



**LAWS**  
**OF THE**  
**STATE OF DELAWARE**

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

**COMMENCED AND HELD AT DOVER**

**On Tuesday, January 6, A. D.  
1959**

**AND**

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

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**VOLUME LII**

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# LAWS OF DELAWARE.

## CHAPTER 1

### AN ACT AGREEING TO A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE TO INCREASE THE ANNUAL SALARIES OF THE MEMBERS OF THE GENERAL ASSEMBLY.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 119th General Assembly as follows:

### AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE TO INCREASE THE ANNUAL SALARIES OF THE MEMBERS OF THE GENERAL ASSEMBLY.

*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. § 15, Article 2, of the Constitution of the State of Delaware is hereby amended by striking out the words and figures, "One Thousand Dollars (\$1,000.00)" as they appear in lines 2 and 3 thereof and substituting in lieu thereof the following words and figures:

"Three Thousand Dollars (\$3,000.00)",

AND WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 119th General Assembly, NOW, THEREFORE,

*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. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective January 21, 1959.



## CHAPTER 2

**AN ACT TO FURTHER AMEND AN ACT ENTITLED "AN ACT TO RENEW THE ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK AND THE ACTS SUPPLEMENTARY THERETO", BY PROVIDING FOR AN INCREASE IN THE NUMBER OF MANAGERS AND BY PROVIDING FOR THE DESIGNATION AND POWERS OF COMMITTEES AND FOR THE ELECTION OF VICE PRESIDENTS, ONE OF WHOM SHALL BE A MANAGER, AND TO ESTABLISH AND OPERATE BRANCHES OR BRANCH OFFICES.**

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

Section 1. Section 2 of the Act entitled, "An Act to Incorporate the Artisans' Savings Bank", passed at Dover on the 28th day of February, A. D. 1861, as heretofore renewed and amended, be and the same is hereby further amended by striking out said Section 2 and amendments thereto and substituting in lieu thereof a new Section 2, as follows:

"That the said Corporation shall annually on the second Tuesday in February in the City of Wilmington, or at such other time or place as by the By-laws may be appointed, elect by ballot from the members of said corporation not less than thirteen nor more than seventeen Managers to serve for one year or until their successors shall be chosen, the number to be selected to be determined each year at the last meeting of the Board of Managers prior to giving notice to the members of the corporation of the annual meeting. In order to increase the number of Managers to the number of seventeen permitted by this Amendment, the Board of Managers, as now constituted, shall have the right, upon approval of this Amendment, to select from the members of said corporation an additional member, or members, to become a Manager, or Managers, to serve until the next annual election. The Managers, during their term of office, shall have the sole management and direction of the affairs of said corporation. They shall elect one of their number to be President and elect one or more Vice Presidents, one of whom shall be a Manager, and shall also appoint a Treasurer and a Sec-

retary, and such other officers as may be necessary for the conducting of the business of the corporation. The Managers may, by resolution passed by a majority of the whole Board, designate and name one or more committees, each committee to consist of three or more of the Managers of the corporation, which to the extent provided in the By-laws of the corporation shall have and may exercise the powers of the Board of Managers in the management of the business and affairs of the corporation and may authorize the seal of the corporation to be affixed to all papers which may require it. The Managers shall have power to fill vacancies in their own body and to make such By-laws and Regulations for the government of the corporation as they may deem expedient and to repeal or amend the same at pleasure. Provided that no such By-laws or Regulations shall be repugnant to the Constitution or Laws of this State or of the United States."

Section 2. Section 3 of the Act entitled, "An Act to Incorporate the Artisans' Savings Bank", passed at Dover on the 28th day of February, A. D. 1861, as heretofore renewed and amended, be and the same is hereby further amended by adding to said section the following words and punctuation, to-wit:

In addition to its principal office, the said Corporation may establish, maintain and operate such branches or branch offices, at such place or places, as it may deem to be advantageous.

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

Approved March 6, 1959.

## CHAPTER 3

**AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE (KNOWN AS THE FAMILY COURT ACT) BY REQUIRING THE COURT TO KEEP ITS EXPENSES WITHIN GENERAL ASSEMBLY APPROPRIATIONS.**

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

Section 1. Amend Title 10, Delaware Code, by striking out subsections (b) and (c) of § 909 of Chapter 9 thereof, and by enacting and inserting in lieu a new sub-section (b) to read:

(b) 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 limit of the amounts appropriated to the Court by the General Assembly.

Approved March 9, 1959.

## CHAPTER 4

**AN ACT TO AMEND CHAPTER 457, VOLUME 50, LAWS OF DELAWARE, BY PROVIDING ADDITIONAL PROJECTS WHICH MAY BE ACQUIRED AND FINANCED THEREUNDER; AUTHORIZING THE EXECUTION OF LEASES AND PURCHASE AGREEMENTS WITH RESPECT TO ANY SUCH PROJECTS; PROVIDING FOR THE SALE OF BONDS ISSUED THEREUNDER; PROVIDING THAT NO APPROVAL OF THE PROCEEDINGS OF "THE COUNCIL" AND THE BOARD OF HARBOR COMMISSIONERS THEREUNDER SHALL BE REQUIRED; PROVIDING FOR THE SECURITY OF BONDS ISSUED THEREUNDER; DECLARING THE CARRYING OUT OF THE POWERS THEREIN AUTHORIZED TO CONSTITUTE A STATE AND PUBLIC PURPOSE; EXEMPTING PROPERTY ACQUIRED AND BONDS ISSUED THEREUNDER FROM TAXATION; PROVIDING FOR THE MANNER OF THE CONSTRUCTION OF PROJECTS THEREUNDER; LIMITING THE INSTITUTION OF ACTIONS ATTACKING PROCEEDINGS THEREUNDER; AND MAKING OTHER PROVISIONS IN CONNECTION WITH THE FOREGOING.**

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

Section 1. Paragraph (a) of Section 2 of Chapter 457, Volume 50, Laws of Delaware, is hereby amended by striking out and repealing the said paragraph (a) and inserting in lieu thereof a new paragraph (a) to read as follows:

Section 2. DEFINITIONS.

Whenever used in this Act, unless a different meaning clearly appears from the context:

(a) The term "undertaking" shall mean wharves, piers, docks, ships, bulkheads, terminals, warehouses, structures, appliances, cranes, machinery, equipment, elevators, compresses, refrigeration storage plants, buildings, structures and facilities to be used in the manufacturing, processing, assembling, storing

or handling of any agricultural or manufactured produce or produce of mining or industry which in the judgment of the board will result in the increased use of the harbor facilities of the municipality, tracks, rails, railways or railroad lines, or any part or combination thereof, used or useful in connection with the improvement of the water front, the harbor, terminal and shipping facilities of the municipality. Any undertaking may include other structures and any facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of roads, bridges and causeways necessary or useful in connection therewith and including any public utility facilities designed to supply public utility services to other parts of the undertaking or to the users of any of the facilities of the board. There may be included as part of any undertaking all apparatus, equipment and machinery of every nature necessary or desirable for the full utilization of the undertaking. Nothing in the foregoing shall be construed to authorize the construction or maintenance of telephone and telegraph facilities which are normally owned by public utility companies.

Section 2. Section 3 of Chapter 457 aforesaid is hereby amended by adding to said section a new and additional paragraph to be known as paragraph (f) and to read as follows:

(f) Any buildings, structures or facilities acquired by the municipality hereunder which are to be utilized in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry, which may be acquired for operation by a corporation, entity or persons other than the board, as distinguished from buildings, structures or facilities acquired by the municipality for operation by the board as harbor, terminal and allied facilities for the direct use of the public, shall be acquired and financed hereunder only if prior to the issuance of bonds therefor the municipality, acting through the board shall have entered into a lease or leases thereof or an agreement or agreements for the sale thereof pursuant to the terms of which the lessees or purchasers shall pay to the municipality such rentals or installment purchase payments, or both, as upon the basis of determinations and findings to be made by the board, will be fully sufficient to pay principal of and interest on the bonds

issued for the financing thereof, to build up and maintain any reserves deemed by the board to be advisable in connection therewith, and to pay the cost of maintaining the buildings, structures and facilities in good repair and keeping them properly insured, unless the leases or agreements obligate the lessees or purchasers to pay for such insurance or maintenance. The board is granted full power and discretion to enter into any such agreements or leases as may in its judgment be desirable for the best interests of the municipality. Any such agreement or lease may provide that any surplus capacity of the buildings, structures or facilities which are the subject matter thereof may be utilized by and for the benefit of the general public, in which event such surplus capacity may be maintained or operated, or both, by either the board or by the lessee or purchaser under the lease or agreement, or in part by each, all as may be provided in the lease or agreement. Any undertaking may include in part one or more buildings, structures or facilities or combinations thereof to be leased or sold as provided in this paragraph, and in part other buildings, structures or facilities to be operated by the board, the revenues of the whole being allocated and pledged to the financing of the undertaking as a whole, and in such event, the requirements of this paragraph applicable to buildings, structures or facilities to be leased or sold shall be applicable only to the part of the undertaking which consists of the buildings, structures or facilities to be so leased or sold.

Section 3. Section 4 of Chapter 457 aforesaid is hereby amended by striking out and repealing the said Section 4 and inserting in lieu thereof a new Section 4 to read as follows:

**Section 4. AUTHORIZATION OF UNDERTAKING;  
FORM AND CONTENT OF BONDS.**

The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be undertaken by the board under this Act and bonds may be authorized under this Act by ordinance or ordinances of the governing body adopted by a majority of all members thereof then in office, and such bonds may be issued from time to time as may be determined by such ordinance or ordinances. Said bonds shall bear interest at such rate or rates, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their re-

spective dates, may be payable in such medium of payment, at such place or places, may carry such registration, privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such ordinance or subsequent ordinances may provide. After such bonds shall have been authorized by ordinance adopted by the governing body, the bonds shall be sold by the board in such manner and on such terms as the board may prescribe, provided only that the price at which the bonds are sold shall never be such as to make the interest cost to the municipality exceed six per cent per annum computed to maturity according to standard tables of bond values. Pending the preparation of the definite bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this Act.

All powers granted the municipality and all things authorized to be done by the governing body and by the board under the provisions of this Act may be exercised and done without the necessity for approval thereof by any other board, agency, instrumentality, department, or political subdivision of the municipality or of the State of Delaware.

. Nothing contained in this Act shall be so construed as to prevent the execution of leases and agreements by the board for the lease or sale of all or any part of any undertaking, as long as it is expressly found by the board that the revenues to be derived from such lease or agreement, together with the other revenues of the undertaking, will be sufficient to carry out the requirements of Sections 9 and 10 of this Act. All rentals and payments received by the municipality under the provisions of any such lease or agreement shall be regarded as revenues of the undertaking within the meaning of paragraph (d) of Section 3 of this Act.

Section 4. Section 5 of Chapter 457 aforesaid is hereby amended by adding to said Section 5 an additional paragraph to read as follows:

In the discretion of the governing body, any issue of bonds hereunder may be secured by a trust indenture by and between

the municipality and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust indenture may pledge or assign revenues, earnings and rentals to be received by the municipality from the operation, rental or sale of the undertaking. In addition to the covenants hereinabove in this section authorized to be contained in any ordinance authorizing bonds hereunder, any such ordinance or any such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders and securing the prompt payment of principal of and interest on the bonds as may be reasonable and proper and not in violation of the law and as may be designed to enhance the marketability of the bonds.

Section 5. Section 7 of Chapter 457 aforesaid is hereby amended by striking out and repealing the said Section 7 and inserting in lieu thereof a new Section 7 to read as follows:

**Section 7. LIENS OF BONDS.**

All bonds issued hereunder shall enjoy such parity with or priority over other bonds of the same issue and any bonds which may thereafter be issued payable from the revenues of the same undertaking as may be provided in the ordinance authorizing the issuance of the bonds.

Section 6. Section 8 of Chapter 457 aforesaid is hereby amended by striking out and repealing the said Section 8 and inserting in lieu thereof a new Section 8 to read as follows:

**Section 8. BONDS TO BE ISSUED TO FINANCE UNDERTAKING.**

The municipality may issue bonds, either in whole or in part, of the total amount necessary to finance any undertaking under this Act. All bonds issued under this Act shall be in addition to and not within the limitations of any limitations on the indebtedness of the municipality which may be in existence at the time of the issuance of such bonds.

Any bonds issued hereunder for any undertaking which is in whole or in part to be rented by the municipality for operation by a corporation, entity or persons other than the munici-



pality for utilization in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry, or which is to be sold for such purpose pursuant to an installment purchase agreement as above authorized, shall be payable solely from the revenue of the undertaking and shall not be deemed to constitute an indebtedness of the municipality or a pledge of the faith and credit of the municipality, and such bonds shall not directly or indirectly or contingently obligate the municipality to levy or to pledge any form of taxation whatever therefor, and each such bond shall contain on its face recitals to the foregoing effect.

Any bonds issued hereunder for other purposes may in the discretion of the governing body be made general obligations of the municipality to the payment of which the faith and credit of the municipality are pledged, and as to bonds issued secured by such pledge, the governing body shall have power to levy ad valorem taxes without limitation as to rate or amount upon all property taxable by the municipality to raise any money which may be required to pay such bonds and the interest thereon as the same become due and payable.

It is hereby further determined and declared that the carrying out of the purposes of this act and the powers and duties imposed in the municipality, the governing authority and the board will constitute the performance of an essential governmental function of the municipality and of the State of Delaware, will promote the natural resources of the state and will benefit the inhabitants of the municipality and the state, and accordingly it is provided and the state covenants with the holders from time to time of the bonds issued hereunder: (1) No taxes or assessments imposed by the state or any of its political subdivisions or taxing districts, including the municipality, shall be imposed upon any property acquired by the municipality under the provisions hereof or upon any property under the jurisdiction, control, possession or supervision of the board, and no such taxes or assessments shall be imposed upon any of the activities of the board in the operation or maintenance of any such properties or on any income derived by the municipality or the board from such facilities or otherwise; and (2) that all bonds issued hereunder, their transfer and the income therefrom shall always be exempt from taxation within the state. The purposes

to be effected by this Act are hereby expressly found and declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain.

Section 7. That Chapter 457 aforesaid is hereby amended by adding thereto a new Section to be numbered and known as Section 10-A, said Section 10-A to read as follows:

**Section 10-A. CONSTRUCTION OF UNDERTAKING.**

Any building, structure or facility to be constructed or acquired hereunder as part of an undertaking may be acquired or constructed pursuant to such contracts and agreements as may be provided by the board without necessity for compliance with any statutory provision not contained in this Act and the proceeds of any bonds issued hereunder may be held, secured and paid out for the cost thereof in such manner as may be provided by the board prior to the issuance of such bonds. The expenditure of all such bond proceeds shall be under the jurisdiction of the board.

Section 8. That Chapter 457 aforesaid is hereby amended by adding thereto a new Section to be numbered and known as Section 10-B, said Section 10-B to read as follows:

**Section 10-B. LIMITATION OF ACTIONS.**

After the authorization, but prior to the issuance, of any bonds hereunder, the governing body may in its discretion cause to be published once in each of two consecutive weeks in at least one newspaper published in the municipality, a notice in substantially the following form:

The Mayor and Council of Wilmington, acting through The Council and through the Board of Harbor Commissioners, have on the ..... day of .....,  
..... day of .....  
(repeat as often as necessary) provided for the issuance of \$..... bonds of The Mayor and Council of Wilmington for the purpose of financing the acquisition of .....,  
.....

which bonds are payable from .....

Such bonds are further secured by .....

Any action or proceeding questioning the validity of any of said proceedings or said bonds or the instruments securing such bonds must be commenced within twenty (20) days after the first publication of this notice.

.....  
Mayor

Attest:

.....  
Clerk of The Council

Any action or proceeding in any court to set aside any of the aforesaid proceedings or to contest the validity of any such bonds or related documents or instruments, must be commenced within twenty (20) days from the first publication of the above mentioned notice. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of such proceedings, documents or instruments or of the bonds, shall be asserted, nor shall the validity thereof be open to question in any court upon any ground whatever except in an action or proceeding commenced within such period.

#### Section 9. EXCISION OF UNCONSTITUTIONAL OR INEFFECTIVE PARTS OF ACT.

It is hereby declared that the Sections, Clauses, Sentences and Parts of this Act are severable, are not matters of mutual essential inducement, and any of them may be excinded by any court of competent jurisdiction, and if any provision shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions hereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice in any way the applicability or invalidity in any other instances.

Approved March 16, 1959.

## CHAPTER 5

**AN ACT TO AMEND CHAPTER 66, TITLE 16 OF THE DELAWARE CODE ENTITLED "STATE FIRE MARSHAL" BY CREATING A STATE FIRE PREVENTION COMMISSION AND APPROPRIATING MONEY THEREFOR.**

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

Section 1. Chapter 66, Title 16, Delaware Code, is hereby amended by repealing sections 6601, 6602, 6603, 6604, 6605, 6606 and 6607 and substituting therefor the following sections:

**§ 6601. State Fire Prevention Commission; appointment; qualifications; members to serve without compensation**

(a) There is hereby created a State Fire Prevention Commission, which shall consist of six persons, qualified by experience and training to deal with the matters which are the responsibilities of the Commission, appointed by the Governor. The term of office of the members first taking office shall expire, as designated by the Governor at the time of appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, one at the end of five years and one at the end of six years. Each succeeding term shall be for six years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Of the members of said Commission there shall at all times be three members, one from each County, who shall be members of paid or volunteer fire companies. The remaining three members of the Commission shall be representatives of industry from New Castle County, Kent County and Sussex County.

(b) The members of the State Fire Prevention Commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

**§ 6602. Organization and meetings**

(a) The State Fire Prevention Commission shall select a Chairman and Vice-Chairman from among its members and shall

hold regular meetings at least once a month and special meetings when called by its Chairman.

(b) No business shall be transacted by the State Fire Prevention Commission in the absence of a quorum which shall be three members, one of whom must be the Chairman or Vice-Chairman.

#### **§ 6603. Promulgation of regulations**

The State Fire Prevention Commission shall have the power to promulgate, amend and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion. Such regulations, amendments, or repealers shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection and shall have the force and effect of law in the several counties, cities and political subdivisions of the State. Such regulations and amendments shall not apply to existing installations, plants, or equipment unless the State Fire Prevention Commission has duly found that the continuation thereof constitutes a hazard so inimicable to the public welfare and safety as to require correction; nor shall such regulations and amendments limit or prohibit the shipment, transportation, handling, or storage incident to transportation of any explosive, combustible or other dangerous article, in solid, liquid, or gas form, by rail, water, or highway, when such articles are in conformity with regulations of the Interstate Commerce Commission. In their interpretation and application the regulations promulgated under this chapter shall be held to be the minimum requirements for the safeguarding of life and property from the hazards of fire and explosion. Whenever the provisions of any other statute or local regulation are more stringent or impose higher standards than are required by any regulations promulgated under this chapter, the provisions of such statute or local regulation shall govern, provided they are not inconsistent with the State Code and are not contrary to recognized standards and good engineering practices.

#### **§ 6604. Public hearing and notices**

Prior to the promulgation, amendment, or repeal of any regulation, the State Fire Prevention Commission shall hold at

least one public hearing on each regulation, amendment, or repealer to be separately submitted, notice of which hearing shall be published 15 days before the date of the hearing in a newspaper or newspapers of general circulation throughout the State. A copy of such notice shall be sent at the same time to every person, firm, or corporation who shall have registered with the State Fire Prevention Commission a request to be so notified. The notice shall contain the time and place of hearing, subjects to be discussed, and shall specify the place and times at which the proposed regulation, amendment, or repealer may be examined.

**§ 6605. Commission's powers in conduct of public hearing**

For the purpose of any public hearing under this chapter, the State Fire Prevention Commission shall have the power to summon witnesses and administer oaths for the purpose of giving of testimony.

**§ 6606. State Fire Marshal; appointment; term; salary**

(a) The Office of State Fire Marshal is hereby established. The State Fire Prevention Commission shall appoint a person qualified by his previous training and experience in endeavors similar to those herein prescribed, as State Fire Marshal. The State Fire Marshal shall be a citizen of this State and a resident for at least five years prior to his appointment. He shall hold his office for a term of 4 years. He shall receive an annual salary of \$6,000. He shall devote his whole time to the duties of his office. Whenever a vacancy shall occur in the office of State Fire Marshal for any reason other than the expiration of a term, the vacancy shall be filled by the State Fire Prevention Commission for the balance of the unexpired term. The office of the State Fire Marshal shall be located at the State Capitol in quarters provided by the State.

(b) The State Fire Marshal may appoint, with the approval of the State Fire Prevention Commission a Deputy or Deputies Fire Marshal and administer the usual oath required. The salary or salaries shall be set by the State Fire Prevention Commission from available funds appropriated. The Deputy or Deputies State Fire Marshal shall be a resident of this State but not of the same County as that resided in by the State Fire Marshal.

In case of the absence of the State Fire Marshal, or his inability from any cause to discharge the duties of his office, such duties shall devolve upon the Deputy State Fire Marshal.

(c) The Fire Marshal of any political subdivision of this State, having such an office duly created by ordinance or resolution before January 1, 1959, shall serve as an Assistant State Fire Marshal. Within the limits of the said political subdivision, he shall have exclusive jurisdiction exercising the duties and powers of the State Fire Marshal but he shall serve without compensation.

(d) The State Fire Marshal shall employ or acquire such office and clerical employees, equipment, furniture, supplies and paraphernalia as may be necessary for the orderly administration of his office.

(e) The State Fire Marshal, his Deputy or Deputies, and other members of his office, in addition to their salaries, shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

#### **§ 6607. State Fire Marshal; duties and powers**

(a) The State Fire Marshal shall enforce all laws and ordinances of the State and the several counties, cities, and political subdivisions thereof having to do with:

(1) Prevention of fires;

(2) The storage, sale, and use of any explosive, combustible, or other dangerous article, in solid, liquid, or gas form;

(3) The installation and maintenance of equipment of all sorts intended for fire control, detection, and extinguishment;

(4) The means and adequacy of exit, in case of fire, from buildings and all other places in which numbers of persons work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families;

(5) The suppression of arson.

(b) The State Fire Marshal shall assist any chief of any recognized fire company upon request of such chief.

(c) The State Fire Marshal shall enforce the regulations promulgated by the State Fire Prevention Commission as authorized by section 6603 of this chapter.

(d) The State Fire Marshal shall require the administrative heads of public and private schools and educational institutions to have at least one fire drill each month when said schools are in session, and to keep all doors and exits unlocked during school hours.

(e) The State Fire Marshal shall inspect all State and County owned institutions, all schools, theatres, churches and other places of public assembly as to fire exits and reasonable safety standards and report his findings and recommendations to the proper administrative heads.

(f) The State Fire Marshal may at any time investigate as to the origin or circumstances of any fire or explosion occurring in the State, and may at all reasonable hours enter any building or premises within his jurisdiction for the purpose of making an inspection or investigation, which, under the provisions of this chapter, he may deem necessary to be made.

(g) The State Fire Marshal shall have the authority to issue subpoenas in the enforcement of this chapter.

**§ 6608. Appeals to the State Fire Prevention Commission; procedure**

(a) Appeals to the State Fire Prevention Commission may be taken by any person aggrieved by an order or decision of the State Fire Marshal based upon or made in the course of the administration or enforcement of the provisions of this chapter. Appeals to the State Fire Prevention Commission may be taken by any officer, department, board or bureau of the State and the several counties, cities, and political subdivisions thereof affected by an order or decision of the State Fire Marshal in the course of the administration or enforcement of the provisions of this chapter.



(b) The time within which such appeal must be made, and the effect, form, or other procedure relating thereto, shall be as specified in regulations promulgated by the State Fire Prevention Commission following notice and public hearings as provided in sections 6604 and 6605 of this chapter.

**§ 6609. Powers of State Fire Prevention Commission upon appeals**

Upon appeals the State Fire Prevention Commission shall have the following powers:

(a) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the State Fire Marshal based on or made in the enforcement of the provisions of this chapter.

(b) To hear and decide, in accordance with the provisions of any duly adopted regulation, requests for special exceptions or for interpretation of regulations or for decisions upon other special questions upon which the Commission is required by any regulation to pass.

(c) To authorize a variance from particular provisions of the regulations duly promulgated under section 6603 hereof where strict compliance with such provisions would entail practical difficulties or unnecessary hardships, provided such relief may be granted without substantial detriment to the public safety and without substantially impairing the intent and purpose of the regulations promulgated under section 6603 hereof.

(d) All decisions, authorizations, or interpretations made by the State Fire Prevention Commission hereunder shall be written and signed by the Chairman or Vice-Chairman and filed in the office of the State Fire Marshal within 20 days following the appeal.

**§ 6610. Court review of decision of State Fire Prevention Commission; procedure**

(a) Any person jointly or severally aggrieved by any decision of the State Fire Prevention Commission made in the exercise of its appellate function under section 6609 hereof, or any

officer, department, board or bureau of the State and the several counties, cities, and political subdivisions thereof may present to the Superior Court of the County in which the property in question, or the party aggrieved, or either, shall be located or of which such party shall be a resident, a duly verified petition setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the Court within 30 days after the filing of the decision in the office of the State Fire Marshal.

(b) Upon the presentation of the petition, the Court may allow a writ of certiorari, directed to the State Fire Prevention Commission, to review the decision of the State Fire Prevention Commission, and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the Court.

(c) The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Commission and on due cause shown, grant a restraining order.

(d) The State Fire Prevention Commission shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(e) If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

(f) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(g) Costs shall not be allowed against the Commission unless it shall appear to the Court that it acted with gross negligence

or in bad faith or with malice in making the decision appealed from.

**§ 6611. Maintenance of fire hazard, violations of regulations, or chapter; enforcement; remedies and penalties**

(a) No person shall erect, construct, reconstruct, alter, maintain or use any building, structure or equipment or use any land in such a way to endanger life or property from the hazards of fire or explosion, or in violation of any regulation, or any provision of, or any change thereof, promulgated by the State Fire Prevention Commission under the authority of this chapter.

(b) Whoever knowingly violates such regulations, provisions or change, or any provision of this chapter, shall be fined not more than \$100 or imprisoned not more than 10 days or both.

(c) Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues after knowledge or official notice that same is illegal shall be deemed a separate offense.

(d) In case any building, structure or equipment is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in such a way to endanger life or property from the hazards of fire or explosion or in violation of this chapter or of any regulation or provision of any regulation, or change thereof promulgated by the State Fire Prevention Commission under the authority granted by this chapter, the State Fire Prevention Commission, the State Fire Marshal, or the Attorney General may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

**§ 6612. Annual report; financial statement, budget**

(a) The State Fire Prevention Commission shall annually, on or before the thirtieth day of September, transmit to the Governor a full report of its proceedings under this chapter and such statistics as it may wish to include therein; it shall also recommend any amendments to the law which in its judgment shall be desirable.

(b) Along with the annual report, the State Fire Prevention Commission shall transmit a financial statement showing all expenditures and income of the State Fire Prevention Commission covering the preceding twelve months, starting July 1 and ending June 30.

(c) In the even numbered years the State Fire Prevention Commission shall submit to the Budget Commission a budget showing proposed expenditures for the biennium beginning July 1 next succeeding.

Section 2. The funds remaining from the appropriation to the State Fire Marshal under Chapter 322, Volume 50, Laws of Delaware, shall be transferred to the State Fire Prevention Commission for the purpose of carrying out this act.

Section 3. Any and all funds appropriated in the name of the State Fire Marshal in the General Appropriation Bill approved by the 120th General Assembly shall be transferred to the State Fire Prevention Commission for the purpose of carrying out this act.

Section 4. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed to the extent of any such inconsistency.

Section 5. This Act shall take effect upon July 1, 1959.

Approved March 23, 1959.

## CHAPTER 6

**AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE (KNOWN AS THE FAMILY COURT ACT) BY RE-DEFINING "FAMILY" AS RESPECTS THE COURT'S JURISDICTION.**

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

Section 1. Amend Title 10, Delaware Code, by striking out the paragraph in § 901 of Chapter 9 thereof defining the word "Family", and by enacting and inserting therein a new paragraph re-defining the word "Family" to read:

"Family" means husband and wife; a man and woman co-habiting as husband and wife in a home in which there are also children in esse or in ventre sa mere, of either or both; parent and child; guardian and ward; and also any group of persons residing together in one home under one head who are related by blood or marriage.

Approved March 30, 1959.

## CHAPTER 7

**AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE  
CODE (KNOWN AS THE FAMILY COURT ACT) BY  
DELETING THE PROVISION PROVIDING FOR APPOINT-  
MENT OF JUDGES FOR UNEXPIRED TERMS.**

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

Section 1. Amend Title 10, Delaware Code, by striking out  
sub-section (c) of § 907 of Chapter 9 thereof.

Approved March 30, 1959.

CHAPTER 8

**AN ACT TO AMEND CHAPTER 20, TITLE 9, DELAWARE CODE, ENTITLED "AMBULANCE AND RESCUE SERVICE".**

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

Section 1. § 2004, Title 9, Delaware Code, is hereby repealed and a new § 2004 enacted in lieu thereof to read as follows:

**§ 2004. Life saving equipment; appropriations to fire companies**

The Levy Court of New Castle County shall appropriate annually \$500 to each of the following fire companies in New Castle County: The Holloway Terrace Volunteer Fire Co., Inc., Claymont Fire Company No. 1, Talleyville Fire Company and Five Points Fire Company, for the maintenance and operation by each of the fire companies of a motor vehicle containing life saving equipment and used by their rescue squads. The appropriations shall be paid within three months after the beginning of each fiscal year.

Approved March 30, 1959.

## CHAPTER 9

**AN ACT TO AUTHORIZE THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY TO PROVIDE FOR HIGHWAY IMPROVEMENTS AND FOR BUILDINGS UNDER THE JURISDICTION OF THE STATE HIGHWAY DEPARTMENT BY ACQUIRING LANDS AND RIGHTS-OF-WAYS, CONSTRUCTING AND RECONSTRUCTING HIGHWAYS, BRIDGES, BY PROVIDING BUILDINGS AND IMPROVEMENTS INCIDENTAL THERETO AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING SAID FUNDS.**

WHEREAS, through the enactment of Federal legislation the Federal Aid Highway Act of 1958 was approved, and

WHEREAS, by such act additional Federal funds were made available to the several States for highway improvement provided such States furnish matching funds therefor, and

WHEREAS, the availability of the aforementioned Federal funds could not be anticipated at the time that the requirements for highway improvements for the current biennium were established by the State Highway Department with the result that funds provided for highway purposes during the 119th Session of the General Assembly will not suffice to match the additional Federal funds tentatively allocated to the State of Delaware, and

WHEREAS, the benefits of the additional Federal funds cannot be realized unless matching funds are made available by the State of Delaware,

NOW, THEREFORE, *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 Governor, Secretary of State, and State Treasurer of the State of Delaware, herein sometimes referred to as the ISSUING OFFICERS, shall borrow upon the faith and credit of the State of Delaware a sum of money not in excess of Two Million Five Hundred Thousand Dollars (\$2,500,000), which shall be used for the purpose of construction and reconstruction



of roads, highways, and bridges, and to provide buildings required by any division of the State Highway Department and for the acquisition of land, rights-of-way, and the surveying, grading, and landscaping thereof, and for the costs of labor, material, equipment, supplies and for dams, locks, sewers, watermains, and underpasses incidental and necessary to the foregoing; and the ISSUING OFFICERS shall sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the said sum of Two Million Five Hundred Thousand Dollars (\$2,500,000). The bonds may be issued all at one time or from time to time, in such series and amounts as the ISSUING OFFICERS shall determine to be required, subject to the provisions contained in this Act, and with the proviso that such bonds shall be sold, executed and delivered prior to 31 December 1959. Said sum of money may be borrowed and said bonds may be issued in addition to any sums authorized to be borrowed or bonds authorized to be issued for the purposes hereinbefore described by any other law now in effect.

Section 2. In anticipation of the issuance of 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. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than December 31, 1959. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000).

Said notes may be redeemed at par and accrued interest prior to their maturity if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 3. The bonds and notes issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds and notes hereby authorized to be issued and the

coupons thereto attached, and the said bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The said bonds and notes shall recite that they are issued for the purposes set forth in Section 1 of this Act, that they are issued in pursuance of this Act and the Constitution of this State, and upon the sale and delivery of any such bond or note, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds or notes and the legality and validity of such bonds or notes and of the principal debt and interest represented thereby, and the legality and validity of such bonds or notes thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and the provision shall be and become part of the contract and obligation represented by any such bonds or notes.

Section 5. The bonds issued under the authority of this Act shall be in denominations of One Thousand Dollars (\$1,000), or multiple thereof, as shall be decided by the ISSUING OFFICERS, or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such dates as the ISSUING OFFICERS shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the ISSUING OFFICERS, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Said bonds shall be in such form and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said ISSUING OFFICERS.

The said bonds shall mature as the ISSUING OFFICERS may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within twenty (20) years from the date of issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer and shall have the impression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer which may be engraved, printed or written on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 6. For the purpose of designation and identification, any bond issued under the authority of this Act shall be known and styled "SUPPLEMENTARY STATE HIGHWAY DEPARTMENT IMPROVEMENT BOND OF 1959."

Section 7. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the ISSUING OFFICERS may adopt.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto, he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State, and State Treasurer, and also by writing across the face thereof in red ink the following:

This bond paid and redeemed this..... day  
of ....., A.D. 19.....

.....  
State Treasurer

As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face

"Paid." All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this Act is unpaid and not redeemed.

Section 8. Whenever the bonds authorized by this Act may be issued in conformity with the provisions of this Act, the Issuing Officers are hereby directed to advertise that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Issuing Officers. Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once, ten or more days before the date of sale in at least one newspaper published in the State of Delaware and in a financial Journal published in the City of New York, and no other publication of such notice of sale shall be necessary; and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Issuing Officers at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 9. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover, and shall be used exclusively in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

In addition to any moneys appropriated by any other Act there is appropriated to the State Highway Department the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000) 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. Any of said funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund but shall remain in said account to be used for the purposes set forth in this Act.

Section 10. There is appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which become due on such bonds and notes during the biennium ending June 30, 1959, and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the biennium ending June 30, 1959. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for interest and repayment of said notes shall be signed by the Secretary of State, by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 11. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 120th Session and each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 12. This is an emergency enactment to secure matching funds from the Federal Government.

Approved March 31, 1959.

## CHAPTER 10

**AN ACT TO AMEND CHAPTER 17, TITLE 15, DELAWARE CODE ENTITLED REGISTRATION PROCEDURE RELATING TO ISSUANCE OF VOTER IDENTIFICATION CARDS; PENALTIES FOR MISUSE AND DEFACING OF A VOTER IDENTIFICATION CARD; TRANSFER OF REGISTRATION UPON PRESENTMENT OF A VOTER IDENTIFICATION CARD.**

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

Section 1. Title 15, Chapter 17, Delaware Code is hereby amended by adding thereto a new Section 1730 to read as follows:

**§ 1730. Issuance of Voter Identification Card**

The Department of Elections in each of the Counties shall prepare and mail to each registered voter a Voter Identification Card, in substantially the following form:

.....  
State of Delaware County

Permanent Reg. No.....

.....  
Last Name First Name Middle Initial

.....  
Post Office Address

.....  
Elec. Dist. Repr. Dist. Ward

.....  
Signature of Registrant

.....  
Not Valid Unless Signed

The Voter Identification Card shall be mailed during 1959 to all registered voters. Commencing with the first registration day of 1960, the Department of Elections shall prepare and mail a Voter Identification Card to each new and transferred registered voter.

The Department shall issue a duplicate Voter Identification Card upon a registered voter showing that his Voter Identification Card has been lost, displaced or destroyed. No duplicate Identification Card shall be issued except upon affidavit under oath showing the circumstances of such loss, misplacement or destruction. The Department may require such other proofs of loss, misplacement or destruction as is reasonable.

Section 2. Title 15, Chapter 17, Delaware Code is hereby amended by adding thereto a new Section 1731 to read as follows:

§ 1731. Whoever knowingly permits his Voter Identification Card to be used by another person or who knowingly shall deface his Voter Identification Card shall be fined not more than \$500. or imprisoned not more than 30 days.

Section 3. Title 15, Section 1741, Delaware Code, is hereby amended by adding the following at the end of the third paragraph thereof:

No person shall apply for a transfer of registration to the registration officers in an election district unless he presents his Voter Identification Card, or if such card has been lost, misplaced or destroyed, by presenting a duplicate Voter Identification Card as issued by the Department.

Approved April 2, 1959.

## CHAPTER 11

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS  
TO VARIOUS DIVISIONS OF STATE GOVERNMENT  
FOR THE FISCAL YEAR ENDING JUNE 30, 1959.**

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

Section 1. There is hereby appropriated to the State Board of Education, certain school districts and the Wilmington Board of Education the sum of \$2,127,414.00 for the fiscal year ending June 30, 1959.

