a new Subchapter entitled "OPTOMETRIC CLINICS" and to be known as Subchapter VII, and new Sections thereunder to be known as Sections 181, 182, 183.

Subchapter VII—Optometric Clinics**§ 181. Establishment of optometric clinics**

The State Board of Health shall establish one Optometric Clinic in Sussex County, one in Kent County and one in New Castle County.

§ 182. Appointment of optometrists

Each Optometric Clinic shall be supervised and directed by one optometrist or one eye physician duly licensed to practice optometry under the laws of this State, to be appointed by the State Board of Health to carry out the provisions of this Subchapter and shall serve during the pleasure of the Board without compensation.

§ 183. Services performed by clinics

The clinics shall render and perform, free of charge, optometric services as shall be ordered and directed by the State Board of Health for those persons who upon application to the State Board of Health are found to be unable to pay for such services either in whole or in part.

Section 2. The sum of Two Thousand Dollars (\$2,000) is hereby appropriated to the State Board of Health for the purpose of carrying into effect the provisions of this Act. This Act is a Supplementary Appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from monies not otherwise appropriated.

Approved July 6, 1955.

CHAPTER 389

AUTHORIZING REMOVAL OF SLUICE GATE

AN ACT DIRECTING AND REQUIRING THE STATE HIGHWAY DEPARTMENT TO REMOVE A SLUICE GATE, INCLUDING ITS FOUNDATION, IN THE CANAL AT OR NEAR SLAUGHTER BEACH CANAL BRIDGE, EARTH OR DIRT REMOVED TO BE USED FOR PARKING ACCOMMODATIONS.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. The State Highway Department is directed to and charged with the responsibility of completely removing the existing sluice or tide gate, including its entire foundation, in the canal at or near Slaughter Beach Canal Bridge, as heretofore erected by said Department, and to restore the bed and banks of said Canal at the point of said sluice or tide gate to substantially the same condition as they were prior to the erection of the said tide gate therein. The State Highway Department is further directed to use the Earth and Dirt removed as fill for a parking lot on both sides of the canal on property owned by the State Highway Department at the place where the tide gate is presently located.

Section 2. The sum of five thousand dollars (\$5,000.00) is hereby appropriated to the State Highway Department for use in carrying out the purposes of this Act. The Amount so appropriated shall be paid out of the State Treasury of the State of Delaware upon warrant duly signed and approved by the proper officers of the State Highway Department. The unused portion of the funds hereby appropriated shall revert to the General Fund of the State Treasury.

Section 3. This Act is a Supplementary Appropriation and the money so appropriated shall be paid out of the General Fund of the State of Delaware.

NOTE: This bill became a law on June 27, 1955, without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 390

RELATING TO MUNICIPAL ELECTIONS IN WILMINGTON

AN ACT TO AMEND SUBCHAPTER II OF CHAPTER 75 OF TITLE 15 OF THE DELAWARE CODE, MAKING ALL THE PROVISIONS OF TITLE 15 APPLICABLE TO MUNICIPAL ELECTIONS HELD IN THE CITY OF WILMINGTON, DEFINING POLITICAL PARTIES, PROVIDING CERTIFICATION OF NOMINATIONS, DEVICE OF PARTY, BALLOTS, VACANCIES AFTER PRINTING OF BALLOTS AND CONTESTS OF ELECTIONS.

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

Section 1. That Sections 7529, 7530, and 7531 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code, be and they are hereby repealed and stricken.

Section 2. That Section 7521 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7521. Elections in the City of Wilmington

From and after the passage of this Act, the registration, election and canvass of the vote cast at elections in the City of Wilmington for the Mayor, Council, and other officers of the City of Wilmington, shall in all respects be conducted in conformity with the provisions governing general elections as provided under Title 15 of the Delaware Code.