Year Ending June  
30, 1959

## STATE BOARD OF EDUCATION

Contingency Fund to be transferred to school districts, if needed .....	\$25,000.00
J. G. Leach School—Salaries .....	8,940.00
J. G. Leach School—All Costs .....	2,500.00
Homebound .....	4,950.00
Student Driver Training—Salaries .....	400.00
Summer Music Program .....	1,800.00
1-2-3 Teacher Schools—All Other Costs .....	3,000.00
1-2-3 Teacher Schools—Cafeteria Managers .....	499.00

## PUBLIC SCHOOLS—

## SPECIAL SCHOOL DISTRICTS

ALEXIS I. duPONT

## Salaries

Administrative .....	\$ 740.00
Clerical .....	1,800.00
Instructional .....	720.00
Cafeteria .....	458.00
Substitutes .....	2,200.00
Capital Outlay .....	325.00
All Other Costs .....	650.00

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\$6,893.00



## CAESAR RODNEY

## Salaries

Administrative .....	\$ 770.00
Clerical .....	2,200.00
Instructional .....	86,662.00
Health .....	1,900.00
Cafeteria .....	655.00
Substitutes .....	9,000.00
Capital Outlay .....	3,455.00
All Other Costs .....	16,900.00

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 \$121,542.00

## CLAYMONT

## Salaries

Administrative .....	\$ 9,800.00
Clerical .....	3,120.00
Instructional .....	68,590.00
Janitorial .....	10,750.00
Health .....	1,500.00
Cafeteria .....	178.00
Substitutes .....	5,000.00
Capital Outlay .....	2,160.00
All Other Costs .....	11,700.00

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 \$112,798.00

## DOVER

## Salaries -

Administrative .....	\$ 1,170.00
Instructional .....	27,140.00
Janitorial .....	14,050.00
Cafeteria .....	840.00
Substitutes .....	12,600.00
Capital Outlay .....	1,415.00
All Other Costs .....	7,150.00

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 \$64,365.00

## GEORGETOWN

## Salaries

Administrative .....	\$ 200.00
Clerical .....	120.00
Instructional .....	11,931.00

Janitorial .....	500.00
Health .....	400.00
Cafeteria .....	515.00
Substitutes .....	3,040.00
Capital Outlay .....	590.00
All Other Costs .....	3,250.00
	<hr/>
	\$20,546.00

## HARRINGTON

## Salaries

Administrative .....	\$ 440.00
Instructional .....	16,420.00
Cafeteria .....	471.00
Substitutes .....	1,200.00
Capital Outlay .....	535.00
All Other Costs .....	2,600.00
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	\$21,666.00

## LAUREL

## Salaries

Clerical .....	\$ 60.00
Instructional .....	4,978.00
Health .....	914.00
Cafeteria .....	805.00
Substitutes .....	5,000.00
Capital Outlay .....	690.00
All Other Costs .....	3,900.00
	<hr/>
	\$16,347.00

## LEWES

## Salaries

Administrative .....	\$ 680.00
Clerical .....	1,228.00
Instructional .....	18,386.00
Cafeteria .....	864.00
Substitutes .....	4,000.00
Capital Outlay .....	600.00
All Other Costs .....	3,900.00
	<hr/>
	\$29,658.00

## MILFORD

## Salaries

Administrative .....	\$ 1,350.00
Clerical .....	2,240.00
Instructional .....	33,578.00
Janitorial .....	18,200.00
Health .....	600.00
Cafeteria .....	788.00
Substitutes .....	7,725.00
Capital Outlay .....	1,715.00
All Other Costs .....	9,100.00

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 \$75,296.00

## MT. PLEASANT

## Salaries

Administrative .....	\$ 1,640.00
Clerical .....	2,380.00
Instructional .....	115,555.00
Janitorial .....	20,150.00
Cafeteria .....	2,830.00
Substitutes .....	8,000.00
Capital Outlay .....	3,185.00
All Other Costs .....	16,900.00

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 \$170,640.00

## NEW CASTLE

## Salaries

Administrative .....	\$ 1,080.00
Clerical .....	3,360.00
Instructional .....	50,328.00
Janitorial .....	19,660.00
Cafeteria .....	1,404.00
Substitutes .....	15,400.00
Capital Outlay .....	2,205.00
All Other Costs .....	9,100.00

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 \$102,537.00

## NEWARK

## Salaries

Administrative .....	\$ 1,350.00
Clerical .....	6,160.00

Instructional .....	162,720.00
Janitorial .....	11,135.00
Health .....	4,200.00
Cafeteria .....	3,047.00
Substitutes .....	17,500.00
Capital Outlay .....	5,470.00
All Other Costs .....	27,880.00
	<hr/>
	\$239,462.00

## REHOBOTH

## Salaries

Administrative .....	\$ 280.00
Instructional .....	13,750.00
Cafeteria .....	471.00
Substitutes .....	1,000.00
Capital Outlay .....	345.00
All Other Costs .....	1,950.00
	<hr/>
	\$17,796.00

## SEAFORD

## Salaries

Administrative .....	\$ 730.00
Clerical .....	2,727.00
Instructional .....	27,560.00
Cafeteria .....	1,171.00
Substitutes .....	7,500.00
Capital Outlay .....	1,660.00
All Other Costs .....	8,450.00
	<hr/>
	\$49,798.00

## SMYRNA

## Salaries

Administrative .....	\$ 400.00
Clerical .....	1,139.00
Instructional .....	21,672.00
Health .....	600.00
Cafeteria .....	788.00
Substitutes .....	2,200.00

Capital Outlay .....	635.00
All Other Costs .....	3,250.00
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	\$30,684.00

## LOCAL SCHOOL DISTRICTS

## GUNNING BEDFORD, JR.

## Salaries

Clerical .....	\$ 1,900.00
Instructional .....	7,680.00
Janitorial .....	2,700.00
Cafeteria .....	805.00
Substitutes .....	2,250.00
Capital Outlay .....	245.00
All Other Costs .....	1,300.00
	<hr/>
	\$16,880.00

## CHRISTIANA #44

## Salaries

Janitorial .....	\$2,200.00
Cafeteria .....	309.00
	<hr/>
	\$2,509.00

## ODESSA #61

## Salaries

Instructional .....	\$1,600.00
Substitutes .....	600.00
	<hr/>
	\$2,200.00

## H. C. CONRAD #131

## Salaries

Clerical .....	\$ 886.00
Instructional .....	63,220.00
Health .....	1,400.00
Cafeteria .....	508.00
Substitutes .....	1,200.00
Capital Outlay .....	1,625.00
All Other Costs .....	9,100.00
	<hr/>
	\$77,939.00

## ALFRED I. duPONT #7

## Salaries

Clerical .....	\$ 2,000.00
Instructional .....	171,200.00
Janitorial .....	48,916.00
Health .....	700.00
Substitutes .....	10,000.00
Capital Outlay .....	4,845.00
All Other Costs .....	25,350.00

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 \$263,011.00

## MARSHALLTON #77

## Salaries

Administrative .....	\$ 450.00
Clerical .....	500.00
Instructional .....	45,160.00
Janitorial .....	15,750.00
Health .....	1,200.00
Cafeteria .....	3,848.00
Substitutes .....	7,000.00
Capital Outlay .....	1,860.00
All Other Costs .....	9,750.00

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 \$85,518.00

## MIDDLETOWN #60

## Salaries

Janitorial .....	\$ 670.00
Health .....	200.00
Cafeteria .....	471.00

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 \$1,341.00

## NEWPORT #21

## Salaries

Administrative .....	\$ 200.00
Janitorial .....	170.00
Cafeteria .....	339.00
Substitutes .....	1,200.00
Capital Outlay .....	145.00
All Other Costs .....	650.00

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 \$2,704.00

## OAK GROVE #130

## Salaries

Administrative .....	\$ 440.00
Clerical .....	440.00
Instructional .....	28,844.00
Janitorial .....	3,575.00
Substitutes .....	8,280.00
Capital Outlay .....	590.00
All Other Costs .....	3,250.00

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 \$45,419.00

## RICHARDSON PARK #20

## Salaries

Cafeteria .....	\$426.00
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 \$426.00

## ROSE HILL #47

## Salaries

Administrative .....	\$ 1,610.00
Clerical .....	300.00
Instructional .....	69,290.00
Janitorial .....	4,420.00
Health .....	1,600.00
Cafeteria .....	1,372.00
Substitutes .....	5,940.00
Capital Outlay .....	2,385.00
All Other Costs .....	11,700.00

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 \$98,617.00

## STANTON #38

## Salaries

Clerical .....	\$ 1,495.00
Instructional .....	41,986.00
Cafeteria .....	471.00
Substitutes .....	1,500.00
Capital Outlay .....	1,605.00
All Other Costs .....	7,800.00

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 \$54,857.00

## TOWNSEND #81

## Salaries

Administrative .....	\$ 500.00
Clerical .....	200.00
Health .....	100.00
Cafeteria .....	396.00
Substitutes .....	650.00
Capital Outlay .....	100.00
All Other Costs .....	650.00
	<hr/>
	\$2,596.00

## MILLSIDE #132

## Salaries

Clerical .....	\$ 155.00
Instructional .....	28,226.00
Cafeteria .....	189.00
Substitutes .....	3,600.00
Capital Outlay .....	545.00
All Other Costs .....	3,300.00
	<hr/>
	\$36,015.00

## NEWPORT #106

## Salaries

Instructional .....	\$ 8,912.00
Cafeteria .....	471.00
Substitutes .....	3,300.00
Capital Outlay .....	100.00
All Other Costs .....	1,300.00
	<hr/>
	\$14,083.00

## MIDDLETOWN #120

## Salaries

Administrative .....	\$ 380.00
Clerical .....	725.00
Instructional .....	570.00
Janitorial .....	3,000.00
Health .....	400.00
Cafeteria .....	537.00
Substitutes .....	5,056.00



Capital Outlay .....	290.00
All Other Costs .....	1,300.00

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\$12,258.00

## CLAYTON #119

## Salaries

Administrative .....	\$ 210.00
Instructional .....	1,939.00
Janitorial .....	200.00
Cafeteria .....	405.00
Substitutes .....	1,040.00
Capital Outlay .....	200.00
All Other Costs .....	1,300.00

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\$5,294.00

## FELTON #54

## Salaries

Administrative .....	\$ 540.00
Instructional .....	2,950.00
Janitorial .....	4,400.00
Cafeteria .....	427.00
Substitutes .....	3,000.00
Capital Outlay .....	300.00
All Other Costs .....	1,950.00

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\$13,567.00

## FREDERICA #32

## Salaries

Instructional .....	\$ 8,350.00
Cafeteria .....	316.00
Substitutes .....	1,000.00
Capital Outlay .....	300.00
All Other Costs .....	1,950.00

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\$11,916.00

## HARTLY #96

## Salaries

Cafeteria .....	\$316.00
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\$316.00

## HOUSTON #125

## Salaries

Cafeteria .....	\$166.00
	<hr/>
	\$166.00

## WM. HENRY COMPREHENSIVE

## Salaries

Administrative .....	\$ 100.00
Clerical .....	1,870.00
Instructional .....	33,500.00
Janitorial .....	5,900.00
Cafeteria .....	714.00
Substitutes .....	810.00
Capital Outlay .....	745.00
All Other Costs .....	4,550.00
	<hr/>
	\$48,189.00

## BRIDGEVILLE #90

## Salaries

Instructional .....	\$1,500.00
Janitorial .....	642.00
Health .....	100.00
Cafeteria .....	427.00
Substitutes .....	1,000.00
Capital Outlay .....	290.00
All Other Costs .....	1,300.00
	<hr/>
	\$5,259.00

## DELMAR #163

## Salaries

Instructional .....	\$ 9,160.00
Janitorial .....	6,239.00
Health .....	400.00
Cafeteria .....	339.00
Substitutes .....	4,000.00
Capital Outlay .....	100.00
All Other Costs .....	650.00
	<hr/>
	\$20,888.00

## BLADES #172

## Salaries

Cafeteria .....	\$ 346.00
All Other Costs .....	2,450.00
	<hr/>
	\$2,796.00

## ELLENDALE #125

## Salaries

Janitorial .....	\$200.00
Cafeteria .....	339.00
	<hr/>
	\$539.00

## J. M. CLAYTON #97

## Salaries

Janitorial .....	\$3,700.00
Cafeteria .....	361.00
Substitutes .....	1,000.00
	<hr/>
	\$5,061.00

## GREENWOOD #91

## Salaries

Janitorial .....	\$2,624.00
Cafeteria .....	267.00
Substitutes .....	1,606.00
Capital Outlay .....	145.00
All Other Costs .....	650.00
	<hr/>
	\$5,292.00

## GUMBORO #37

## Salaries

Cafeteria .....	\$316.00
	<hr/>
	\$316.00

## LINCOLN #3

## Salaries

Instructional .....	\$3,600.00
Substitutes .....	900.00
Capital Outlay .....	100.00
All Other Costs .....	650.00
	<hr/>
	\$5,250.00

## LORD BALTIMORE #28

## Salaries

Clerical .....	\$ 20.00
Cafeteria .....	471.00
Substitutes .....	1,400.00
	<hr/>
	\$1,891.00

## MILLSBORO #23

## Salaries

Clerical .....	\$ 220.00
Cafeteria .....	471.00
Substitutes .....	1,200.00
Capital Outlay .....	200.00
All Other Costs .....	1,300.00
	<hr/>
	\$3,391.00

## MILTON #8

## Salaries

Janitorial .....	\$ 472.00
Cafeteria .....	361.00
Substitutes .....	1,110.00
Capital Outlay .....	100.00
All Other Costs .....	650.00
	<hr/>
	\$2,693.00

## SELBYVILLE #32

## Salaries

Administrative .....	\$ 20.00
Instructional .....	1,881.00
Cafeteria .....	471.00
Substitutes .....	2,100.00
Capital Outlay .....	100.00
All Other Costs .....	650.00
	<hr/>
	\$5,222.00

## BRIDGEVILLE #220

## Salaries

Instructional .....	\$ 150.00
Substitutes .....	520.00

Capital Outlay .....	345.00
All Other Costs .....	1,950.00

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\$2,965.00

## FRANKFORD #206

## Salaries

Clerical .....	\$ 650.00
Janitorial .....	2,250.00
Cafeteria .....	383.00
Capital Outlay .....	100.00
All Other Costs .....	650.00

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\$4,033.00

## MILLSBORO #204

## Salaries

Janitorial .....	\$ 400.00
Health .....	400.00
Cafeteria .....	356.00
Capital Outlay .....	100.00
All Other Costs .....	650.00

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\$1,906.00

## WM. JASON COMPREHENSIVE SCHOOL

## Salaries

Instructional .....	\$12,388.00
Janitorial .....	2,192.00
Substitutes .....	1,350.00
Capital Outlay .....	635.00
All Other Costs .....	3,250.00

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\$19,815.00

## SELBYVILLE #210

## Salaries

Instructional .....	\$ 800.00
Janitorial .....	250.00
Cafeteria .....	294.00
Substitutes .....	600.00
Capital Outlay .....	100.00
All Other Costs .....	650.00

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\$2,694.00

**WILMINGTON BOARD OF EDUCATION****Salaries**

Administrative .....	\$ 35,890.00
Clerical .....	4,800.00
Janitorial .....	12,400.00
Cafeteria .....	4,925.00
Substitutes .....	50,000.00
Capital Outlay .....	1,250.00
All Other Costs .....	5,200.00

	\$114,465.00
<b>TOTAL .....</b>	<b>\$2,127,414.00</b>

Section 2. The moneys made available to the State Board of Education for the operation of the 1, 2, and 3 teacher schools of the State Board Unit, exclusive of salaries, which shall remain unexpended at the end of any fiscal year shall be retained by the State Treasurer for the use of the State Board of Education for the purposes for which said funds were originally appropriated and shall not revert to the General Fund of the State of Delaware.

Section 3. The sum of \$18,900 is appropriated to The Youth Services Commission for the operation of the Bridge House at the Detention Home for Juvenile Delinquents.

Section 4. These are emergency supplementary appropriations and the funds appropriated shall be paid out of the General Fund of the State of Delaware.

Approved April 10, 1959.

CHAPTER 12

**AN ACT TO AUTHORIZE THE TOWNSEND SCHOOL DISTRICT TO MAKE CERTAIN TAX REFUNDS.**

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

Section 1. The Townsend School District #81, is hereby authorized and directed to refund to John Wenfield Hoch a sum not to exceed \$254.60 for school taxes for the years 1947 through 1955 which taxes were erroneously collected in respect to property not located within the Townsend School District #81.

Approved April 13, 1959.

## CHAPTER 13

**AN ACT TO AMEND CHAPTER 16, TITLE 9, DELAWARE  
CODE BY INCREASING THE COMPENSATION OF THE  
PUBLIC BUILDING SUPERINTENDENT FOR THE CITY  
OF WILMINGTON AND FOR NEW CASTLE COUNTY.**

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

Section 1. Section 1607, Title 9, Delaware Code, is amended  
by striking out the figures "\$5,000" as they appear therein and  
substituting the figures "\$7,500."

Approved April 14, 1959.



CHAPTER 12

**AN ACT TO AUTHORIZE THE TOWNSEND SCHOOL DISTRICT TO MAKE CERTAIN TAX REFUNDS.**

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Section 1. The Townsend School District #81, is hereby authorized and directed to refund to John Wenfield Hoch a sum not to exceed \$254.60 for school taxes for the years 1947 through 1955 which taxes were erroneously collected in respect to property not located within the Townsend School District #81.

Approved April 13, 1959.

## CHAPTER 13

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CODE BY INCREASING THE COMPENSATION OF THE  
PUBLIC BUILDING SUPERINTENDENT FOR THE CITY  
OF WILMINGTON AND FOR NEW CASTLE COUNTY.**

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

Section 1. Section 1607, Title 9, Delaware Code, is amended  
by striking out the figures "\$5,000" as they appear therein and  
substituting the figures "\$7,500."

Approved April 14, 1959.

CHAPTER 14

**AN ACT TO AMEND TITLE 15, SECTION 3148 DELAWARE  
CODE BY MAKING UNIFORM THE COMPENSATION  
OF OFFICERS AND CLERKS IN PRIMARY AND GEN-  
ERAL ELECTIONS.**

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

Section 1. Title 15, Section 3148 Delaware Code is amended  
by deleting all of said section and inserting in lieu thereof:

"Compensation of the officers and clerks for the holding of  
primary elections shall be the same as the compensation for  
officers and clerks in general elections."

Approved April 17, 1959.

## CHAPTER 15

**AN ACT TO AMEND TITLE 15, SECTIONS 1746 AND 1747  
DELAWARE CODE BY REPEALING THE REQUIRE-  
MENT THAT VOTERS WHO TRANSFER THEIR REGIS-  
TRATION BE NOTIFIED OF THE TRANSFER.**

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

Section 1. Title 15, Section 1747 Delaware Code is re-  
pealed.

Section 2. Title 15, Section 1746 Delaware Code is amended  
by striking out the last sentence thereof as it presently appears.

Approved April 17, 1959.

CHAPTER 16

**AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE  
CODE, RELATING TO CORPORATIONS.**

*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 132, Chapter 1, Title 8, Delaware Code,  
is hereby amended by striking out said section 132.

Approved April 17, 1959.

## CHAPTER 17

**AN ACT TO AMEND SECTION 253, TITLE 8, DELAWARE CODE, ENTITLED "GENERAL CORPORATION LAW" AND RELATING TO THE MERGER OF PARENT CORPORATION AND SUBSIDIARY.**

*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. § 253, Title 8, Delaware Code, is hereby repealed and a new § 253 is hereby enacted to read as follows:

**§ 253. Merger of parent corporation and subsidiary**

(a) Any corporation organized or existing under the laws of this State, or under the laws of any other state or jurisdiction subject to the laws of the United States, if the laws of such other state or jurisdiction shall permit such a merger, owning at least ninety per centum of the outstanding shares of each class of the stock of any other corporation or corporations organized or existing under the laws of this State, or under the laws of any other state or jurisdiction subject to the laws of the United States, if the laws of such other state or jurisdiction shall permit such a merger, may file in the office of the Secretary of State a certificate of such ownership and merger in its name and under its corporate seal, signed by its president or a vice-president, and its secretary or treasurer or assistant secretary or assistant treasurer, and setting forth a copy of the resolution of its board of directors either to merge such other corporation or corporations into it and to assume all of its or their obligations, or to merge itself, or itself and one or more of such other corporations, into one of such other corporations, and the date of the adoption thereof; provided, however, that in case the parent corporation shall not own all the outstanding stock of all the subsidiary corporations, parties to a merger as aforesaid, the resolution of the board of directors of the parent corporation shall state the terms and conditions of the merger, including the securities, cash or other consideration to be issued, paid or delivered by the surviving corporation upon surrender of each share of the subsidiary corporation or corporations not owned

by the parent corporation. If the parent corporation be not the surviving corporation, said resolution shall include provision for the pro rata issuance of stock of the surviving corporation to the holders of the stock of the parent corporation on surrender of the certificates therefor, and said certificate of ownership and merger shall state that the proposed merger has been approved by the holders of a majority of the stock of the parent corporation at a meeting of such stockholders duly called and held after twenty days' notice of the purpose thereof mailed to the last known post office address of each such stockholder. A certified copy of the certificate shall be recorded in the office of the recorder of deeds of any county of this State in which the principal office of either the parent or a subsidiary corporation is located. If the surviving corporation is organized or exists under the laws of any state or jurisdiction, other than the laws of this State, the provisions of section 252 (d) of this title shall also apply to a merger under this section.

(b) Upon the recording of the certificate pursuant to subsection (a) of this section, all of the estate, property, rights, privileges and franchises of the corporation or corporations which did not survive the merger shall vest in and be held and enjoyed by the surviving corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by the corporation or corporations which did not survive the merger and be managed and controlled by the surviving corporation, and except as hereinafter in this section provided, in its name, but subject to all liabilities and obligations of the corporation or corporations which did not survive the merger and the rights of all creditors thereof. The surviving corporation shall not thereby acquire power to engage in any business or to exercise any right, privilege or franchise, of a kind which it could not lawfully engage in or exercise under the provisions of the law by or pursuant to which the surviving corporation is organized. The surviving corporation shall be deemed to have assumed all the liabilities and obligations of the corporation or corporations, which did not survive the merger, and shall be liable in the same manner as if it had itself incurred such liabilities and obligations.

(c) If the surviving corporation is a Delaware corporation, it may relinquish its corporate name and assume in place

thereof the name of a corporation which did not survive the merger by the inclusion of a provision to that effect in the resolution of merger adopted by the directors of the parent corporation and set forth in the certificate of ownership and merger, and upon the filing and recording of such certificate the change of name shall be completed, with the same force and effect and subject to the same conditions and consequences as if such change had been accomplished by proceedings under the appropriate section of this chapter.

(d) Any plan of consolidation or merger which requires or contemplates any changes other than those herein specifically authorized with respect to the parent corporation, shall be accomplished under the provisions of sections 251 and 252 of this title. The provisions of section 262 of this title shall not apply to any merger effected under this section, except as provided in paragraph (e) of this section.

(e) In the event all of the stock of a subsidiary Delaware Corporation party to a merger effected under this section is not owned by the parent corporation immediately prior to the merger, the surviving corporation shall within 10 days after the date on which the Certificate of Ownership and Merger has been filed and recorded, notify each stockholder of such Delaware Corporation that the Certificate of Ownership and Merger has been filed and recorded and the terms and conditions of the merger. The notice shall be sent by registered mail, return receipt requested, addressed to the stockholder at his last known address as it appears on the books of the corporation. If any such stockholder shall within 20 days after the date of mailing of the notice object in writing to said merger and demand in writing from the surviving corporation, payment for his stock, such surviving corporation shall, within 30 days after the expiration of the period of 20 days, pay to him the value of his stock on the date of the recording of the Certificate of Ownership and Merger, exclusive of any element of value arising from the expectation or accomplishment of said merged. If during the period of 30 days provided for herein the surviving corporation and any such objecting stockholder fail to agree as to the value of such stock, any such stockholder or the corporation may file a petition in the Court of Chancery as provided in paragraph (c)



of section 262 of this title and thereupon the parties shall have the rights and duties and follow the procedure set forth in paragraphs (d) to (j), inclusive, of section 262.

Approved April 17, 1959.

## CHAPTER 18

**AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION, BY AUTHORIZING THE BORROWING OF FEDERAL FUNDS UNDER CERTAIN CONDITIONS, BY CHANGING CERTAIN OF THE PROVISIONS RELATING TO PAYMENT OF BENEFITS, AND BY CHANGING CERTAIN OF THE PROVISIONS RELATING TO VARIABLE CONTRIBUTION RATES.**

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

Section 1. Title 19, Delaware Code, is amended by adding therein a new § 3134, as follows:

**§ 3134. Authority to borrow Federal funds**

The Commission is hereby authorized to enter into such agreement as may be necessary to secure any advance or grant of funds by the Secretary of the Treasury of the United States in accordance with the authority extended under section 1201 of the Federal Social Security Act as amended, or under any other act of Congress extending such authority.

Any amount transferred to the unemployment trust fund by the Secretary of the Treasury of the United States under the terms of any agreement entered into in accordance with the authority extended in this subsection, shall be repaid to the Secretary of the Treasury of the United States from the unemployment trust fund.

Section 2. § 3349 (a), Title 19, Delaware Code, is amended by adding at the end thereof a new sentence, designated (3), as follows:

(3) "Rated Employer" means an employer who has met the requirements of § 3349 (b) of this chapter.

Section 3. § 3349 (c), Title 19, Delaware Code, is amended by adding at the end thereof a new sentence, as follows:

Provided, however, that the provisions of this section shall not be applicable in connection with the determination of employer contribution rates applicable to the calendar years 1960 and 1961.

Section 4. § 3350, Title 19, Delaware Code, is amended by adding at the end thereof a new paragraph, designated (8) as follows:

(8) For the last three calendar quarters of 1959, the four calendar quarters of 1960, and the first calendar quarter of 1961, every rated employer shall pay, in addition to the contribution set for such employer under § 3350 (5) of this subchapter, an additional contribution of one and one-half percent ( $1\frac{1}{2}\%$ ) of wages paid by him in each of the aforesaid calendar quarters.

Approved April 17, 1959.

## CHAPTER 19

**AN ACT TO AMEND SECTION 223, TITLE 8, DELAWARE CODE, ENTITLED "GENERAL CORPORATION LAW" RELATING TO VACANCIES AND NEWLY CREATED DIRECTORSHIPS.**

*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. § 223, Title 8, Delaware Code, is hereby amended by striking out the said section and inserting in lieu thereof a new section 223 as follows:

**§ 223. Vacancies and newly created directorships**

Vacancies and newly created directorships resulting from any increase in the authorized number of directors, may be filled by a majority of the directors then in office, though less than a quorum, unless it is otherwise provided in the certificate of incorporation or by-laws, and the directors so chosen shall hold office until the next annual election and until their successors are duly elected and qualified, unless sooner displaced; provided, however, that in the case of a corporation the directors of which are divided into classes, the directors so chosen shall hold office until the next annual election of the class for which each such director has been chosen and until his successor is duly elected and qualified, unless sooner displaced, but, if the directors then in office shall constitute less than a majority of the whole board (as constituted immediately prior to any such increase), upon application of any stockholder or stockholders holding at least 10 per cent of the total number of shares of the capital stock of the corporation at the time outstanding having the right to vote for directors, the Court of Chancery may summarily order an election to be held to fill any such vacancy or vacancies or newly created directorships, or to replace the director or directors chosen by the directors then in office as aforesaid, which election shall be governed by the provisions of section 224 of this title in so far as such provisions are applicable. The person or persons elected pursuant to said order shall serve as a director or as directors until the next annual meeting

of stockholders and until their successors are duly elected and qualified, and shall displace any person or persons who may theretofore have been appointed by the directors then in office as aforesaid.

Approved April 20, 1959.

## CHAPTER 20

**AN ACT MAKING SUPPLEMENTARY APPROPRIATION TO  
THE STATE TREASURER AND THE STATE TAX DE-  
PARTMENT FOR THE FISCAL YEAR ENDING JUNE 30,  
1959.**

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

Section 1. The sum of \$457,000 is appropriated to the State Treasurer to cover payment of \$10,000 of Survivors Pensions, \$175,000 to cover Pension Benefits and \$272,000 to cover Social Security Contributions for the fiscal year ending June 30, 1959.

Section 2. The sum of \$26,600 is appropriated to the State Treasurer for expenses to June 30, 1959 as follows: Salaries and Wages of Employees \$9,000; Office expense \$16,550 and Equipment \$1,050.

Section 3. The sum of \$45,000 is appropriated to the State Tax Department for tax collection operations for the fiscal year ending June 30, 1959.

Section 4. These are supplementary appropriations and the funds appropriated shall be paid out of the General Fund of the State of Delaware.

Approved April 20, 1959.

## CHAPTER 21

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE TIME AND FREQUENCY OF SESSIONS OF THE GENERAL ASSEMBLY.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 119th General Assembly as follows:

**AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE TIME AND FREQUENCY OF SESSIONS OF THE GENERAL ASSEMBLY.**

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

Section 1. Section 4, Article II of the Constitution of the State of Delaware is amended by repealing said section 4 and inserting in lieu thereof a new section as follows:

Section 4. The General Assembly shall meet on the first Tuesday of January, nineteen hundred and sixty-one, and on the same day in every second year thereafter, and on the first Tuesday in February, nineteen hundred and sixty-two, and on the same day in every second year thereafter, and at no other time, unless convened by the Governor. When the General Assembly shall be convened by the Governor, the session shall not continue longer than thirty days.

The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety legislative days in odd years and thirty legislative days in even years. In any of said thirty legislative day sessions in even years, the General Assembly shall consider no bills other than (1) bills having to do with budgetary, revenue and financial matters, (2) legislation dealing with an acute emergency, and (3) legislation in the general public welfare.

Section 2. Section 7 of Article II of the Constitution of the State of Delaware is amended by striking out the word "biennial" in the first line of said section and substituting in lieu thereof the word "annual".

Section 3. Section 24 of Article II of the Constitution of the State of Delaware is amended by striking out the word "biennial" in the third line of said section and substituting in lieu thereof the words "ninety legislative day", AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the members elected to each House in the said 119th General Assembly, NOW, THEREFORE,

*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. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective April 10, 1959.



## CHAPTER 22

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, ENTITLED "STATE TAXES" RELATIVE TO RECEIPTS FOR INCOME TAXES.**

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

Section 1. § 1172, Title 30, Delaware Code, is hereby repealed and a new section 1172 enacted in lieu thereof to read as follows:

**§ 1172. Receipts for taxes**

The Tax Department shall give or send to the taxable or to his authorized agent, making payment in accordance with the provisions of this chapter, a full written or printed receipt expressing the amount paid and the particular account for which such payment was made only when payment is made by cash or upon specific request by the taxpayer when payment is made by check.

Approved April 20, 1959.

## CHAPTER 23

**AN ACT TO AMEND TITLE 29, DELAWARE CODE, ENTITLED "STATE GOVERNMENT" IN REGARD TO RETIRED SCHOOL EMPLOYEES.**

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

Section 1. § 5508, Chapter 55, Title 29, Delaware Code, is amended by striking out the first two sentences thereof and substituting in lieu the following sentences:

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 qualified substitute school employee for not more than 60 days each school year within the schools of the State. 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 qualified retired school employees so employed for not more than 60 days in a school year shall receive the full amount of pay to which they shall be entitled without any forfeiture or diminution of their pension whatsoever.

Approved April 23, 1959.

CHAPTER 24

**AN ACT TO AMEND CHAPTER 29, TITLE 21, DELAWARE  
CODE RELATING TO THE DIRECTOR OF SAFETY  
RESPONSIBILITY.**

*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 following words and figures as they appear in  
second line thereof:

“at a salary of \$3,600 per year”

and by striking out the following words as they appear in the  
third line thereof:

“not to exceed three”.

Approved April 23, 1959.

## CHAPTER 25

**AN ACT TO AUTHORIZE AND DIRECT THE CHAIRMAN OF THE UNEMPLOYMENT COMPENSATION COMMISSION TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE SECRETARY OF LABOR OF THE UNITED STATES OF AMERICA TO DESIGNATE THE UNEMPLOYMENT COMPENSATION COMMISSION AS AGENT OF THE UNITED STATES OF AMERICA IN ADMINISTERING THE EXTENSION OF THE TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 1958 ENACTED BY THE 86TH CONGRESS OF THE UNITED STATES OF AMERICA AND GRANTING THE UNEMPLOYMENT COMPENSATION COMMISSION NECESSARY POWER TO ACT AS SUCH AGENT.**

WHEREAS, the 86th Congress of the United States of America has enacted legislation entitled the "Extension of the Temporary Unemployment Compensation Act of 1958" (Public Law 86-7—86th Congress) providing for payment of temporary unemployment compensation benefits to unemployed workers who have exhausted their rights to benefits under state unemployment compensation laws; and

WHEREAS, it is deemed advisable that unemployed Delaware workers be permitted to participate in this federal program; and

WHEREAS, it is necessary for the General Assembly to authorize and direct an officer of the State of Delaware to enter into an agreement or agreements with the Secretary of Labor of the United States of America if such benefits are to be made available to the eligible unemployed Delaware workers; NOW, THEREFORE

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

Section 1. The Chairman of the Unemployment Compensation Commission of the State of Delaware is hereby authorized and directed to enter into an agreement or agreements with the

Secretary of Labor of the United States of America whereby the additional unemployment compensation benefits afforded by the extension of the Temporary Unemployment Compensation Act of 1958 (Public Law 86-7—86th Congress) enacted by the 86th Congress of the United States of America, shall be made available to eligible unemployed Delaware workers and whereby the Unemployment Compensation Commission of the State of Delaware shall be designated to serve as agent of the United States of America in the State of Delaware as provided by said Act of Congress. Upon the execution of any such agreement, the Unemployment Compensation Commission of the State of Delaware shall have such powers as may be necessary to carry out its duties as such agent.

Approved April 23, 1959.

## CHAPTER 26

**AN ACT TO AMEND TITLE 14, SECTION 309, DELAWARE  
CODE RELATING TO SCHOOL BOARD ELECTIONS.**

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

Section 1. Section 309, Title 14, Delaware Code is hereby amended by adding a new subsection after subsection (b) as follows:

(c) If, however, but one candidate files for nomination and there is no contest in the District, the annual election as provided for in this chapter need not be held and in lieu thereof The Board of Education at its regularly scheduled meeting following the annual election shall declare the nominee duly elected and issue a certificate of election for the term of office.

Approved April 23, 1959.

## CHAPTER 27

**AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, ENTITLED WORKMEN'S COMPENSATION, BY INCREASING THE COMPENSATION FOR TOTAL DISABILITY.**

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

Section 1. Section 2324, Title 19, Delaware Code is hereby amended by repealing said Section 2324 and by substituting and enacting in lieu thereof a new Section 2324 as follows:

§ 2324. For injuries resulting in total disability, the compensation to be paid during the continuance of total disability shall be  $66 \frac{2}{3}$  per cent of the wages of the injured employee, as defined by this chapter, but the compensation shall not be more than \$50 per week nor less than \$25 per week. If at the time of injury the employee receives wages of less than \$25 per week, then he shall receive the full amount of such wages per week as compensation. Nothing in this section shall require the payment of compensation after disability ceases.

Approved April 23, 1959.

## CHAPTER 28

**AN ACT TO AMEND THE CHARTER OF THE CITY OF  
REHOBOTH BEACH AS ESTABLISHED BY CHAPTER  
161, VOLUME 41, LAWS OF DELAWARE, AS AMENDED,  
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 House concurring therein):*

Section 1. That Section 1 of Chapter 221, Volume 51, 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 and seventy-five thousand dollars (\$175,000) for the fiscal year ending June 30, 1958, and two hundred thousand dollars (\$200,000) for each and every year thereafter," and substituting in lieu thereof the following:

Two hundred thousand dollars (\$200,000) for the fiscal year ending June 30, 1959 and two hundred twenty-five thousand dollars (\$225,000) for each and every fiscal year thereafter.

Approved May 4, 1959.



## CHAPTER 29

**AN ACT TO AMEND THE CHARTER OF THE CITY OF DAGSBORO, CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, BY AUTHORIZING THE COUNCIL TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE CERTAIN TERRITORIES AFTER A SPECIAL ELECTION.**

*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 161, Volume 43, Laws of Delaware is amended by adding a new Section to be known as Section 1A as follows:

Section 1A. The Town of Dagsboro is hereby empowered, subject to a special election, to extend its boundaries to include the following described territory:

Beginning at a cement or stone marker at the intersection of the East side Waples Street and a ditch thence north forty-four West (N 44° W) five hundred fifteen (515) feet by the eleventh line of the corporation limits extended in a northerly direction to a concrete marker on the northwesterly side of the Piney Neck County Road known as No. 336A thence north eighty-four degrees forty-five minutes East (N 84° 45' E) one hundred eighty-eight (188) feet to a concrete marker on the northwest side of said road and the east side of Waples Street thence south twenty-six and three-quarters East (S 26¾° E) four hundred twenty-one (421) feet to the point and place of beginning.

Section 2. The Council of The City of Dagsboro shall adopt a resolution which shall propose the inclusion of the above described territory within the limits of the Town of Dagsboro and call for a special election to be held in said territory in accordance with Section 101, Title 22, Delaware Code. Said resolution shall specify the date of such election and shall be published in a newspaper of general circulation in the Town of Dagsboro at least two weeks prior to the day of the such election.

The special election shall be conducted by the election officers of the district embracing the territory to be included. The ballots shall briefly describe the territory to be included and shall provide two boxes on which appear, on one box, the words "For inclusion within the Town Limits of Dagsboro" and on the other box "Against inclusion within the Town Limits of Dagsboro".

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of The Town of Dagsboro, the proposed annexation of said territory shall be declared to have failed. The Council may thereafter resubmit a proposal of annexation to the voters of said territory under the authority of this Section and in accordance with the provisions hereof, provided that no such special election shall be held in any territory within two years of the day of a special election in said territory in which a proposed annexation has failed.

Approved May 4, 1959.

CHAPTER 30

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE  
CODE RELATING TO THE EXEMPTION OF THE MANOR  
COMMUNITY CENTER, INC., FROM TAXATION UPON  
ITS REAL PROPERTY.**

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

Section 1. § 8105, Title 9, Delaware Code is amended by  
adding thereto the following:

**"Manor Community Center, Inc."**

**Approved May 5, 1959.**

## CHAPTER 31

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE  
CODE RELATING TO THE LIMITATIONS UPON TAXING  
POWER, BY EXEMPTING LANDS AND IMPROVEMENTS  
OF THE COLLINS PARK COMMUNITY AND CIVIC ASSO-  
CIATION, INC., FROM ASSESSMENT AND TAXATION.**

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

Section 1. Section 8105, Title 9, Delaware Code is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as, "Collins Park Community and Civic Association, Inc."

Approved May 5, 1959.

## CHAPTER 32

**AN ACT TO AMEND TITLE 15, SECTION 307 DELAWARE CODE BY PROVIDING THAT THE NAMES OF REGISTERED VOTERS WHO HAVE NOT VOTED FOR TWO CONSECUTIVE GENERAL ELECTIONS SHALL BE STRICKEN DURING A YEAR OTHER THAN A GENERAL ELECTION YEAR.**

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

Section 1. Title 15, Section 307 Delaware Code is amended by striking out the words "beginning with the year 1960 and before the first registration day in each general election year" in the first line thereof and inserting in lieu thereof: "beginning with the year 1959, and before the 31st day of December in each year in which a general election is not held,".

Section 2. Title 15, Section 1704 Delaware Code is amended by striking out the words "each department in each year in which a general election is held, prior to the first registration day in that year," in the first line thereof and inserting in lieu thereof: "each department, upon receiving a list specified in Section 307 of this title,".

Approved May 5, 1959.

## CHAPTER 33

**AN ACT TO AMEND CHAPTER 3, SUBCHAPTER XVI,  
TITLE 11, DELAWARE CODE RELATING TO DEADLY  
WEAPONS AND FIREARMS.**

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

Section 1. Section 464, Title 11, Delaware Code is hereby amended by adding the following paragraphs thereto to read as follows:

§ 464. (c) Whoever shall sell or give to a child under 16 years of age any firearm or what is commonly known as a B. B. or air rifle or B. B. shot, shall be fined in such amount as the court, in its discretion, may determine.

(d) No child under 16 years of age shall have possession of any firearm or what is commonly known as a B. B. or air rifle or the shot therefor unless under the direct supervision of a full adult. The parents or the legal guardian of a child violating the provisions of this sub-section (d) shall be fined an amount not to exceed twenty-five dollars (\$25) and shall be held financially liable for any property damage or physical injury that occurs as the result of such violation.

(e) Sub-section (c) and (d) above shall apply only to New Castle County.

Approved May 5, 1959.

## CHAPTER 34

**AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" BY INCREASING THE DEBT LIMIT OF SAID TOWN.**

WHEREAS in the last paragraph of Section 15, Chapter 277, Volume 49, Laws of Delaware, being the Charter of the Town of Laurel, the indebtedness of said Town, for any and all purposes, at any one time may not exceed, in the aggregate, fifteen percentum of the assessed value of all real property situated within the limits of the Town, and subject to assessment for the purpose of annual taxation; and

WHEREAS, it has become necessary for the health and safety of the Town of Laurel to provide for a sewage disposal plant and sewer extensions under the direction of the Water Pollution Commission of the State of Delaware, and for that purpose, to borrow money and issue bonds to secure the due payment thereof in an amount which will cause the said debt limitation to be exceeded and to require the said debt limit to be twenty-five per centum of the assessed value of all real property situated within the limits of the Town and subject to assessment for the purposes of annual taxation;

**NOW THEREFORE**

*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. The last paragraph of Section 15, Chapter 277, Volume 49, Laws of Delaware is hereby amended by striking out the word "fifteen" as it appears therein and by substituting and inserting in lieu thereof the word "twenty-five".

Approved May 5, 1959.

## CHAPTER 35

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO THE  
STATE TREASURER FOR THE PURPOSE OF MAKING  
REFUNDS OF LICENSE FEES RELATING TO ELECTRICAL  
CONTRACTORS.**

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

Section 1. The State Treasurer of the State of Delaware is directed and authorized to make refunds of license fees paid to the State of Delaware in accordance with Chapter 266, Volume 51, Laws of Delaware, being a chapter relating to electrical contractors.

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 14, 1959.



CHAPTER 36

**AN ACT TO AMEND TITLE 15, SECTION 1106 DELAWARE  
CODE BY PROVIDING THAT PUBLIC NOTICE OF REG-  
ISTRATION OF VOTERS NEED BE GIVEN FOR THE  
FIRST DAY OF REGISTRATION ONLY.**

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

Section 1. Title 15, Section 1106 Delaware Code is amended by deleting the words "each day" as they presently appear in the first line of said Section, and by inserting in lieu thereof the words "the first day in each election year".

Approved May 14, 1959.

## CHAPTER 37

**AN ACT TO AMEND SECTION 1704, TITLE 15, DELAWARE  
CODE, TO PERMIT THE USE OF CERTIFIED MAIL IN  
NOTIFYING VOTERS THAT THEIR NAMES MAY BE  
REMOVED FROM THE ROLLS.**

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

Section 1. Section 1704, Title 15, Delaware Code is amended by inserting the words "or certified" immediately after the word "registered" as that word appears in the fourth line of the second paragraph of section 1704.

Approved May 14, 1959.

## CHAPTER 38

**AN ACT TO AMEND SUBCHAPTER V, ENTITLED "CONTROLLED-ACCESS HIGHWAYS," OF CHAPTER 1, TITLE 17, OF THE DELAWARE CODE, TO PROHIBIT THE CONSTRUCTION AND LOCATION OF COMMERCIAL ESTABLISHMENTS FOR SERVING MOTOR VEHICLE USERS ALONG CONTROLLED-ACCESS FACILITIES ON PUBLIC OWNED LANDS.**

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

Section 1. Subchapter V of Chapter 1, Title 17, of the Delaware Code is amended by inserting a new Section 181 as follows:

**§ 181. Certain Commercial Establishment Prohibited**

No automotive service station or other commercial establishment for serving motor vehicle users, except telephone facilities, shall be constructed or located within the right-of-way of, or on publicly owned or publicly leased land acquired or used for, or in connection with, a controlled-access facility.

Approved May 14, 1959.

## CHAPTER 39

**AN ACT TO AMEND CHAPTER 13, TITLE 10, 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 Title 10, Delaware Code § 1302 is hereby amended to provide that the terms of the present Judges of the Court of Common Pleas for New Castle County are extended for a period of twelve years from the date of the passage of this Act and thereafter each of their successors shall be appointed for a term of twelve years.

Approved May 14, 1959.

## CHAPTER 40

**AN ACT TO AMEND SECTION 4503(L), TITLE 21, DELAWARE CODE RELATING TO WEIGHTS OF VEHICLES AND LOADS.**

*Be it enacted by the 120th General Assembly of the State of Delaware:*

Section 1. Section 4503(L), Title 21, Delaware Code is amended by striking in the Table for Maximum Gross Weights all after and including:

“27 Feet ..... 50,090”

and inserting:

“27 feet or more ..... 60,000”.

Approved May 14, 1959.

## CHAPTER 41

**AN ACT TO AMEND SECTION 2128, TITLE 21, DELAWARE CODE RELATING TO THE STATUS OF PLATES UPON A TRANSFER OF TITLE TO A MOTOR VEHICLE.**

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

Section 1. Section 2128, Title 21, Delaware Code is amended by striking that section and inserting the following:

(a) Upon the transfer of a vehicle or upon the expiration of registration for any other cause, the numbered plate assigned to a vehicle shall be retained by the transferor or owner at the time of transfer or expiration of registration. The transferor or owner upon the transfer or upon expiration of registration for any other cause may have such numbered plate transferred to another vehicle owned by him upon application in writing to the Department. If the transferor or owner does not apply for a transfer of such numbered plate to a vehicle owned by him within a sixty day period after transfer or upon expiration of registration, the numbered plate shall revert to the Department.

(b) The transferee-purchaser shall apply for registration of the vehicle purchased to the Department pursuant to Section 2104 of this Title and the Department upon such application shall furnish him with a new numbered plate pursuant to Section 2128 of this Title.

Approved May 15, 1959.

## CHAPTER 42

**AN ACT TO AMEND TITLE 9, DELAWARE CODE PROVIDING FOR THE ESTABLISHMENT OF PARK DISTRICTS FOR THE DEVELOPING, EQUIPPING, IMPROVING AND MAINTAINING OF PARKS AND OTHER RECREATIONAL FACILITIES AND ACTIVITIES; AND TO CARRY ON RECREATIONAL PROGRAMS; AUTHORIZING AND REGULATING THE ISSUING OF DISTRICT BONDS TO FINANCE SUCH PROJECTS AND PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE RIGHTS OF THE HOLDERS THEREOF.**

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

Section 1. Title 9, Delaware Code is amended by inserting after Chapter 6 thereof a new chapter designated Chapter 7, as follows:

**CHAPTER 7, PARK DISTRICTS  
SUBCHAPTER I, GENERAL PROVISIONS**

**§ 701. Purpose**

The purpose of this chapter is to provide a procedure whereby any territory so lying as to form one connected area (no portion of which shall be already included in an incorporated park district established under the provisions of this chapter) may be incorporated as a park district to establish and maintain parks and other recreational facilities and pay for the same through district bonds the interest and principal of such bonds to be collected by taxation of the district benefited.

The provisions of this chapter shall apply only to that portion of New Castle County which is north of the Delaware and Chesapeake Canal, and shall not apply to the remainder of the State of Delaware.

**§ 702. Definitions**

As used in this chapter—

“Clerk of the Levy Court” means Clerk of the Peace of the county in which the park district, or the greater portion thereof, is located.

"Commission" means the Park Commission of a Park District established by an election under the provisions of this chapter.

"Legal Voter" means every citizen resident in a proposed or existing park district, who would be entitled at the time of holding an election hereunder to register and vote in any election district of which a proposed or existing park district is a part at a general election, if such general election were to be held at the time of any election under this chapter whether or not he is at that time a registered voter.

"Levy Court" means the Levy Court of the county in which the park district, or the greater portion thereof is situated.

"Park or recreation area" means any area of real estate located within the park district suitable for the promotion of the health and recreation of the residents of the park district.

#### **§ 703. Tax exemption of parks and recreation areas**

All land and property which shall be held, laid out and used for any park or recreation area or which shall be purchased or acquired for such use or purpose under the provisions of this chapter shall be forever free from State, County and Municipal taxation so long as used for such purposes.

### **SUBCHAPTER II, ORGANIZATION; ELECTIONS**

#### **§ 710. Petition to Form District**

In organizing any park district under this chapter not less than one hundred (100) legal voters resident within the limits of such proposed park district may petition the Levy Court of the county in which such territory lies, to cause the question to be submitted to the legal voters of such proposed park district whether they will organize as a park district. Such petition shall clearly describe the territory intended to be embraced in such district and the name of such proposed district.

#### **§ 711. Filing of Petition**

Such organization petition should be filed in the office of the Levy Court of the county in which such proposed district is situated.



**§ 712. Calling Election—Appointment of Election Officials**

Upon the filing of such organization petition said Levy Court shall order an election to be held in such proposed district, and in such order fix the time, not less than 30 days nor more than 60 days after the date of filing of the petition at which an election may be held to determine such question and to elect seven commissioners as hereinafter provided. The Levy Court shall fix as many polling places within the boundaries of such proposed district as would be provided in a primary election and shall name the persons to act as judges and clerks at such election. Thereupon the Clerk of the Levy Court shall give 20 days' notice of said election by publishing one notice of the same in at least one newspaper, if any be published in said proposed district, or if none be published in said proposed district, then in one or more newspapers of general circulation in the proposed district, or if there be no newspaper of general circulation in said proposed district, then by causing said notice to be posted in 5 public places within such proposed district.

**§ 713. Form of Ballot**

The question for establishment of a park district and for election of park commissioners shall be presented in the following form:

The question shall be stated as follows:

(Insert name of district) Park District

In accordance with the provisions of Chapter 7, Title 9, of the Delaware Code a petition has been filed to submit to the voters of the proposed (Insert name of district) Park District the following question,

"Shall the (Insert name of district) Park District be established?"

\_\_\_\_\_For

\_\_\_\_\_Against

The park commissioners shall be voted upon as follows: If the territory of the proposed park district includes no more than one Hundred or more than seven Hundreds then all commissioners shall be voted upon at large and the seven candidates with the greatest number of votes shall be declared elected.

If the proposed park district includes part or all of the territory of two Hundreds but no more than two, then three of the commissioners shall be elected from among nominees from each Hundred and one shall be elected from among nominees for commissioner at large.

If the proposed Park District includes territory of three Hundreds then two commissioners shall be elected from each Hundred and one at large.

If the District includes territory of four, five, six, or seven Hundreds, then one commissioner shall be elected from each Hundred and the remainder if any, three, two, one, or none respectively shall be elected at large.

All voters may vote for seven candidates, whether or not the voter is a resident of the Hundred or Hundreds from which the candidates have been nominated but a voter may vote for only as many candidates from each Hundred or at large as there are Commissioners to be elected from each Hundred or at large. Where one, two, or three commissioners are to be elected from nominees from a particular Hundred or at large then the person or two or three persons respectively with the highest number of votes from among the nominees from that Hundred or at large shall be declared elected. The voting for commissioners shall be set up about as follows:

For Park Commissioner(s) From (Insert Name) Hundred  
Vote for (Insert number)

\_\_\_\_\_ (Here insert names of nominees if any, in the order  
\_\_\_\_\_ in which the nominating petitions are received. No  
\_\_\_\_\_ party symbols, slogans or other identification may  
\_\_\_\_\_ be used.)

(Provide five additional blank lines for voters  
to write in names if desired.)

For Park Commissioner(s) At-Large  
Vote for (Insert number)

\_\_\_\_\_ (Here insert names of nominees, if any, in the  
\_\_\_\_\_ order in which the nominating petitions are received.  
\_\_\_\_\_ No party symbols, slogans, or other identification  
\_\_\_\_\_ may be used.)

(Provide five additional blank lines for voters  
to write in names if desired.)

Said ballot shall be authenticated by facsimile signature of  
the clerk of said Levy Court upon the reverse side thereof.

#### **§ 714. Canvass of Returns**

The judges at such organization election shall make return  
thereof to the said Levy Court. The said Levy Court shall canvass  
such returns and shall enter a resolution upon the records  
of the Levy Court determining and declaring the results of the  
election.

#### **§ 715. When District Organized**

In case a majority of the votes cast upon the question so  
submitted shall be in favor of the establishment of such district,  
said district shall then be deemed organized.

#### **§ 716. First Election Nominations**

Candidates for park commissioner elected at the election  
to determine whether or not a Park District shall be formed  
shall be nominated in the same manner and form as prescribed  
in Section 718 hereof with the following exceptions: (1) The  
nominating petition shall be filed with the Clerk of the Levy  
Court; (2) Signatures of 200 legal voters upon said nominating  
petition shall be sufficient; (3) Said nominating petition shall  
be filed not less than fifteen (15) days prior to the date of said  
election.

#### **§ 717. Fixing Terms of Commissioners**

Except as otherwise provided herein, within thirty (30)  
days after declaration of the result of the election to organize  
a district, the seven persons elected as commissioners shall meet

and decide by lot, the term for which each shall hold office. Three shall serve for six years; two shall serve for four years; and two shall serve for two years, respectively, from the date in the next even year an election would otherwise be held, as specified in Section 719 or until their successors shall be duly elected and qualified. It is the purpose of this section that the first members of such board shall serve until the date an election would otherwise be held in the next even year, in addition to their six, four and two-year terms.

#### **§ 718. Succeeding Elections—Nominations—Ballot**

Nominations of candidates for the office of park commissioners in any Park District at all succeeding elections shall be made by petition signed in the aggregate for each candidate by legal voters of such districts, equal in number to not less than one per cent of the number who voted at the last preceding election for commissioners in such district, but in no case by less than twenty-five of such voters. Such petition shall be filed with the secretary of such district not less than thirty days nor more than sixty days before the date fixed for the election of such candidate. No statement of candidacy shall be required. The petition shall state whether the nomination is for a commissioner-at-large or a commissioner from a particular Hundred.

Such petition shall consist of sheets of uniform size and heading. Such petitions shall be signed by legal voters of the district only, and opposite the signature of each signer, his or her residence address shall be written. At the bottom of each sheet shall be added a statement, signed by an adult resident of the park district stating his residence address, certifying on oath or affirmation that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were qualified to do so.

Such sheets, before being filed, shall be fastened together at the upper edge, and numbered consecutively. Any candidate may withdraw by filing with the secretary of such district a notice of withdrawal not later than the last day upon which petitions for nominations may be filed.

In all Park Districts the secretary of such district, shall, within five days after the expiration of the time for filing the nominating petitions of the candidates, certify to the board of such district the name or names of the candidate or candidates so nominated. Such certification shall contain the order of the time in which such petitions were filed with him, which shall be the order in which the names of candidates shall appear upon the ballot for election; the park commissioners shall cause the ballots to be printed and furnished for such election, and the authenticity of ballots shall be certified by the facsimile signature of the secretary printed thereon.

Names of such candidates shall be printed upon the election ballot in capital letters not less than one-eighth nor more than one-fourth of an inch in height; and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length, and immediately above the names suitable words printed designating the number of candidates to be voted for such office. Such ballot shall be printed upon plain, substantial white paper but shall have no political party name, platform or principle thereon designated, nor shall any circle be printed upon the ballot.

#### **§ 719. Terms—Election Date—Notice of Election**

The commissioners shall be elected for six-year terms in all districts now or hereafter organized with the exception provided in Section 717 as to those first elected.

In all Park Districts commissioners shall be elected biennially in even years to take the place of those whose terms expires. Such elections shall take place on the first Tuesday in November of even years.

Commissioners shall serve until their successors are elected and qualified.

Notice of the time and place or places of holding such elections shall be given by the commissioners of such park district by publishing the same once in one or more newspapers, if there be any published in the district, at least ten days prior to the election; if none be published in said district, then in one

or more newspapers of general circulation in the district; if there be no newspaper of general circulation in the district, then by causing said notice to be posted in five (5) public places within the district.

#### **§ 720. Conduct of Elections**

The Park Board shall conduct the election, establish precincts and polling places therein, and appoint the judges and clerks of election and fix their compensation; provided that if any other election, is held at the same time, the Park Board may appoint the same judges and clerks of election as are appointed for such other election, and such judges and clerks of election shall also be paid for their services by such district in such amount as the Board shall determine. Separate ballot boxes shall be used to receive the ballots cast for Park Commissioners, and separate returns of the votes cast with such ballots shall be made to the board of commissioners and said board shall within five days after such election, canvass said returns and declare the result of said election and enter a record of such canvass and declaration upon its records.

#### **§ 721. Vacancies—Method of Filling**

Whenever any member of the governing board of any park district shall (1) die, (2) resign, (3) become insane, (4) cease to be a legal voter in said district, (5) be convicted of any infamous crime, (6) refuse or neglect to take his oath of office, or (7) neglect to attend the duties of his office or attend meetings of the board for such length of time as such board shall by ordinance fix, said office may be declared vacant. Vacancies shall be declared, and may be filled by appointment, by a majority of the remaining members of the board, and any person so appointed shall hold his office until the next regular election for members of the board when a successor for the unexpired term shall be elected.

### **SUBCHAPTER III, OFFICERS: ELECTIONS: POWERS AND DUTIES**

#### **§ 740. Governing Board—Oath**

Each member of the governing board of any park district before entering upon the duties of his office shall take and sub-

scribe an oath to well and faithfully discharge his duties, which oath shall be filed with the secretary of said board. The members of such governing board shall constitute the corporate authority for such district and a majority of such members shall constitute a quorum for said board and any meeting thereof. The members of such governing board shall act as such without compensation, and each member of the board shall be a legal voter of and reside within such district.

#### **§ 741. Interest in Contracts**

No such member shall be directly or indirectly in any way pecuniarily interested in any contract or work of any kind, whatever, connected with his park district.

#### **§ 742. Records and Ordinances**

Governing boards of all park districts shall keep a regular book of records of all ordinances or other proceedings of said board which records shall be open to public inspection at all reasonable and proper times.

#### **§ 743. Proof of Ordinances**

All ordinances, orders and resolutions of the governing board of any park district and the date of the publication thereof may be proved by the certificate of its secretary under the seal of the district; when printed in book or pamphlet form purporting to be published by the governing board such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, orders, and resolutions as of the dates mentioned in such publication in all courts or places without further proof.

#### **§ 744. Appropriation Ordinances**

The Board of each park district shall, within the last quarter of each fiscal year, but not later than the last Tuesday in April, pass an ordinance in which the Board may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such district for the succeeding fiscal year and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the

amount appropriated to each. After the first six months of any fiscal year have elapsed the board may by two-thirds vote transfer from any appropriation item its anticipated unexpended funds to any other item of appropriation theretofore made, and the item to which said transfer is made may be increased to the extent of the amount so transferred.

#### **§ 745. Publication of Appropriation Ordinance**

All ordinances of any park district making appropriations shall within ten (10) days after their passage, be published at least once in one or more newspapers published in the park district, or if no newspaper is published therein, then in one or more newspapers of general circulation within the Park District; and no such ordinance shall take effect until ten (10) days after it is so published.

#### **§ 746. Creation of Debt**

No member of the board of any park district, nor any person, whether in the employ of said board or otherwise, shall have power to create any debt, obligation, claim or liability, for or on account of said park district, or the monies or property of the same, except with the express authority of said Board conferred at a meeting thereof and duly recorded in a record of its proceedings.

#### **§ 747. Employees**

The Board of any park district may employ such engineers, attorneys, clerks and other employees as may be required, and may define and prescribe their respective duties and compensation. The members of the Board and all officers appointed by them shall be conservators of the peace within and upon such parks, boulevards, driveways, and property controlled by such park district, and shall have power to make arrests on view of the offense, or upon warrants for violation of any of the penal ordinances of such park districts, or for any breach of the peace, in the same manner as the police in cities organized and existing under the general laws of the state.



### **§ 748. Duties and Election of Officers**

The Board of each park district shall elect from their number a president and a vice-president, who shall hold their respective offices for one year, or until their successors shall be elected. The Board shall prescribe their powers and duties not inconsistent with the provisions of this Code.

The Board shall also appoint a secretary and a treasurer, prescribe their duties, and term of office and require such bonds as the Board deems necessary. The secretary and treasurer need not be members of the Board, in which case the Board may fix their compensation; and both offices may be held by the same person. The secretary shall have power to administer oaths and affirmations.

### **§ 749. Duties of President**

The president of any park district shall preside at all meetings of the Board, and shall call special meetings thereof on his own motion or on request of two or more of the members, and in case of a special meeting shall cause a notice to be given to all members as provided by the rule of said Board. He shall have the right to vote upon all questions coming before the Board and shall be a member thereof.

## **SUBCHAPTER IV, TAXING POWERS**

### **§ 750. General Taxes—Levy**

Each Park District shall have the power to levy and collect taxes on all the taxable property in said district for all corporate purposes.

All taxes proposed by said board to be levied upon the taxable property within said district shall be levied by ordinance passed not less than ten (10) days after publication of its appropriation ordinance. A certified copy of such levy ordinance shall be filed with the Receiver of Taxes of the county in which the same is to be collected not later than the second Tuesday in May in each year. Thereupon, the Receiver of Taxes shall extend said tax; provided, the aggregate amount of taxes levied for any one year inclusive of the amount levied for the payment of the

principal and interest on bonded indebtedness of said district shall not exceed the rate five cents per \$100 of assessed valuation.

## **SUBCHAPTER V, BONDS; POWERS TO ISSUE; TERMS**

### **§ 760. Bonds—Limitation**

For the payment of land purchased for parks or boulevards, for the building, maintaining, improving and protecting of the same and for the payment of the expenses incident thereto, or for the acquisition of real estate and lands to be used as a site for recreation centers, any park district is authorized to issue the bonds of such park district and pledge its property and credit therefor to an amount including existing indebtedness of such district so that the aggregate indebtedness of such district shall not exceed two and one-half (2-1/2) per centum of the value of the taxable property therein, to be ascertained by the last assessment for county taxes previous to the issue from time to time of such bonds.

### **§ 761. Issuance of Bonds—Use Authorized**

The issue of bonds by any park district shall be authorized by ordinance, and a copy of the same properly certified by the secretary shall be filed in the office of the Receiver of Taxes in each of the counties wherein such district lies.

### **§ 762. Attestation of Bonds—Interest—Maturity—Sale**

Such bonds of a park district shall be issued when authorized under Sections 760, and 761 hereof in the name of the district, signed by the president and secretary, and countersigned by the treasurer, with the seal of said district affixed; they shall bear interest at not exceeding five per cent per annum payable semi-annually, and the principal shall be payable at such time and place as may be determined by the board, not exceeding twenty years from their date. The board of such district may sell said bonds in any manner it deems for the best interests of the district, at not less than par, and the proceeds thereof shall be used exclusively for the purpose in this chapter authorized.

**§ 763. Tax for Interest and Principal**

All park districts, at or before the time of issuance of bonds, shall provide for the levy of taxes, in addition to all other taxes, sufficient to pay the principal of and interest upon said bonds as the same becomes due, and shall file a certified copy of the ordinance or ordinances providing for the levy of said taxes with the Receiver of Taxes of the county in which the district is located.

**§ 764. Issuance of Bonds—Bond Anticipation Notes**

Whenever the Commission shall have authorized the issuance of bonds by an ordinance duly adopted pursuant to lawful authority, the Commission may borrow money in anticipation of the issuance of such bonds so authorized and, for such purpose, may issue, and from time to time, renew negotiable bond anticipation notes of the Commission of an aggregate principal amount not exceeding the principal amount of such bonds authorized by such ordinance. The Commission shall authorize such notes by a resolution or resolutions which shall determine the date on which such notes are to be payable, the maximum principal amount thereof and the rate or maximum rate of interest to be borne thereby and the manner of their signing. The faith and credit of the Commission are hereby pledged to the payment of the principal of and interest on any notes issued pursuant to this section.

**§ 765. Use of Funds**

Moneys raised by the issuance of notes in anticipation of the issuance of bonds shall be used only to finance the purpose or purposes for which the proceeds of the bonds may be used and such proceeds shall be applied, to the extent necessary, to pay and retire such notes.

**§ 770. General Corporate Powers**

Every park district shall, from the time of its organization, be a body corporate and politic by such name as set forth in the petition for its organization and shall have and exercise the following powers:

(a) To adopt a corporate seal and alter the same at pleasure; to sue and be sued; to contract in furtherance of any of its corporate purposes;

(b) To acquire by gift, devise, grant or purchase, any and all real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for effecting any of the powers or purposes granted under this code as its Board may deem proper, whether such lands be located within or without such district;

(c) To acquire by gift, bequest or purchase any personal property necessary for its corporate purposes;

(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards, and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

(e) To rent or lease park property for income producing purposes consistent with the operation of park and recreation activities.

(f) To establish and collect fees for the use of park facilities.

(g) To prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding \$200 for any one offence, which fines and penalties may be recovered by suit in the name of such district before the Superior Court in the county in which such violation occurred. All fines when collected shall be paid into the treasury of such district.

(h) To enter into agreements with other agencies, organizations or individuals for the rental or lease of lands or facilities owned by such agencies, organizations or individuals.

(i) To manage and control all officers and property of such districts.

**§ 771. Deposit of Funds**

Any park district, when so requested by its treasurer, shall designate a bank or banks or other depository in which the funds of the district may be deposited. When a bank has been designated as a depository it shall continue as such until ten days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities required by this section. When a new depository is designated, the district shall notify the sureties of its treasurer of that fact, in writing, at least five (5) days before the transfer of funds. Such treasurer shall be discharged from responsibility for all such funds and moneys deposited in a bank or depository, so designated, while such funds and moneys are so deposited.

No bank shall be qualified to receive such funds or moneys until it has furnished the district with copies of the last two sworn statements of resources and liabilities which such bank is required to furnish to the State Bank Commissioner. Each bank designated as a depository for moneys or funds shall, while acting as such depository, furnish the district with a copy of all statements of resources and liabilities which it is required to furnish to the State Bank Commissioner: Provided, that if such funds or moneys are deposited in a bank, the amount of such deposits shall not exceed seventy-five per cent of the capital stock and surplus of such bank, and such treasurer shall not be discharged from responsibility for any funds or moneys deposited in excess of such limitation.

**§ 772. Recreational Programs and other Special Powers**

All park districts shall have power to plan, establish and maintain recreational programs, provide musical concerts, to construct, equip and maintain field houses, gymnasiums, assembly rooms, comfort stations, indoor and outdoor swimming pools, wading pools, bathing beaches, bath houses, locker rooms, boating basins, boat houses, lagoons, skating rinks, piers, conservatories for the propagation of flowers, shrubs, and other plants, animal and bird houses and enclosures, athletic fields with seating stands, golf, tennis, and other courses, courts, and grounds, and the power to make and enforce reasonable rules, regulations, and charges therefor. The express enumeration of each of the

foregoing recreational facilities and equipment which park districts are herein given the power to provide shall not be construed as a limitation upon said park districts, nor prohibit any park district from providing any other facilities or equipment which may be appropriate for park purposes in any park of said district, nor shall the same in any way be held to limit the power and authority conferred upon park districts under other sections of this chapter.

**§ 773. Approval of the General Assembly**

When land has been acquired under the provisions of this chapter, it is to be considered as a public trust and may not be sold or otherwise disposed of without prior approval by an act of the General Assembly.

Approved May 20, 1959.

CHAPTER 43

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

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

Section 1. Section 131, Subchapter IV, Chapter 1, Title 23, Delaware Code, is amended by striking out the figures "\$3.37 1/2" in the seventh line of said section and inserting in lieu thereof the figures "\$3.75".

Approved May 20, 1959.

## CHAPTER 44

**AN ACT TO AMEND CHAPTER 167, VOLUME 37, LAWS OF  
DELAWARE, ENTITLED "AN ACT TO INCORPORATE  
THE TOWN OF SLAUGHTER BEACH" RELATING TO  
DUTIES AND POWERS OF ALDERMAN; TAXATION.**

*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 167, Volume 37, Laws of Delaware, is amended by striking out the words "Twenty Five Dollars" as the same appear in line twenty-one of section entitled "Duties and Powers of Alderman" and by substituting the words "Fifty Dollars" in lieu thereof.

Section 2. Section 6, Chapter 167, Volume 37, Laws of Delaware, is amended by striking out the words "five days" as the same appear in line twenty-two of section entitled "Duties and Powers of Alderman" and by substituting the words "thirty days" in lieu thereof.

Section 3. Section 7, Chapter 167, Volume 37, Laws of Delaware, is amended by striking out the words and figures "Two Thousand Dollars (\$2,000.00)" as the same appear therein and by substituting in lieu thereof the words and figures "Five Thousand Dollars (\$5,000.00)."

Approved May 20, 1959.



## CHAPTER 45

**AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE ENTITLED WORKMEN'S COMPENSATION RELATING TO COMPENSATION DURING PARTIAL DISABILITY AND COMPENSATION FOR CERTAIN PERMANENT INJURIES.**

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

Section 1. Chapter 23, Title 19, Delaware Code is hereby amended by repealing Section 2325 thereof and by substituting and enacting in lieu thereof a new Section 2325 to read as follows:

**§ 2325. Compensation during partial disability**

Section 2325. For injuries resulting in partial disability for work, except the particular cases mentioned in subsections (a) - (g) of section 2326 of this title, the compensation to be paid shall be  $66 \frac{2}{3}$  percent 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 \$50 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 2. Chapter 23, Title 19, Delaware Code is hereby amended by repealing Section 2326 thereof and by substituting and enacting in lieu thereof a new Section 2326 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,  $66 \frac{2}{3}$  percent of wages during 220 weeks;

For the loss of an arm,  $66\frac{2}{3}$  percent of wages during 250 weeks;

For the loss of a foot,  $66\frac{2}{3}$  percent of wages during 160 weeks;

For the loss of a leg,  $66\frac{2}{3}$  percent of wages during 250 weeks;

For the loss of two or more of such members, not constituting total disability,  $66\frac{2}{3}$  percent of wages during the aggregate of the period specified for each;

For the loss of a thumb,  $66\frac{2}{3}$  percent of wages during 75 weeks;

For the loss of a first finger, commonly called index finger,  $66\frac{2}{3}$  percent of wages during 50 weeks;

For the loss of a second finger,  $66\frac{2}{3}$  percent of wages during 40 weeks;

For the loss of a third finger,  $66\frac{2}{3}$  percent of wages during 30 weeks;

For the loss of a fourth finger, commonly called little finger,  $66\frac{2}{3}$  percent 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, or compensation shall be paid for the loss of three

fingers or two fingers and a thumb of the same hand for the number of weeks stated in the above schedule for such a loss, whichever is greater;

For the loss of a great toe, 66-2/3 percent of wages during 40 weeks;

For the loss of one of the toes, other than the great toe, 66-2/3 percent 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, 66-2/3 percent 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 palmar 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 percent of the palmar 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  $66\frac{2}{3}$  percent of his weekly wages for a period of 75 weeks.

For the complete loss of hearing in both ears, the employee shall receive  $66\frac{2}{3}$  percent 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 Board shall award proper and equitable compensation for the loss of any member or part of the body or loss of use of any member or part of the body up to three hundred (300) weeks which shall be paid at the rate of sixty-six and two-thirds ( $66\frac{2}{3}$ ) per centum of his weekly wages, but no compensation shall be awarded when such loss was caused by the loss of or the loss of use of a member of the body for which compensation payments are already provided by the terms of this section.

(h) The compensation provided for in subsections (a) - (g) of this section shall not be more than \$50 per week, nor less than \$25 per week. If at the time of injury the employee receives wages of less than \$25 per week, then he shall receive the full amount of such wages per week as compensation.

(i) Subject to subsection (e) of this section, the compensation provided for in subsections (a) - (h) of this section shall be paid in addition to the compensation provided for in Sections 2324 and 2325 of this Title.

Approved May 20, 1959.

## CHAPTER 46

**AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO INVESTMENTS OF FUNDS BY DOMESTIC INSURANCE COMPANIES SECURED BY MORTGAGES OR DEEDS OF TRUST.**

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

Section 1. Sub-paragraph (5), Section 706, Title 18, Delaware Code, is amended to read as follows:

(5) In bonds or notes secured by mortgages or deeds of trust of unencumbered real estate or perpetual leases thereon in the United States or Dominion of Canada; but no such mortgage loan or loans on any one property shall, at the time of investment, exceed two-thirds of the fair market value of the property, except that if the property is primarily improved by a single-family residence the mortgage loan may be made in an amount not exceeding three-fourths of the fair market value of the property. Where improvement on the land constitute a part of the value on which the loan is made, the improvements shall be insured against fire for the benefit of the mortgagee in an amount not less than the difference between two-thirds of the value of the land and the amount of the loan. For the purposes of this section real estate shall not be deemed to be encumbered by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil or timber rights, rights of way, joint driveways, sewer rights, rights in walls, nor by reason of building restrictions, or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner.

The amount loaned on the security of mortgages or deeds of trust of unencumbered real estate in the United States may exceed the maximum limit fixed by this section or any other provision of the law of Delaware to the extent that such loans shall be guaranteed by the Administrator of Veterans' Affairs pursuant to the provisions of Servicemen's Readjustment Act of 1944 as amended.

Approved May 21, 1959.

## CHAPTER 47

**AN ACT TO AMEND CHAPTER 9, TITLE 18, DELAWARE CODE, RELATING TO VALUATION AND NON-FORFEITURE REQUIREMENTS OF LIFE INSURANCE POLICIES.**

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

Section 1. § 903 (b), Title 18, Delaware Code, is amended by striking out paragraph (1) and inserting in lieu thereof:

(1) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the Commissioners' 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of section 951 (d-1) of this Title, and the Commissioners' 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided that for any category of such policies issued on female risks all modified net premiums and present values referred to in this section may be calculated according to an age not more than three years younger than the actual age of the insured;

Section 2. § 951 (b), Title 18, Delaware Code, is amended by striking out the words "subsection (d)" in the eighth line of said subsection and inserting in lieu thereof the words "subsections (d) and (d-1)".

Section 3. § 951 (d), Title 18, Delaware Code, is amended by striking out the third paragraph and inserting in lieu thereof the following:

Except as otherwise provided in subsection (d-1), all adjusted premiums and present values referred to in this section shall for all policies of Ordinary insurance be calculated on the basis of the Commissioners' 1941 Standard Ordinary Mortality Table, provided that for any category of Ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Such calculations

for all policies of Industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding  $3\frac{1}{2}\%$  per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may not be more than 130% of the rates of mortality according to such applicable table. For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Commissioner.

Section 4. § 951, Title 18, Delaware Code, is amended by adding after subsection (d) a new subsection to read as follows:

(d-1) In the case of Ordinary policies issued on or after the operative date of this subsection (d-1) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners' 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding  $3\frac{1}{2}\%$  per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that for any category of Ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners' 1958 Extended Term Insurance Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

After the enactment of this Act, any company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before



January first, nineteen hundred and sixty-six. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such company), this subsection shall become operative with respect to the Ordinary policies thereafter issued by such company. If a company makes no such election, the operate date of this subsection for such company shall be January first, nineteen hundred and sixty-six.

Section 5. § 951 (e), Title 18, Delaware Code, is amended by striking out the words "subsections (b), (c) and (d)" in the sixth line of said subsection and inserting in lieu thereof the words "subsections (b), (c), (d) and (d-1)".

Section 6. § 951 (f), Title 18, Delaware Code, is amended by striking out the word "subsection (d)" in the seventh line of said subsection and inserting in lieu thereof the words "subsections (d) and (d-1)".

Approved May 21, 1959.

## CHAPTER 48

**AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO," BEING CHAPTER 203 OF VOLUME 25, LAWS OF DELAWARE, AS AMENDED, BY AUTHORIZING THE ANNEXATION OF CERTAIN CONTIGUOUS TERRITORY TO THE SAID TOWN.**

*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 Chapter 203, Volume 25, Laws of Delaware, as amended, be, and the same is hereby amended by striking out and repealing all of Section 3, and by inserting and enacting in lieu thereof the following new section to be known as Section 3:

Section 3. The said corporation shall have power to annex certain additional contiguous territory to the present limits of the said corporation, and after such additions, the description of the town limits shall be as follows:

Beginning at a point on the northerly edge of Millsboro Mill Pond, on a line of the American Legion west property line projected across the Pond; thence South 23-1/2 degrees West to the southerly edge of the Pond, and continuing South 23-1/2 degrees West 606 feet to a point in the south right of way of State Street; thence South 55 degrees 18 minutes West 1,232 feet to a point which is 150 feet distant from the north right of way of Monroe Street; thence parallel to Monroe Street and 150' from north right of way N. 61 degrees 05 min. West 277 feet and North 51 degrees 10 minutes West 1,220 feet, crossing highway route 82 to a point 500 feet west of the west right of way measured at a right angle therefrom; thence parallel to the west right of way of Route No. 82 and 500 feet therefrom South 4 degrees West 580 feet to center of Route 82-A; South 2 degrees 45 minutes West 800 feet, and South 0 degrees 55 minutes West 2,130 feet to the center of Route No. 24; thence continuing with Route 82, now a 30 foot county road and 515

feet west of right of way line South 0 degrees 15 minutes West 500 feet and South 2 degrees East 875 feet to a point in the center line of Route 339 projected to this point; thence South 50 degrees East to the run of Iron Branch; thence with run of Iron Branch crossing Route 113 to the center of Highway Route 334-A (Mitchell Street extended); thence with center line of Street North 22 degrees 32 minutes West 1,233 feet; thence North 23 degrees 45 minutes East 2,160 feet to the Tiger Valley Ditch; thence southeasterly and northeasterly with the Tiger Valley Ditch around the Cemetery to the southerly edge of Highway Route 331 (State Street Extended); thence with southerly edge of State Street northwesterly 1,219 feet; thence North 29 degrees 15 minutes East 462 feet to a monument at southwest corner of Houston Street; thence with southerly line of Houston Street South 62 degrees 30 minutes East 310 feet to the edge of Indian River; thence at a right angle North 27 degrees 30 minutes East across Indian River to the north edge of the River; thence with the north edge of Indian River and of the Millsboro Mill Pond to the place of the beginning.

And extend and apply to such additional territory all laws, ordinances, resolutions in force within said town, so far as they may be locally applicable. However, before such territory shall be annexed the question of such annexation shall be first submitted at a special election to the qualified voters and real estate owners of the territory proposed to be annexed and included in the limits of said city or incorporated town at such election, after a majority of the qualified voters and real estate owners in such territory shall vote approval to be included within the limits of said town, then and only then shall such territory be included within the limits of said town. Such special election shall be held by the proper election officers of the town of Millsboro. Each real estate owner shall be entitled to one vote for each \$100 of real estate assessed to him or her on the assessment records in Sussex County. Each qualified voter not being the owner of real estate within said territory shall be entitled to one vote. If such annexation shall not be approved at the first election, a subsequent election may be held under the provisions of this Act provided that no two elections may be held within twelve months of each other.

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

Approved May 21, 1959.

## CHAPTER 49

**AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION.**

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

Section 1. Chapter 23, Title 19, Section 2301, Delaware Code, is amended by adding to the end of the definition of "Employee" as found therein, the following:

except, however, that everyone assigned to work under the provisions of Chapter 9, Title 31, Delaware Code, is specifically designated an employee, notwithstanding any provisions herein to the contrary.

Section 2. Chapter 23, Title 19, Section 2301, Delaware Code, is amended by adding to the end of the definition of "Employer" found therein, the following:

Employer shall also include the governing body for which employable relief recipients are assigned work under the provisions of Chapter 9, Title 31, Delaware Code.

Section 3. Chapter 23, Title 19, Section 2302, Delaware Code, is amended by adding thereto a new subsection as follows:

(d) The term "wages", as applied to employees assigned to work under the provisions of Chapter 9, Title 31, Delaware Code, shall be determined by dividing the sum the employee is entitled to receive per month in relief, at the time of injury, by four and one-third.

Approved May 28, 1959.

## CHAPTER 50

**AN ACT TO AMEND CHAPTER 1, TITLE 8, § 324 OF THE  
DELAWARE CODE RELATING TO ATTACHMENT OF  
SHARES OF STOCK OR ANY RIGHT, OPTION OR INTER-  
EST THEREIN; PROCEDURE; SALE; TITLE UPON  
SALE; PROCEEDS.**

*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. § 324 (c), Chapter 1, Title 8 of the Delaware  
Code, is hereby amended by adding to § 324 (c) the following:

The Court which issued the levy and confirmed the sale  
shall have the power to make an order compelling the corpora-  
tion, the shares of which were sold, to issue new certificates to  
the purchaser at the sale and to cancel the registration of the  
shares attached on the books of the corporation upon the giving  
of an open end bond by such purchaser adequate to protect the  
corporation.

Approved May 28, 1959.

## CHAPTER 51

**AN ACT TO AMEND CHAPTER 1, TITLE 8, § 243 (f) OF THE  
DELAWARE CODE RELATING TO THE REDEMPTION,  
PURCHASE OR RETIREMENT OF STOCK.**

*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. § 243 (f), Chapter 1, Title 8 of the Delaware Code is hereby amended by striking out the said section and substituting in lieu thereof a new section as follows:

(f) Whenever any corporation operated as an investment company shall be obligated, pursuant to its certificate of incorporation, to redeem or repurchase any of its shares at the option of the shareholder, the provisions of this section shall be applicable to all shares redeemed or repurchased pursuant to any method authorized under its certificate of incorporation for the purpose of effecting redemption or repurchases of its shares at the option of the shareholder; and such shares may be retired, the capital of the corporation reduced, and such shares restored to the status of authorized and unissued shares, by compliance with the provisions of this section.

Approved May 28, 1959.

## CHAPTER 52

**AN ACT TO INCREASE THE COMPENSATION OF THE REGISTER OF WILLS, RECORDER OF DEEDS AND REGISTER IN CHANCERY AND CLERK OF THE ORPHANS' COURT IN AND FOR NEW CASTLE COUNTY.**

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

Section 1. § 2505, Title 12, Delaware Code is amended by striking out the figures "\$5,400." as they appear after the words New Castle County therein and inserting in lieu thereof the figures "\$7,000."

Section 2. § 9602, Title 9, Delaware Code is amended by striking out the figures "\$6,000." as they appear after the words New Castle County therein and inserting in lieu thereof the figures "\$7,000."

Section 3. § 2502, Title 10, Delaware Code is amended by striking out the figures "\$5,400." as they appear after the words New Castle County therein and inserting in lieu thereof the figures "\$7,000."

Approved June 2, 1959.



## CHAPTER 53

**AN ACT AMENDING TITLE 30, DELAWARE CODE, ENTITLED "STATE TAXES" RELATING TO INCOME TAX DEDUCTIONS.**

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

Section 1. § 1118, Title 30, Delaware Code, is amended by adding a new paragraph thereof to read as follows:

(16) (A) An individual may elect to use a standard deduction which shall be an amount equal to ten percent of the adjusted gross income or \$500, whichever is the lesser; such standard deduction to be in lieu of all other deductions authorized by this section except a deduction for Federal Income taxes paid not to exceed \$300. A married couple filing a joint return under '§ 1163 may elect to use a standard deduction which shall be equal to ten percent of the adjusted gross income or \$1,000, whichever is the lesser; such standard deduction for a married couple filing jointly to be in lieu of all other deductions authorized by this section except for Federal Income taxes paid, not to exceed \$600.

(B) For the purpose of this section "adjusted gross income" means the amount the taxable's net income would be if the exemptions allowed under § 1117 and the deductions allowed under §1118 were not allowed.

(C) The standard deduction shall not be allowed to a husband or wife if the other spouse elects not to take the standard deduction.

(D) The standard deduction shall not be allowed in computing the net income of a non-resident alien individual, an estate or trust, a common trust fund or partnership.

(E) If the taxpayer, on making his return, fails to signify his election to take the standard deduction such failure shall be considered his election not to take the standard deduction, and

when the taxpayer, on making his return, has signified his election to take or not to take the standard deduction, this election may not be changed.

Section 2. This Act shall apply to taxes due and owing for the year ending December 31, 1959 and thereafter.

Approved June 9, 1959.

## CHAPTER 54

**AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, 1909, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS", ELIMINATING THE REQUIREMENT THAT VOTERS ATTEND OR SPEND AT LEAST ONE WEEK IN SAID TOWN IMMEDIATELY PRECEDING THE DAY ON WHICH THE ELECTION IS HELD TO BE ENTITLED TO VOTE.**

*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. That Section 5, Chapter 212, Volume 25, Laws of Delaware, entitled "An Act to Incorporate the Town of Bethany Beach and giving it authority to issue bonds", as amended by Section 1 of Chapter 243, Volume 26, Laws of Delaware, be further amended by striking out and deleting the words "and who have actually attended or spent at least one week in said Town during the year immediately preceding the day on which such election is held" as the same appears therein.

Approved June 9, 1959.

## CHAPTER 55

**AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE, BY REQUIRING THE STATE HIGHWAY DEPARTMENT TO PROVIDE THE GOVERNOR AN AUTOMOBILE SUITABLE AND BEFITTING THE OFFICE OF GOVERNOR.**

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

Section 1. Subchapter III, Chapter 1, Title 17, Delaware Code is amended by adding a new section thereto as follows:

The Department shall provide an automobile to the Governor of the State of Delaware suitable and befitting the office of Governor for the use of the Governor. The Department shall provide a new automobile for such use during each biennium beginning with the biennium, beginning July 1, 1959. The Department shall dispose of any automobiles replaced pursuant to this section in the same manner as other Department vehicles are disposed of.

Approved June 9, 1959.

CHAPTER 56

**AN ACT TO AMEND CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO THE INDUSTRIAL ACCIDENT BOARD.**

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

Section 1. Section 2101, Title 19, Delaware Code, is amended by striking out the second sentence therein and substituting in lieu thereof the following:

"It shall consist of 3 members, each of whom shall be appointed by the Governor for a term of 6 years. The appointments shall be made so that there shall always be on the Board one resident from New Castle County, one from Kent County and one from Sussex County; and not more than two of said members shall be of the same political party or faith."

Section 2. This Act shall become effective May 3, 1959.

NOTE: This bill became a law on May 27, 1959 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.



## DEPARTMENTS OF ELECTIONS—

## NEW CASTLE COUNTY

Operations .....	49,817.00
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Total .....	49,817.00
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## DEPARTMENTS OF ELECTIONS—KENT COUNTY

Operations .....	28,707.00
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Total .....	28,707.00
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## DEPARTMENTS OF ELECTIONS—SUSSEX COUNTY

Operations .....	37,928.00
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Total .....	37,928.00
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Total Departments of Elections .....	116,452.00
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## LEGISLATIVE REFERENCE BUREAU

Salary of Executive Director .....	6,000.00
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Salary of Assistant Director .....	4,800.00
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Salaries and Wages of Employees .....	3,600.00
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Office Expense .....	1,200.00
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Travel .....	100.00
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Repairs and Replacements .....	100.00
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Equipment .....	1,500.00
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Total .....	17,300.00
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## GENERAL ASSEMBLY

Salaries—House Members .....	105,000.00
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Salaries—Senate Members .....	54,000.00
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Total .....	159,000.00
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## DELAWARE CODE REVISION COMMISSION

Salaries of Commissioners .....	4,800.00
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Operations .....	12,000.00
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Total .....	16,800.00
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## STATE ELECTION COMMISSIONER

Salaries and Wages of Employees .....	15,000.00
Office Expense .....	1,000.00
Travel .....	500.00
Repairs and Replacements .....	2,500.00

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Total .....	19,000.00
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TOTAL LEGISLATIVE  
AND ELECTIONS .....