Section 3. That Section 7522 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7522. Political party defined; certificate of voters may be required, when

Any organization of bona fide citizens and voters in the City of Wilmington, which shall by means of a convention, primary election or otherwise, nominate candidates for offices to

be filled by the people of the City of Wilmington at elections held for the purpose of electing persons to the offices to be filled at any election held for said purpose shall be deemed and taken to be a political party within the meaning of this Act. No organization shall be taken as a political party that does not represent at least one hundred bona fide citizens and voters of the City of Wilmington. If the Department of Elections should have any doubt as to the sufficiency of the number of bona fide voters represented by any organization in the said City of Wilmington, they may demand a certificate of twenty-five voters belonging to such an organization as to that fact.

Section 4. That Section 7523 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7523. Nominations to be certified to department of elections; certificates must be in writing and acknowledged; title of party; figure or device

The nomination of the candidates for office to be filled by the electors in the City of Wilmington for the Mayor, Council, and other officers of the City of Wilmington, shall be certified to the Department of Elections aforesaid, by the presiding officer and secretary of the proper party convention or committee. The certificate shall be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated.

Section 5. That Section 7524 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7524. Device of party; restriction as to use; device of new party; devices prohibited; supplemental certificates, when filed

The same devices shall be used as are used at General Election; provided that if any new political party or parties shall be formed since the last preceding General Election and within twenty days prior to the holding of elections in the City

of Wilmington for the Mayor, Council, and other officers of the City of Wilmington, the said newly formed political party or parties shall present their device or devices properly certified to the Department of Elections within twenty days prior to the holding of the election in the City of Wilmington for the Mayor, Council, and other officers of the City of Wilmington. No device previously selected and used at a preceding election by another political party shall be used as the device or figure of a political party newly formed. Such figure or device may be a star, an eagle, a plow or some such appropriate symbol, provided, however, that the coat-of-arms or seal of the State, or of the City of Wilmington, or of the United States, or the flag of the United States, shall not be used as a figure or device of any political party. In case of death, resignation or removal of any candidate subsequent to nomination, a supplemental certificate of nomination may be filed by the proper officers as aforesaid. In case of a division in any party in the City of Wilmington or a ward thereof and claim is made by two or more factions to the same party name or title, figure or device, the Department of Elections within ten days after it has received the certificates of the contending factions, shall determine to which faction the name, title or figure properly belongs, giving the preference to the convention or primary election held at the time and place designated in the call of the regularly constituted party authorities; and if within five days thereafter, the other faction shall present no other party name or title, figure or device and certify the same to the Department of Elections, the latter shall select some suitable title, figure or device for said faction and the same shall be placed above the list of their candidates on the ballots. The certificates of nomination herein directed to be filed with the Department of Elections shall be filed not less than ten days before the day fixed by law for the election of the persons in nomination.

Section 6. That Section 7525 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7525. Ballots

The names of the candidates for the Mayor, Council, and other officers of the City of Wilmington, shall be printed on the

single ballot as prescribed by Title 15, § 4501 and to meet the requirements of Title 15, Chapter 50, Delaware Code.

Section 7. That Section 7526 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7526. Vacancies after printing of ballots or preparation of ballots for voting machines

In case of the death, removal or resignation of any candidate after the printing of ballots or preparation of ballots for use in voting machines, but before such election, it shall be lawful for the chairman of the city, ward or district political organization by which such candidate was nominated, to make a nomination to fill such vacancy and to provide the election officers with a number of pasters containing only the name of such candidate and for use on the ballots or in ballots used in voting machines; and it shall be the duty of the clerks of election to put one of such pasters in a careful and proper manner and in a proper place on each paper ballot before such paper ballot may be used in such election or in the ballots for use in voting machines.

Section 8. That Section 7527 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7527. Contest of election

If any candidate for any of the offices before mentioned shall choose to contest the right of any person claiming to have been elected to said office, the causes for such contests and all of the other provisions now set out in Chapter 59, Subchapter III, Title 15, Delaware Code, shall be applicable, and all such contests shall be determined pursuant to all of the provisions of said Subchapter III, Title 15, Chapter 59, Delaware Code.