375,752.00

## EXECUTIVE AND FINANCIAL

## GOVERNOR

Salary of Governor .....	17,500.00
Salaries and Wages of Employees .....	19,000.00
Office Expense .....	3,000.00
Governor's Conference .....	400.00
Contingent Expenses .....	4,000.00
Repairs and Replacements .....	500.00
Equipment .....	500.00

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Total .....	44,900.00
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## SECRETARY OF STATE

Salary of Secretary of State .....	8,000.00
Salaries and Wages of Employees .....	100,000.00
Office Expense .....	6,700.00
Magistrate Bonds .....	400.00
Printing Laws—General Assembly .....	30,000.00
Dissolution Account .....	9,000.00
Departmental Supplies .....	40,000.00
Travel .....	1,500.00
Repairs and Replacements .....	3,000.00
Equipment .....	1,500.00

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Total .....	200,100.00
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## STATE TREASURER

Salary of Treasurer .....	6,000.00
Salary of Deputy Treasurer .....	5,000.00
Salaries and Wages of Employees .....	50,000.00
Office Expense .....	35,380.00



Travel .....	500.00
Repairs and Replacements .....	500.00
Equipment .....	750.00

Total .....	98,130.00
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**BUDGET COMMISSION**

Salary of Chief Accountant .....	7,500.00
Salaries and Wages of Employees .....	65,000.00
Office Expense .....	56,815.00
Travel .....	3,000.00
Special Audits by C. P. A.'s .....	10,000.00
Repairs and Replacements .....	2,000.00
Equipment .....	500.00

Total .....	144,815.00
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**AUDITOR OF ACCOUNTS**

Salary of Auditor .....	6,000.00
Salary of Deputy Auditor .....	5,000.00
Salaries and Wages of Employees .....	44,000.00
Office Expense .....	1,850.00
Travel .....	500.00
Repairs and Replacements .....	1,000.00

Total .....	58,350.00
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**STATE INSURANCE COMMISSIONER**

Salary of Commissioner .....	6,000.00
Salary of Deputy Commissioner .....	5,000.00
Salary of Actuary .....	3,500.00
Salaries and Wages of Employees .....	15,000.00
Office Expense .....	3,000.00
Operations—Insurance Premiums on State Property .....	100,000.00
Travel .....	1,000.00
Repairs and Replacements .....	200.00
Equipment .....	400.00

Total .....	134,100.00
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**STATE TAX DEPARTMENT**

Salary of Commissioner .....	8,000.00
Salaries and Wages of Employees .....	300,000.00

Office Expense .....	70,000.00
Travel .....	2,000.00
Repairs and Replacements .....	2,500.00
Equipment .....	3,000.00
Escheats Division .....	3,000.00
<b>Total</b> .....	<b>388,500.00</b>
<b>STATE BANK COMMISSIONER</b>	
Salaries and Wages of Employees .....	54,600.00
Office Expense .....	2,600.00
Travel .....	6,300.00
Repairs and Replacements .....	500.00
<b>Total</b> .....	<b>64,000.00</b>
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>	
Salaries of Commissioners .....	3,000.00
Salaries and Wages of Employees .....	95,000.00
Office Expense .....	17,000.00
Travel .....	7,000.00
Repairs and Replacements .....	3,000.00
Equipment .....	1,000.00
<b>Total</b> .....	<b>126,000.00</b>
<b>DELAWARE RACING COMMISSION</b>	
Salaries of Commissioners .....	4.00
Salaries and Wages of Employees .....	2,100.00
Office Expense .....	2,400.00
Travel .....	400.00
<b>Total</b> .....	<b>4,904.00</b>
<b>DELAWARE HARNESS RACING COMMISSION</b>	
Salaries of Commissioners .....	3.00
Salaries and Wages of Employees .....	6,500.00
Office Expense .....	3,000.00
Travel .....	3,000.00
<b>Total</b> .....	<b>12,503.00</b>
<b>TOTAL EXECUTIVE AND FINANCIAL</b> .....	<b>1,276,302.00</b>

## JUDICIAL AND LEGAL

## COURT OF CHANCERY

Salary of Chancellor .....	15,500.00
Salary of Vice-Chancellor .....	15,000.00
Salaries and Wages of Employees .....	20,000.00
Chancellor for Reporting .....	200.00
Office Expense .....	1,200.00
Chancellor's Report .....	4,750.00
Travel .....	500.00
Repairs and Replacements .....	350.00
Equipment .....	600.00

Total .....	58,100.00
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## SUPERIOR COURT

Salary of President Judge .....	15,500.00
Salaries of Associate Judges .....	60,000.00
Salaries and Wages of Employees .....	72,500.00
Kent Resident Judge for Reporting .....	200.00
Office Expense .....	4,000.00
Reports .....	4,750.00
Travel .....	6,000.00
Repairs and Replacements .....	2,000.00
Equipment .....	3,000.00

Total .....	167,950.00
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## COMMON PLEAS COURT—KENT COUNTY

Salary of Judge .....	5,000.00
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Total .....	5,000.00
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## COMMON PLEAS COURT—SUSSEX COUNTY

Salary of Judge .....	12,500.00
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Total .....	12,500.00
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## NEW CASTLE COUNTY LAW LIBRARY

Salaries and Wages of Employees .....	3,500.00
Office Expense .....	250.00
Repairs and Replacements .....	500.00
Equipment .....	4,750.00

Total .....	9,000.00
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**KENT COUNTY LAW LIBRARY**

Salaries and Wages of Employees .....	5,300.00
Office Expense .....	250.00
Repairs and Replacements .....	200.00
Books and Publications .....	4,000.00

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Total ..... 9,750.00

**SUSSEX COUNTY LAW LIBRARY**

Salaries and Wages of Employees .....	300.00
Office Expense .....	75.00
Equipment .....	4,000.00

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Total ..... 4,375.00

**ATTORNEY GENERAL**

Salary of Attorney General .....	10,000.00
Salary of Chief Deputy .....	7,500.00
Salary of New Castle County Deputy .....	6,500.00
Salary of New Castle County Assistant Deputy .....	6,000.00
Salary of Kent County Deputy .....	6,000.00
Salary of Sussex County Deputy .....	6,500.00
Salary of Sussex County Assistant Deputy..	6,000.00
Salaries of Tax Deputies (2) .....	12,000.00
Salaries of State Detectives (3) .....	10,500.00
Salaries and Wages of Employees .....	32,500.00
Office Expense .....	6,500.00
Travel .....	4,000.00
Operations .....	4,000.00
Repairs and Replacements .....	4,000.00
Equipment .....	1,000.00

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Total ..... 123,000.00

**SUPREME COURT**

Salary of Chief Justice .....	17,500.00
Salaries of Associate Justices .....	34,000.00
Salaries and Wages of Employees .....	18,120.00
Office Expense .....	8,150.00
Travel .....	900.00
Repairs and Replacements—Library .....	200.00

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Total ..... 78,870.00

## JUVENILE COURT (KENT AND SUSSEX)

Salary of Judge .....	12,500.00
Salaries and Wages of Employees .....	33,500.00
Total .....	46,000.00

## FAMILY COURT OF NEW CASTLE COUNTY

Salaries of Judges .....	25,000.00
Salaries and Wages of Employees .....	126,805.00
Office Expense .....	6,000.00
Travel .....	1,000.00
Repairs and Replacements .....	1,000.00
Equipment .....	195.00
Total .....	160,000.00

## BOARD OF POST MORTEM EXAMINERS

Salary of Medical Examiner .....	15,000.00
Salaries and Wages of Employees .....	9,900.00
Office Expense .....	1,900.00
Travel .....	800.00
Operations .....	200.00
Repairs and Replacements .....	2,000.00
Total .....	29,800.00

TOTAL JUDICIAL AND LEGAL ..... 704,345.00

## DEBT SERVICE

## REDEMPTIONS—STATE BONDS

Bonds Issued .....	9,522,000.00
Authorized—Unissued .....	535,000.00
Total .....	10,057,000.00

INTEREST—STATE BONDS..... 4,052,036.25

Total ..... 4,052,036.25

Total State Obligations ..... 14,109,036.25

**PURCHASE OF COUNTY HIGHWAY  
BONDS AND COUPONS**

Purchase of County Highway Bonds .....	115,000.00
Purchase of County Highway Coupons .....	22,962.50
<b>Total .....</b>	<b>137,962.50</b>

**LEVY COURT OF NEW CASTLE COUNTY FOR:**

Redemption and Interest on New Castle County Workhouse Bonds .....	5,281.25
<b>Total .....</b>	<b>5,281.25</b>

Total County Obligations to be Paid by State .....	143,243.75
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<b>TOTAL DEBT SERVICE .....</b>	<b>14,252,280.00</b>
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**REGULATORY BOARDS**

**MEDICAL COUNCIL OF DELAWARE**

Salaries of Members .....	320.00
Salaries and Wages of Employees .....	780.00
Office Expense .....	850.00
Travel .....	450.00
<b>Total .....</b>	<b>2,400.00</b>

**STATE BOARD OF PHARMACY**

Salaries of Board Members .....	600.00
Salaries and Wages of Employees .....	3,000.00
Office Expense .....	750.00
Travel .....	1,300.00
<b>Total .....</b>	<b>5,650.00</b>

**STATE BOARD OF DENTAL EXAMINERS**

Salaries of Board Members .....	540.00
Salaries and Wages of Employees .....	150.00
Office Expense .....	155.00
Travel .....	155.00
<b>Total .....</b>	<b>1,000.00</b>

## STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages of Employees .....	150.00
Office Expense .....	25.00
Travel .....	25.00

Total .....	200.00
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## STATE BOARD OF ACCOUNTANCY

Salaries and Wages of Employees .....	240.00
Office Expense .....	460.00

Total .....	700.00
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## STATE BOARD OF EXAMINERS IN OPTOMETRY

Salaries of Board Members .....	105.00
Office Expense .....	45.00
Travel .....	75.00

Total .....	225.00
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STATE BOARD OF EXAMINERS OF  
GRADUATE NURSES

Salaries of Board Members .....	400.00
Salaries and Wages of Employees .....	2,900.00
Office Expense .....	2,100.00
Travel .....	600.00

Total .....	6,000.00
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## STATE BOARD OF EXAMINERS OF UNDERTAKERS

Salaries of Board Members .....	160.00
Salaries and Wages of Employees .....	340.00
Office Expense .....	100.00
Operations .....	100.00

Total .....	700.00
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## STATE BINGO CONTROL COMMISSION

Operations .....	30,000.00
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Total .....	30,000.00
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**DELAWARE REAL ESTATE COMMISSION**

Salaries of Commission Members .....	2,200.00
Office Expense .....	600.00
Travel .....	200.00
<b>Total</b> .....	<b>3,000.00</b>

**BOARD OF EXAMINERS AND  
REGISTRATION OF ARCHITECTS**

Salaries and Wages of Employees .....	200.00
Office Expense .....	250.00
Travel .....	250.00
Equipment .....	50.00
<b>Total</b> .....	<b>750.00</b>

**STATE ATHLETIC COMMISSION**

Salaries of Commissioners .....	900.00
Salaries and Wages of Employees .....	150.00
Office Expense .....	600.00
Travel .....	100.00
<b>Total</b> .....	<b>1,750.00</b>

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

Dues .....	700.00
Travel .....	200.00
<b>Total</b> .....	<b>900.00</b>

**STATE BOARD OF REGISTRATION FOR PRO-  
FESSIONAL ENGINEERS AND LAND SURVEYORS**

Salary of Secretary .....	1,200.00
Office Expense .....	1,200.00
Travel .....	250.00
Equipment .....	100.00
<b>Total</b> .....	<b>2,750.00</b>

**DELAWARE COMMISSION OF SHELL FISHERIES**

Salary of Executive Secretary .....	5,000.00
Salary of Boat Inspector .....	1,500.00
Salaries and Wages of Employees .....	27,000.00



Office Expense .....	500.00
Travel .....	1,000.00
Operations .....	16,000.00
Research .....	10,000.00
<b>Total .....</b>	<b>61,000.00</b>
<b>DEPARTMENT OF CIVIL DEFENSE</b>	
Salary of State Director .....	6,000.00
Salaries and Wages of Employees .....	20,000.00
Office Expense .....	3,000.00
Travel .....	2,000.00
Operations .....	4,000.00
Repairs and Replacements .....	1,000.00
Equipment .....	2,500.00
<b>Total .....</b>	<b>38,500.00</b>
<b>BOARD OF CHIROPODY EXAMINERS</b>	
Salaries of Board Members .....	150.00
Office Expense .....	30.00
Travel .....	20.00
<b>Total .....</b>	<b>200.00</b>
<b>STATE BOARD OF CHIROPRACTIC EXAMINERS</b>	
Salaries of Board Members .....	150.00
Office Expense .....	65.00
Travel .....	50.00
<b>Total .....</b>	<b>265.00</b>
<b>STATE FIRE MARSHAL</b>	
Salary of Fire Marshal .....	6,000.00
Salaries and Wages of Employees .....	3,200.00
Office Expense .....	1,100.00
Travel .....	2,300.00
Operations .....	600.00
Repairs and Replacements .....	200.00
Equipment .....	500.00
<b>Total .....</b>	<b>13,900.00</b>
<b>TOTAL REGULATORY BOARDS .....</b>	<b>169,890.00</b>

**ENFORCEMENT BOARDS****LABOR COMMISSION OF DELAWARE**

Salary of Child Labor Inspector .....	3,400.00
Salary of 10-Hour Law Inspector .....	3,000.00
Salaries and Wages of Employees .....	6,200.00
Office Expense .....	4,000.00
Travel .....	800.00
Repairs and Replacements .....	300.00
Equipment .....	100.00

Total .....	17,800.00
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**BOARD OF PAROLE**

Salaries of Board Members .....	600.00
Salary of Parole Officer .....	3,600.00
Salaries and Wages of Employees .....	1,200.00
Office Expense .....	500.00
Travel .....	1,500.00

Total .....	7,400.00
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**BOARD OF PARDONS**

Salary of Lieutenant-Governor .....	144.00
Travel .....	96.00
Witness Fees .....	100.00

Total .....	340.00
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**BOARD OF BOILER RULES**

Salary of Chief Inspector .....	6,000.00
Salaries and Wages of Employees .....	10,000.00
Office Expense .....	2,200.00
Travel .....	2,000.00
Equipment .....	300.00

Total .....	20,500.00
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**REGULATORS OF WEIGHTS AND MEASURES**

Salaries and Wages of Employees .....	7,000.00
Office Expense .....	200.00
Travel .....	1,200.00

Total .....	8,400.00
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**INDUSTRIAL ACCIDENT BOARD**

Salaries of Members .....	10,800.00
Salaries and Wages of Employees .....	12,000.00
Office Expense .....	5,200.00
Court Reporting Fees .....	3,600.00
Travel .....	2,000.00
Repairs and Replacements .....	250.00
Equipment .....	800.00
<b>Total .....</b>	<b>34,650.00</b>

**DELAWARE NATIONAL GUARD**

Salary of Adjutant General .....	6,000.00
Salaries and Wages of Employees .....	56,000.00
Office Expense .....	8,000.00
Travel .....	3,000.00
Operations .....	53,400.00
Uniform Allowance—Officers .....	22,700.00
Unit Fund Allowance—\$500 per unit .....	19,500.00
Repairs and Replacements .....	18,400.00
Equipment .....	20,000.00
<b>Total .....</b>	<b>207,000.00</b>

**PUBLIC SERVICE COMMISSION**

Salaries of Commission Members .....	13,500.00
Salaries and Wages of Employees .....	32,940.00
Office Expense .....	3,500.00
Travel .....	5,000.00
Operations .....	10,000.00
Repairs and Replacements .....	1,000.00
<b>Total .....</b>	<b>65,940.00</b>

**TOTAL ENFORCEMENT BOARDS.. 362,030.00**

**PENSIONS AND SOCIAL SECURITY****RETIRED AND DISABLED TEACHERS' PENSIONS**

Benefits .....	130,020.00
<b>Total .....</b>	<b>130,020.00</b>

## STATE EMPLOYEES' PENSION PLAN

Salaries and Wages of Employees .....	6,000.00
Office Expense .....	2,190.00
Travel .....	100.00
Benefits .....	1,290,000.00
Survivors' Pensions .....	45,000.00

Total .....	1,343,290.00
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STATE'S SHARE OF SOCIAL  
SECURITY CONTRIBUTIONS

Contributions .....	1,042,400.00
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Total .....	1,042,400.00
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## STATE JUDICIARY RETIREMENT FUND

Contributions .....	5,600.00
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Total .....	5,600.00
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## PARAPLEGIC VETERANS' PENSIONS

Benefits .....	4,800.00
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Total .....	4,800.00
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## STATE POLICE RETIREMENT FUND

Contributions .....	173,885.00
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Total .....	173,885.00
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## TOTAL PENSIONS AND

SOCIAL SECURITY .....	2,699,995.00
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## MISCELLANEOUS

## CUSTODIAN

Salary of Custodian .....	5,000.00
Salaries and Wages of Employees .....	55,000.00
Office Expense .....	1,200.00
Operations .....	36,000.00
Repairs and Replacements .....	25,000.00
Equipment .....	2,000.00

Total .....	124,200.00
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## STATE BUILDINGS AND GROUNDS COMMISSION

Operations .....	500.00
<b>Total .....</b>	<b>500.00</b>

## STATE LIBRARY COMMISSION

Salaries and Wages of Employees .....	25,890.00
Office Expense .....	905.00
Travel .....	725.00
Operations .....	3,000.00
Repairs and Replacements .....	13,450.00
Equipment .....	2,500.00
Permanent Improvements .....	5,500.00
<b>Total .....</b>	<b>51,970.00</b>

PUBLIC ARCHIVES COMMISSION  
ADMINISTRATION

Salaries and Wages of Employees .....	56,400.00
Office Expense .....	2,000.00
Travel .....	1,200.00
Operations .....	2,500.00
Repairs and Replacements .....	250.00
Equipment .....	2,000.00
Historic Markers .....	1,000.00
<b>Total .....</b>	<b>65,350.00</b>

## STATE MUSEUM

Salaries and Wages of Employees .....	20,900.00
Office Expense .....	1,000.00
Travel .....	200.00
Operations .....	750.00
Repairs and Replacements .....	500.00
Equipment .....	3,000.00
<b>Total .....</b>	<b>26,350.00</b>

## JOHN DICKINSON MANSION

Salaries and Wages of Employees .....	8,500.00
Office Expense .....	250.00
Operations .....	600.00
Repairs and Replacements .....	600.00

Equipment .....	1,000.00
Permanent Improvements .....	1,000.00
<b>Total .....</b>	<b>11,950.00</b>
<b>Total Public Archives Commission.....</b>	<b>103,650.00</b>
<b>PORTRAIT COMMISSION</b>	
Office Expense .....	50.00
Travel .....	25.00
Repairs and Replacements .....	125.00
Equipment .....	300.00
<b>Total .....</b>	<b>500.00</b>
<b>STATE PARK COMMISSION</b>	
<b>GENERAL OPERATIONS</b>	
Salary of Secretary .....	1,200.00
Office Expense .....	100.00
Travel .....	300.00
<b>Total .....</b>	<b>1,600.00</b>
<b>TRAP POND</b>	
Salary of Superintendent .....	4,200.00
Salaries of Life Guards (3) .....	1,600.00
Salaries and Wages of Employees .....	1,600.00
Office Expense .....	1,000.00
Travel .....	500.00
Operations .....	1,500.00
Repairs and Replacements .....	1,000.00
Equipment .....	2,000.00
<b>Total .....</b>	<b>13,400.00</b>
<b>BRANDYWINE SPRINGS PARK</b>	
Salary of Superintendent .....	6,000.00
Salaries and Wages of Employees .....	7,500.00
Office Expense .....	1,000.00
Travel .....	900.00
Operations .....	3,300.00
Repairs and Replacements .....	1,000.00
Equipment .....	1,700.00
<b>Total .....</b>	<b>21,400.00</b>

## FORT DELAWARE

Salary of Superintendent .....	4,200.00
Salaries and Wages of Employees .....	1,500.00
Office Expense .....	300.00
Travel .....	500.00
Operations .....	900.00
Repairs and Replacements .....	7,500.00

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Total .....	14,900.00
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Total State Park Commission .....	51,300.00
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## DELAWARE STATE DEVELOPMENT DEPARTMENT

Salary of Director .....	5,000.00
Salaries and Wages of Employees .....	15,650.00
Office Expense .....	5,000.00
Travel .....	4,000.00
Operations .....	18,500.00
Repairs and Replacements .....	500.00
Equipment .....	150.00

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Total .....	48,800.00
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## LEWES MEMORIAL COMMISSION

Salaries and Wages of Employees .....	6,150.00
Office Expense .....	250.00
Travel .....	100.00
Operations .....	900.00
Repairs and Replacements .....	600.00

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Totals .....	8,000.00
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## DELAWARE DAY COMMISSION

Operations .....	100.00
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Total .....	100.00
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## NEW CASTLE HISTORIC BUILDINGS COMMISSION

Salaries of Curators .....	3,600.00
Salaries and Wages of Employees .....	1,950.00
Office Expense .....	500.00
Operations .....	1,400.00
Repairs and Replacements .....	1,000.00

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Total .....	8,450.00
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## DELAWARE GEOLOGICAL COMMISSION

Salaries and Wages of Employees .....	12,500.00
Travel .....	500.00
Operations .....	14,000.00
Brandywine Sediment Station Gaging .....	2,250.00
River Master Program and Other Operations .....	15,000.00
Total .....	44,250.00

TOTAL MISCELLANEOUS ..... 441,720.00

## ROADS: MAINTENANCE, POLICE, ETC.

## STATE HIGHWAY DEPARTMENT

## ADMINISTRATION

Salary of Chief Engineer .....	12,500.00
Salary of Secretary .....	8,000.00
Salaries and Wages of Employees .....	42,000.00
Office Expense .....	7,800.00
Travel .....	500.00
Operations .....	5,500.00
Repairs and Replacements .....	1,500.00
Equipment .....	700.00
Total .....	78,500.00

## MOTOR VEHICLE DIVISION

Salaries and Wages of Employees .....	355,000.00
Office Expense .....	62,000.00
Travel .....	1,500.00
Operations .....	125,000.00
Repairs and Replacements .....	13,045.00
Equipment .....	1,300.00
Total .....	557,845.00

## SAFETY RESPONSIBILITY DIVISION

Salary of Director .....	5,500.00
Salaries and Wages of Employees .....	13,320.00
Office Expense .....	2,500.00
Travel .....	600.00
Repairs and Replacements .....	500.00
Total .....	22,420.00



## STATE POLICE DIVISION

Salaries and Wages of Employees .....	1,060,000.00
Office Expense .....	30,000.00
Travel .....	5,000.00
Operations .....	160,000.00
Repairs and Replacements .....	31,000.00
Equipment .....	50,000.00
Total .....	1,336,000.00

## MOTOR FUEL TAX DIVISION

Salaries and Wages of Employees .....	18,000.00
Office Expense .....	2,000.00
Travel .....	3,000.00
Operations .....	1,200.00
Repairs and Replacements .....	700.00
Equipment .....	250.00
Total .....	25,150.00

## STATE COMMUNICATIONS DIVISION

Salary of Administrator .....	7,200.00
Salaries and Wages of Employees .....	32,000.00
Office Expense .....	1,140.00
Travel .....	510.00
Operations .....	10,000.00
Repairs and Replacements .....	500.00
Equipment .....	1,500.00
Total .....	52,850.00

## MAINTENANCE DIVISION

Salaries and Wages of Employees .....	2,000,000.00
Office Expense .....	10,500.00
Operations .....	600,000.00
Repairs and Replacements .....	1,000,000.00
Equipment .....	100,000.00
Total .....	3,710,500.00

**CONSTRUCTION DIVISION**

Salaries and Wages of Employees .....	200,000.00
Operations .....	550,000.00
<b>Total .....</b>	<b>750,000.00</b>

**MOSQUITO CONTROL DIVISION**

Salaries and Wages of Employees .....	50,000.00
Office Expense .....	750.00
Operations .....	150,000.00
Repairs and Replacements .....	2,000.00
<b>Total .....</b>	<b>202,750.00</b>

<b>TOTAL ROADS: MAINTENANCE, POLICE, ETC. ....</b>	<b>6,736,015.00</b>
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**HEALTH****STATE BOARD OF HEALTH****ADMINISTRATION**

Salary of Executive Secretary .....	15,000.00
Salaries and Wages of Employees .....	350,000.00
Office Expense .....	24,000.00
Travel .....	12,500.00
Operations .....	18,500.00
Repairs and Replacements .....	20,000.00
Equipment .....	1,000.00
Basic Plumbing Principles .....	5,000.00
School Examination Fees .....	20,000.00
<b>Total .....</b>	<b>466,000.00</b>

**CRIPPLED CHILDREN**

Salaries and Wages of Employees .....	85,000.00
Travel .....	500.00
Operations .....	1,000.00
Equipment .....	100.00
<b>Total .....</b>	<b>86,600.00</b>

## CANCER CONTROL

Salaries and Wages of Employees .....	45,000.00
Office Expense .....	1,600.00
Travel .....	500.00
Operations .....	500.00
Repairs and Replacements .....	1,850.00
<b>Total .....</b>	<b>49,450.00</b>

## DIVISION OF OPTOMETRY

Operations .....	1,000.00
<b>Total .....</b>	<b>1,000.00</b>

## AIR POLLUTION

Salaries and Wages of Employees .....	10,800.00
Office Expense .....	3,000.00
Travel .....	600.00
Operations .....	800.00
Equipment .....	2,800.00
<b>Total .....</b>	<b>18,000.00</b>

## POLIOMYELITIS IMMUNIZATION

Operations .....	25,000.00
<b>Total .....</b>	<b>25,000.00</b>

<b>Total State Board of Health .....</b>	<b>646,050.00</b>
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## WATER POLLUTION COMMISSION

Salaries and Wages of Employees .....	45,000.00
Office Expense .....	4,800.00
Travel .....	2,000.00
Operations .....	1,350.00
Repairs and Replacements .....	2,000.00
Equipment .....	150.00
<b>Total .....</b>	<b>55,300.00</b>

<b>TOTAL HEALTH .....</b>	<b>701,350.00</b>
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**AGRICULTURE, FORESTRY, ETC.****STATE BOARD OF AGRICULTURE**

Salary of Director .....	7,500.00
Salaries and Wages of Employees .....	166,500.00
Office Expense .....	9,000.00
Travel .....	10,000.00
Operations .....	40,000.00
Repairs and Replacements .....	8,000.00
Equipment .....	2,500.00
News Letter .....	1,000.00
<b>Total .....</b>	<b>244,500.00</b>

**SOIL CONSERVATION COMMISSION**

Salaries and Wages of Employees .....	25,000.00
Office Expense .....	1,500.00
Travel .....	3,000.00
Operations .....	200.00
Equipment .....	300.00
<b>Total .....</b>	<b>30,000.00</b>

**STATE POULTRY COMMISSION**

Salary of Executive Secretary .....	2,000.00
Salaries and Wages of Employees .....	1,400.00
Office Expense .....	350.00
Travel .....	600.00
Operations .....	10,200.00
<b>Total .....</b>	<b>14,550.00</b>

<b>TOTAL AGRICULTURE .....</b>	<b>289,050.00</b>
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**STATE FORESTRY DEPARTMENT****ADMINISTRATION**

Salary of State Forester .....	3,600.00
Salaries and Wages of Employees .....	41,400.00
Office Expense .....	2,000.00
Travel .....	2,500.00
Operations .....	8,000.00
Repairs and Replacements .....	2,500.00
Equipment .....	100.00

Permanent Improvements—Redden Forest	3,000.00
Permanent Improvements—Blackbird .....	3,000.00
Total .....	66,100.00
SPECIAL FIRE PROTECTION AND EXTINCTION	
Salaries and Wages of Employees .....	11,000.00
Office Expense .....	1,000.00
Travel .....	300.00
Operations .....	500.00
Repairs and Replacements .....	1,200.00
Equipment .....	1,500.00
Total .....	15,500.00
Total State Forestry Department .....	81,600.00
DELAWARE GAME AND FISH COMMISSION	
Salary of Commissioners .....	900.00
Salary of Chief Warden .....	3,600.00
Salary of Game Technician .....	6,000.00
Salaries and Wages of Employees .....	35,920.00
Office Expense .....	4,500.00
Travel .....	2,000.00
Operations .....	15,000.00
Repairs and Replacements .....	3,000.00
Equipment .....	2,500.00
Moore's Lake Rearing Ponds .....	250.00
Total .....	73,670.00
YOUTH CENTER AT PETERSBURG	
Salaries and Wages of Employees .....	4,080.00
Office Expense .....	200.00
Operations .....	3,900.00
Repairs and Replacements .....	300.00
Total .....	8,480.00
Total Game and Fish Commission .....	82,150.00
TOTAL AGRICULTURE, FORESTRY, ETC. ....	452,800.00

**PUBLIC WELFARE****DEPARTMENT OF PUBLIC WELFARE**

Salary of Director .....	6,000.00
Salaries and Wages of Employees .....	316,000.00
Office Expense .....	37,000.00
Travel .....	8,000.00
Repairs and Replacements .....	12,000.00
Equipment .....	3,000.00
O. A. A.—Grants .....	286,000.00
Aid to Disabled—Grants .....	100,000.00
Aid to Dependent Children—Grants .....	200,000.00
Direct Care—Child Welfare Service .....	350,000.00
Reimbursement to Counties .....	400,000.00

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Total ..... 1,718,000.00

**DELAWARE COMMISSION FOR THE BLIND**

Salary of Director .....	5,000.00
Salaries and Wages of Employees .....	52,500.00
Office Expense .....	2,000.00
Travel .....	3,000.00
Operations .....	29,000.00
Repairs and Replacements .....	6,500.00
Materials .....	10,000.00
Assistance Grants .....	95,000.00
Benefits—Education .....	49,100.00

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Total ..... 252,100.00

**STATE WELFARE HOME**

Reimbursement to Counties .....	350,000.00
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Total ..... 350,000.00

**DELAWARE STATE HOSPITAL**

Salary of Superintendent .....	12,500.00
Salaries and Wages of Employees .....	1,216,000.00
Office Expense .....	24,000.00
Travel .....	6,700.00
Operations .....	400,000.00
Repairs and Replacements .....	50,000.00
Equipment .....	6,500.00

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Total ..... 1,715,700.00

## DAYTIME CARE CENTERS

Salaries and Wages of Employees .....	30,000.00
Office Expense .....	8,000.00
Travel .....	3,000.00
Operations .....	5,000.00
Repairs and Replacements .....	1,000.00
Equipment .....	1,000.00
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Total .....	48,000.00

## MENTAL HYGIENE CLINICS

Salaries and Wages of Employees .....	70,800.00
Office Expense .....	1,900.00
Travel .....	1,500.00
Operations .....	2,500.00
Repairs and Replacements .....	1,500.00
Equipment .....	1,300.00
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Total .....	79,500.00

## GOVERNOR BACON HEALTH CENTER

Salary of Superintendent .....	5,000.00
Salaries and Wages of Employees .....	523,000.00
Salaries—Handicapped Children .....	70,000.00
Office Expense .....	11,000.00
Travel .....	3,000.00
Operations .....	160,000.00
Repairs and Replacements .....	23,000.00
Handicapped Children—Other Costs .....	7,000.00
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Total .....	802,000.00

## HOSPITAL FOR MENTALLY RETARDED

Salaries and Wages of Employees .....	515,000.00
Salaries—Handicapped Children .....	10,000.00
Office Expense .....	9,500.00
Travel .....	3,000.00
Operations .....	185,000.00
Repairs and Replacements .....	60,000.00

Equipment .....	4,000.00
Other Costs—Handicapped Children .....	1,950.00

Total .....	788,450.00
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Total Delaware State Hospital .....	3,433,650.00
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## STATE BOARD OF CORRECTIONS

Salaries of Board Members .....	840.00
Salary of Director .....	12,000.00
Salaries and Wages of Employees .....	580,000.00
Office Expense .....	15,000.00
Travel .....	11,000.00
Operations .....	240,000.00
Repairs and Replacements .....	30,000.00
Equipment .....	4,000.00

Total .....	892,840.00
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## EMILY P. BISSELL SANATORIUM

Salary of Superintendent .....	12,000.00
Salaries and Wages of Employees .....	438,000.00
Office Expense .....	10,000.00
Travel .....	2,000.00
Operations .....	230,000.00
Repairs and Replacements .....	25,000.00
Equipment .....	8,500.00

Total .....	725,500.00
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## YOUTH SERVICES COMMISSION

## ADMINISTRATION

Salary of Director .....	10,500.00
Salaries and Wages of Employees .....	9,000.00
Office Expense .....	3,700.00
Travel .....	2,500.00
Operations .....	1,280.00
Repairs and Replacements .....	150.00
Equipment .....	500.00

Total .....	27,630.00
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**FERRIS SCHOOL FOR BOYS**

Salary of Superintendent .....	7,500.00
Salaries and Wages of Employees .....	112,500.00
Office Expense .....	3,000.00
Travel .....	4,600.00
Operations .....	70,000.00
Repairs and Replacements .....	15,000.00
Equipment .....	2,000.00

Total .....	214,600.00
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**BRIDGE HOUSE (Detention Home for Juveniles)**

Salary of Superintendent .....	4,000.00
Salaries and Wages of Employees .....	20,600.00
Office Expense .....	1,225.00
Travel .....	300.00
Operations .....	15,000.00
Repairs and Replacements .....	725.00
Equipment .....	500.00

Total .....	42,350.00
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**KRUSE SCHOOL**

Salary of Superintendent .....	6,500.00
Salaries and Wages of Employees .....	38,500.00
Office Expense .....	2,000.00
Travel .....	1,000.00
Operations .....	29,000.00
Repairs and Replacements .....	6,000.00
Equipment .....	100.00

Total .....	83,100.00
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Total Youth Services Commission .....	367,680.00
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TOTAL PUBLIC WELFARE .....	7,739,770.00
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**GRANTS-IN-AID****PENINSULA HORTICULTURAL SOCIETY**

Office Expense .....	900.00
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Total .....	900.00
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**CROP IMPROVEMENT ASSOCIATION**

Operations .....	450.00
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Total .....	450.00
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**VARIOUS MUNICIPALITIES**

Street Improvement Aid Funds .....	1,200,000.00
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Total .....	1,200,000.00
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<b>TOTAL AGENCIES, GRANTS-IN-AID, ETC. ....</b>	<b>37,113,599.00</b>
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**EDUCATION****HIGHER EDUCATION****UNIVERSITY OF DELAWARE**

Salaries and Wages of Employees .....	2,492,793.00
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Office Expense .....	40,000.00
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Travel .....	17,025.00
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Operations .....	273,280.00
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Repairs and Replacements .....	50,000.00
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Equipment .....	80,450.00
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Permanent Improvements .....	7,000.00
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Scholarships .....	47,500.00
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Total .....	3,008,048.00
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**DELAWARE STATE COLLEGE**

Salaries and Wages of Employees .....	240,000.00
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Office Expense .....	10,000.00
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Travel .....	2,000.00
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Operations .....	75,000.00
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Repairs and Replacements .....	30,000.00
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Equipment .....	18,000.00
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Scholarships .....	25,000.00
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Total .....	400,000.00
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Total Higher Education .....	3,408,048.00
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STATE BOARD OF EDUCATION, VOCATIONAL  
EDUCATION, AND REHABILITATION DIVISION

Division I—SALARIES

A. Salary of Superintendent .....	16,000.00
B. Assistant Superintendents	
1. Business Administration .....	11,900.00
2. Secondary Education .....	11,600.00
3. Elementary Education .....	11,900.00
C. Directors	
1. Research .....	10,500.00
2. Vocational Education .....	5,000.00
3. Child Development and Guidance ....	10,980.00
4. Trades and Industries .....	5,905.00
D. Supervisors	
1. Art .....	9,600.00
2. Music .....	9,600.00
3. Physical Education and Driver Education .....	9,600.00
4. Certification .....	9,600.00
5. Adult Education and Service Bureau for Foreign Born .....	9,600.00
6. School Lunch .....	9,000.00
7. Agriculture .....	4,800.00
8. Home Economics .....	4,800.00
9. Special Classes .....	9,600.00
10. Transportation .....	8,920.00
11. Rural Education—1, 2 and 3 Teacher Schools .....	9,600.00
12. Foreman Training .....	4,650.00
13. Teacher Training—Trades and Industry .....	4,800.00
14. Apprentice Training .....	4,800.00
15. Maintenance and Plant Operation	5,000.00
E. Principals .....	None
F. Administrative Assistants .....	None
G. Vice-Principals .....	None
TOTAL ADMINSTRATIVE SALARIES A TO G .....	197,755.00

**H. Teachers**

1. Driver Education .....	113,100.00
2. Visiting Teachers or Social Workers .....	26,800.00
3. Homebound .....	25,000.00
4. A. I. DuPont Institute .....	4,500.00
5. Art .....	6,300.00
6. Music .....	6,300.00
7. Physical Education .....	6,300.00
8. Adult Education .....	4,750.00
9. Psychologists .....	46,000.00
10. Speech and Hearing Therapists ....	34,110.00

**I. Clerical**

1. Secretaries .....	130,000.00
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J. Janitorial .....	None
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K. Health .....	None
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L. Cafeteria .....	None
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<b>TOTAL ITEMS A TO L .....</b>	<b>600,915.00</b>
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Salary—State Board Members .....	2,700.00
Office Expense .....	60,000.00
Fire Insurance for Schools .....	57,000.00
Legal Fees .....	25,000.00
Travel .....	20,000.00
Transportation of Pupils .....	1,300,000.00
Operations, Rehabilitation .....	95,000.00
All Expenses—J. G. Leach School .....	65,000.00
Equipment .....	5,000.00
Vocational Training .....	21,000.00
Deaf .....	47,000.00

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<b>TOTAL STATE BOARD OF EDUCA- TION, VOCATIONAL EDUCATION, AND REHABILITATION .....</b>	<b>2,298,615.00</b>
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PUBLIC SCHOOLS  
SPECIAL SCHOOL DISTRICTS

CAESAR RODNEY

Division I—SALARIES

A. Chief School Officer .....	11,040.00
B. Assistant Superintendents .....	None
C. Directors .....	None
D. Supervisors with Program .....	None
Supervisors without Program .....	None
E. Principals .....	17,560.00
F. Administrative Assistants .....	8,680.00

Total Administrative Salaries

A. to F. Inclusive ..... 37,280.00

H. Teachers .....	451,842.00
I. Clerical .....	19,620.00
J. Janitorial .....	38,750.00
K. Health .....	10,300.00
L. Cafeteria .....	4,750.00

Division II—OTHER COSTS

A. 99 units at \$650.00 each .....	64,350.00
B. Capital Outlay, 99 units at \$100.00 .....	9,900.00

Total ..... 636,792.00

CLAYMONT

Division I—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals .....	30,600.00
F. Administrative Assistants .....	9,080.00

Total Administrative Salaries

A. to G. Inclusive ..... 50,240.00

H. Teachers .....	436,700.00
I. Clerical .....	17,820.00
J. Janitorial .....	58,450.00
K. Health .....	11,900.00
L. Cafeteria .....	7,500.00

## Division II—OTHER COSTS

A. 89 units at \$650.00 each .....	57,850.00
B. Capital Outlay 89 units at \$100.00 .....	8,900.00

Total .....	649,360.00
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## DOVER

## Division I—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals .....	46,400.00
F. Administrative Assistants .....	9,080.00

## Total Administrative Salaries

A. to G. Inclusive .....	66,040.00
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H. Teachers .....	647,605.00
I. Clerical .....	22,020.00
J. Janitorial .....	75,150.00
K. Health .....	11,800.00
L. Cafeteria .....	14,100.00

## Division II—OTHER COSTS

A. 130 units at \$650.00 each .....	84,500.00
B. Capital Outlay 130 units at \$100.00 .....	13,000.00

Total .....	934,215.00
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## ALEXIS I. DU PONT

## Division I—SALARIES

A. Chief School Officer .....	10,540.00
E. Principals .....	16,210.00
G. Vice-Principals .....	6,300.00

## Total Administrative Salaries

A. to G. Inclusive .....	33,050.00
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H. Teachers .....	274,530.00
I. Clerical .....	12,070.00
J. Janitorial .....	39,400.00
K. Health .....	6,900.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 55 units at \$650.00 each .....	35,750.00
B. Capital Outlay 55 units at \$100.00 .....	5,500.00

Total .....	410,400.00
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## GEORGETOWN

## Division I—SALARIES

A. Chief School Officer .....	9,580.00
E. Principals .....	15,800.00

## Total Administrative Salaries

A. to G. Inclusive .....	25,380.00
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H. Teachers .....	274,340.00
I. Clerical .....	14,496.00
J. Janitorial .....	37,220.00
K. Health .....	7,200.00
L. Cafeteria .....	3,500.00

## Division II—OTHER COSTS

A. 56 units at \$650.00 each .....	36,400.00
B. Capital Outlay 56 units at \$100.00 .....	5,600.00

Total .....	404,136.00
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## HARRINGTON

## Division I—SALARIES

A. Chief School Officer .....	10,060.00
E. Principals .....	14,180.00

## Total Administrative Salaries

A. to G. Inclusive .....	24,240.00
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H. Teachers .....	220,950.00
I. Clerical .....	11,250.00
J. Janitorial .....	28,800.00
K. Health .....	6,500.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 43 units at \$650.00 each .....	27,950.00
B. Capital Outlay 43 units at \$100.00 .....	4,300.00

Total .....	327,190.00
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## LAUREL

## Division I—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals .....	23,450.00
F. Administrative Assistants .....	9,080.00

## Total Administrative Salaries

A. to G. Inclusive .....	43,090.00
H. Teachers .....	412,260.00
I. Clerical .....	16,980.00
J. Janitorial .....	57,900.00
K. Health .....	8,100.00
L. Cafeteria .....	5,350.00

## Division II—OTHER COSTS

A. 82 units at \$650.00 each .....	53,300.00
B. Capital Outlay 82 units at \$100.00 .....	8,200.00

Total .....	605,180.00
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## LEWES

## Division I—SALARIES

A. Chief School Officer .....	10,540.00
E. Principals .....	5,900.00
G. Vice-Principals .....	17,520.00

## Total Administrative Salaries

A. to G. Inclusive .....	33,960.00
H. Teachers .....	238,430.00
I. Clerical .....	10,480.00
J. Janitorial .....	44,624.00
K. Health .....	6,500.00
L. Cafeteria .....	5,950.00

## Division II—OTHER COSTS

A. 49 units at \$650.00 each .....	31,850.00
B. Capital Outlay 49 units at \$100.00 .....	4,900.00

Total .....	376,694.00
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## MILFORD

## Division I—SALARIES

A. Chief School Officer .....	10,080.00
E. Principals .....	30,070.00
F. Administrative Assistants .....	9,080.00

## Total Administrative Salaries

A. to G. Inclusive .....	49,230.00
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H. Teachers .....	488,170.00
I. Clerical .....	19,560.00
J. Janitorial .....	60,550.00
K. Health .....	12,700.00
L. Cafeteria .....	5,500.00

## Division II—OTHER COSTS

A. 104 units at \$650.00 each .....	67,600.00
B. Capital Outlay 104 units at \$100.00 .....	10,400.00

Total .....	713,710.00
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## MOUNT PLEASANT

## Division I—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals .....	51,320.00
F. Administrative Assistants .....	9,560.00
G. Vice-Principals .....	12,200.00

## Total Administrative Salaries

A. to G. Inclusive .....	83,640.00
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H. Teachers .....	844,945.00
I. Clerical .....	28,580.00
J. Janitorial .....	105,313.00
K. Health .....	20,100.00
L. Cafeteria .....	16,650.00

## Division II—OTHER COSTS

A. 169 units at \$650.00 each .....	109,850.00
B. Capital Outlay 169 units at \$100.00 .....	16,900.00

Total .....	1,225,978.00
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## NEW CASTLE

## Division I—SALARIES

A. Chief School Officer .....	10,080.00
E. Principals .....	50,020.00
F. Administrative Assistants .....	9,080.00
G. Vice-Principals .....	6,300.00

## Total Administrative Salaries

A. to G. Inclusive .....	75,480.00
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H. Teachers .....	722,055.00
I. Clerical .....	25,260.00
J. Janitorial .....	90,400.00
K. Health .....	13,000.00
L. Cafeteria .....	20,050.00

## Division II—OTHER COSTS

A. 153 units at \$650.00 each .....	99,450.00
B. Capital Outlay 153 units at \$100.00 .....	15,300.00

Total .....	1,060,995.00
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## NEWARK

## Division I—SALARIES

A. Chief School Officer .....	10,080.00
E. Principals .....	75,750.00
F. Administrative Assistants .....	9,560.00
G. Vice-Principals .....	5,600.00

## Total Administrative Salaries

A. to G. Inclusive .....	100,990.00
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H. Teachers .....	1,097,130.00
I. Clerical .....	29,620.00
J. Janitorial .....	135,500.00
K. Health .....	30,500.00
L. Cafeterria .....	23,750.00

## Division II—OTHER COSTS

A. 228 units at \$650.00 each .....	148,200.00
B. Capital Outlay 228 units at \$100.00 .....	22,800.00

Total .....	1,588,490.00
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## REHOBOTH

## Division I—SALARIES

A. Chief School Officer .....	9,540.00
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 Total Administrative Salaries

A. to G. Inclusive .....	9,540.00
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H. Teachers .....	113,450.00
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I. Clerical .....	5,100.00
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J. Janitorial .....	18,600.00
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K. Health .....	5,000.00
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L. Cafeteria .....	3,200.00
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## Division II—OTHER COSTS

A. 20 units at \$650.00 each .....	13,000.00
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B. Capital Outlay 20 units at \$100.00 .....	2,000.00
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Total .....	169,890.00
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## SEAFORD

## Division I—SALARIES

A. Chief School Officer .....	11,040.00
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E. Principals .....	39,200.00
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F. Administrative Assistants .....	8,760.00
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 Total Administrative Salaries

A. to G. Inclusive .....	59,000.00
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H. Teachers .....	513,560.00
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I. Clerical .....	19,620.00
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J. Janitorial .....	76,450.00
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K. Health .....	13,300.00
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L. Cafeteria .....	11,800.00
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## Division II—OTHER COSTS

A. 109 units at \$650.00 each .....	70,850.00
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B. Capital Outlay 109 units at \$100.00 .....	10,900.00
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Total .....	775,480.00
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## SMYRNA

## Division I—SALARIES

A. Chief School Officer .....	9,490.00
E. Principals .....	16,560.00

## Total Administrative Salaries

A. to G. Inclusive .....	26,050.00
H. Teachers .....	309,370.00
I. Clerical .....	14,320.00
J. Janitorial .....	33,550.00
K. Health .....	8,300.00
L. Cafeteria .....	8,250.00

## Division II—OTHER COSTS

A. 62 units at \$650.00 each .....	40,300.00
B. Capital Outlay 62 units at \$100.00 .....	6,200.00

Total .....	446,340.00
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## TOTAL SPECIAL SCHOOL

DISTRICTS .....	10,324,850.00
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## LOCAL SCHOOL DISTRICTS

## ARDEN NO. 3

## Division I—SALARIES

H. Teachers .....	20,100.00
I. Clerical .....	800.00
J. Janitorial .....	2,000.00
K. Health .....	800.00

## Division II—OTHER COSTS

A. 4 units at \$650.00 each .....	2,600.00
B. Capital Outlay 4 units at \$100.00 .....	400.00

Total .....	26,700.00
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## GUNNING BEDFORD JR. NO. 53

## Division I—SALARIES

A. Chief School Officer .....	9,560.00
E. Principals .....	8,040.00

## Total Administrative Salaries

A. to G. Inclusive .....	17,600.00
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H. Teachers .....	151,420.00
I. Clerical .....	10,620.00
J. Janitorial .....	16,750.00
K. Health .....	3,000.00
L. Cafeteria .....	4,750.00

## Division II—OTHER COSTS

A. 32 units at \$650.00 each .....	20,800.00
B. Capital Outlay 32 units at \$100.00 .....	3,200.00

Total .....	228,140.00
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## CHRISTIANA NO. 44

## Division I—SALARIES

H. Teachers .....	44,650.00
I. Clerical .....	2,200.00
J. Janitorial .....	6,950.00
K. Health .....	2,200.00
L. Cafeteria .....	2,300.00

## Division II—OTHER COSTS

A. 10 units at \$650.00 each .....	6,500.00
B. Capital Outlay 10 units at \$100.00 .....	1,000.00

Total .....	65,800.00
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## HENRY C. CONRAD NO. 131

## Division I—SALARIES

A. Chief School Officer .....	9,180.00
G. Vice-Principals .....	8,580.00

## Total Administrative Salaries

A. to G. Inclusive .....	17,760.00
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H. Teachers .....	310,000.00
I. Clerical .....	10,545.00
J. Janitorial .....	23,644.00
K. Health .....	7,400.00
L. Cafeteria .....	3,100.00

## Division II—OTHER COSTS

A. 61 units at \$650.00 each .....	39,650.00
B. Capital Outlay 61 units at \$100.00 .....	6,100.00

Total .....	418,199.00
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## ALFRED I. DU PONT NO. 7

## Division I—SALARIES

A. Chief School Officer .....	10,840.00
E. Principals .....	42,420.00
F. Administrative Assistants .....	7,500.00
G. Vice-Principals .....	11,200.00

## Total Administrative Salaries

A. to G. Inclusive .....	71,960.00
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H. Teachers .....	574,710.00
I. Clerical .....	22,440.00
J. Janitorial .....	112,750.00
K. Health .....	14,400.00
L. Cafeteria .....	10,700.00

## Division II—OTHER COSTS

A. 123 units at \$650.00 each .....	79,950.00
B. Capital Outlay 123 units at \$100.00 .....	12,300.00

Total .....	899,210.00
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## MARSHALLTON NO. 77

## Division I—SALARIES

A. Chief School Officer .....	11,040.00
E. Principals .....	25,560.00

## Total Administrative Salaries

A. to G. Inclusive .....	36,600.00
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H. Teachers .....	330,175.00
I. Clerical .....	13,140.00
J. Janitorial .....	40,500.00
K. Health .....	8,500.00
L. Cafeteria .....	10,500.00

## Division II—OTHER COSTS

A. 72 units at \$650.00 each .....	46,800.00
B. Capital Outlay 72 units at \$100.00 .....	7,200.00

Total .....	493,415.00
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## MIDDLETOWN NO. 60

## Division I—SALARIES

A. Chief School Officer .....	9,580.00
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 Total Administrative Salaries

A. to G. Inclusive .....	9,580.00
H. Teachers .....	218,350.00
I. Clerical .....	9,960.00
J. Janitorial .....	19,450.00
K. Health .....	5,100.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 41 units at \$650.00 each .....	26,650.00
B. Capital Outlay 41 units at \$100.00 .....	4,100.00

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Total .....	296,390.00
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## NEWPORT NO. 21

## Division I—SALARIES

A. Chief School Officer .....	9,580.00
E. Principals .....	17,440.00

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 Total Administrative Salaries

A. to G. Inclusive .....	27,020.00
H. Teachers .....	241,250.00
I. Clerical .....	13,500.00
J. Janitorial .....	28,800.00
K. Health .....	6,700.00
L. Cafeteria .....	2,450.00

## Division II—OTHER COSTS

A. 52 units at \$650.00 each .....	33,800.00
B. Capital Outlay 52 units at \$100.00 .....	5,200.00

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Total .....	358,720.00
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## OAK GROVE NO. 130

## Division I—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals .....	24,100.00

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 Total Administrative Salaries

A. to G. Inclusive .....	34,660.00
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H. Teachers .....	325,950.00
I. Clerical .....	13,780.00
J. Janitorial .....	36,950.00
K. Health .....	8,100.00
L. Cafeteria .....	5,800.00

## Division II—OTHER COSTS

A. 69 units at \$650.00 each .....	44,850.00
B. Capital Outlay 69 units at \$100.00 .....	6,900.00

Total .....	476,990.00
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## ODESSA NO. 61

## Division I—SALARIES

H. Teachers .....	24,000.00
I. Clerical .....	1,000.00
J. Janitorial .....	3,500.00
K. Health .....	1,200.00

## Division II—OTHER COSTS

A. 5 units at \$650.00 each .....	3,250.00
B. Capital Outlay 5 units at \$100.00 .....	500.00

Total .....	33,450.00
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## RICHARDSON PARK NO. 20

## Division I—SALARIES

A. Chief School Officer .....	9,580.00
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## Total Administrative Salaries

A. to G. Inclusive .....	9,580.00
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H. Teachers .....	224,650.00
I. Clerical .....	7,150.00
J. Janitorial .....	19,960.00
K. Health .....	6,900.00
L. Cafeteria .....	3,000.00

## Division II—OTHER COSTS

A. 44 units at \$650.00 each .....	28,600.00
B. Capital Outlay 44 units at \$100.00 .....	4,400.00

Total .....	304,240.00
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## ROSE HILL-MINQUADALE NO. 47

## Division I—SALARIES

A. Chief School Officer .....	11,040.00
E. Principals .....	32,620.00
F. Administrative Assistants .....	9,560.00

## Total Administrative Salaries

A. to G. Inclusive .....	53,220.00
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H. Teachers .....	462,445.00
I. Clerical .....	19,500.00
J. Janitorial .....	51,050.00
K. Health .....	12,400.00
L. Cafeteria .....	9,870.00

## Division II—OTHER COSTS

A. 99 units at \$650.00 each .....	64,350.00
B. Capital Outlay 99 units at \$100.00 .....	9,900.00

Total .....	682,735.00
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## STANTON NO. 38

## Division I—SALARIES

A. Chief School Officer .....	8,600.00
E. Principals .....	8,960.00

## Total Administrative Salaries

A. to G. Inclusive .....	17,560.00
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H. Teachers .....	166,100.00
I. Clerical .....	7,910.00
J. Janitorial .....	14,950.00
K. Health .....	6,850.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 39 units at \$650.00 each .....	25,350.00
B. Capital Outlay 39 units at \$100.00 .....	3,900.00

Total .....	245,820.00
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## TOWNSEND NO. 81

## Division I—SALARIES

A. Chief School Officer .....	8,580.00
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 Total Administrative Salaries

A. to G. Inclusive .....	8,580.00
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H. Teachers .....	64,700.00
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I. Clerical .....	2,760.00
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J. Janitorial .....	6,650.00
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K. Health .....	2,000.00
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L. Cafeteria .....	2,785.00
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## Division II—OTHER COSTS

A. 13 units at \$650.00 each .....	8,450.00
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B. Capital Outlay 13 units at \$100.00 .....	1,300.00
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Total .....	97,225.00
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## YORKLYN NO. 91

## Division I—SALARIES

H. Teachers .....	23,300.00
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I. Clerical .....	800.00
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J. Janitorial .....	3,600.00
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K. Health .....	800.00
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## Division II—OTHER COSTS

A. 4 units at \$650.00 each .....	2,600.00
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B. Capital Outlay 4 units at \$100.00 .....	400.00
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Total .....	31,500.00
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## MIDDLETOWN NO. 120

## Division I—SALARIES

A. Chief School Officer .....	10,040.00
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 Total Administrative Salaries

A. to G. Inclusive .....	10,040.00
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H. Teachers .....	141,480.00
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I. Clerical .....	7,090.00
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J. Janitorial .....	19,550.00
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K. Health .....	5,500.00
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L. Cafeteria .....	3,800.00
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## Division II—OTHER COSTS

A. 29 units at \$650.00 each .....	18,850.00
B. Capital Outlay 29 units at \$100.00 .....	2,900.00
Total .....	209,210.00

## MILLSIDE NO. 132

A. Chief School Officer .....	9,080.00
E. Principals .....	7,776.00

## Total Administrative Salaries

A. to G. Inclusive .....	16,856.00
H. Teachers .....	150,854.00
I. Clerical .....	5,760.00
J. Janitorial .....	17,300.00
K. Health .....	4,800.00
L. Cafeteria .....	2,450.00

## Division II—OTHER COSTS

A. 30 units at \$650.00 each .....	19,500.00
B. Capital Outlay 30 units at \$100.00 .....	3,000.00
Total .....	220,520.00

## NEWPORT NO. 106

## Division I—SALARIES

A. Chief School Officer .....	8,580.00
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## Total Administrative Salaries

A. to G. Inclusive .....	8,580.00
H. Teachers .....	97,150.00
I. Clerical .....	2,760.00
J. Janitorial .....	9,200.00
K. Health .....	3,000.00
L. Cafeteria .....	1,900.00

## Division II—OTHER COSTS

A. 18 units at \$650.00 each .....	11,700.00
B. Capital Outlay 18 units at \$100.00 .....	1,800.00
Total .....	136,090.00

## CLAYTON NO. 119

## Division I—SALARIES

A. Chief School Officer .....	7,780.00
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 Total Administrative Salaries

A. to G. Inclusive .....	7,780.00
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H. Teachers .....	70,392.00
I. Clerical .....	2,350.00
J. Janitorial .....	7,500.00
K. Health .....	1,600.00
L. Cafeteria .....	2,900.00

## Division II—OTHER COSTS

A. 14 units at \$650.00 each .....	9,100.00
B. Capital Outlay 14 units at \$100.00 .....	1,400.00

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Total .....	103,022.00
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## FELTON NO. 54

## Division I—SALARIES

A. Chief School Officer .....	9,560.00
E. Principals .....	6,780.00

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 Total Administrative Salaries

A. to G. Inclusive .....	16,340.00
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H. Teachers .....	123,660.00
I. Clerical .....	7,795.00
J. Janitorial .....	15,975.00
K. Health .....	3,200.00
L. Cafeteria .....	3,050.00

## Division II—OTHER COSTS

A. 26 units at \$650.00 each .....	16,900.00
B. Capital Outlay 26 units at \$100.00 .....	2,600.00

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Total .....	189,520.00
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## FREDERICA NO. 32

## Division I—SALARIES

H. Teachers .....	50,400.00
I. Clerical .....	1,900.00
J. Janitorial .....	3,900.00
K. Health .....	1,900.00
L. Cafeteria .....	2,300.00

## Division II—OTHER COSTS

A. 10 units at \$650.00 each .....	6,500.00
B. Capital Outlay 10 units at \$100.00 .....	1,000.00

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Total ..... 67,900.00

## HARTLY NO. 96

## Division I—SALARIES

H. Teachers .....	45,650.00
I. Clerical .....	1,800.00
J. Janitorial .....	3,600.00
K. Health .....	1,800.00
L. Cafeteria .....	2,300.00

## Division II—OTHER COSTS

A. 9 units at \$650.00 each .....	5,850.00
B. Capital Outlay 9 units at \$100.00 .....	900.00

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Total ..... 61,900.00

## HOUSTON NO. 125

## Division I—SALARIES

H. Teachers .....	28,800.00
I. Clerical .....	1,200.00
J. Janitorial .....	3,000.00
K. Health .....	1,200.00
L. Cafeteria .....	1,950.00

## Division II—OTHER COSTS

A. 6 units at \$650.00 each .....	3,900.00
B. Capital Outlay 6 units at \$100.00 .....	600.00

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Total ..... 40,650.00

## MAGNOLIA NO. 50

## Division I—SALARIES

H. Teachers .....	18,600.00
I. Clerical .....	800.00
J. Janitorial .....	3,900.00
K. Health .....	800.00

## Division II—OTHER COSTS

A. 4 units at \$650.00 each .....	2,600.00
B. Capital Outlay 4 units at \$100.00 .....	400.00

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Total ..... 27,100.00

## WILLIAM W. M. HENRY NO. 133

## Division I—SALARIES

A. Chief School Officer .....	8,960.00
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 Total Administrative Salaries

A. to G. Inclusive .....	8,960.00
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H. Teachers .....	123,320.00
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I. Clerical .....	2,145.00
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J. Janitorial .....	20,750.00
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K. Health .....	4,000.00
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L. Cafeteria .....	5,000.00
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## Division II—OTHER COSTS

A. 24 units at \$650.00 each .....	15,600.00
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B. Capital Outlay 24 units at \$100.00 .....	2,400.00
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Total .....	182,175.00
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## BRIDGEVILLE NO. 90

## Division I—SALARIES

A. Chief School Officer .....	9,440.00
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 Total Administrative Salaries

A. to G. Inclusive .....	9,440.00
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H. Teachers .....	161,250.00
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I. Clerical .....	7,700.00
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J. Janitorial .....	20,875.00
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K. Health .....	4,900.00
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L. Cafeteria .....	3,050.00
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## Division II—OTHER COSTS

A. 30 units at \$650.00 each .....	19,500.00
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B. Capital Outlay 30 units at \$100.00 .....	3,000.00
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Total .....	229,715.00
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## BLADES NO. 172

## Division I—SALARIES

H. Teachers .....	22,050.00
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I. Clerical .....	800.00
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J. Janitorial .....	3,900.00
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K. Health .....	800.00
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L. Cafeteria .....	2,500.00
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## Division II—OTHER COSTS

A. 4 units at \$650.00 each .....	2,600.00
B. Capital Outlay 4 units at \$100.00 .....	400.00
Total .....	33,050.00

## JOHN M. CLAYTON NO. 97

## Division I—SALARIES

A. Chief School Officer .....	9,080.00
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## Total Administrative Salaries

A. to G. Inclusive .....	9,080.00
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H. Teachers .....	130,230.00
I. Clerical .....	7,380.00
J. Janitorial .....	20,750.00
K. Health .....	3,800.00
L. Cafeteria .....	2,600.00

## Division II—OTHER COSTS

A. 25 units at \$650.00 each .....	16,250.00
B. Capital Outlay 25 units at \$100.00 .....	2,500.00
Total .....	192,590.00

## DELMAR NO. 163

## Division I—SALARIES

A. Chief School Officer .....	9,060.00
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## Total Administrative Salaries

A. to G. Inclusive .....	9,060.00
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H. Teachers .....	116,800.00
I. Clerical .....	7,680.00
J. Janitorial .....	16,800.00
K. Health .....	5,500.00
L. Cafeteria .....	2,450.00

## Division II—OTHER COSTS

A. 22 units at \$650.00 each .....	14,300.00
B. Capital Outlay 22 units at \$100.00 .....	2,200.00
Total .....	174,790.00

## ELLENDALE NO. 125

## Division I—SALARIES

H. Teachers .....	34,300.00
I. Clerical .....	1,200.00
J. Janitorial .....	3,200.00
K. Health .....	1,200.00
L. Cafeteria .....	2,450.00

## Division II—OTHER COSTS

A. 6 units at \$650.00 each .....	3,900.00
B. Capital Outlay 6 units at \$100.00 .....	600.00

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Total ..... 46,850.00

## GREENWOOD NO. 91

## Division I—SALARIES

A. Chief School Officer .....	8,410.00
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## Total Administrative Salaries

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A. to G. Inclusive ..... 8,410.00

H. Teachers .....	116,200.00
I. Clerical .....	7,440.00
J. Janitorial .....	16,600.00
K. Health .....	4,900.00
L. Cafeteria .....	3,050.00

## Division II—OTHER COSTS

A. 23 units at \$650.00 each .....	14,950.00
B. Capital Outlay 23 units at \$100.00 .....	2,300.00

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Total ..... 173,850.00

## GUMBORO NO. 37

## Division I—SALARIES

H. Teachers .....	23,500.00
I. Clerical .....	1,000.00
J. Janitorial .....	2,800.00
K. Health .....	1,000.00
L. Cafeteria .....	2,300.00

## Division II—OTHER COSTS

A. 5 units at \$650.00 each .....	3,250.00
B. Capital Outlay 5 units at \$100.00 .....	500.00

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Total ..... 34,350.00



## LINCOLN NO. 3

## Division I—SALARIES

H. Teachers .....	32,600.00
I. Clerical .....	1,200.00
J. Janitorial .....	3,600.00
K. Health .....	1,200.00
L. Cafeteria .....	2,150.00

## Division II—OTHER COSTS

A. 6 units at \$650.00 each .....	3,900.00
B. Capital Outlay 6 units at \$100.00 .....	600.00

Total .....	45,250.00
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## LORD BALTIMORE NO. 28

## Division I—SALARIES

A. Chief School Officer .....	8,580.00
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## Total Administrative Salaries

A. to G. Inclusive .....	8,580.00
H. Teachers .....	117,780.00
I. Clerical .....	7,740.00
J. Janitorial .....	16,100.00
K. Health .....	5,100.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 22 units at \$650.00 each .....	14,300.00
B. Capital Outlay 22 units at \$100.00 .....	2,200.00

Total .....	175,000.00
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## MILLSBORO NO. 23

## Division I—SALARIES

A. Chief School Officer .....	8,480.00
E. Principals .....	5,600.00

## Total Administrative Salaries

A. to G. Inclusive .....	14,080.00
H. Teachers .....	161,560.00
I. Clerical .....	9,030.00
J. Janitorial .....	21,500.00
K. Health .....	4,900.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 32 units at \$650.00 each .....	20,800.00
B. Capital Outlay 32 units at \$100.00 .....	3,200.00
Total .....	238,270.00

## MILTON NO. 8

## Division I—SALARIES

A. Chief School Officer .....	8,280.00
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## Total Administrative Salaries

A. to G. Inclusive .....	8,280.00
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H. Teachers .....	140,710.00
I. Clerical .....	7,880.00
J. Janitorial .....	15,050.00
K. Health .....	5,100.00
L. Cafeteria .....	2,600.00

## Division II—OTHER COSTS

A. 27 units at \$650.00 each .....	17,550.00
B. Capital Outlay 27 units at \$100.00 .....	2,700.00
Total .....	199,870.00

## SELBYVILLE NO. 32

## Division I—SALARIES

A. Chief School Officer .....	8,710.00
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## Total Administrative Salaries

A. to G. Inclusive .....	8,710.00
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H. Teachers .....	113,780.00
I. Clerical .....	6,850.00
J. Janitorial .....	11,250.00
K. Health .....	4,600.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 23 units at \$650.00 each .....	14,950.00
B. Capital Outlay 23 units at \$100.00 .....	2,300.00
Total .....	165,640.00

## BRIDGEVILLE NO. 220

## Division I—SALARIES

A. Chief School Officer .....	8,100.00
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 Total Administrative Salaries

A. to G. Inclusive .....	8,100.00
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H. Teachers .....	61,650.00
I. Clerical .....	2,340.00
J. Janitorial .....	5,100.00
K. Health .....	2,600.00
L. Cafeteria .....	3,200.00

## Division II—OTHER COSTS

A. 13 units at \$650.00 each .....	8,450.00
B. Capital Outlay 13 units at \$100.00 .....	1,300.00

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Total .....	92,740.00
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## FRANKFORD NO. 206

## Division I—SALARIES

H. Teachers .....	46,900.00
I. Clerical .....	2,000.00
J. Janitorial .....	5,400.00
K. Health .....	2,000.00
L. Cafeteria .....	2,750.00

## Division II—OTHER COSTS

A. 10 units at \$650.00 each .....	6,500.00
B. Capital Outlay 10 units at \$100.00 .....	1,000.00

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Total .....	66,550.00
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## WILLIAM C. JASON NO. 192

## Division I—SALARIES

A. Chief School Officer .....	9,580.00
G. Vice-Principals .....	7,490.00

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 Total Administrative Salaries

A. to G. Inclusive .....	17,070.00
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H. Teachers .....	187,950.00
I. Clerical .....	10,260.00
J. Janitorial .....	20,500.00
K. Health .....	4,600.00

## Division II—OTHER COSTS

A. 39 units at \$650.00 each .....	25,350.00
B. Capital Outlay 39 units at \$100.00 .....	3,900.00

Total .....	269,630.00
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## MILLSBORO NO. 204

## Division I—SALARIES

H. Teachers .....	49,100.00
I. Clerical .....	2,000.00
J. Janitorial .....	6,500.00
K. Health .....	2,000.00
L. Cafeteria .....	2,600.00

## Division II—OTHER COSTS

A. 10 units at \$650.00 each .....	6,500.00
B. Capital Outlay 10 units at \$100.00 .....	1,000.00

Total .....	69,700.00
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## SELBYVILLE NO. 210

## Division I—SALARIES

H. Teachers .....	37,250.00
I. Clerical .....	1,400.00
J. Janitorial .....	3,600.00
K. Health .....	1,400.00
L. Cafeteria .....	2,150.00

## Division II—OTHER COSTS

A. 7 units at \$650.00 each .....	4,550.00
B. Capital Outlay 7 units at \$100.00 .....	700.00

Total .....	51,050.00
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## 1-2-3 TEACHER SCHOOLS

## Division I—SALARIES

H. Teachers .....	322,950.00
I. Clerical .....	12,200.00
J. Janitorial .....	18,950.00
K. Health .....	12,200.00
L. Cafeteria Supervisor—Kenton School	
No. 9 .....	1,550.00
Cafeteria Supervisor—Roxana School	
No. 31 .....	1,850.00

## Division II—OTHER COSTS

A. 75 units at \$650.00 each .....	48,750.00
B. Capital Outlay 75 units at \$100.00 .....	7,500.00
Total .....	<u>425,950.00</u>

## TOTAL LOCAL SCHOOL

DISTRICTS .....	8,581,466.00
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## WILMINGTON BOARD OF EDUCATION

## Division I—SALARIES

A. Salary of Superintendent .....	11,040.00
B. Assistant Superintendents	
1. Business Administration .....	10,860.00
2. Administration .....	11,620.00
C. Directors	
1. Research .....	10,820.00
2. Child Development and Guidance ....	10,580.00
3. Personnel and Child Accounting ....	10,580.00
D. Supervisors	
1. School Lunch .....	9,600.00
2. Maintenance and Plant Operation ..	9,600.00
3. Other Supervisory Salaries (3) .....	28,800.00
E. Principals	
1. Section 1305 a, b, and 1307 .....	158,720.00
F. Administrative Assistant .....	10,040.00
G. Vice Principals	
1. Section 1305 a, b, and 1307 .....	24,600.00

## Total Administrative Salaries

A. to G. ....	306,860.00
H. Teachers	
1. Classroom .....	3,249,850.00
2. Visiting Teachers or Social Workers	12,600.00
3. Psychologists .....	25,200.00
4. Speech and Hearing Therapist .....	6,300.00
I. Clerical	
1. Secretaries .....	242,280.00
J. Janitorial .....	387,005.00
K. Health .....	112,000.00
L. Cafeteria .....	34,450.00

## Division II—OTHER COSTS

All Other Costs .....	397,150.00
Capital Outlay .....	61,100.00

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Total Wilmington Board of Education..	4,834,795.00
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TOTAL PUBLIC SCHOOLS .....	23,741,111.00
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TOTAL EDUCATION .....	29,447,774.00
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## GRAND TOTAL AGENCIES

AND EDUCATION .....	66,561,373.00
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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 by the General Assembly, resulting in deficiencies of revenue for the fiscal year aforesaid, the Governor is authorized to issue revenue anticipation notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the State Treasurer and the Secretary of State, deem necessary to meet and to pay any part or all of said appropriations.

(1) The revenue anticipation notes or certificates shall be numbered consecutively in such denominations and in such form as the Commission provided for under the provisions of subsection (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 revenue anticipation 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 revenue anticipation 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 revenue anticipation notes or certificates and interest thereon shall be paid by the State Treasurer. There is appropriated such sums as may be necessary to pay costs and interest of such revenue anticipation notes or certificates.

Section 3. All monies received by the State Treasurer from the sale of the revenue anticipation 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.

Section 4. In the case of any school consolidation as defined in Sections 1108 and 1109, Title 14, Delaware Code, it shall be lawful for the Budget Commission to transfer the unexpended balance, or any part thereof of any appropriation 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 by the General Fund of this State for the purposes of meeting the expenses incurred in accordance with appropriations provided in Section 1 of this Act.

Section 6. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by Congress, the State Board for Vocational Education is hereby directed and empowered to prescribe to the Board of Public Education in Wilmington, 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 amount 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 for 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 the Delaware State Plan for vocational education, but rather shall be treated as a return of monies advanced by the State for vocational education and paid to the State Treasurer and by him deposited to the credit of the General Fund.

Section 7. 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.

Section 8. Section 1711, Title 14, Delaware Code, relating to a reserve fund or reserve appropriation for school districts, is hereby repealed.

Section 9. No transfer of any funds appropriated by this Act shall be made by any agency of this State to or from any item of account as allocated in this Act, except as permitted by Section 4 above in the case of any school consolidation.

Section 10. 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 was approved by the Governor on June 15, 1959, with certain exceptions. It became law on June 29, 1959 when the override of these exceptions in the General Assembly became complete.



## CHAPTER 58

**AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE RELATING TO REGULATIONS GOVERNING BUSINESS OF BANKS AND TRUST COMPANIES.**

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

Section 1. Chapter 9, Title 5, Delaware Code is amended by adding the following Section after Section 932:

**§ 933. Branch Office**

(a) Any Savings Bank or Savings Society, if authorized by its charter, may open a branch office or place of business, or branch offices or places of business in this State, upon application submitted to and approved by the Board of Bank Incorporation and upon the issuance of a certificate of authority of the State Bank Commissioner. The application shall state the exact location of the intended branch office and the necessity for its opening and the Board shall inquire into the matter, and if it deems that the public convenience will be served thereby and that there is good and sufficient reason that the Savings Bank or Savings Society should have the branch office, the Board shall issue its written permission for the opening of the branch office. Any certificate of authority issued by the Commissioner shall be void and of no effect at the expiration of six months after date of issue, unless the branch is actually opened for business. Unavoidable delay in opening the branch, due to construction problems or controls, or other matters beyond the control of the Savings Bank or Savings Society, may be taken into consideration, and the Commissioner may extend the certificate for periods of 30 days in the event of such circumstances.

A fee of \$50 for every certificate shall be required by the Commissioner before issuing the same.

(b) Nothing in this section contained shall deny any Savings Bank or Savings Society the right to continue a branch office or branch offices if such branch office or branch offices shall have been actually established prior to the enactment of this section.

Approved June 2, 1959.

## CHAPTER 59

**AN ACT TO AMEND TITLE 15, SECTION 1751 DELAWARE  
CODE BY CHANGING THE TIME FOR CHANGE OF  
PARTY DESIGNATION BY REGISTERED VOTERS.**

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

Section 1. Title 15, Section 1751, Delaware Code is amended by deleting the words "third Wednesday of July" and by inserting in lieu thereof the words "fourth Saturday of July".

Approved June 2, 1959.

CHAPTER 60

**AN ACT TO AMEND TITLE 15, SECTION 1105 (a) DELAWARE CODE BY CHANGING THE DATES FOR THE REGISTRATION OF VOTERS.**

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

Section 1. Title 15, Section 1105 (a) Delaware Code is amended by deleting the words "the third Wednesday of the month of July and on the first Saturday of the month of August" and inserting in lieu thereof the words "the fourth Saturday in the month of July and the second Saturday in the month of September".

Approved June 2, 1959.

## CHAPTER 61

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE BY GIVING THE VETERAN EMPLOYEES ASSOCIATION, DELAWARE DIVISION, PENNSYLVANIA RAILROAD TAX EXEMPTION STATUS.**

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

Section 1. § 8105, Title 9, Delaware Code is hereby amended by placing at the end thereof the following:

"The Veteran Employees Association, Delaware Division, Pennsylvania Railroad".

Approved June 2, 1959.

CHAPTER 62

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 8 OF  
THE CONSTITUTION OF THE STATE OF DELAWARE  
ENTITLED "REVENUE AND TAXATION".**

*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. Article 8 of the Constitution of the State of Delaware is amended by adding a new section thereto to read as follows:

Any law which shall have the effect of increasing the rates of taxation on personal income for any year or part thereof prior to the date of the enactment thereof, or for any year or years prior to the year in which the law is enacted, shall be void.

## CHAPTER 63

**AN ACT MAKING AN APPROPRIATION FOR CERTAIN CONTINGENCIES TO THE STATE BOARD OF EDUCATION FOR THE FISCAL BEGINNING JULY 1, 1959 AND ENDING JUNE 30, 1960, AND PRESCRIBING LIMITATIONS UPON USE THEREOF AND THE POWERS AND DUTIES OF THE BUDGET COMMISSION IN RELATION THERETO.**

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

Section 1. The sum of \$1,370,000.00 for the fiscal year beginning July 1, 1959 and ending June 30, 1960 is appropriated to the State Board of Education for the costs of transporting handicapped pupils, not to exceed \$20,000.00, and to the State Board of Education for distribution to all school districts in the State of Delaware and to the State Board of Education for distribution to the 1-2-3 Teacher Schools, subject to the other terms of this Act, for the following purposes:

Salaries of additional classroom teachers, custodian, clerical and health personnel and cafeteria supervisors.

Costs of operation.

Capital Outlay.

Up-grading of school personnel.

Salaries of substitute employees.

Section 2. Such sums shall be disbursed pursuant to provisions of law, after approval by the Budget Commission for authorized expenses.

Section 3. Proof, satisfactory to said Commission shall be submitted, and such proof shall include any evidence and testimony the Commission may require and a statement setting forth all facts in support of a claim. A contingency may be determined to exist only with the consent of the Governor and a majority of the members of the Budget Commission.

Section 4. A contingency shall exist only when an expenditure, not otherwise authorized by the General Appropriation Act or any Supplementary Appropriation Act and for which funds have not otherwise been provided to the State Board of Education has become necessary for causes beyond the control of the State Board of Education or necessary to the general welfare.

Section 5. The Auditor of Accounts shall keep actual, separate and detailed accounts of the expenditures made pursuant to this Act. The Budget Commission shall submit to the next General Assembly a full and detailed statement of the nature of the contingencies for which transfers are authorized, the cause thereof, and a copy of the account maintained therefor by the Auditor of Accounts.

Section 6. 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 15, 1959.

## CHAPTER 64

**AN ACT TO AMEND SECTION 2112, TITLE 14, DELAWARE CODE, RELATING TO CANCELED SCHOOL BONDS AND COUPONS.**

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

Section 1. Section 2112, Title 14, Delaware Code, is hereby repealed and a new section 2112 enacted in lieu thereof to read as follows:

**§ 2112. Cancellation and destruction of paid bonds and coupons**

As and when any of the bonds issued under the authority of this chapter or the coupons annexed thereto shall have been paid the same shall be canceled and shall be delivered by the Farmers Bank of the State of Delaware to the State Treasurer of the State of Delaware who shall forthwith make a record of the payment of such bonds or coupons and promptly thereafter deliver the canceled bonds or coupons to the school board. The school board shall record payment of such canceled bonds or coupons as prescribed by the Budget Commission and shall preserve same until audited by the Budget Commission. Thereafter, the bonds and coupons shall be burned or otherwise destroyed after the creation by the school board of a cremation certificate as prescribed by the Budget Commission.

Approved June 16, 1959.



## CHAPTER 65

**AN ACT TO AMEND TITLE 31, DELAWARE CODE, RELATING TO THE TRANSFER OF CERTAIN PROPERTY OF WOODS HAVEN SCHOOL FOR GIRLS TO THE YOUTH SERVICES COMMISSION AS TRUSTEE.**

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

Section 1. Chapter 274, Volume 51, Laws of Delaware, Section 7 (2) is repealed and the following is inserted in lieu thereof:

The Youth Services Commission of Delaware is authorized and directed to act as follows so that the State of Delaware, through said Commission, may receive, in trust, certain assets now owned by Woods Haven School for Girls, a Delaware corporation: (1) To enter into, as Trustee, an Agreement of Trust with Woods Haven School for Girls, in substantially the form annexed hereto and incorporated herein by reference; (2) to agree, in writing, that upon the assignment, conveyance, and transfer to said Commission as Trustee and pursuant to said Agreement of Trust of all property of every kind, legal and equitable, which the Woods Haven School for Girls has or may have hereafter, the State of Delaware will indemnify and hold harmless said School, its Board of Managers, officers, agents, and employees from any and all accounts, bonds, contracts, debts, damages, judgments, suits, claims, and demands of every nature which have been or which may be hereafter asserted against said School, its Managers, officers, agents, or employees arising out of the conduct of said School or the assignment, conveyance, or transfer of said property in trust to the Commission.

Upon execution of said Agreement of Trust and delivery of said property to the Commission as Trustee, the State of Delaware waives its sovereign immunity and submits itself to the jurisdiction of any competent Court of the State of Delaware upon the complaint of any person with a lawful interest in the subject matter who desires to bring an action for the purpose of having such Court determine rights, duties, or obli-

gations arising out of said Agreement of Trust, including alleged breach of trust by the Trustee, or arising out of the promise of indemnity made in this Act.

THIS AGREEMENT made this .....day of .....1959, by and between WOODS HAVEN SCHOOL FOR GIRLS, a Delaware corporation, party of the first part and hereinafter called the "TRUSTOR", and THE YOUTH SERVICES COMMISSION OF DELAWARE, an agency of the State of Delaware, party of the second part and hereinafter called the "TRUSTEE".

WITNESSETH:

WHEREAS, Trustor has been providing living facilities, moral, mental and physical training, and rehabilitation measures for girls committed to its care from the date of its incorporation to the present time; and

WHEREAS, Trustor's facilities and programs have been made possible by the generous personal and financial assistance of numerous Delawareans, many of whom have given time and money over extended periods; and

WHEREAS, it is now the public policy of the State of Delaware to place all delinquent minors, including girls, in the custody of the recently created State agency known as "The Youth Services Commission of Delaware" the Trustee named herein; and

WHEREAS, Trustor has concluded that it is in the public interest to transfer Trustor's assets to said Commission provided Trustor is assured that such assets will continue to be used for the same general purposes as they have been applied by Trustor.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants made herein, Trustor hereby assigns, transfers, and conveys to Trustee all property described in Schedule A annexed hereto and hereinafter referred to as the "Trust Fund", IN TRUST upon the following uses:

1. Trustee shall hold and manage the Trust Fund as principal, according to good accounting practices, and add all income received therefrom to principal, and use and apply the

same exclusively for the benefit of girls committed to Trustee's care or custody. The Trust Fund shall not be used or applied by Trustee for maintenance or operational costs or purposes of any kind. In using and applying the Trust Fund for the purposes stated herein, Trustee is authorized, subject to the limitations stated in Paragraph 2 hereof, to:

(a) Assign, convey, sell or transfer any or all of the Trust Fund;

(b) apply all or any part of the Trust Fund, or the proceeds therefrom or therefor, for the purchase or improvement of land, the erection or improvement of buildings, or the purchase of machinery, equipment, or fixtures having a depreciable life of more than five (5) years according to good accounting practices; provided, however, that upon the purchase of depreciable assets by Trustee, it shall not be required to establish any reserve for depreciation;

(c) commingle or combine any part of the Trust Fund or the proceeds therefrom with assets received from any other source, including appropriations of the General Assembly of the State of Delaware provided:

(1) The resulting fund or property is used and applied exclusively for principal purposes as provided herein; and that

(2) Separate books of account are maintained by Trustee reflecting the value, before and after depreciation of the Trust Fund's pro rata ownership of the respective assets acquired as a result of such commingling or combination.