Section 9. That Section 7528 of Subchapter II of Chapter 75 of Title 15 of the Delaware Code be and the same is hereby amended to read as follows:

§ 7528. General provisions

All of the provisions of Title 15, Delaware Code pertaining to Elections, including registration of voters, Chapter 11, 13, 15, 17, 19, 21, and 23, Primary Elections and Nomination of Candidates, Chapters 31 and 33, General Elections, Chapters 41, 45, 47, 49, 51, 53, 55, and 57, of Title 15, Delaware Code, as well as Chapter 50 of Title 15, Delaware Code, shall be applicable to the holding of elections in accordance with the provisions of this Act.

Section 10. All Acts or parts of Acts which are inconsistent with this Act are hereby repealed.

Section 11. If any word, sentence, paragraph, section or provision of this Act shall be declared unconstitutional by a competent Court, the other and remaining words, sentences, paragraphs, sections and provisions shall not be affected thereby but shall remain in full force and effect.

Section 12. Finding and declaration of legislative intent:

The General Assembly hereby finds, determines and declares as a matter of legislative intent that in enacting this Act the General Assembly intends in all respects to make applicable to the holding of elections in the City of Wilmington for the Mayor, Council, and other officers of the City of Wilmington, all of the provisions of Title 15, Delaware Code, as may be applicable thereto.

NOTE: This bill became a law on May 17, 1955, without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 391

AMENDING CHARTER OF CITY OF WILMINGTON

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON AS AMENDED BY CHANGING THE TERM OF OFFICE OF MAYOR AND CERTAIN OTHER ELECTED OFFICERS OF THE SAID CITY OF WILMINGTON, BY RECONSTITUTING "THE COUNCIL" AND BY CHANGING THE NUMBER OF ELECTIVE OFFICES OF SAID CITY OF WILMINGTON.

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

Section 1. That Section 6, Chapter 207, Volume 17, Laws of Delaware, as amended by Section 1, Chapter 177, Volume 24, Laws of Delaware, as amended by Chapter 194, Volume 26, Laws of Delaware, and as further amended by Section 1, Chapter 110, Volume 49, Laws of Delaware, be and it is hereby further amended to read as follows:

§ 6. At the General Election to be held on the Tuesday next after the first Monday in November, 1956, and on the same day in every fourth year thereafter, on which General Elections are held, the qualified voters of the City of Wilmington shall vote for a Mayor who shall be elected by a plurality of all the votes cast in the several election districts of the City. The Mayor shall hold office for a term of four years commencing on the first Tuesday after the first Monday in January next succeeding his election, except for the Mayor who is elected at the General Election in November 1956. The term of the Mayor so elected at the said General Election shall commence on the first day of July 1957 and terminate on the first Tuesday after the first Monday in January 1961. The salary of the Mayor shall be fixed by ordinance of "The Mayor and Council of Wilmington".

Section 2. That Section 29, Chapter 207, Volume 17, Laws of Delaware, as amended by Section 3, Chapter 177, Volume 24, Laws of Delaware, and as further amended by Section 2, Chapter

110, Volume 49, Laws of Delaware, be and it is further amended to read as follows:

§ 29. On and after the first day of July, 1957, "The Council" shall consist of a President of Council and twelve other members. At the General Election to be held on the Tuesday next after the first Monday in November, 1956, and on the same day in every fourth year thereafter on which General Elections are held, there shall be elected a President of City Council and twelve members of Council for the term of four years, commencing on the first Tuesday after the first Monday in January next succeeding such election, except for the President of City Council and the twelve members of Council who are elected at the General Election in November, 1956, and the term of such President of Council and members of Council so elected at such General Election shall commence on the first day of July, 1957, and terminate on the first Tuesday after the first Monday in January, 1961. The President of Council shall be the presiding officer and a member of said Council. The President of Council shall be a bona fide resident and freeholder of any ward within the City. The President of Council and all twelve members of the Council shall be elected by a plurality of all votes cast in the several election districts of the City. Each City Ward shall be represented in Council by a bona fide resident and freeholder of the Ward. Each member of Council so elected shall, during his term of office, remain a resident of the ward of which he was elected to represent. Where it appears that a member of Council has abandoned his domicile within the ward of which he was elected to represent, the Council shall, by a vote of two-thirds of the members elected, not including the member in question, declare the seat of such member to be vacant.