2. Any assignment, transfer, conveyance, or exchange of the Trust Fund or any part thereof by Trustee, whether to another agency of the State of Delaware or any subdivision thereof, or to any state, county, city, school district, or governmental agency or otherwise, shall only be made upon receipt of fair value therefor, as determined by Trustee in the exercise of its discretion; the proceeds therefrom shall be retained by Trustee and used and applied exclusively in the same way, for the same purposes as the property constituting the Trust Fund on the date hereof.

3. This trust shall continue so long as it is the public policy of the State of Delaware to place delinquent girls in the care or custody of a public agency. If said policy should change at any time so that delinquent girls are thereafter placed in the care or custody of a private agency, Trustee shall, within ninety (90) days after the establishment of such a public policy assign, convey and transfer the Trust Fund as it is then constituted to such private non-profit organization or organizations engaged in the institutional care and custody of delinquent girls, which, in the sole discretion of Trustee, are best able to continue the work in which Woods Haven School for Girls is engaged on the date hereof. Upon such assignment, conveyance and transfer, Trustee shall be relieved of any further duty or responsibility with respect to the Trust Fund.

4. The members of The Youth Services Commission in office from time to time shall constitute the Trustee as provided herein, and the vote of a majority of the members in office from time to time shall determine all questions. Any individual acting in a Trustee capacity hereunder as a result of service on said Commission shall be authorized to act only so long as he is a member of said Commission. Any such individual so acting shall not be entitled to any compensation from the Trust Fund for his services as a Trustee, but he shall be entitled to his actual disbursements.

5. On the date of this agreement The Youth Services Commission of Delaware named as Trustee herein is the public agency charged by law with the care and custody of delinquent girls. In the event such responsibility shall at any time hereafter be transferred to another agency of the State of Delaware, such agency is hereby appointed Successor Trustee with all rights, powers, discretions, and duties given the Trustee hereunder.

6. Subject to the provisions and limitations set forth expressly herein, Trustee and its successors shall have in general, the power to do and perform any and all acts and things in relation to the Trust Fund in the same manner and to the same extent as an individual might or could do with respect to his own property. No enumeration of specific powers made herein shall

be construed as a limitation upon the foregoing general power, nor shall any of the powers conferred herein upon Trustee be exhausted by the use thereof, but each shall be continuing.

Trustee is specifically authorized and empowered, in its sole discretion:

(a) To retain any and all stocks, bonds, notes, securities and/or other property constituting the original Trust Fund or added thereto, without liability on the part of Trustee for any decrease in value thereof.

(b) To sell at public or private sale, exchange for like or unlike property, convey, lease for terms longer or shorter than the trust, and otherwise dispose of any or all property, real or personal, held in the Trust Fund, for such price and upon such terms and credits as Trustee may deem proper.

(c) To hold uninvested any money available for investment in the Trust Fund or to invest such money in such stocks, bonds, notes, securities, and/or other property as may be deemed appropriate for the Trust Fund, irrespective of the rules of investment applying to trustees under any present or future laws of the State of Delaware, or elsewhere and without any duty to diversify investments.

(d) To vote directly or by proxy at any election or stockholders' meeting any shares of stock held thereunder.

(e) To participate in any plan or proceeding, including any voting trust plan, for protecting or enforcing any right, obligation, or interest arising from any property held in the Trust Fund, or for reorganizing, consolidating, merging, or adjusting the finances of any corporation issuing the same, to accept in lieu thereof any new or substituted stocks, bonds, notes and/or securities, whether of the same or a different kind or class, or with different priorities, rights or privileges, to pay any assessment or any expense incident thereto, and to do any other act or thing that Trustee may deem necessary or advisable in connection therewith.

(f) To retain any and all property constituting the Trust Fund, in bearer form or in its own name or in the name of its nominee or nominees, without disclosing its fiduciary capacity; and Trustee's liability shall be neither increased nor decreased thereby.

7. No person or corporation dealing with Trustee shall be obliged to see to the application of money paid or property delivered to Trustee, to inquire into the necessity or propriety of Trustee exercising any of the powers conferred herein upon it, or to determine the existence of any fact upon which Trustee's power to perform any act hereunder may be conditioned.

8. All members of The Youth Services Commission of Delaware have signed this agreement to express their respective consents to serve as trustees as stated herein.

IN WITNESS WHEREOF, the parties hereto have hereunto set their Hands and Seals the day and year first above written.

Witness:

Woods Haven School for Girls

Trustor

By:

.....  
President

.....  
Secretary

Youth Services Commission of Delaware

Trustee

By:

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.....

Approved June 16, 1959.

CHAPTER 66

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF PENCADER GRANGE #60 P. OF H. INC., FROM ASSESSMENT AND TAXATION.**

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

Section 1. § 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation an organization known as "Pencader Grange #60 P. of H. Inc."

Approved June 16, 1959.

## CHAPTER 67

**AN ACT TO AMEND CHAPTER 245, VOLUME 51, LAWS OF DELAWARE, RELATING TO THE STATE BOARD OF HEALTH BUILDING, BY AUTHORIZING THE STATE BOARD OF HEALTH TO EXPEND REMAINING MONIES FOR THE CONSTRUCTION OF A HEALTH CENTER FOR SUSSEX COUNTY.**

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

Section 1. Section 2, Chapter 245, Volume 51, Delaware Laws, is hereby repealed and a new Section 2 is substituted in lieu thereof as follows:

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 119th General Assembly or from such other funds as the State or Federal Government may make available for such uses. In the event matching or remaining funds exceed the amount necessary to construct, furnish and equip the building authorized in Section 1, the State Board of Health is hereby authorized to expend the remaining monies to construct, furnish and equip a Health Center for Sussex County, consisting of buildings, offices and storage space for use of the State Board of Health on lands now owned by the State of Delaware adjacent to the State Board of Welfare Building in Sussex County.

Approved June 16, 1959.



CHAPTER 68

**AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, BY ADDING THERETO A NEW SUBCHAPTER RELATING TO THE WOODCHUCK OR GROUND HOG.**

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

Section 1. Chapter 7, Title 7, Delaware Code, is amended by adding thereto a new subchapter as follows:

**SUBCHAPTER VII. WOODCHUCK OR GROUND HOG**

§ 811. The animal known as woodchuck or ground hog shall not be a form of protected wildlife in this State.

§ 812. The woodchuck or ground hog may be hunted, trapped, caught, shot, killed, sold, shipped, or otherwise disposed of, by any person and at any time.

Approved June 16, 1959.

## CHAPTER 69

**AN ACT TO AMEND CHAPTER 21, TITLE 3, DELAWARE CODE, ENTITLED "COMMERCIAL FERTILIZERS", BY REPEALING THE PRESENT PROVISIONS AND SUBSTITUTING NEW ADMINISTRATIVE AND SUBSTANTIVE PROVISIONS.**

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

Section 1. This Act shall be cited as the Delaware Fertilizer Law.

Section 2. Chapter 21, Title 3, Delaware Code, is amended to read as follows:

**CHAPTER 21. COMMERCIAL FERTILIZERS**

**§ 2101. Definitions**

As used in this chapter—

"Board" means the State Board of Agriculture.

"Brand" means a term, design, or trade mark used in connection with one or several grades of commercial fertilizer.

"Bulk fertilizer" means commercial fertilizer distributed in a non-packaged form.

"Commercial fertilizer" includes mixed fertilizer and/or fertilizer materials.

"Distribute" means to offer for sale, sell, barter, or otherwise supply commercial fertilizers. The term "distributor" means any person who distributes.

"Fertilizer material" means any substance containing nitrogen, phosphorus, potassium, or any recognized plant nutrient element or compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

"Grade" means the percentages of total nitrogen, available phosphoric acid, and soluble potash stated in whole numbers in the same terms, order and percentages as in the "guaranteed analysis".

"Guaranteed analysis" includes: Total Nitrogen—per cent; available phosphoric acid—per cent; soluble potash—per cent; (i) For unacidulated mineral phosphatic materials and basic slag, both total and available phosphorus or phosphoric acid and the degree of fineness. For bone, tankage, and other organic phosphatic materials, total phosphorus or phosphoric acid. (ii) Additional plant nutrients expressed as the elements. (iii) Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton, when permitted by regulation.

"Mixed fertilizers" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

"Official sample" means any sample of commercial fertilizer taken by the State Board of Agriculture or its agents and designated as "official by the State Board of Agriculture".

"Per cent" or "percentage" means the percentage by weight.

"Registrant" means the person who registers commercial fertilizer under the provisions of this chapter.

"Specialty fertilizer" is a commercial fertilizer distributed primarily for non-farm use, such as home gardens, lawns, shrubs, flowers, golf courses, municipal parks, cemeteries, green houses and nurseries, and may include commercial fertilizers used for research or experimental purposes.

"Ton" means a net weight of two thousand pounds avoirdupois.

## § 2102. Registration

(a) Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold or distributed in this State. The application for registration shall be submitted

to the State Board of Agriculture on forms furnished by the Board and shall be accompanied by a fee of one dollar per brand, except that those brands sold in packages of 10 pounds or less shall be registered at a fee of ten dollars each. Upon approval by the Board, a copy of the registration shall be furnished to the applicant. Each applicant for a certificate of registration shall include in the application a permit granting to the Board or its duly designated representative, permission to verify from applicant's records the applicant's statement of tonnage. All registrations shall expire on December 31 of each year. The application shall include the following information:

- (1) The net weight
- (2) The brand and grade
- (3) The guaranteed analysis
- (4) The name and address of the registrant

(b) A distributor shall not be required to register any brand of commercial fertilizer which is already registered under this chapter by another person.

(c) The plant nutrient content of each and every commercial fertilizer must remain uniform for the period of registration, and, in no case, even at a subsequent registration, shall the percentage of any guaranteed plant nutrient element be changed in such a manner that the crop-producing quality of the commercial fertilizer is lowered.

#### § 2103. Labeling

(a) Any commercial fertilizer distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible form the information required by Items (1), (2), (3) and (4) of section 2102.

(b) If distributed in bulk, a written or printed statement of the information required by items (1), (2), (3) and (4) of section 2102 shall accompany delivery and be supplied to the purchaser at time of delivery.

**§ 2104. Inspection fees and tonnage reports**

(a) There shall be paid to the State Board of Agriculture for all commercial fertilizers offered for sale, sold, or distributed in this State an inspection fee at the rate of ten cents per ton: Provided, that sales to manufacturers or exchanges between them are hereby exempted.

On individual packages of commercial fertilizer containing 10 pounds or less, there shall be paid in lieu of the annual registration fee of one dollar per brand and the ten cents per ton inspection tax, an annual registration fee and inspection tax of ten dollars for each brand and grade sold or distributed. Where a person sells commercial fertilizer in packages of 10 pounds or less and in packages over 10 pounds, this annual registration and inspection tax of ten dollars shall apply only to that portion sold in packages of 10 pounds or less, and that portion sold in packages over 10 pounds shall be subject to the same inspection tax of ten cents per ton as provided in this Act.

(b) Payment of the inspection fee shall be evidenced by a statement made in due form of law, of commercial fertilizer distributed, together with documents showing that fees corresponding to the tonnage were received by the State Board of Agriculture. Every person who distributes commercial fertilizer in this State shall:

File, not later than the last day of January of each year, a statement setting forth the number of net tons of each grade of commercial fertilizer distributed in this State during the preceding year and upon filing such statement shall pay the inspection fee at the rate stated in paragraph (a) of this section. The statement shall include individual packages of ten (10) pounds or less shown as a sub-total and included in the total tonnage; however, no inspection fee will be charged on said packages weighing ten (10) pounds or less. All sales shall be shown for the periods of January 1 to and including June 30 and of July 1 to and including December 31 of each year. When more than one person is involved in the distribution of a commercial fertilizer, the person who distributes to the dealer or consumer is responsible for reporting the tonnage and paying

the inspection fee. No information furnished under this section shall be disclosed in such a way as to divulge the operation of any person.

If the tonnage report is not filed and the payment of inspection fee is not made within thirty days after the date due, a collection fee amounting to ten per cent (minimum \$10.00) of the amount due shall be assessed against the registrant, and the amount of fees due shall constitute a debt and become the basis of a judgment against the registrant. The State Board of Agriculture, however, in its discretion, may grant a reasonable extension of time.

#### § 2105. Inspection, sampling, analysis

(a) It shall be the duty of the State Board of Agriculture, who may act through its authorized agents, to sample, inspect, make analyses of, and test commercial fertilizers distributed within this State at time and place and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this Act. The Board through its agents may enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of this chapter and the rules and regulations pertaining thereto.

(b) The methods of analysis and sampling shall be those adopted by the official from sources such as those of the Association of Official Agricultural Chemists.

(c) The Board, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample and obtained and analyzed as provided for in section 2105 (b).

(d) The results of official analysis of any commercial fertilizer which has been found to be subject to penalty or other legal action shall be forwarded by the Board to the registrant. If, within ten days, no adequate evidence to the contrary is made available to the Board, the report shall become official. Upon request the Board shall furnish to the registrant a portion of any sample found subject to penalty or other legal action.

### § 2106. Plant food deficiency

(a) If the analysis shall show that any commercial fertilizer falls short of the guaranteed analysis in any one ingredient, penalty shall be assessed in accordance with the following provisions:

(1) Total nitrogen: A penalty of two times the value of the deficiency, if such deficiency is in excess of 0.20 of one per cent on goods that are guaranteed 2 per cent; 0.25 of one per cent on goods that are guaranteed 3 per cent; 0.35 of one per cent on goods that are guaranteed 4 per cent; 0.40 of one per cent on goods that are guaranteed 5 per cent up to and including 8 per cent; 0.50 of one per cent on goods guaranteed above 8 per cent up to and including 30 per cent; and 0.75 of one per cent on goods guaranteed over 30 per cent.

(2) Available Phosphoric Acid: A penalty of two times the value of the deficiency, if such deficiency exceeds 0.40 of one per cent on goods that are guaranteed up to and including 10 per cent; 0.50 of one per cent on goods that are guaranteed above 10 per cent up to and including 25 per cent; and 0.75 of one per cent on goods guaranteed over 25 per cent.

(3) Soluble Potash: A penalty of two times the value of the deficiency, if such deficiency is in excess of 0.30 of one per cent on goods that are guaranteed 3 per cent; 0.40 of one per cent on goods guaranteed 4 per cent, 0.50 of one per cent on goods guaranteed above 4 per cent, up to and including 8 per cent; 0.60 of one per cent on goods guaranteed above 8 per cent up to and including 20 per cent; and 0.75 of one per cent on goods guaranteed over 20 per cent.

(4) Deficiencies in any other constituent or constituents covered under the definition of "guaranteed analysis" in section 2101 which the registrant is required to or may guarantee shall be evaluated by the State Board of Agriculture and penalties therefor shall be prescribed by the State Board of Agriculture.

(b) Nothing contained in this section shall prevent any person from appealing to a court of competent jurisdiction praying for judgment as to the justification of such penalties.

(c) All penalties assessed under this section shall be paid to the consumer of the lot of commercial fertilizer represented by the sample analyzed within three months after the date of notice from the State Board of Agriculture to the registrant, receipts taken therefor and promptly forwarded to the State Board of Agriculture. If said consumers cannot be found, the amount of the penalty shall be paid to the Board who shall deposit the same, in the State Treasury.

#### **§ 2107. False or misleading statements**

A commercial fertilizer is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any advertising matter accompanying or associated with the commercial fertilizer. It shall be unlawful to distribute a misbranded commercial fertilizer.

#### **§ 2108. Publications**

The State Board of Agriculture shall publish at least annually, in such forms as it may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as it may consider advisable, and a report of the results of the analysis based on official samples of commercial fertilizers sold within the State as compared with the analyses guaranteed under sections 2102 and 2103, but that the information concerning production and use of commercial fertilizers shall be shown separately for the periods July first to December thirty-first and January first to June thirtieth of each year, and that no disclosure shall be made of the operations of any person.

#### **§ 2109. Rules and regulations**

For the enforcement of this chapter, the State Board of Agriculture may prescribe and, after public hearing following due public notice, enforce such rules and regulations relating to the distribution of commercial fertilizers as it may find necessary to carry into effect the full intent and meaning of this chapter.



**§ 2110. Short weight**

If any commercial fertilizer in the possession of the consumer is found by the State Board of Agriculture to be short in weight, the registrant of said commercial fertilizer shall within thirty days after official notice from the Board pay to the consumer a penalty equal to four times the value of the actual shortage.

**§ 2111. Cancellation of registrations**

The State Board of Agriculture may cancel the registration of any brand of commercial fertilizer or refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this chapter or any rules and regulations promulgated thereunder, but no registration shall be revoked or refused until the registrant shall have been given the opportunity to appear for a hearing by the Board.

**§ 2112. "Stop sale" orders**

The State Board of Agriculture may issue and enforce a written or printed "stop, sale, use or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at designated place when the Board finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this chapter until the law has been complied with and said commercial fertilizer is released in writing by the Board or the violation has been otherwise legally disposed of by written authority. The Board shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this chapter have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

**§ 2113. Seizure, condemnation and sale**

Any lot of commercial fertilizer not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the State Board of Agriculture to a court of competent jurisdiction in the area in which said commercial fertilizer is located.

In the event the court finds the commercial fertilizer to be in violation of this chapter and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the State, but in no instance shall the disposition of the commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the fertilizer or for permission to process or re-label said commercial fertilizer to bring it into compliance with this chapter.

#### **§ 2114. Exchanges between manufacturers**

Nothing in this chapter shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer to manufacturers or manipulators who have registered their brands as required by the provisions of this chapter.

#### **§ 2115. Violations, penalties, enforcement, exceptions**

(a) If it shall appear from the examination of any commercial fertilizer that any of the provisions of this chapter or the rules and regulations issued thereunder have been violated, the State Board of Agriculture shall cause notice of the violations to be given to the registrant, distributor, or possessor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the Board. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this chapter or rules and regulations issued thereunder have been violated, the Board may certify the facts to the proper prosecuting attorney.

(b) Any person convicted of violating any provision of this chapter or the rules and regulations issued thereunder shall be punished in the discretion of the court.

(c) Nothing in this chapter shall be construed as requiring the State Board of Agriculture or its representative to report for prosecution or for the institution of seizure proceedings as a

result of minor violations of the chapter when it believes that the public interests will be best served by a suitable notice or warning in writing.

(d) It shall be the duty of each Deputy Attorney General to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(e) The State Board of Agriculture may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated hereunder notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

#### **§ 2116. Disposition of monies received**

All monies received under the provisions of this chapter, except as provided for in paragraph (c) of section 2106, shall be promptly transferred to the State Treasurer and paid into the general fund of the State.

Section 3. This act shall take effect January 1, 1960.

Approved June 17, 1959.

## CHAPTER 70

**AN ACT TO AMEND CHAPTER 15, TITLE 3, DELAWARE CODE, ENTITLED "SEEDS" BY REPEALING THE PRESENT PROVISIONS AND SUBSTITUTING NEW ADMINISTRATIVE AND SUBSTANTIVE PROVISIONS.**

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

Section 1. Chapter 15, Title 3, Delaware Code is repealed and a new Chapter 15 enacted in lieu thereof to read as follows:

**CHAPTER 15. SEEDS****§ 1501. Definitions**

As used in this chapter—

"Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this chapter.

"Agricultural seed" includes the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this State as agricultural seeds, lawn seeds and mixtures of such seeds, and may include noxious weed seeds when the State Board of Agriculture determines that such seed is being used as agricultural seed.

"Certified", "registered", "foundation" or any other terms conveying similar meaning when referring to seeds means seed which has been produced or collected, processed and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized certification agency or agencies. Officially recognized means recognized and designated by the laws or regulations of any state, the United States, and any province of Canada, or the government of any foreign country whose certification standards are recognized by the International Crop Improvement Association.

"Hybrid" means the first generation of seed of a cross produced by controlling the pollination and by combining (1) two, three or four inbred lines; (2) one inbred or a single cross with an open-pollinated variety; or (3) two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

"Kind" means one or more related species or sub-species which singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.

"Labeling" includes all labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers, and includes representations on invoices.

"Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

Noxious weed seeds are divided into two classes—"Prohibited Noxious Weed Seeds" and "Restricted Noxious Weed Seeds" as defined in (1) and (2) of this subsection:

(1) "Prohibited Noxious Weed Seeds" are the seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots, stems, and other reproductive parts, and which when well established, are highly destructive and difficult to control in this State by ordinary good cultural practice, and the seed of which is prohibited by this sub-title. Prohibited noxious weed seeds in this State are the seeds of:

- (i) *Cirsium arvense*, Canada thistle
- (ii) *Agropyron repens*, Quackgrass
- (iii) *Sorghum halepense*, Johnson grass

and such other seeds or bulblets as the State Board of Agriculture from time to time may designate as prohibited noxious seeds in the public interest.

(2) "Restricted Noxious Weed Seeds" are the seeds of such weeds as are very objectionable in fields, lawns and gardens of this State, but can be controlled by good cultural practices, and the seed of which is restricted by this sub-title. Restricted noxious weed seeds in this State are the seeds of:

- (i) *Cuscuta* spp., Dodder
- (ii) *Convolvulus arvensis*, Bindweed
- (iii) *Allium* spp., Wild onion, wild garlic
- (iv) *Agrostemma githago*, Corn cockle
- (v) *Solanum carolinense*, Horse nettle
- (vi) *Bromus secalinus*, Cheat or Chess

and such other seeds or bulblets as the State Board of Agriculture from time to time may designate as restricted noxious seeds in the public interest.

"Person" includes any individual, partnership, corporation, company, society, or association.

"Private hearing" may consist of a discussion of facts between the person charged and the enforcement officers.

"Pure seed", "germination", and other seed labeling and testing terms in common usage shall be defined as in the rules for seed testing published by the Association of Official Seed Analysts, and as subsequently amended.

"Record" includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

"Seizure" means a legal process carried out by court order against a definite amount of seed.

"Stop sale" means an administrative order provided by law, restraining the sale, use, disposition, and movement of a definite amount of seed.

"Treated" means that the seed has received an application of a substance or process which substance or process is designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom.

"Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

"Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

"Vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable seeds in this State.

"Weed seeds" includes the seeds of all plants generally recognized as weeds within this State, and includes noxious-weed seeds.

#### **§ 1502. Label requirements**

Each container of agricultural and vegetable seeds which is sold, offered for sale, or exposed for sale, or transported within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container.

For all seeds named and treated as defined in this chapter (for which a separate label may be used) :

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted, coined, chemical or abbreviated chemical (generic) name of the applied substance.

(3) If the substance in the amount present with the seed is harmful to human or other vertebrate animals a caution statement such as "Do not use for food or feed or oil purposes". The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.

For agricultural seeds:

(1) Commonly accepted name of (A) kind, of (B) kind and variety, of each agricultural seed component in excess of 5 per cent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number or other lot identification.

(3) Origin (State or foreign country), if known, of alfalfa, red clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.

(4) Percentage by weight of all weed seeds.

(5) The name and approximate number of each kind of restricted noxious weed seeds, per ounce in Group 1 and per pound in Group 2 when present singly or collectively in any amounts whatsoever, provided, however, that the amount does not exceed 10 per ounces in Group 1 and 10 per pound in Group 2.

Group 1: Agropyron spp., Agrostis spp., alfalfa, Bermuda grass, Brassica spp., orchard grass, alsike and white clover, crimson clover, Dallis grass, fescues, flax, foxtail millet, lespedezas, poa spp., red clover, reed canary grass, Rhodes grass, ryegrass, sweet clover, smooth brome, timothy, and other agricultural seeds of similar size and weight, or mixtures within this group.

Group 2: Barley, buckwheat, oats, proso, rye, sorghums, Sudan grass, vetches, wheat, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group.



All determinations for purity, germination and noxious weed seeds are subject to the tolerances and methods of determination prescribed in the rules and regulations promulgated under this sub-title.

(6) Percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label.

(7) Percentage by weight of inert matter.

(8) For each named agricultural seed:

- (i) Percentage of germination, exclusive of hard seed,
- (ii) Percentage of hard seeds, if present,
- (iii) The calendar month and year the test was com-

pleted to determine such percentages.

Following (i) and (ii) the "total germination" and "hard seed" may be stated as such, if desired.

(9) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State. For vegetable seeds in containers of one pound or less:

(1) Name of kind and variety of seed,

(2) The year for which the seed was packaged or the germination percentage and date.

(3) For seeds which germinate less than the standard last established by the State Board of Agriculture under this Act.

- (i) Percentage of germination, exclusive of hard seed,
- (ii) Percentage of hard seeds, if present,
- (iii) The calendar month and year the test was completed to determine such percentages,

(iv) The words "Below Standard" in not less than 8-point type; and

(4) Name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this State. For vegetable seeds in containers of more than 1 pound.

(1) The name of each kind and variety present in excess of 5% and the percentage by weight of each in order of its predominance.

(2) Lot number or other lot identification.

(3) For each named vegetable seed:

(i) The percentage of germination, exclusive of hard seed,

(ii) The percentage of hard seed, if present,

(iii) The calendar month and year the test was completed to determine such percentages.

Following (i) and (ii) the "total germination and hard seed" may be stated as such, if desired.

(4) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.

(5) The labeling requirements for vegetable seeds in containers of more than 1 pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

### § 1503. Prohibitions

It is unlawful for any person to sell, offer for sale, expose for sale or to transport for sale any agricultural or vegetable seed within this State—

(1) Unless the test to determine the percentage of germination required by Section 2 shall have been completed within a

9-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

(2) Not labeled in accordance with the provisions of this Act, or having a false and misleading labeling.

(3) Pertaining to which there has been a false or misleading advertisement.

(4) Consisting of or containing prohibited noxious weed seeds.

(5) Consisting of or containing restricted noxious weed seeds per pound in excess of the number prescribed by rules and regulations promulgated under this chapter, or in excess of the number declared on the label attached to the container of the seed or associated with the seed.

(6) Containing more than 2.00 per cent by weight of all weed seeds.

(7) If any labeling, advertising, or other representations subject to this chapter represents the seed to be certified or registered seed unless (a) it has been determined by a seed certifying agency that such seed was produced, processed and packaged, and conforms to standards of purity as to kind or variety, in compliance with rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is certified or registered. It is unlawful for any person within this State—

(1) To detach, alter, deface, or destroy any label provided for in this Act or the rules and regulations made and promulgated thereunder, or to alter or substitute seed in a manner that may defeat the purpose of this chapter.

(2) To disseminate any false or misleading advertisements concerning agricultural or vegetable seeds in any manner or by any means.

(3) To hinder or obstruct in any way, any authorized person in the performance of his duties under this chapter.

(4) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with express permission of the enforcing officer, and for the purpose specified thereby.

(5) To use the word "trace" as a substitute for any statement which is required.

(6) To use the word "type" in any labeling in connection with the name of any agricultural seed variety.

#### **§ 1504. Records**

Each person whose name appears on the label as handling agricultural or vegetable seeds subject to this chapter shall keep for a period of two years complete records of each lot of agricultural or vegetable seed handled and keep for one year a file sample of each lot of seed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the State Board of Agriculture or its agents during customary business hours.

#### **§ 1505. Exemptions**

The provisions of sections 1502 and 1503 do not apply—

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or being transported or consigned to, a cleaning or processing establishment for cleaning or processing; provided, that the invoice or labeling accompanying any shipment of said seed bears the statement "seed for processing"; and provided that any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this chapter.

(3) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its busi-

ness as a carrier; provided, that such carrier is not engaged in producing, processing, or marketing agricultural or vegetable seeds subject to provisions of this chapter.

(4) To seed sold by one farmer to another if such seed has neither been advertised for sale nor been delivered through a carrier.

No person shall be subject to the penalties of this chapter for having sold or offered or exposed for sale agricultural or vegetable seed, which were incorrectly labeled or represented as to kind, variety, type or origin (if required) which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's declaration or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated.

#### **§ 1506. Duties and authority of State Board of Agriculture**

The duty of enforcing this chapter and carrying out its provisions and requirements is vested in the State Board of Agriculture. It is the duty of such officer who may act through his authorized agents—

(1) To sample, inspect, make analysis of, and test agricultural and vegetable seeds transported, sold, or offered or exposed for sale within the State for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural or vegetable seeds are in compliance with provisions of this chapter, and to notify promptly the person who transported, sold, offered or exposed the seed for sale, if any violation.

(2) To prescribe, and after public hearing following due public notice, to adopt rules and regulations governing the method of sampling, inspecting, analyzing, testing, and examining agricultural and vegetable seed, and the tolerances to be followed in the administration of this chapter, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the efficient enforcement of this chapter.

(3) To prescribe and after public hearing following due public notice, establish, add to or subtract therefrom by regulations a prohibited and restricted noxious weed list.

(4) To prescribe and, after public hearing following due public notice, to adopt rules and regulations establishing reasonable standards of germination for vegetable seeds.

Further, for the purpose of carrying out the provisions of this chapter and the State Board of Agriculture individually or through its authorized agents, is authorized:

(1) To enter upon any public or private premises during regular business hours in order to have access to seeds and the records connected therewith subject to the chapter and the rules and regulations thereunder, and any truck or other conveyer by land, water, or air at any time when the conveyer is accessible, for the same purpose.

(2) To issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of agricultural or vegetable seed which the State Board of Agriculture finds is in violation of any of the provisions of this chapter or rules and regulations promulgated thereunder, which order shall prohibit further sale, processing and movement of such seed, except on approval of the enforcing officer, until such officer has evidence that the law has been complied with, and he has issued a release from the "stop sale" order of such seed, provided that in respect to seed which has been denied sale, processing and movement as provided in this paragraph, the owner or custodian of such seed shall have the right to appeal from said order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the justification of such order and for the discharge of such seed from the order prohibiting the sale, processing and movement in accordance with the findings of the court: and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this chapter.

(3) To establish and maintain or make provisions for seed testing facilities, to employ qualified persons, and to incur

such expenses as may be necessary to comply with these provisions.

(4) To make or provide for making purity and germination tests of seed for farmers and dealers on request; to prescribe rules and regulations governing such testing; and to fix and collect charges for the tests made.

(5) To cooperate with the United States Department of Agriculture and other agencies in seed law enforcement.

(6) To publish the results of analyses, tests, and examinations made under the provisions of this sub-title, together with any other information deemed advisable.

#### **§ 1507. Seizure**

Any lot of agricultural or vegetable seed not in compliance with the provisions of this chapter shall be subject to seizure upon complaint to a court of competent jurisdiction in the locality in which the seed is located. In the event the court finds the seed to be in violation of this chapter and order the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State: provided, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel it to bring it into compliance with this chapter.

#### **§ 1508. Injunction**

When in the performance of its duties the State Board of Agriculture applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rules and regulations under this chapter, said injunction is to be issued without bond.

#### **§ 1509. Violations and prosecutions**

Every violation of the provisions of this chapter shall be deemed a misdemeanor punishable by a fine not exceeding \$100

for the first offense and not exceeding \$250 for each subsequent similar offense.

When the State Board of Agriculture shall find that any person has violated any of the provisions of this chapter, he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction in the locality in which the violation occurred, to have such person convicted therefor; or the State Board of Agriculture may file with the Attorney General, with a view of prosecution, such evidence as may be deemed necessary: provided, however, that no prosecution under this chapter shall be instituted without the defendant first having been given an opportunity to appear before the State Board of Agriculture or its duly authorized agent, to introduce evidence either in person or by agent or attorney at a private hearing. If, after such hearing, or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the State Board of Agriculture is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

It is the duty of the Deputy Attorney General of the County in which the violation occurred or the Attorney General, as the case may be, to institute proceedings at once against any person charged with a violation of this chapter, if, in the judgment of such officer the information submitted warrants such action.

After judgment by the court in any case arising under this chapter, the State Board of Agriculture shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

Section 2. This Act shall be cited as "The Delaware Seed Law".

Section 3. This Act shall be effective on and after July 1, 1959.

Approved June 17, 1959.



## CHAPTER 71

**AN ACT TO AUTHORIZE THE LEVY COURT OF KENT COUNTY AND THE HARRINGTON SPECIAL SCHOOL DISTRICT TO MAKE CERTAIN TAX REFUNDS.**

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

Section 1. The Levy Court of Kent County is hereby authorized to refund unto Henry L. Stubbs and Ethel J. Stubbs a sum not to exceed Eight Dollars and fifty cents (\$8.50) for duplicate County Taxes erroneously collected for the years 1939 through 1957.

Section 2. The Harrington Special School District is hereby authorized to refund to Henry L. Stubbs and Ethel J. Stubbs a sum not to exceed Four Dollars and thirty cents (\$4.30) for School Taxes erroneously collected for the years 1939 through 1957.

Approved June 17, 1959.

## CHAPTER 72

**AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN  
AND FOR SUSSEX COUNTY TO MAKE NEW INDICES  
FOR MORTGAGES.**

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

Section 1. That the Recorder of Deeds in and for Sussex County be and he is hereby authorized and required to make, or cause to be made, pursuant to the Campbell System of Indices, complete indices, both mortgagor and mortgagee, of all the unsatisfied mortgages recorded in his office. In making said indices, the record of said mortgagees shall be examined to ascertain the satisfaction of all mortgages. The Recorder of Deeds is authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex County.

Section 2. That the Levy Court of Sussex County be and it is hereby authorized and directed to appoint, from among the members of the Sussex County Bar, two (2) commissioners, who shall examine said indices after the said Recorder of Deeds shall have completed the same and if they approve the correctness of said indices, they shall certify their approval on each record thereof and upon said certification said indices shall become and be the indices of all the unsatisfied mortgages in said County as the same are of record in the office of said Recorder of Deeds.

Section 3. That the said Recorder of Deeds shall receive for his services in making such indices a just and reasonable compensation to be determined and paid by the Levy Court of Sussex County upon having filed with it the certification of said commissioners of their approval of said indices. The Recorder of Deeds is also authorized to employ necessary clerical assistance at a compensation to be determined and paid by the Levy Court of Sussex County. The said commissioners shall also receive for their services a just and reasonable compensation to be determined by and paid by the Levy Court of Sussex County.

Approved June 17, 1959.

CHAPTER 73

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE BY GIVING TAYLOR'S BRIDGE COMMUNITY CENTER INCORPORATED, BLACKBIRD COMMUNITY CENTER, INC., AND OAK HILL COMMUNITY CENTER, INC. TAX EXEMPTION STATUS.**

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

Section 1. § 8105, Title 9, Delaware Code is hereby amended by placing at the end thereof the following:

"Taylor's Bridge Community Center Incorporated, Blackbird Community Center, Inc., and Oak Hill Community Center, Inc."

Approved June 17, 1959.

## CHAPTER 74

**AN ACT CREATING A DIVISION OF THE AGING IN THE BOARD OF TRUSTEES OF THE STATE WELFARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA; ESTABLISHING A DELAWARE CITIZENS' COUNCIL FOR THE AGING; MEMBERSHIP AND DUTIES.**

WHEREAS, in recent years there has developed a general awareness of the special needs and problems of the aged as older persons come to comprise an increasingly larger proportion of our population; and

WHEREAS, economic and social changes that have taken place in the United States have altered the position of the aged, posing problems for public and private agencies; and

WHEREAS, Public Law 908 of the 85th Congress provides that the President shall call a White House Conference on Aging in January 1961, and also provides for the assistance to the several states in conducting similar conferences on aging prior to the White House Conference, and for certain funds to be made available to assist the states in conducting similar conferences on aging prior to the White House Conference on Aging; and

WHEREAS, legislation is desirable for the enlargement of the mission of the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna, NOW, THEREFORE

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

Section 1. There is hereby established in the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna, a Division of the Aging, of the residents of the State of Delaware, consisting of a Director, the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna and the Delaware Citizens' Council on Aging.

Section 2. The Delaware Citizens' Council on Aging shall be appointed by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna and shall serve for terms of five years and until their successors are chosen. The Delaware Citizens' Council on Aging shall consist of such membership as may be determined by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna and may consist of representatives of those agencies of the State of Delaware concerned directly or indirectly with the problems of the aged. The Delaware Citizens' Council on Aging shall foster the formation of local community councils on aging and provide for cooperation with such community councils on aging as may be formed. The Delaware Citizens' Council on Aging shall provide for the issuance of reports and wide spread public dissemination of its activities.

Section 3. The Director shall be a person qualified for the position by virtue of his education, training and extensive professional experience with the aged. The appointment of the Director, his salary and duties shall be determined by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna. The Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna may appoint such professional and technical and clerical assistants and employees as may be necessary to enable the Division of the Aging to perform the duties imposed upon it by this Act.

In addition to the duties herein set forth the Director shall perform such other duties as shall be assigned to him by the Board of Trustees of the State Welfare Home for the Chronically Ill at Smyrna and shall be the liaison official between the Board of Trustees of the State Welfare Home for the Chronically Ill at Smyrna and the Delaware Citizens' Council on Aging. The Director shall be a member ex officio of the Delaware Citizens' Council on Aging.

Section 4. The members of the Delaware Citizens' Council on Aging shall serve without compensation but they shall be entitled to be reimbursed for the necessary expenses including travel incurred in the performance of their duties as members of the Delaware Citizens' Council on Aging.

Section 5. The Delaware Citizens' Council on Aging shall meet at least four times annually or oftener in its discretion and issue reports. The time and place of such meetings shall be fixed by resolution of the Delaware Citizens' Council on Aging. The Delaware Citizens' Council on Aging may adopt by-laws for the regulation of its affairs and shall organize by the selection from its membership a chairman, vice chairman, secretary and treasurer.

Section 6. The Division of the Aging and the Board of Trustees of the State Welfare Home for the Chronically Ill at Smyrna shall:

(1) Maintain a continuous study, analysis and interpretation of all information, data, programs and developments pertaining to the aging processes and the needs of the older residents of Delaware;

(2) Maintain a continuous inventory of resources in any way available which can be drawn upon to carry out the program of the Division in the performance of its functions and duties;

(3) Serve as the central permanent agency for the coordination of programs and services for the older residents in the State, particularly in respect to those to which multiple governmental agencies or private organizations may contribute;

(4) Provide leadership and administrative direction to such efforts from one central source so that those who need help or who may provide help on any of the aspects of aging shall have a central point of contact;

(5) Serve as a communications clearing house for information in the large and complex fields of human relationships in respect to aging;

(6) Shall have full and broad authority to provide adequate attention to the growing number of the aging residents in Delaware and to give every possible attention to and study of ways of meeting the needs and to utilizing the resources of the

aging population and shall cooperate with other state and Federal agencies.

Section 7. The Board of Trustees of the State Welfare Home for the Chronically Ill at Smyrna and the Delaware Citizens' Council on Aging shall respectively submit reports to the Governor of the State of Delaware on or before March 1 of each year commencing with the year 1960 and shall submit with their reports such legislative proposals as they deem necessary and advisable.

Approved June 17, 1959.

## CHAPTER 75

**AN ACT TO AMEND TITLE 14, SECTION 7136, DELAWARE CODE, RELATIVE TO THE DISTRICT LIBRARY COMMISSION OF DOVER, DELAWARE.**

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

Section 1. § 7136, Title 14, Delaware Code is hereby amended by adding a new paragraph at the end of § 7136, Title 14, as it now appears, as follows:

The District Library Commission as established in the Dover Special School District shall be composed of five members appointed by the Resident Judge of The Superior Court of Kent County. After the original appointments provided for herein, each member shall be appointed for a term of five years. A vacancy occurring from any cause other than expiration of term of office shall be filled by the Resident Judge for the unexpired term. Within 30 days of the effective date of this Act the Resident Judge of The Superior Court of Kent County shall appoint one member for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years. Annually thereafter the Resident Judge of The Superior Court shall fill vacancies caused by the expiration of the term of office of its members.

Section 2. The District Library Commission now established in the Dover Special School District is hereby abolished and there shall be established a new District Library Commission in the Dover Special School District in accordance with Section 1 of this Act.

The District Library Commission established in the Dover Special School District in accordance with Section 1 of this Act shall succeed to all the assets, liabilities, rights, powers, duties and acts of the District Library Commission being abolished.

Section 3. All Acts and Laws inconsistent to this Act are hereby repealed.

Approved June 17, 1959.



## CHAPTER 76

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE CITY OF HARRINGTON' AND ESTABLISHING A CHARTER THEREFOR".**

*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. Section 6 (A) of Chapter 167 of Volume 40 of the Laws of Delaware is hereby deleted and the following inserted in lieu thereof:

Section 6 (A). The annual municipal election shall be held on the second Tuesday in January of each year, from Twelve O'clock noon until Seven O'clock in the afternoon, Eastern Standard Time, at such place as shall be determined by the Council, due notice of which shall be given by an advertisement printed in a newspaper published in the City and posted in three public places in each ward of the City, not less than ten days before the day of the general election.

Approved June 17, 1959.

## CHAPTER 77

**AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO SCHOOL BOARD ELECTIONS.**

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

Section 1. Title 14, Section 302 (a), Delaware Code is hereby amended to read as follows:

(a) This chapter applies to all Districts in Kent, Sussex and New Castle Counties.

Section 2. Title 14, Chapter 5 is hereby repealed.

Section 3. All School Board Members who have been appointed to hold office under the provisions of Chapter 5 of Title 14, shall hold office until the expiration of their term at which time the provisions of this Act shall take effect and their successor shall be elected in accordance with the provisions of Chapter 3 of Title 14.

Section 4. Sections 1, 2 and 3 of this Act shall take effect upon the passage of this Act; provided, however, that Chapter 5, Title 14, Delaware Code is not repealed to the extent that such repeal would not be consistent with the following amendment to that Chapter.

Section 5. Chapter 5, Title 14, Delaware Code is amended by adding a new section:

**§ 511. Election: Kind of School Board**

Upon the petition of 500 registered voters or 30% of the registered voters within a school district, whichever is the lesser number, an election shall be held in the school district affected to determine if school board members for such district shall be appointed by the resident judge of the county in which the district is located, or shall be elected by the registered voters of the school district affected. In the event that such a

petition is filed with the Department of Elections of such county at least sixty days prior to a general election, said Department of Elections shall conduct the election at the same time and in the same manner as the general election and the vote shall be by ballot on which is written or printed:

For Elected School Board \_\_\_\_\_

Against Elected School Board \_\_\_\_\_

NOTE: This bill became a law on June 8, 1959 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

## CHAPTER 78

**AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE BY ADDING A NEW ARTICLE ENTITLED "CONTINUITY OF STATE AND LOCAL GOVERNMENTAL OPERATIONS IN PERIODS OF EMERGENCY RESULTING FROM DISASTERS CAUSED BY ENEMY ATTACK".**

*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 Constitution of the State of Delaware is amended by adding a new Article thereto to read as follows:

**ARTICLE XVII**

**CONTINUITY OF STATE AND LOCAL GOVERNMENTAL OPERATIONS IN PERIODS OF EMERGENCY RESULTING FROM DISASTERS CAUSED BY ENEMY ATTACK.**

The General Assembly, in order to insure continuity of State and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices whose succession is not otherwise provided for in this Constitution, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers hereby conferred the General Assembly shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the General Assembly so to do would be impracticable or would admit of undue delay.

## CHAPTER 79

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE  
BY PROVIDING FOR THE ELECTION OF SCHOOL  
BOARD MEMBERS IN THE CONRAD HIGH SCHOOL  
DISTRICT.**

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

Section 1. Section 2507 of Title 14, Delaware Code, is hereby amended by adding a new paragraph (g) at the end thereof as follows:

Section 2507. (g) Provided, however, in the Henry C. Conrad High School District the board shall be composed of five members, one member to be elected each year for a term of five years. One member shall be a resident of and elected by the voters in each of the following districts: Krebs, Stanton, Richardson Park, Marshallton and Oak Grove. The election shall be conducted in the same manner as prescribed in Chapter 3 of this title, except, however, that the polling place shall be the school building or buildings in the district which is electing such member, and the conduct of the election shall be the responsibility of the school board of the district which is electing such member and provided further that upon the petition of 500 registered voters or 30% of the registered voters within a school district, whichever is the lesser number, an election shall be held in the school district affected to determine if school board members for such district shall be appointed by the resident judge of the county in which the district is located, or shall be elected by the registered voters of the school district affected. In the event that such a petition is filed with the Department of Elections of such county at least sixty days prior to a general election, said Department of Elections shall conduct the election at the same time and in the same manner as the general election and the vote shall be by ballot on which is written or printed:

For Elected School Board \_\_\_\_\_

Against Elected School Board \_\_\_\_\_

Section 2. Section 2507 of Title 14, Delaware Code, is hereby amended by adding a new paragraph (h) at the end thereof as follows:

Section 2507. (h) For the purpose of implementing the provisions of paragraph (g) there shall be no successor appointed or elected for the terms of the present school board members which expire in 1959 and 1960. In 1961, one member shall be elected by the Richardson Park school district; in 1962, one member shall be elected by the Marshallton school district; in 1963, one member shall be elected by the Oak Grove school district; in 1964, one member shall be elected by the Krebs school district; and in 1965, one member shall be elected by the Stanton school district.

NOTE: This bill became a law on June 8, 1959 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

## CHAPTER 80

**AN ACT TO AMEND CHAPTER 51, TITLE 31, DELAWARE CODE, RELATING TO THE YOUTH SERVICES COMMISSION OF DELAWARE, TO REDEFINE THE FUNCTIONS OF THE COMMISSION, QUALIFICATIONS OF EXECUTIVE DIRECTOR, SETTING HIS SALARY, APPOINTMENT OF OTHER PERSONNEL, POWERS AND DUTIES OF THE COMMISSION, CUSTODY OF CHILDREN COMMITTED TO INSTITUTIONS PRIOR TO JULY 1, 1958.**

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

Section 1. Title 31, § 5102, Delaware Code, is amended to read as follows:

**§ 5102. Functions of the Youth Services Commission of Delaware**

There shall be one State agency known as the Youth Services Commission of Delaware whose function shall be the administration of all State-owned training facilities for the detention, care and treatment, and after-care supervision of juvenile delinquents. These include: Ferris School for Boys, Kruse School, Woods Haven School for Girls, and the Detention Home for Juvenile (Bridge House). In addition, the Commission shall foster the expansion of community services directed toward the over-all prevention of juvenile delinquency.

Section 2. Title 31, § 5105, Delaware Code, is amended to read as follows:

**§ 5105. Oath; quorum; chairman**

(a) Before entering upon the duties of the office, each member shall take and subscribe an oath or affirmation, as prescribed in Article XIV of the Constitution of this State.

(b) Five members shall constitute a quorum.

(c) The Commission shall elect a Chairman from among its membership.

Section 3. Title 31, §5106, Delaware Code, is amended to read as follows:

**§ 5106. Executive Director; appointment; compensation; duties**

The Executive Director of the Commission shall be appointed by and serve at the pleasure of the Commission. The Executive Director shall have at least a Bachelor of Arts degree, and preferably have done graduate work in the behavioral sciences, and shall have had at least five years' experience in an administrative capacity in an agency dealing with problems of juvenile delinquency, at least two of them in an institution for delinquent children. It shall be the duty of the Executive Director, with the approval of the Commission, to appoint the superintendents of the institutions involved. He shall approve the appointments of all other personnel made by the superintendents, fix their compensation in accordance with salary schedules approved by the Commission, and prescribe their duties. He shall act as Secretary of the Youth Services Commission of Delaware. The salary of the Executive Director shall be set by the Commission.

Section 4. Title 31, § 5120 (2), Delaware Code, is amended to read as follows:

Appoint advisory committees having such membership as it deems appropriate or desirable.

Section 5. Title 31, § 5121, Delaware Code, is amended to read as follows:

**§ 5121. Commitments to the Youth Services Commission of Delaware**

The Family Court of the State of Delaware in and for New Castle County and the Juvenile Court of Kent and Sussex Counties may each commit to the custody of the Commission any juvenile who is subject to the jurisdiction of such Court and who is delinquent, as that term is defined in sections 901 and



1101 of Title 10. The Commission shall accept the custody of any juvenile so committed to it. After July 1, 1958, a Court shall commit a juvenile properly adjudged a juvenile delinquent only to the Youth Services Commission of Delaware. All juveniles who, prior to July 1, 1958, have been adjudged delinquent and committed to any institution in this State by any Court will, after that date, be in the legal custody of the Commission, just as though the custody of any such juvenile had been directly awarded to the Commission by a Court.

Section 6. Title 31, § 5122, Delaware Code, is amended to read as follows:

**§ 5122. Power to discharge**

The Commission in its discretion may discharge finally any juvenile committed to its custody if the Commission shall determine such discharge to be for the best interests of the juvenile or of the Youth Services Commission of Delaware. After such discharge the Commission shall be relieved of all liability for any such juvenile. In any event, no person shall be retained in the legal custody of the Youth Services Commission beyond his or her 21st birthday.

Approved June 24, 1959.

## CHAPTER 81

**AN ACT TO AUTHORIZE THE CAESAR RODNEY SPECIAL  
SCHOOL DISTRICT TO MAKE CERTAIN TAX REFUNDS.**

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

Section 1. The Caesar Rodney Special School District is hereby authorized to refund to Walter and Lydia E. Cooper the sum of Thirty-Six Dollars (\$36.00) for school taxes for the years 1956 to 1957 inclusive, which said taxes were erroneously collected in respect to property not owned by the said Walter and Lydia E. Cooper.

Approved June 24, 1959.

## CHAPTER 82

**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 of Kent County is hereby authorized to refund to Walter and Lydia E. Cooper the sum of Sixty-Five Dollars (\$65.00) for county taxes for the years 1956 to 1957 inclusive, which said taxes were erroneously collected in respect to property not owned by the said Walter and Lydia E. Cooper; and also to refund to Mary M. Tyler the sum of Twenty-Four Dollars and Sixty-Eight Cents (\$24.68) for county taxes collected in duplicate from her for the years 1953 to 1955 inclusive.

Approved June 24, 1959.

## CHAPTER 83

**AN ACT ESTABLISHING THE LAST FRIDAY IN APRIL AS ARBOR DAY.**

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

WHEREAS, for the purpose of encouraging the planting of shade and forest trees; and

WHEREAS, the designation of a uniform day throughout the nation, the last Friday of April in each year is hereby designated as a day for the general observance of that purpose, NOW, THEREFORE

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

Section 1. § 501, Title 1, Delaware Code, is hereby amended by adding at the end of said section the following:

the last Friday in April, known as Arbor Day.

Approved June 24, 1959.

## CHAPTER 84

**AN ACT TO AMEND SECTIONS 3102 AND 3103, TITLE 30, DELAWARE CODE, RELATING TO HUCKSTERS' AND PEDDLERS' LICENSES.**

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

Section 1. Sections 3102 and 3103, Title 30, Delaware Code, are amended by repealing those sections and substituting for those sections a new section as follows:

**§ 3102. Huckster's and Peddler's License**

(a) Any person desiring to engage in the business of a huckster or peddler as defined in this chapter, within the limits of this State shall take out a license in his name, authorizing him to engage in such business.

All licenses to hucksters and peddlers shall be issued by the Tax Department and shall expire annually upon the first day of June next succeeding the date of issue. For the license the huckster or peddler shall pay the sum of \$5.00 to the Tax Department. Every huckster or peddler shall file on or before the first day of June next succeeding the date of issuance of the license in the event that the huckster or peddler's gross income shall have exceeded \$5,000.00, the following statement in writing:

That the aggregate cost value of all such merchandise, produce, goods, wares, or any property of whatever description, which for the purpose of this section shall exclude all gasoline taxes paid or payable to the State under the provisions of Part IV of this title, which such huckster or peddler, has purchased for sale in the course of the business of buying and selling merchandise for cash or by barter, or of prosecuting following or carrying on a retail or wholesale business by purchasing and selling produce, goods, wares, or any property of whatever description, including all merchandise, produce, goods, wares, or any property of whatever description, coming into or at any time

within this State, and trans-shipment of original packages, during the year last passed, did not exceed a certain sum as therein stated.

(b) The statement shall be verified by the oath or affirmation of the huckster or peddler and the oath or affirmation may be taken before any person, who by the laws of this State, is duly authorized to administer the same. Every such huckster or peddler shall on or before the first day of June annually, next succeeding, pay to the Tax Department, in addition to the above named sum of \$5.00, the further sum of one-seventh of one per cent, of the aggregate cost value; as set forth in the statement required to be filed with the Tax Department in excess of \$5,000.00.

Approved June 24, 1959.

## CHAPTER 85

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILTON AS ESTABLISHED BY CHAPTER 194, VOLUME 45, LAWS OF DELAWARE, VESTING THE MAYOR AND COUNCIL WITH POWER TO LEVY AND COLLECT TAXES, FOR THE PURPOSE OF HELPING DEFRAY THE EXPENSES OF CONSTRUCTING AND MAINTAINING A SANITARY SEWERAGE SYSTEM, UPON ALL REAL ESTATE, EITHER IMPROVED OR UNIMPROVED, ABUTTING ON STREETS ALONG WHICH SEWER MAINS HAVE BEEN CONSTRUCTED AND ARE MAINTAINED.**

*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 26 of Chapter 194, Volume 45, Laws of Delaware, establishing the Charter of the Town of Milton is amended by adding thereto the following new sub-section to be designated (43) :

(43) To levy and collect annually at the same time and in the same manner as taxes are levied for municipal purposes, a tax or assessment, for the purpose of paying the expense of constructing, reconstructing, extending, operating and maintaining the town's sewage disposal system, including the payment of principal of and interest on bonds issued to finance such system, upon all parcels of land abutting or fronting on any public street within the town along which the town shall have constructed and maintains a sewer main capable of disposing of sewage from the parcels of land abutting or fronting thereon, such tax or assessment to be levied in proportion to the frontage of such parcel upon the abutting street.

Approved June 24, 1959.

## CHAPTER 86

**AN ACT TO AMEND CHAPTER 33, TITLE 29, DELAWARE CODE, RELATING TO THE PUBLIC ARCHIVES COMMISSION, ITS DUTIES AND THE TRANSFER OF RECORDS TO ITS CUSTODY.**

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

Section 1. § 3301, Title 29, Delaware Code, is amended to read as follows:

**§ 3301. Creation and general duties of Commission**

There shall be a Public Archives Commission, hereafter in this chapter referred to as the "Commission" whose duties shall consist of the care and preservation of all non-current public records of historical value of this State or any political subdivision thereof, which are now in, or may hereafter come into, the possession of the Commission; and also for the preservation of all other public records by conducting a public records administration program for the transfer of semi-current records to records centers (subject to available space, staff, equipment and other facilities) and the operation of a centralized microfilming program, at the cost of materials, for the agencies of this State or any political subdivision thereof.

Section 2. § 3321, Title 29, Delaware Code, is amended by enacting a new § 3321 in lieu thereof to read as follows:

**§ 3321. Transfer of records to Hall of Records and Record Centers; penalty for refusal**

(a) The Commission may select and transfer to the Hall of Records such non-current books, records, manuscripts, documents, maps and papers which it deems to be of an historical or public interest, and which now are, or shall hereafter be, in the custody of any public official of this State or any political subdivision thereof.



The Commission may select and transfer to its records centers those semi-current records of this State or of a county or an incorporated municipality which qualify under the terms of the Commission's public records administration program.

The provisions of this subsection shall not be construed to apply to deed record books in the offices of the Recorders of the Counties of this State, except that transfer of such deed records may be made under the provisions of § 9615 of Title 9.

(b) Whoever, being a public official, refuses to relinquish possession of public records as described in subsection (a) of this section that may be in his custody as such official shall be fined not less than \$100 nor more than \$500.

Approved June 24, 1959.

## CHAPTER 87

**AN ACT TO AMEND TITLE 15, DELAWARE CODE PROVIDING THAT THE DEPARTMENT OF ELECTIONS SHALL SELECT PRIMARY ELECTION OFFICERS AND CLERKS.**

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

Section 1. Title 15, Section 3109, Delaware Code is amended by striking out all of the third paragraph thereof as it presently appears and substituting in lieu thereof the following:

The primary election officers and clerks shall be chosen by the Department of Elections from among the election officers and clerks selected for the general election for the election district or districts contained in the primary election district, and for each such primary election district the election officers and clerks shall be divided as equally as possible between the two principal parties except that in the event that there is a contest in only one party in a primary election district, all the primary election officers and clerks for that district shall be persons whose party affiliation, as shown upon his original permanent registration record, is the same as the party holding the primary contest.

Approved June 24, 1959.

## CHAPTER 88

**AN ACT TO AMEND CHAPTER 31, TITLE 16, DELAWARE CODE, ENTITLED "VITAL STATISTICS".**

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

Section 1. § 3124, Title 16, Delaware Code, is amended by striking out the definition of "Stillbirth" as the same appears therein and by substituting in lieu thereof the following definition:

"Fetal death" or "stillbirth" means death of a fetus prior to birth after 20 weeks of gestation.

Section 2. § 3125, Title 16, Delaware Code is hereby repealed and a new § 3125 enacted to read as follows:

**§ 3125. Registration of deaths and fetal deaths**

(a) A certificate of every death or fetal death (after gestation period of 20 weeks or more) shall be filed with the local registrar of the district in which the death or stillbirth occurred or in which the person in charge of interment resides, within three days after the occurrence is known; or if the place of death or fetal death is not known, then with the local registrar of the district in which the body is found within 24 hours thereafter.

(b) When a death or a fetal death occurs on a moving conveyance a death or a fetal death certificate shall be filed in the registration district in which the dead body or fetus is first removed from such conveyance.

(c) The person in charge of interment shall file with the local registrar of the district in which the death or fetal death occurred, or in which the person in charge of interment resides, or the body found, a certificate of death or fetal death within three days after the occurrence. If the certificate is filed in the district in which the person in charge of interment resides, the local registrar of that district shall be paid a fee of 50 cents.

(d) In preparing a certificate of death or fetal death the person in charge of interment shall obtain and enter on the certificate the personal data required by the State Board of Health from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the Medical Examiner or Coroner having jurisdiction, who shall thereupon certify the cause of death according to his best knowledge and belief. No midwife shall sign a certificate of death or fetal death.

(e) The undertaker or person in charge of interment shall, if the death occurred without medical attendance or the physician last in attendance failed to sign the death certificate or circumstances suggest that the death or fetal death was caused other than by natural causes, notify the Medical Examiner or Coroner for investigation and certification.

(f) If the cause of death cannot be determined within three days, the certification of its cause may be filed after the prescribed period, but the attending physician, Medical Examiner or Coroner shall give the local registrar of the district in which death occurred written notice of the reason for the delay in order that permit for the disposition of the body may be issued.

Section 3. Subsection (c), § 3127, Title 16, Delaware Code is hereby repealed and a new subsection (c) enacted to read as follows:

(c) The State Registrar shall file a new certificate of birth for any child born in Delaware who is legally adopted in another State upon receipt of a certified or exemplified copy of the Court Order of Adoption from the Clerk of the Court of such other State, and shall issue a certificate as provided under section 3134 of this title.

Section 4. § 3151, Title 16, Delaware Code, is amended by striking out the word "stillbirth" wherever the same appears therein and by substituting in lieu thereof the words "fetal death".

Approved June 24, 1959.

CHAPTER 89

**AN ACT TO AMEND CHAPTER 24, TITLE 9, DELAWARE CODE, BY DEFINING THE TERM "GARBAGE DISPOSAL PLANT" AS USED THEREIN.**

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

Section 1. Chapter 24, Title 9, of the Delaware Code, be and it hereby amended, by adding a new Section 2411 at the end thereof to read as follows:

§ 2411. The words "garbage disposal plant or plants" wherever used in this chapter shall be interpreted to include incineration, sanitary land-fill, garbage grinding plants, composting for disposal of garbage, or any other means of garbage disposal which shall conform with reasonable standards of sanitary engineering.

Approved June 24, 1959.

## CHAPTER 90

**AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, BY ENLARGING THE JURISDICTION OF THE FAMILY COURT IN THE DISPOSITION OF CERTAIN CHILDREN.**

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

Section 1. Title 10, Delaware Code, is amended by adding a new paragraph (9) following paragraph (8) of § 984 (a) of Chapter 9 thereof to read:

(9) Commit a child who has attained his sixteenth birthday and who is alleged to have thereafter committed a violation of the penal law and who, in the judgment of the Court, needs rehabilitative service in a secure setting, to the joint custody of the State Board of Corrections to provide such secure setting, and to the Youth Services Commission to provide such rehabilitative service, such secure holding and such rehabilitative service to continue so long as they are both needed by the child. The joint custody of such child may be terminated by the Court upon the petition of either of the joint custodians or on its own motion.

Approved June 24, 1959.

CHAPTER 91

**AN ACT TO AMEND TITLE 15, DELAWARE CODE RELATING TO ELECTIONS.**

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

Section 1. Title 15, Section 5506, Delaware Code is amended by deleting all of paragraph (b) therefrom.

Approved June 24, 1959.

## CHAPTER 92

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO ABSENTEE BALLOTS.**

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

Section 1. § 5511, Title 15, Delaware Code, is hereby amended by striking out the words "before noon of election day" as they appear in lines 2 and 3 therein and insert in lieu thereof the following words:

"before 12 o'clock noon of the day before election."

Section 2. § 5511, Title 15, Delaware Code, is hereby amended by striking out the words "after 12:00 o'clock noon of election day" as they appear in line 4 therein and insert in lieu thereof the following words:

"after 12:00 o'clock noon of the day before election."

Section 3. § 5505, Title 15, Delaware Code, is hereby amended by striking out the words "5 P. M." as they appear in line 3 therein and insert in lieu thereof the following words:

"12:00 o'clock noon".

Approved June 24, 1959.



## CHAPTER 93

**AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, BY ADDING A NEW SECTION CONCERNING THE ELECTION OF STATE EMPLOYEES TO PUBLIC OFFICE; LEAVE OF ABSENCE.**

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

Section 1. Amend Chapter 51, Title 29, Delaware Code, by adding a new section thereto to read as follows:

**§ 5110. Election of employee to public office; leave**

In the event any employee of this State, including any employee of the public schools, is elected to any public office provided for by the Constitution of the State of Delaware or the Delaware Code, such employee shall be granted such leave of absence without pay as is reasonable and necessary to perform his duties in such office. Upon the completion of such leave, the employee shall be reinstated in the position which he held at the time such leave of absence was granted.

Approved June 18, 1959.

## CHAPTER 94

**AN ACT TO PERMIT THE SUSSEX COUNTY REGISTER OF  
WILLS TO RECORD INSTRUMENTS BY USING A PHOTO  
COPYING MACHINE.**

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

Section 1. The recording of all instruments in the Register of Wills office in and for Sussex County shall be accomplished by copying the original by hand, by typewriter or by means of a photo-copying machine and permanently binding or inserting in appropriate backs, with proper identification for the preservation of such records.

Approved June 18, 1959.

CHAPTER 95

**AN ACT TO AMEND TITLE 31, DELAWARE CODE, REPEALING PROVISIONS RELATING TO TRANSFER OF CUSTODY OF A JUVENILE TO STATE BOARD OF CORRECTIONS.**

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

Section 1. Title 31, Delaware Code, is amended by striking out all of the provisions of section 5123.

Approved June 19, 1959.

## CHAPTER 96

**AN ACT TO AMEND TITLE 31, DELAWARE CODE, BY REPEALING SECTION 5131 RELATING TO THE DETENTION OF JUVENILES UNDER 18 YEARS OF AGE.**

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

Section 1. Title 31, Delaware Code, is amended by striking out all of the provisions of section 5131.

Approved June 19, 1959.

CHAPTER 97

**AN ACT TO AMEND SECTION 4126 (c), TITLE 21, DELAWARE CODE RELATING TO SPECIFIC SPEED LIMITS AND THE PENALTIES THEREFOR.**

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

Section 1. Section 4126 (c), Title 21, Delaware Code is amended by adding the following words thereto as follows:

A subsequent violation, before being punishable as such, shall have been committed within 24 months after the commission of the prior offense.

Approved June 19, 1959.

## CHAPTER 98

**AN ACT TO APPROPRIATE MONEY TO DONALD DEPHEW SHORT, RESIDENT OF THE STATE OF DELAWARE AND A VETERAN OF THE KOREAN WAR FOR THE VETERANS' MILITARY PAY ACT II.**

WHEREAS, Donald Dephew Short, a resident of the State of Delaware and a veteran of the Korean War was eligible under the Veterans' Military Pay Act II, Chapter 449, Volume 50, Laws of the State of Delaware; and

WHEREAS, Donald Dephew Short did not receive that payment solely because he did not file a claim in time; and

WHEREAS, the amount of Donald Dephew Short's claim is Ninety Dollars (\$90.00).

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

Section 1. The sum of Ninety Dollars (\$90.00) is appropriated to Donald Dephew Short as a bonus payment incident to his military service during the period of the Korean War.

Section 2. This is a supplementary appropriation act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 24, 1959.

## CHAPTER 99

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, TO PROVIDE FOR SIDEWALKS LEADING TO SCHOOL SITES.**

WHEREAS, the number of pupils attending elementary and secondary public schools has increased tremendously in the past few years, and,

WHEREAS, the system of sidewalks, which furnish the only safe means of attending school for many of these students, has not kept pace with the increased enrollment, and

WHEREAS, it is the joint responsibility of the State Board of Education and the local School Boards that these children attend school with all possible safety precautions, 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. § 2102, Title 14, Delaware Code, is amended to read as follows:

**§ 2102. Power of District to issue bonds**

The School Board of any District may issue bonds for the purpose of carrying out any plan or program for the acquisition of lands or the acquisition or construction of buildings or for the construction of sidewalks leading to the school site as may be authorized by the provisions of this title when such plan or program shall be approved by the State Board of Education.

Section 2. Chapter 23, Title 14, Delaware Code, is amended by adding a new section as follows:

**§ 2305. Sidewalks**

(a) The engineering and construction supervision for sidewalks leading to a school site shall be performed for the District

by the State Highway Department. Such sidewalks may be located on land or rights of way under the control of the State Highway Department or on other land or rights of way provided for such purpose.

(b) Sidewalks financed by issuance of bonds by a School Board may be constructed only after the need for such sidewalks is ascertained by the School Board by careful examination of transportation facilities in the District, the project has been approved by the State Highway Department and the State Board of Education.

(c) When considering granting approval for sidewalk construction, the local and State Boards of Education shall take into consideration the current rule governing permanent free bus transportation and shall make sure there is no overlapping. Both Boards shall also consider frequency of exposure to traffic hazards and the possible existence of mechanical hazards. The procedure prescribed by § 2105 of this title must be fulfilled.

Approved June 25, 1959.



## CHAPTER 100

**AN ACT TO AMEND CHAPTER 17, TITLE 10, DELAWARE CODE, ENTITLED "MUNICIPAL COURT—WILMINGTON" RELATING TO APPOINTMENT OF ASSISTANT TO THE CHIEF JUDGE OF THE MUNICIPAL COURT.**

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

Section 1. Subsection (a), §1703, Title 10, Delaware Code, is hereby repealed and a new subsection (a) enacted in lieu thereof to read as follows:

(a) The Governor of the State of Delaware shall appoint, every twelve years, some suitable person as assistant to the Chief Judge of the Municipal Court. The person so appointed shall be known as the Associate Judge of the Municipal Court. In the event of a vacancy, by death, resignation or otherwise, the Governor shall appoint a successor for the full term of twelve years.

Section 2. This act shall become effective upon the expiration of the term of the Associate Judge of the Municipal Court or upon a vacancy created by death, resignation or otherwise.

Approved June 25, 1959.

## CHAPTER 101

**AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION.**

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

Section 1. § 2342, Title 19, Delaware Code, is amended by striking out and repealing all of said section and by substituting in lieu thereof a new § 2342 to read as follows:

**§ 2342. Notice of occupational disease; time of; failure to give**

Unless the employer during the continuance of the employment has actual knowledge that the employee has contracted a compensable occupational disease, or unless the employee or someone in his behalf, or some of his dependents, or someone on their behalf, gives the employer written notice or claim that the employee has contracted one of the compensable occupational diseases, which notice to be effective shall be given within a period of six months 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, no compensation shall be payable on account of the death or disability by occupational disease of such employee.

Section 2. § 2348, Title 19, Delaware Code, is amended by striking out and repealing all of subsection (a) only thereof and substituting in lieu thereof a new subsection (a) to read as follows:

**§ 2348. Hearings of Board; notice of awards, evidence**

(a) In all hearings before the Board, it shall make such inquiries and investigations as it deems necessary. Unless otherwise stipulated by counsel and approved by the Board, the hearings of the Board shall be held at some reasonable location in the city or county where the injury occurred or, if the accident occurred out of state, in any county designated by the Board as convenient for the parties, and each award of the Board shall

be in writing and shall be filed among its records, and a copy thereof shall either be served personally, or sent by registered mail to, each of the parties in interest within one week after making such award.

Section 3. § 2349, Title 19, Delaware Code is amended to read as follows:

**§ 2349. Finality of awards; appeals; limitation period**

An award of the Board in the absence of fraud shall be final and conclusive between the parties, except as provided in section 2347 of this title, unless within twenty days after a copy thereof has been sent to the parties, either party appeals to the Superior Court for the county in which the injury occurred, or if the injury occurred out of the State, to the Superior Court in and for the county in which the hearing was had.

Section 4. § 2350, Title 19, Delaware Code, is amended by adding thereto a new subsection (f) to read as follows:

(f) The Superior Court may in its discretion allow a reasonable attorney fee to claimant's attorney for his services on an appeal from the Industrial Accident Board to the Superior Court and from the Superior Court to the Supreme Court where the claimant has prevailed in his hearing before the Industrial Accident Board and is affirmed on appeal, which fee shall be taxed in the costs and become part of the final judgment in the cause and may be recovered against the employer or employer's insurance carrier.

Approved June 25, 1959.

## CHAPTER 102

**AN ACT TO AMEND TITLE 11, DELAWARE CODE, IN RELATION TO THE PROSECUTION OF CHILDREN AS ADULTS.**

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

Section 1. Title 11, Delaware Code, is amended by striking out Subchapter II of Chapter 27 thereof, and by enacting in lieu thereof a new Subchapter II of Chapter 27 to read:

**SUBCHAPTER II. PROSECUTION OF CHILDREN  
AS ADULTS****§ 2711. Grounds for jurisdictional change**

Any child, who has attained his or her sixteenth birthday and who is alleged to have thereafter committed an offense, which, but for the passage of this subchapter would have been a delinquent act only, and who, in the judgment of the court which conducts on behalf of the State of Delaware a hearing in his or her interest, is not amenable to and will not profit by the processes of the court, may be proceeded against by information or indictment and be prosecuted in the same manner and in the same court, and upon conviction shall suffer the same penalties for the commission of the offense as if the child were an adult at the time of the commission of the offense.

**§ 2712. Vesting of exclusive jurisdiction in Superior Court**

When there shall have been filed in the office of the Prothonotary of the county in which the offense was committed, as a part of the permanent records in the case, a statement in writing, signed by the judge of the inferior court having jurisdiction of the child and of the offense, setting forth that in the judgment of the court the child is not amenable to and will not profit by the processes of the court, the same shall constitute a deprivation of jurisdiction over the person and the offense of the child of all inferior courts of this State, and the sole and

exclusive jurisdiction of the person and of the offense of the child shall vest in the Superior Court and the Attorney General may thereafter proceed by information or indictment, as the case may be.

Approved June 25, 1959.

## CHAPTER 103

**AN ACT TO AMEND TITLE 16, DELAWARE CODE ENTITLED "HEALTH AND SAFETY" BY INCREASING THE GENERAL POWERS AND DUTIES OF THE STATE BOARD OF HEALTH.**

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

Section 1. § 122, Title 16, Delaware Code, is hereby amended by adding at the end thereof a new paragraph (7) to read as follows:

(7) To promulgate and enforce reasonable rules and regulations relating to safety, sanitation and adequate shelter as affecting the welfare and health of railroad trainmen, engine-men, yardmen, maintenance of way employees, highway crossing watchmen, clerical, platform, freight house, and express employees.

(8) No rules and regulations shall be issued by the board under this paragraph unless the board has held hearings with regard thereto and both the employers and the employees affected have been given a full opportunity to present evidence as to the necessity and reasonableness of the proposed rules and regulations.

Approved June 25, 1959.

## CHAPTER 104

**AN ACT TO AMEND CHAPTER 15, TITLE 9, OF THE DELAWARE CODE BY AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO REGULATE OR PROHIBIT THE DUMPING OF GARBAGE, RUBBISH, ASHES OR OTHER WASTE MATERIAL, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.**

*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. § 1525, Title 9, of the Delaware Code is hereby repealed in its entirety and a new § 1525 is enacted and inserted in lieu thereof to read as follows:

§ 1525. (a). The Levy Court of New Castle County may regulate or prohibit the dumping of rubbish, garbage, ashes, or any other waste material in or upon land within the county outside of any incorporated municipality and for that purpose adopt, and from time to time, amend or rescind suitable ordinances, rules or regulations, provided, however, that this section shall not apply to the Seventh Senatorial District of New Castle County.

(b). The Levy Court shall have the power to license public garbage collectors who comply with and meet the requirements of the rules, regulations and ordinances adopted by the Levy Court and the Levy Court shall charge each public garbage collector \$100.00 per year for said license.

(c). Nothing in this section shall authorize the Levy Court to undertake public garbage collection.

(d). Any person, firm or corporation violating the regulations of the Levy Court established under this paragraph shall be guilty of a misdemeanor for each and every violation and shall be punishable by a fine not to exceed \$200.00, or a prison sentence not to exceed 30 days, or both. In the case of continuing violations, each day of such violation shall constitute a separate offense.

(e). The Levy Court or any property owner of real estate within New Castle County injured by a violation of any ordinance, rule or regulation adopted by the Levy Court pursuant to the authority of this Section, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate or remove any violations against regulations adopted pursuant to this Section.

Approved June 25, 1959.



## CHAPTER 105

**AN ACT TO AMEND CHAPTER 283, VOLUME 51, LAWS OF DELAWARE, TO PROVIDE FOR THE FINANCING OF CAPITAL IMPROVEMENTS THEREUNDER AND APPROPRIATING THE NECESSARY FUNDS.**

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

Section 1. Section 14, Chapter 283, Volume 51, Laws of Delaware, is hereby amended by striking out the second paragraph of Section 14 and inserting in lieu thereof the following paragraph:

No school construction shall be started under authority of this Act in any school district except the Newark Special School District and in the City of Wilmington for Facilities for Orthopedically Handicapped after December 31, 1959; and no moneys shall be borrowed by the State under authority of this Act after December 31, 1959 except such moneys as are necessary to complete school construction started prior to December 31, 1959.

Section 2. Section 14, Chapter 283, Volume 51, Laws of Delaware, is hereby amended by adding thereto a new paragraph to read as follows:

School construction in the Newark Special School District and in the City of Wilmington for Facilities for Orthopedically Handicapped may be started under authority of this Act until but not later than December 31, 1960; and moneys may be borrowed by the State under the authority of this Act for the Newark Special School District and The City of Wilmington for Facilities for Orthopedically Handicapped until but not later than December 31, 1960 to complete school construction started prior to December 31, 1960.

Approved June 25, 1959.

## CHAPTER 106

**AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, WITH RESPECT TO THE POWERS OF POLICE, JUSTICES OF THE PEACE, OTHER COURTS AND OTHER COMMITTING MAGISTRATES IN ISSUANCE OF PROCESS; CONDUCT OF PRELIMINARY PROCEEDINGS AND DETENTION OF CHILDREN IN FAMILY COURT MATTERS.**

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

Section 1. Amend Title 10, Delaware Code, by striking out § 974 of Chapter 9 thereof, and enacting a new § 974 to read:

**§ 974. Issuance and service of process in Family Court cases by certain officers**

(a) The House Sergeant at the Police Station in the City of Wilmington with respect to offenses alleged to have been committed in said City and any Justice of the Peace or other Committing Magistrate outside said City with respect to offenses alleged to have been committed within his territorial jurisdiction may issue under his hand and seal a summons to procure the attendance, or a warrant for the arrest of any person charged on oath or affirmation before him with having committed any offense within the jurisdiction of the Family Court.

(b) Any peace or police officer possessing a warrant for the arrest of a child, issued under subsection (a) or having lawfully apprehended a child without a warrant, may, in either event, rather than arrest the child, notify the person having the care of said child to appear before the Family Court with said child when notified by said Court so to do, and shall file with said Court forthwith a petition in accordance with § 971 of this Chapter on forms furnished by said Court. The Family Court may enforce the appearance of the person having the care of said child by suitable process.

(c) If the Officer chooses to arrest the accused child, whether with or without a warrant, rather than use the process

of notification outlined in subsection (b); and in all cases where the accused is an adult, the Officer shall take the accused forthwith before the Family Court, if it be in session, and if not, then before the Issuing Officer, or if he is not available, then before the nearest available Justice of the Peace, who shall proceed in accordance with § 975 hereof.

Section 2. Amend Title 10, Delaware Code, by striking out § 975 of Chapter 9 thereof, and enacting a new § 975 to read:

**§ 975. Powers and duties of House Sergeant or Committing Magistrate in Family Court cases**

I. If the accused is a child the House Sergeant or Committing Magistrate, in all Family Court cases:

(a) May release the child on his own recognizance, or on that of the person having his care, to appear before the Family Court when notified so to do; or

(b) May require the child, if the offense with which he is charged is a felony, or if he is a non-resident of Delaware, to furnish reasonable cash or property bail or other surety for his appearance before the Family Court when notified so to do; or

(c) May order the child detained by the Youth Services Commission provided that the child, after having been given ample opportunity, shall fail to furnish reasonable cash or property bail or other surety required under sub-section (b) hereof; and provided that detention appears necessary for the child's or the community's protection; and provided that such detention shall continue only until the next session of the Family Court; and provided that the Youth Services Commission may release the child before the next session of the Family Court on the recognizance of the person having said child's care to appear with the child at the next session of the Family Court;

(d) Shall notify the person having the care of the child, if his address be known, of the child's arrest, its cause, and the disposition of the matter; and

(e) Shall file with the Family Court forthwith a petition in accordance with § 971 of this chapter on forms furnished by the Family Court.

II. If the accused is an adult, the House Sergeant or the Committing Magistrate, in all Family Court cases:

(a) May release him on his own recognizance to appear before the Family Court when notified so to do; or

(b) May hold him in reasonable cash or property bail or other surety for his appearance at a session of the Family Court to be held within four days; or

(c) May commit him to the Chief of Police of the City of Wilmington, or to the Director of the State Board of Corrections, as the case may be, in default of bail or other required surety, to be delivered to the Family Court at a session within four days of the date of commitment.

III. In all Family Court cases, the House Sergeant or the Committing Magistrate:

(a) Shall provide and forward forthwith to the Family Court complete information concerning the accusation, the arrest, all proceedings before him, including his disposition, on forms furnished by the Family Court;

(b) Shall forward forthwith to the Clerk of the Family Court the cash or property bail and/or other surety in his hands properly identified, together with bail bonds and other pertinent information;

(c) May issue subpoenas to witnesses on behalf of the State or of the accused, returnable to the Family Court, and may bind material witnesses for their appearance therein.

Section 3. Amend Title 10, Delaware Code, by striking out § 976 of Chapter 9 thereof, and enacting a new § 976 to read:

**§ 976. Bail; validity; forfeiture**

Bail bonds and/or other surety taken as authorized herein shall be as effective as if they had been taken by the Clerk of the Court.

If the person depositing cash or property bail bond or other surety fails to appear in the Family Court as required; the Judge shall order the same forfeited and, if applicable, shall order same sold by the Sheriff at public auction, and shall distribute the proceeds of such forfeiture and/or sale with other costs and fines.

Section 4. Amend Title 10, Delaware Code, by striking out § 977 of Chapter 9 thereof, and enacting a new § 977 to read:

**§ 977. Photographing; fingerprinting; incarceration; prosecution of children prohibited**

(a) No Peace or Police Officer, Justice of the Peace or Committing Magistrate shall:

(1) Photograph or fingerprint any child, except with the approval of a Judge, Master or the Director first had and obtained in each instance.

(2) Incarcerate any child for any period in any police station, jail or lock-up.

(3) Hold any child "in communicado", nor for more than two hours unless permission to hold such child for more than two hours be first obtained from a Judge, Master, or the director of the Court; any general order by any Court purporting to give authority to any person to detain any child in any place other than that authorized by law to the contrary notwithstanding.

(b) No child shall be indicted by the Grand Jury or prosecuted as a criminal by the State in an adverse proceeding in any Court for any crime except murder or rape; or for any violation of the penal code, or for any unlawful or delinquent act. The Family Court shall take exclusive jurisdiction of such accused child and shall proceed "in his interest", as set forth in this chapter.

Section 5. Amend Title 10, Delaware Code, by striking out § 978 of Chapter 9 thereof, and enacting a new § 978 to read:

**§ 978. Custodial care of a child pending final determination by the Family Court**

During a period of continuance for investigation and study and until final determination of the case, a Judge, Master or the Director may release the child upon his own recognizance, or upon the recognizance of the person having his care, to appear before the Court when required so to do; or, following a finding of delinquency, a Judge or Master may cause the child to be detained by the Youth Services Commission until final determination of his case, unless sooner released by a Judge or Master; provided, however, that any child so detained may, upon application of the Youth Services Commission be removed from the detention care of said Commission by a Judge or Master; and such child may thereafter be detained pending further investigation and study and until final determination of his case in any manner ordered by a Judge or Master.

Section 6. Amend Title 10, Delaware Code, by striking out § 979 of Chapter 9 thereof, and enacting a new § 979 to read:

**§ 979. Duties of other Courts in Family Court cases**

When any person is brought before any Court charged with any matter or offense properly exclusively cognizable in the Family Court, such Court, if there is probable ground for the charge, shall proceed in accordance with § 975 hereof.

Section 7. Amend Title 10, Delaware Code, by striking out § 980 of Chapter 9 thereof, and enacting a new § 980 to read:

**§ 980. Prosecution of adults by information; trial without jury**

Prosecution of adults in the Family Court shall be by information without indictment by Grand Jury or Trial by Petit Jury.

Approved June 25, 1959.

## CHAPTER 107

**AN ACT TO AMEND TITLE 19, DELAWARE CODE, ENTITLED "LABOR" RELATING TO WAGE PAYMENTS FOR RAILROAD EMPLOYEES EVERY TWO WEEKS.**

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

Section 1. Title 19, Delaware Code is hereby amended by adding thereto a new § 703 to read as follows:

**§ 703. Payment of wages for railroad employees every two weeks**

(a). Every corporation or joint stock association operating a steam, electric or diesel surface railroad or engaged in the sleeping car business, and every person carrying on such a business, by lease or otherwise, shall pay to each employee every two weeks the wages earned to a day not more than fourteen (14) days prior to the date of such payment. This section shall not apply to any person employed in a bona fide executive, administrative or professional capacity.

(b). Every corporation or joint stock association or person carrying on such a business by lease or otherwise who knowingly does not pay the wages of all its or his employees, in accordance with the provisions of this section, and the officers of such corporation or joint stock association who knowingly permit a corporation or joint stock association to violate this section by failing to pay the wages of any of its employees, in accordance with the provisions hereof, shall be fined not less than \$100 or imprisoned for not more than 30 days, or both for each such offense.

Approved June 25, 1959.