Section 3. Section 32, Chapter 207, Volume 17, Laws of Delaware, as amended by Section 4, Chapter 177, Volume 24, Laws of Delaware, and as further amended by Section 3, Chapter 110, Volume 49, Laws of Delaware, be and it is further amended to read as follows:

§ 32. At the General Election to be held on the Tuesday next after the first Monday in November, 1956, and on the same day in every fourth year thereafter on which General Elections are held, the voters of the City of Wilmington shall vote for a

City Treasurer who shall be elected by a plurality of all the votes cast in the several election districts in the City. The City Treasurer shall be a bona fide resident and freeholder of any ward within the City and he shall hold office for a term of four years commencing on the first Tuesday after the first Monday in January next succeeding his election, except for the City Treasurer who is elected at the General Election in November, 1956. The term of the City Treasurer elected at such General Election shall commence on the first day of July, 1957 and terminate on the first Tuesday after the first Monday in January, 1961. On and after the first day of July, 1957, the City Treasurer shall appoint a clerk for his office, to be known as the City Treasurer's Clerk, who shall hold office at the pleasure of the City Treasurer. The City Treasurer shall have power to discharge said Clerk at any time and his acts in this respect shall not be questioned. The Council shall have power by ordinance to fix the salary of said Clerk.

Section 4. Section 1, Chapter 119, Volume 28, Laws of Delaware, as amended by Section 4, Chapter 110, Volume 49, Laws of Delaware, be and it is hereby further amended to read as follows:

§ 1. At the General Election to be held on the Tuesday next after the first Monday in November, 1956, and on the same day in every fourth year thereafter on which General Elections are held, the voters of the City of Wilmington shall vote for one Collector of Taxes for the City of Wilmington who shall be elected by a plurality of the votes cast in the several election districts in the City. The Collector of Taxes shall be a bona fide resident and freeholder of any ward within the City. He shall hold office for a term of four years commencing on the first Tuesday after the first Monday in January next succeeding his election, except for the Collector of Taxes who is elected at the General Election in November, 1956. The term of the Collector of Taxes elected at such General Election shall commence on the first day of July, 1957 and terminate on the first Tuesday after the first Monday of January, 1961. The Collector shall be known as the Collector of Taxes for The City of Wilmington.

Section 5. § 30, Chapter 207, Volume 17, Laws of Delaware, as amended by Chapter 660, Volume 18, Laws of Delaware, be and it is hereby further amended to read as follows:

§ 30. The Council shall hold a meeting for organization on the first Tuesday after the first Monday in January next succeeding their election, except for the Council elected in November, 1956. The members of Council elected at such General Election shall meet for organization on the first day of July, 1957; and shall further meet at least once every month at such time or times and places as it shall appoint. Special meetings may be called by the Mayor upon his own motion, or shall be called at the request of five members. The sittings of Council shall be public. It shall choose its officers, except where otherwise provided for in this Charter. It shall determine the rules of its proceedings and keep a journal of the same. The President of Council shall be entitled to vote on all questions determined by Council and shall be considered a Member of Council.

On and after the first day of July, 1957, seven members shall constitute a quorum to do all business. No ordinance shall be passed without the concurrence of a majority of all members of the Council and unless it shall have had two readings at a previous stated meeting or meetings, nor shall any ordinance be repealed unless notice shall have been given and entered on the journal of the Council at a stated meeting, that at the next succeeding stated meeting an ordinance would be introduced for such repeal. All questions, upon the call of any member, shall be taken by ayes and noes, which shall be entered upon the journal. All elections for officers to be appointed by Council shall be by ballot and by a majority of votes of all the members of Council.

Section 6. All Acts or parts of Acts which are inconsistent with this Act are hereby repealed.

Section 7. If any word, sentence, paragraph, section or provision of this Act, shall be declared unconstitutional by a competent Court, the other and remaining words, sentences, paragraphs, sections and provisions shall not be affected thereby but shall remain in full force and effect.

NOTE: This bill became a law on June 28, 1955, without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 392

PERTAINING TO MUNICIPAL ELECTIONS IN CITY
OF WILMINGTON**AN ACT TO REPEAL CHAPTER 727, VOLUME 19, LAWS OF
DELAWARE, AND ANY AND ALL LAWS AMENDA-
TORY THERETO, AND PERTAINING TO THE HOLDING
AND CONDUCTING OF MUNICIPAL ELECTIONS IN
THE CITY OF WILMINGTON.**

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each House thereof concurring therein):

Section 1. That Chapter 727, Volume 19, Laws of Delaware, and any and all laws amendatory thereto be and the same are hereby repealed.

Section 2. Finding and declaration of legislative intent. The General Assembly hereby finds, determines and declares as a matter of legislative intent that in enacting this Act the General Assembly intends in all respects to make applicable to the holding of elections in the City of Wilmington for the Mayor, Council, and other officers of the City of Wilmington, all of the provisions of Title 15, Delaware Code, as may be applicable thereto.

NOTE: This bill became a law on June 28, 1955, without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 393

CHANGING COMPOSITION OF LIQUOR COMMISSION

AN ACT TO AMEND CHAPTER 3, TITLE 4 OF THE DELAWARE CODE RELATING TO THE DELAWARE LIQUOR COMMISSION BY ABOLISHING THAT COMMISSION AND CREATING A NEW COMMISSION TO BE KNOWN AS THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION; TRANSFERRING DUTIES, POWERS AND PROPERTY.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. § 301, Chapter 3, Title 4 of the Delaware Code is hereby repealed.

Section 2. The present existing Delaware Liquor Commission is hereby abolished and a new Commission to be known as The Delaware Alcoholic Beverage Control Commission is hereby established as hereinafter provided. All of the powers and duties and property of the Delaware Liquor Commission are transferred to the Delaware Alcoholic Beverage Control Commission hereby created.

Section 3. Chapter 3, Title 4 of the Delaware Code is hereby amended by adding thereto the following new Section to be known as § 301:

§ 301. Commission; qualifications; member-at-large voting; terms; compensation vacancies

The Delaware Alcoholic Beverage Control Commission, hereinafter referred to as "the Commission" shall consist of five members, all of whom shall be residents of this State for a period of three years preceding their appointment, and no more than three members shall be from the same political party. The term of office shall be for four years. Two members shall be residents of New Castle County, one member shall be a resident of Kent County; one member shall be a resident of Sussex County; and one member to be known as the "member-at-large", may be a resident anywhere in the State of Delaware.

The member-at-large may vote on matters coming before the Commission only when there is a tie vote among the other members of the Commission.

The members of the Commission shall receive compensation at the rate of \$25 for each meeting of the Commission plus travel expenses. Meetings for which compensation shall be paid shall not exceed 24 in number in any one year.

There are hereby appointed five members of the Commission for a term beginning with the effective date of this Act and ending on March 1, 1959 as follows:

J. Edward Truitt from New Castle County, Burton Heal from New Castle County, Brinton T. Holloway of Kent County, Isaac Leroy Smith of Sussex County and John M. Conway, the member-at-large.

In case of a vacancy in the Commission for any reason other than the expiration of the term of office, the remaining members of the Department shall fill such vacancy by selecting a properly qualified person who shall thereafter be confirmed by the Senate. After the expiration of the terms of office of the members as heretofore provided, the Governor shall appoint, subject to confirmation by the Senate, during the month of February 1959, and every four years thereafter, the members of the Commission for full terms of four years.

Section 4. Wherever in the Delaware Code there is a reference to the Delaware Liquor Commission it shall be construed henceforth to mean The Delaware Alcoholic Beverage Control Commission.

Section 5. Any Acts or parts of Acts inconsistent with the terms of this Act are hereby repealed to the extent of such inconsistency.

NOTE: This bill became a law on June 30, 1955, without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

**END
OF
VOLUME**