## CHAPTER 108

### **AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE RELATING TO EQUIPMENT AND CONSTRUCTION OF VEHICLES BY PROVIDING FOR A NEW SUBCHAPTER THERETO ENTITLED "BRAKE FLUIDS."**

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

Section 1. Chapter 43, Title 21, Delaware Code is amended by adding a new Sub-chapter V thereto as follows:

#### **SUB-CHAPTER V. BRAKE FLUIDS**

##### **§ 4381. Definitions**

(a) "Brake Fluid" means the liquid medium through which force is transmitted in the hydraulic brake system of any motor vehicle operated on the highways of this State.

(b) "Container" means any receptacle in which brake fluid is immediately contained for sale, but does not include a carton or wrapping containing several such receptacles or a tank car or truck.

(c) "Labeling" includes all written, printed or graphic representations, in any form whatsoever, imprinted upon or affixed to any container of brake fluid or accompanying any brake fluid.

##### **§ 4382. Prohibition**

No person shall sell, have for sale, offer for sale, distribute or add to the hydraulic brake system of a motor vehicle in this State, any brake fluid which is misbranded or adulterated.

##### **§ 4383. Misbranding**

A brake fluid shall be deemed to be misbranded if its labeling is false or misleading in any particular and unless the container in which it is packed for sale bears a label containing in clear and legible type the following:



(a) The name and address of a manufacturer, packer, seller or distributor.

(b) The words "Brake Fluid" and the designation "Heavy Duty."

(c) An accurate statement of the net contents in terms of liquid measure.

#### § 4384. Adulteration

A brake fluid shall be deemed to be adulterated unless it meets the minimum standard for brake fluid promulgated by the Commissioner pursuant to Section 4385 hereof.

#### § 4385. Standards and specifications

The Commissioner shall, on or before September 1, 1959 after due notice and opportunity for public hearing, prescribe such specifications for hydraulic brake fluid to be sold in this State as he shall deem necessary to assure that all hydraulic brake fluid sold in this State shall be safe for use in motor vehicle brake systems, and shall give notice by inserting a notice in a newspaper of general circulation in this State that such specifications for hydraulic brake fluid have been established and that a copy of such specifications may be obtained by any interested person from the office of the Commissioner, but in no event shall the specifications for brake fluid fall below the minimum specifications established by the Society of Automotive Engineers for hydraulic brake fluid, heavy duty type.

#### § 4386.

The Commissioner and his duly authorized agents shall enforce the provisions of this Act and may sample, inspect, analyze and test any brake fluid manufactured, used, packed, sold or distributed within this State. The Commissioner, through his agents, shall have free access by all legal means during business hours to all premises, buildings, vehicles, cars and vessels used in the manufacture, packing, storage, sale or transportation of brake fluid, and may, by legal means, open any

box, carton, parcel or container of brake fluid and take therefrom samples for analysis or for evidence.

§ 4387.

Any person who shall manufacture, sell, offer for sale or have in his possession for sale or distribute after January 1, 1960 in this State, any hydraulic brake fluid which does not meet the specifications prescribed by the Commissioner shall be guilty of a misdemeanor and subject to a fine of not less than \$50 nor more than \$500 for each such violation.

§ 4388.

All laws and parts of laws inconsistent with this Act are hereby repealed.

Approved June 30, 1959.

# CHAPTER 109

## AN ACT TO AMEND SECTION 2920, TITLE 24, DELAWARE CODE RELATING TO THE TERMINATION OF EMPLOYMENT AND RE-EMPLOYMENT OF REAL ESTATE SALESMEN.

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

Section 1. Section 2920, Title 24, Delaware Code is amended by adding a new paragraph as follows:

Upon the payment of a fee of \$1.00, the Commission shall list any real estate salesman who is discharged or terminates his employment with a real estate broker on an inactive list for a period of three years and no longer. Upon the re-employment of the real estate salesman by the same or different broker a new certificate shall issue from the Commission upon the payment of the real estate salesman's fee.

Approved June 30, 1959.

## CHAPTER 110

**AN ACT TO AMEND SECTION 5523, TITLE 29, DELAWARE CODE RELATING TO AMOUNT OF BENEFIT UNDER STATE EMPLOYEES' PENSION PLAN.**

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

Section 1. Section 5523, Title 29, Delaware Code is amended by adding in Line "7" after the word "been" the following words:

"or shall be".

Section 2. The effect of this amendment shall relate back to the 21st day of July 1957.

Section 3. Wherever an interpretation has been placed upon any other section of Subchapter II because of the absence of the words "or shall be" in Section 5523, thereby limiting the coverage under Subchapter II, this amendment amends such sections to effect the purpose of this amendment.

Approved June 30, 1959.

## CHAPTER 111

**AN ACT TO AUTHORIZE THE CITY OF DOVER TO ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING THE EXTENSION, RECONSTRUCTION OR IMPROVEMENT OF THE CITY'S WATER SYSTEM, ELECTRIC SYSTEM AND SEWER SYSTEM, AND TO PROVIDE FOR THE PAYMENT OF SUCH 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. Wherever used in this act, unless a different meaning clearly appears from the context, the word "undertaking" shall mean (1) the system of water supply established and operated by The City of Dover, or (2) the system for the generation and distribution of electric energy for lighting, heating and power established and operated by said City, or (3) the sewer system established and operated by said City for the purpose of collecting, treating and disposing of sewage, or (4) a combination of the systems mentioned in items (1) and (3) of this section, together with all property, rights, easements and interests pertaining thereto or acquired in connection therewith.

Section 2. In addition to the powers which it may now have The City of Dover shall have power (1) to extend or enlarge or to reconstruct and otherwise improve any undertaking, wholly within, wholly without, or partially within and partially without the City, and to acquire such lands and rights and interests therein as it may deem necessary in connection therewith, and (2) to operate and maintain the undertaking for its own use or for the use of the public, and (3) to prescribe, revise and collect rates, fees or charges for the service, facilities, or commodities furnished by any such undertaking, and (4) to issue revenue bonds, in anticipation of the collection of the revenues of such undertaking, to finance in whole or part the cost of such extension, or enlargement, or reconstruction or other improvement of such undertaking, and (5) to pledge to the punctual payment of said bonds and the interest thereon

all or any part of the revenues of such undertaking, including the revenues derived from the improvements, betterments or extensions thereto thereafter constructed or acquired, as well as the revenues of the then existing undertaking, and (6) to issue revenue refunding bonds for the purpose of refunding any revenue bonds then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable, for the additional purpose of constructing improvements, extensions or enlargements of the undertaking in connection with which the bonds to be refunded shall have been issued, and (7) to do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

Section 3. Bonds issued pursuant to this act may be authorized by a resolution or resolutions adopted by the Council of the City. In determining the cost of any project to be financed, the City may include all costs and estimated costs of acquisition or construction or reconstruction, the cost of all labor, materials, machinery and equipment, the cost of all lands, property, rights, easements and interests acquired by the City for such construction or reconstruction or the operation thereof, financing charges, interest prior to and during construction and for one year after completion of construction, and all engineering, inspection, fiscal and legal expenses.

Section 4. Revenue bonds may be issued under this act in one or more series; may bear such date or dates, may mature at such time or times, not exceeding thirty-five years from their respective dates; may bear interest at such rate or rates, not exceeding six per centum (6%) per annum, payable at such time or times; may be payable in such medium of payment; at such place or places; may be in such denomination or denominations; may be in such form either coupon or registered; may carry such registration, conversion, and exchangeability privileges; may be subject to such terms of redemption with or without premium; may be declared or become due before the maturity date thereof; may be executed in such manner, and may contain such terms, covenants, assignments, and conditions as the resolution or resolutions authorizing the issuance of such bonds may provide; and may provide for the sale of

the bonds by public sale or by private sale and at such price as deemed in the best interest of the City by the Council of the City. All bonds issued under this act bearing the signature of officers in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, such officers whose signatures appear thereon shall have ceased to be officers of the City. Said bonds and coupons shall be negotiable for all purposes, except as restricted by registration.

Revenue bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the State and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act. It shall not be necessary to publish any resolution adopted under the provisions of this act either before or after its final passage. Any action taken by the Council of the City under the provisions of this act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately. Revenue bonds may be issued under the provisions of this act beyond the general limits of indebtedness prescribed by law and shall not be included in the amount of bonds which the City may be authorized to issue under any other law.

Section 5. Any resolution or resolutions authorizing the issuance of bonds under this act to finance in whole or in part the acquisition, construction, reconstruction, improvement, betterment, or extension of an undertaking may contain covenants (notwithstanding that such covenants may limit the exercise of powers conferred by this act) as to:

- (a) The rates, fees, or charges to be charged for the services, facilities, and commodities of such undertaking;
- (b) The use and disposition of the revenue of such undertaking;
- (c) The creation and maintenance of reserves or sinking funds; the regulation, use and disposition thereof;

(d) The purpose or purposes to which the proceeds of the sale of said bonds may be applied, and the use and disposition of such proceeds;

(e) Events of default and the rights and liabilities arising thereupon, the terms and conditions upon which bonds issued under this act shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived;

(f) A fair and reasonable payment by the City to the account of said undertaking for the services, facilities or commodities furnished said City or any of its departments by said undertaking;

(g) The issuance of other or additional bonds or instruments payable from or a charge against the revenue of such undertaking;

(h) The insurance to be carried thereon, and the use and disposition of insurance moneys;

(i) Books of account and the inspection and audit thereof;

(j) Limitations or restrictions as to the leasing or otherwise disposing of the undertaking while any of the bonds or interest thereon remain outstanding and unpaid;

(k) The continuous operation and maintenance of the undertaking;

(l) The creation of a lien on the revenues.

The provisions of this act and of any such resolution or resolutions shall be a contract with every holder of said bonds; and the duties of the City and the governing body and the officers of the City under this act and under any such resolution or resolutions shall be unenforceable by any bondholder by mandamus or other appropriate suit, action, or proceeding at law or in equity.



Section 6. Revenue bonds issued under this act shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the municipality issuing the same be subject to any pecuniary liability thereon. No holder or holders of any such bonds shall ever have the right to compel any exercise of the taxing power of the City to pay any such bonds or the interest thereon; nor to enforce payment thereof against any property of the City, nor shall any such bonds constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City. Every bond issued under this act shall contain a statement on its face that the bond is not a debt of the City but is payable solely from the revenues of the undertaking for which it is issued, as provided by law and the proceedings in accordance therewith, and the holder thereof has no right to compel the levy of any tax for the payment of any bond or the interest to accrue thereon.

Section 7. (a) In the event that the City shall default in the payment of the principal of any of the bonds after the same shall become due, or in the event that the City shall default in the payment of the interest of any of the bonds after the same shall become due and such default in the payment of the interest shall continue for a period of thirty days whether the default in the payment of the principal, or the default in the payment of the interest shall be at maturity, or upon call for redemption or in the event that the City or governing body, or officers, agents, or employees thereof shall fail or refuse to comply with the provisions of the act or shall default in any agreement made with the holders of the bonds, any holders of bonds or trustee therefor shall have the right to apply in an appropriate judicial proceeding to any court of competent jurisdiction for the appointment of a receiver of the undertaking, whether or not all bonds have been declared due and payable and whether or not such holder, or trustee therefor, is seeking or has sought to enforce any other right, or exercise any remedy in connection with such bonds. Upon such application the court may appoint, and if the application is made by the holders of twenty per centum in principal amount of such bonds then outstanding, or any trustee for holders of such bonds in such principal amount, shall appoint a receiver of the undertaking.

(b) The receiver so appointed shall forthwith, directly or by his agents and attorneys, enter into and upon and take possession of the undertaking and each and every part thereof and may exclude the City, its governing body, officers, agents, and employees and all persons claiming under them wholly therefrom and shall have, hold, use, operate, manage and control the same and each and every part thereof, and, in the name of the City or otherwise, as the receiver may deem best, and shall exercise all the rights and powers of the City with respect to the undertaking as the City itself might do. Such receiver shall maintain, restore, insure and keep insured, the undertaking, and from time to time shall make all such necessary or proper repairs as to such receiver may seem expedient and shall establish, fix, maintain and collect such rates, fees, rentals, and other charges in connection with the undertaking as such receiver may deem necessary or proper and reasonable, and shall collect and receive all revenues and shall deposit the same in a separate account and apply such revenues so collected and received in such manner as the court shall direct.

(c) Whenever all that is due upon the bonds and interest thereon, and upon any other notes, or other obligations, and interest thereon, having a charge, lien, or other encumbrance on the revenues of the undertaking and under any of the terms of any covenants or agreements with holders of bonds shall have been paid or deposited as provided therein, and all defaults shall have been cured and made good, the court may in its discretion, and after such notice and hearing as it deems reasonable and proper, direct the receiver to surrender possession of the undertaking to the City, the same right of the holders of the bonds to secure the appointment of a receiver to exist upon any subsequent default as hereinabove provided.

(d) Such receiver shall in the performance of the powers hereinabove conferred upon him, act under the direction and supervision of the court making such appointment and shall at all times be subject to the orders and decrees of such court and may be removed thereby. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other and further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any functions specifically set forth herein.

Section 8. The City shall not be required to pay any taxes or assessments upon any undertaking or any part thereof, or upon the income therefrom, and any bonds issued under the provisions of this act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the State.

Section 9. The Council of the City shall cause to be published once in a newspaper published in the City a notice reciting that a resolution has been adopted by it authorizing the issuance of revenue bonds under the provisions of this act and setting forth the amount of such bonds, a brief statement of the purpose for which they are to be issued, and further reciting that any action or proceeding to contest the validity of such resolution or any of its provisions must be commenced within thirty (30) days after the publication of such notice. Any action or proceeding in any court to set aside such resolution or any of its provisions or to obtain any other relief upon the ground that it is invalid must be commenced within thirty (30) days after the publication of such notice. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of such resolution or any of its provisions shall be asserted, nor shall the validity of such resolution or any of its provisions be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

Section 10. This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of or as repealing any powers now existing under any other law.

Section 11. In addition to the powers which it may now have The City of Dover shall have power to invest and re-invest in obligations of the United States Government in such sums and for such periods as the Mayor and Council of The City of Dover deem advisable, all or any portion of the funds derived from the operation of the undertaking, or of the funds derived from the sale of revenue bonds of the undertaking, as authorized

by this act. Any and all income derived from such investment or re-investment of these funds shall be applied to the costs of operation, maintenance, and/or payment of any obligations of the undertaking from which the funds so invested or re-invested were originally obtained.

Approved June 30, 1959.

## CHAPTER 112

**AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, TO PROVIDE FOR THE ESTABLISHMENT OF A DEBT LIMIT.**

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

Section 1. Chapter 158, Volume 36, Laws of Delaware, is hereby amended by striking out and repealing the first two paragraphs of Section 50b and substituting in lieu thereof the following:

Section 50 (b). The Mayor and Council is hereby authorized and empowered to borrow from time to time on the faith and credit of The City of Dover sums of money for such purposes as may be deemed necessary and proper by the Mayor and Council of the said city which purposes shall be consistent with the powers conferred upon the Mayor and Council of The City of Dover by the charter thereof, as amended, for the management and maintenance of the said city and for these purposes the Mayor and Council shall have full power and authority to issue bonds of the said "The City of Dover".

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of The City of Dover has been pledged shall not at any time exceed a sum equal to 25 per cent of the total assessed value of real property situate within the bounds of The City of Dover as such boundaries shall from time to time appear.

Approved June 30, 1959.

## CHAPTER 118

**AN ACT TO AMEND CHAPTERS 1, 3 AND 5 OF TITLE 10 OF THE DELAWARE CODE RELATING TO THE SUPREME COURT, COURT OF CHANCERY AND SUPERIOR COURT.**

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

Section 1. § 103, Title 10, of the Delaware Code is amended to read as follows:

**§ 103. Salaries of Justices**

(a) The Chief Justice shall receive annually the sum of \$22,500 as compensation for his services.

(b) The Justices of the Supreme Court shall each receive annually the sum of \$22,000 as compensation for their services.

Section 2. § 304, Title 10, of the Delaware Code is amended to read as follows:

**§ 304. Salaries of Chancellor and Vice Chancellor; additional compensation**

(a) The Chancellor shall receive annually as compensation for his services the sum of \$20,500.

(b) The Vice Chancellor shall receive annually as compensation for his services the sum of \$20,000.

(c) The Chancellor shall receive as compensation for reporting the decisions of the Court of Chancery, and appeals in the Supreme Court from the Court of Chancery, the additional sum of \$200 per annum.

Section 3. § 503, Title 10, of the Delaware Code is amended to read as follows:

**§ 503. Salaries of Judges; additional compensation for Kent County Judge**

(a) The President Judge of the Superior Court and of the Orphans' Court shall receive annually as compensation for his services the sum of \$20,500.

(b) Each Associate Judge shall receive annually as compensation for his services the sum of \$20,000.

(c) The Associate Judge resident in Kent County shall receive as additional compensation for reporting all decisions of the Superior Court and the Orphans' Court in the respective Counties, the additional sum of \$200 per annum.

Approved July 1, 1959.

## CHAPTER 114

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

*Be it enacted by the 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 \$750 annually for each of the fiscal years beginning July 1, 1959 and beginning July 1, 1960, to be used for the operation and maintenance of its ambulance in the public service.

Section 2. Said sum of \$750 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 \$750 by the State Treasurer to said Post.

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

Approved July 1, 1959.



## CHAPTER 115

**AN ACT APPROPRIATING FUNDS TO THE AMERICAN  
LEGION AND AMERICAN LEGION AUXILIARY FOR  
EXPENSES TO BE INCURRED IN CONNECTION WITH  
THE HOLDING OF BOY'S STATE AND GIRL'S STATE.**

*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 \$1,000 is appropriated to the American Legion Department of Delaware for the bearing of expenses incident to the holding of Boy's State during the years 1959 and 1960; and the further sum of \$1,000 is appropriated to the American Legion Auxiliary Department of Delaware for the bearing of expenses incident to the holding of Girl's State during the years 1959 and 1960. No more than \$500 shall be spent for the holding of Boy's State and/or Girl's 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 \$500 for the holding of Boy's State in 1959, and a sum not exceeding \$500 for the holding of Boy's State in 1960 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 \$500 for the holding of Girl's State in 1959 and a sum not exceeding \$500 for the holding of Girl's State in 1960 upon receipt of drafts properly drawn and signed by said Department Treasurer.

Section 4. This Act is a supplementary appropriation act and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 1, 1959.

## CHAPTER 116

**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 \$8,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, \$4,000 for each of the fiscal years beginning July 1, 1959 and July 1, 1960. These sums shall be paid to the duly elected finance officer of said organization within three 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 July 1, 1959.

## CHAPTER 117

**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 thereof concurring therein):*

Section 1. The sum of \$4,000 is appropriated to the American Legion, Department of Delaware, for operation expenses for the biennium beginning July 1, 1959 and ending June 30, 1961. \$2,000 of said sum shall be paid within three months after July 1, 1959 and a like sum of \$2,000 shall be paid within three months after July 1, 1960, 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 act and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 1, 1959.

## CHAPTER 118

**AN ACT APPROPRIATING MONEY TO SUSSEX MEMORIAL POST NO. 7422, V. F. W. AT MILLSBORO, WITH WHICH TO OPERATE AND MAINTAIN 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. There is appropriated unto the Sussex Memorial Post No. 7422, V. F. W. at Millsboro, the sum of \$750 annually for each of the fiscal years beginning July 1, 1959, and beginning July 1, 1960, to be used for the operation and maintenance of its ambulance in the public service.

Section 2. Said sum of \$750 annually, shall be paid by the State Treasurer to said Sussex Memorial Post No. 7422, V. F. W. at Millsboro; and a certificate of the Secretary of said Sussex Memorial Post No. 7422, V. F. W. at Millsboro, 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 \$750 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 July 1, 1959.

## CHAPTER 119

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE BROOKSIDE COMMUNITY, INC., FROM ASSESSMENT AND TAXATION.**

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

Section 1. Section 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as "The Brookside Community, Inc."

Approved July 1, 1959.

CHAPTER 120

**AN ACT TO AMEND CHAPTER 16, TITLE 10, DELAWARE CODE, ENTITLED "COURT OF COMMON PLEAS FOR SUSSEX COUNTY", RELATING TO SALARIES OF CLERK AND OTHER OFFICERS.**

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

Section 1. Section 1521 (b), Title 10, Delaware Code, is amended to read as follows:

(b) The Clerk or other officers shall hold office at the pleasure of the Judge.

Section 2. Section 1521 (c), Title 10, Delaware Code, is amended to read as follows:

(c) The Clerk shall receive an annual salary, not to exceed \$4500, as may be fixed from time to time by the Judge. The salary or salaries of other officers shall be fixed by the Judge by and with the approval and consent of the Levy Court of Sussex County.

Approved July 1, 1959.

## CHAPTER 121

**AN ACT TO AMEND CHAPTER 35, TITLE 12, DELAWARE CODE, RELATING TO TRUSTS.**

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

Section 1. Chapter 35, Title 12, Delaware Code, is amended by adding a new section to be known as § 3526.

**§ 3526. Corporate distributions received by Trustee; allocation between principal and income**

Unless expressly or by necessary implication provided otherwise in the instrument creating or defining the duties and powers of a Trustee, a Trustee shall treat all property, tangible or intangible, received as a corporate distribution upon or with respect to shares of stock held in trust, including shares of the same class:

(a) As trust income to the extent that, in the judgment of the Trustee, such distribution would be regarded as income from an investment rather than a diminution of an income producing property, by men of prudence, discretion, and intelligence in the management of their own affairs; and in making this determination, the Trustee may consider whether such distribution would be likely, of itself, to have the effect of reducing materially the future earning capacity and the future earnings of the corporation, whether such distribution would be likely, of itself, to have the effect of reducing materially the future income of the trust from the shares of stock upon or with respect to which such distribution shall be made (assuming that the trustee should continue to hold such shares of stock for an indefinite period), and any other circumstances and factors which the trustee may deem relevant and significant.

(b) As trust principal to the extent that, in the judgment of Trustee, such distribution is not determined to be trust income under provisions of the preceding division (a) of this section.



(c) The provisions of this Act shall apply to any corporate distributions hereafter received on trust property in any trust now existing or hereafter created.

(d) If any provision of this Act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect any other provision nor application of the Act which can be given effect without the invalid provision or application, and to this end the several provisions of this Act are declared to be severable.

Approved July 1, 1959.

## CHAPTER 122

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO "EDUCATION" BY CHANGING THE FORM REQUIRED FOR APPROPRIATIONS.**

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

Section 1. Amend § 1708, Title 14, Delaware Code, by striking out said section and inserting in lieu thereof a new section to read as follows:

**§ 1708. Form of appropriation**

(a) Appropriations to the State Board of Education, the State Board of Vocational Education, the Board of Public Education in the City of Wilmington, the State Board of Education for the support of one, two and three teacher schools, and the appropriations to school districts shall be in the following form:

Name of school district (or State Board of Education, State Board of Vocational Education, Board of Public Education of the City of Wilmington, State Board of Education for One, Two and Three Teacher Schools.).

First year of Biennium	Second year of Biennium
------------------------------	-------------------------------

**Division I. SALARIES**

A. Chief School Officer or superintendent .....	.....	.....
B. Assistant Superintendents ..	.....	.....
C. Directors .....	.....	.....
D. Supervisors .....	.....	.....
E. Principals .....	.....	.....
F. Vice-principals .....	.....	.....
G. Administrative Assistants ..	.....	.....
<b>TOTAL ADMINISTRATIVE SALARIES (A. to G. inclusive) .....</b>	.....	.....

(c) The provisions of this Act shall apply to any corporate distributions hereafter received on trust property in any trust now existing or hereafter created.

(d) If any provision of this Act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect any other provision nor application of the Act which can be given effect without the invalid provision or application, and to this end the several provisions of this Act are declared to be severable.

Approved July 1, 1959.

## CHAPTER 122

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO "EDUCATION" BY CHANGING THE FORM REQUIRED FOR APPROPRIATIONS.**

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

Section 1. Amend § 1708, Title 14, Delaware Code, by striking out said section and inserting in lieu thereof a new section to read as follows:

**§ 1708. Form of appropriation**

(a) Appropriations to the State Board of Education, the State Board of Vocational Education, the Board of Public Education in the City of Wilmington, the State Board of Education for the support of one, two and three teacher schools, and the appropriations to school districts shall be in the following form:

Name of school district (or State Board of Education, State Board of Vocational Education, Board of Public Education of the City of Wilmington, State Board of Education for One, Two and Three Teacher Schools.).

First year of Biennium	Second year of Biennium
------------------------------	-------------------------------

**Division I. SALARIES**

A. Chief School Officer or superintendent .....	.....	.....
B. Assistant Superintendents ..	.....	.....
C. Directors .....	.....	.....
D. Supervisors .....	.....	.....
E. Principals .....	.....	.....
F. Vice-principals .....	.....	.....
G. Administrative Assistants ..	.....	.....
<b>TOTAL ADMINISTRATIVE SALARIES (A. to G. inclusive) .....</b>	.....	.....

H. Teachers .....	.....	.....
I. Clerical .....	.....	.....
J. Janitorial .....	.....	.....
K. Health .....	.....	.....
L. Cafeteria .....	.....	.....

## Division II. OTHER COSTS

### A. For all except State Board of Education and State Board of Vocational Education.

1. ....units @ \$.....
2. Capital Outlay:  
.....units @ \$.....

### B. For State Board of Education and State Board of Vocational Education.

1. Office expense .....
2. Fire Insurance for  
Schools .....
3. Legal fees .....
4. Travel .....
5. Transportation .....
6. Operations, Rehabili-  
tation Division .....
7. Equipment .....
8. Vocational Training .....
9. Others (Itemize in  
detail) .....

### TOTAL OF DIVISIONS I.

AND II. ....

(b) In the event that any employee or officer receives a salary from more than one of the agencies receiving appropriations according to the form set forth in subsection (a) of this section, the total of such employee's or officer's salary from all such agencies shall be appropriated to the agency paying the principal portion of such salary. In no case shall a salary appropriation be made to more than one agency for the same employee or officer.

(c) The classification of employees and officers into the various categories set forth in Division I shall be determined by such employee's or officer's classification for salary to be paid under Chapter 13 of this title, except in the case of the State Superintendent of Public Instruction.

Approved July 1, 1959.

CHAPTER 123

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE  
CODE BY GIVING THE WOMEN'S CIVIC CLUB OF  
RICHARDSON PARK TAX EXEMPTION STATUS.**

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

Section 1. § 8105, Title 9, Delaware Code is hereby amended by placing at the end thereof the following:

**"The Women's Civic Club of Richardson Park"**

**Approved July 1, 1959.**

## CHAPTER 124

**AN ACT TO AMEND TITLE 17, DELAWARE CODE ENTITLED HIGHWAYS RELATING TO LOCOMOTIVE ENGINES SOUNDING WHISTLES AT PUBLIC HIGHWAY CROSSINGS.**

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

Section 1. § 705, Title 17, Delaware Code is hereby amended by repealing said § 705 and enacting and inserting in lieu thereof a new § 705 to read as follows:

**§ 705. Whistles at public highway crossings; penalty jurisdiction**

(a) Every corporation operating any line of railroad within this State shall cause the approach of its locomotive engine to every public highway, crossing such line of railroad at grade, to be signalled by sounding two long blasts followed by one short blast followed by one long blast of the engine whistle on every such locomotive engine, beginning at least 300 yards from such crossing. Where two or more public highways cross any such railroad within a distance of 400 yards, the signal for the crossing first reached shall answer for all. The provisions of this section shall not apply to the City of Wilmington, nor to any other crossings than those at grade, nor to any such as are guarded by a watchman, or protected by safety gates.

(b) If any corporation neglects or omits the performance of the duty prescribed and imposed by subsection (a) of this section, it shall be fined for the first offense \$20, for the second offense \$40, and for every subsequent offense not more than \$100.

(c) Justices of the peace shall have jurisdiction of offenses under this section. There shall be a right of appeal to the Superior Court in every case.

Approved July 1, 1959.



CHAPTER 125

**AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO MAKE A CERTAIN TAX REFUND TO DALE E. WOLF AND CLARICE E. WOLF.**

WHEREAS, Dale E. Wolf and Clarice E. Wolf reside near Hockessin, Delaware and have mistakenly paid school taxes to the Marshallton School District, NOW THEREFORE,

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

Section 1. The State Treasurer is hereby authorized and directed to refund to Dale E. Wolf and Clarice E. Wolf, the sum of \$146.55 for school taxes for the years 1951 through 1956 which taxes were erroneously collected in respect to property not located within the Marshallton School District.

Approved July 1, 1959.

## CHAPTER 126

**AN ACT TO AMEND AN ACT ENTITLED "HOUSING AUTHORITY" BEING CHAPTER 16, VOLUME 39, LAWS OF DELAWARE, BY REPEALING THE DUTIES OF THE RESIDENT JUDGE AND BY PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS.**

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

Section 1. Subsection (g), Section 2, Chapter 16, Volume 39, Laws of Delaware, is hereby repealed.

Section 2. Section 4, Chapter 16, Volume 39, Laws of Delaware, is amended by repealing the first paragraph thereof and by enacting a new first paragraph to read as follows:

Whenever the State Board of Housing shall have determined that there is need for a housing authority in any county or in any part of a county of the state, it shall issue to each appointing officer hereinafter named a certificate of such determination, describing the area of operation of the proposed authority, and as soon as possible thereafter an Authority shall be created by the appointment of six commissioners who shall constitute the Authority, all of whom shall be residents of the area in which the Authority operates. The Commissioners shall be appointed as follows: three by the Governor for initial terms of six years, four years and three years respectively; three by the Mayor of the most populous incorporated city or town in the area of operation in accordance with the last Federal Census for initial terms of five years, two years and one year respectively. Not more than two appointees of the Governor or of the Mayor at any one time shall be from the same political party or subdivision thereof. The terms of the Commissioners heretofore appointed shall continue until the expiration of the terms thereof. The first occurring appointment to succeed the appointee of the Resident Judge shall be made by the Mayor. The second occurring appointment to succeed the appointee of the Resident Judge shall be made by the Governor.

Section 3. The second paragraph of Section 4, Chapter 16, Volume 39, Laws of Delaware, is amended by deleting the words "Resident Judge" as the same appear therein.

Section 4. The third paragraph of Section 4, Chapter 16, Volume 39, Laws of Delaware, is amended by enacting a new third paragraph to read as follows:

The Governor and the Mayor by unanimous vote may remove a Commissioner of the Authority for official misconduct, neglect of duty or incompetence, but only after the Commissioner shall have been given a copy of the charges against him and an opportunity to be heard in person or by counsel in his own defense. Pending the determination of the charges against the Commissioner, the Governor and the Mayor by unanimous vote may suspend him from office. A copy of the charges and the result of the hearing shall be forwarded to the Board.

Approved July 1, 1959.

## CHAPTER 127

**AN ACT TO AMEND TITLE 21, DELAWARE CODE ENTITLED "MOTOR VEHICLES" RELATING TO THE LENGTH OF MOTOR VEHICLES.**

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

Section 1. § 4502 (c), Title 21, Delaware Code is hereby amended by striking out the figures "35" as they appear in line one (1) therein and insert in lieu thereof the figures "40".

Approved July 1, 1959.

## CHAPTER 128

**AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE BY ADDING A NEW SECTION THERETO RELATING TO DISABILITY AND DEATH BENEFITS.**

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

Section 1. Chapter 83, Title 11, Delaware Code is amended by adding a new section to that chapter as follows:

**§ 8326 (a). Disability pension; eligibility**

Any present or future member of the State Police who shall become disabled due to any non-occupational injury or disease, or who shall die while an active member of the State Police and after having served as an active member of the State Police for at least one-third (1/3) of the required number of years for regular pension, shall be eligible for a non-occupational disability pension. When a member of the State Police shall desire to retire by reason of injury or disease that causes him to become disabled, he shall make application in writing and in the case of death, his widow, minor children or dependent parent shall make application in writing to the Board for such pension. Whereupon, the Board shall call to its assistance the aid of a physician or surgeon representing the Board, and the member may also call to his or her aid a physician or surgeon. The Board shall determine by resolution passed by at least a majority of the members of the Board, whether such member is entitled to the benefits of this subchapter, and if so determined, such member shall be retired upon a pension equal to one-half of his salary at the time of his retirement, and in the case of death, the following persons shall receive a pension equal to one-half of the salary of the member in the following order of preference: widow, children, dependent parent. Such pension to such widow shall be discontinued in the event that such widow shall remarry; and such pension to such children shall be discontinued when the youngest living child shall arrive at the age of eighteen (18) years or sooner die. Nothing in this paragraph shall be construed as to conflict with any other paragraph contained within this Subchapter.

Approved July 1, 1959.

## CHAPTER 129

**AN ACT TO AMEND SECTION 103, TITLE 15, DELAWARE CODE, RELATING TO THE NEW CASTLE COUNTY DEPARTMENT OF ELECTIONS AND REDUCING THE MEMBERSHIP OF THAT DEPARTMENT TO 12 MEMBERS.**

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

Section 1. Section 103 (a), Title 15, Delaware Code, is amended by striking the number "17" in line 2 and inserting the number "12".

Section 2. Section 103 (a), Title 15, Delaware Code, is further amended by abolishing the office of a member with a term to expire on April 1, 1959.

Section 3. Section 103 (b), Title 15, Delaware Code, is amended by striking the word "seven" in line 2 and inserting the word "three".

Section 4. This act shall take effect upon its enactment.

NOTE: This bill became a law on June 30, 1959 without the approval of the Governor and in accordance with Section 18, Article III of the Constitution of Delaware.

## CHAPTER 130

**AN ACT TO AMEND CHAPTER 1, TITLE 15, DELAWARE CODE, RELATING TO THE DEPARTMENTS OF ELECTIONS FOR KENT AND SUSSEX COUNTIES.**

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

Section 1. § 104, Title 15, Delaware Code, is hereby amended by striking out said section and inserting in lieu thereof the following:

**§ 104. Departments of Elections for Kent and Sussex Counties; composition; appointments; terms**

(a) The Department of Elections for Kent County and the Department of Elections for Sussex County shall each consist of 8 members appointed as hereinafter provided, each of whom, regardless of the manner of his appointment, shall have the same rights, privileges and duties as a member of one of the said Departments. Each of the two principal political parties shall at all times be represented by at least one member of each Department.

(b) Three members of each Department shall be appointed by the Governor for terms of 3 years each, beginning on the 15th day of January of the year in which appointed. One of such members of each Department shall be appointed in each year upon the expiration of the term of a member previously appointed by the Governor.

(c) The following 5 additional members of the Department of Elections for Kent County are hereby appointed to serve from July 1, 1959, to June 30, 1963:

Howard L. Rawley  
L. Winfred Hughes  
Roland Wilkinson, Sr.  
Norris Graham  
J. Harry Latchum

If a vacancy occurs in any such membership by reason of death, resignation, or other cause prior to June 30, 1963, such vacancy shall be filled for the residue of the term by vote of the majority of the remaining 5 such members. Successors to the said 5 members shall be appointed by the Governor for terms of 4 years beginning on July 1, 1963, and July 1 of each fourth year thereafter.

(d) The following 5 additional members of the Department of Elections for Sussex County are hereby appointed to serve from July 1, 1959, to June 30, 1963:

J. Fred Miles  
Donald Hickman  
William B. Morgan  
Norman Jester  
Woodrow W. Steen

If a vacancy occurs in any such membership by reason of death, resignation, or other cause prior to June 30, 1963, such vacancy shall be filled for the residue of the term by vote of the majority of the remaining 5 such members. Successors to the said 5 members shall be appointed by the Governor for terms of 4 years beginning on July 1, 1963, and July 1 of each fourth year thereafter.

Section 2. Nothing in this Act is intended to extend, diminish or alter the presently existing term of any member of the Department of Elections for Kent or Sussex County.

Section 3. § 106, Title 15, Delaware Code, is hereby amended by adding thereto a sentence, as follows:

The provisions of this section shall not govern the filling of vacancies which may occur prior to June 30, 1963, in the memberships of the Departments of Elections for Kent and Sussex Counties provided in § 104 (c) and (d) of this Chapter.

Section 4. This Act shall be effective on July 1, 1959.

NOTE: This bill became a law on June 30, 1959 without the approval of the Governor and in accordance with Section 18, Article III of the Constitution of Delaware.



## CHAPTER 131

**AN ACT TO AMEND TITLE 29, DELAWARE CODE ENTITLED STATE GOVERNMENT RELATIVE TO THE POWERS AND DUTIES OF THE BUDGET COMMISSION AND THE AUDITOR OF ACCOUNTS.**

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

Section 1. Section 6312, Title 29, Delaware Code is hereby amended by inserting and adding to after the word "anticipated" the following:

"revenues and"

Section 2. Section 6314, Title 29, Delaware Code is hereby amended by striking out and repealing said section and inserting and enacting in lieu thereof a new Section 6314 to read as follows:

**§ 6314. General powers and duties**

The Budget Commission shall

(1) audit, inspect and examine the accounts and the affairs of and the records of any agency of this State at such times as it deems expedient for the supervision of the budget and shall require all agencies to submit estimates showing the amounts and purposes of all anticipated expenditures to be made at the time or period in which such expenditures are to be made by an agency; and estimates of anticipated expenditures shall be submitted in such form as the Commission may prescribe;

(2) require such fiscal reports, statements of balances on hand, estimates of receipts, and information in any manner pertinent to the fiscal affairs of this State from the State Treasurer, State Auditor, or any other agency of the State in such form as it shall prescribe for the purposes of this chapter;

(3) design and install in any agency of this State such accounting records and procedures as shall be adequate for the control of the fiscal affairs of this State, specifically including

such a system of quarterly control for the rate of expenditure of each agency's annual appropriation as is reasonable for the efficient operation of the agency after taking into consideration the recommendation of the agency on such quarterly rate, and require any agency of this State to follow and comply with the procedures so designed.

(4) require from the State Auditor periodic current reports on the rates of expenditure by the agencies, and from the State Tax Commissioner periodic current reports on the State's revenue, both received and anticipated;

(5) report to the General Assembly and the Attorney General in writing any irregular, illegal or improper financial administration or transaction;

(6) make recommendations to the General Assembly concerning the control of all State property and of accounts receivable, and concerning a system of recording and accounting for the improvement and control of the fiscal practices and the adoption of a fiscal policy by the State;

(7) make monthly written reports to the members of the General Assembly concerning the financial condition of the State, including the receipt of revenues and the expenditure of funds;

(8) maintain a committee on taxation and revenues, such committee to be composed of the members of the Budget Commission and such additional members, widely representative of the various community interests, as the Governor shall appoint to study the revenue needs of the State and make recommendations pertaining thereto to each regular session of the General Assembly not later than the tenth legislative day;

(9) consider and approve or disapprove transfers between appropriations contained in the budget as defined in this chapter, and for which purpose it is provided that such transfers shall become effective only upon approval of the Commission.

Section 3. Section 6516, Title 29, Delaware Code is hereby amended by striking out the last period in paragraph (b) and

inserting and adding to after the word "ascertained" the following:

"on any day for the period ending with the close of business on the previous day".

Section 4. Section 6518, Title 29, Delaware Code is hereby amended by striking out and repealing said section and inserting and enacting in lieu thereof a new Section 6518 to read as follows:

**§ 6518. Examination of bills and accounts by Auditor; grounds for disapproval**

The Auditor of Accounts shall examine all bills, statements, accounts and demands against the State and he may require affidavits that articles have been furnished, services rendered and expenses incurred, as claimed. He shall refuse to approve any bill or statement of indebtedness which has not been presented to him in conformity with the provisions of this chapter, or which would more than exhaust the appropriation from which it must be paid, or which would cause an agency to exceed the quarterly rate of expenditure established for such agency by the Budget Commission, or which is not in accordance with the contract under which the indebtedness was created or where the agency shall have refused to furnish him with any information or data that he may require for the execution of his duties, or where the order or requisition, or bill or statement of indebtedness involves any transaction or item not in accordance with law. The Auditor shall have no right to refuse his approval except on the grounds specified.

Nothing in this section shall apply to the Governor of this State or to the judicial department thereof, or to the principal or interest of any obligation of the State.

Approved July 2, 1959.

## CHAPTER 132

**AN ACT TO AMEND SECTION 5401, TITLE 7, DELAWARE CODE, RELATING TO THE DELAWARE ARCHAEOLOGICAL BOARD.**

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

Section 1. Section 5401, Title 7, Delaware Code, is amended by striking out the name "Sussex Archaeological Association" now appearing in said section and inserting in lieu thereof the name "Sussex Society of Archeology and History".

Approved July 9, 1959.

## CHAPTER 133

**AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF DELAWARE FOR THE PURPOSE OF ESTABLISHING SCHOLARSHIPS AT THE UNIVERSITY OF DELAWARE TO BE AWARDED TO STUDENTS DESIROUS OF ENTERING THE TEACHING PROFESSION.**

WHEREAS a scholarship fund has been enacted and re-enacted by past sessions of the General Assembly of Delaware, and

WHEREAS students are now enrolled in the University of Delaware with assistance derived from these past enactments; and

WHEREAS the current fund will by law expire, unless re-enacted on June 30, 1959; and

WHEREAS the necessary supply of teachers is not now available through the University of Delaware for supplying the School Districts of Delaware and consequently it is necessary to increase the number of students afforded an opportunity to study toward the teaching profession at the University of Delaware, and

WHEREAS the University of Delaware has used monies from other scholarship funds to assist the teacher training scholarships program; and

WHEREAS to meet expanding needs and enrollment additional sums are needed, NOW THEREFORE,

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

Section 1. The amount of fifty thousand dollars (\$50,000.00) is hereby appropriated to the University of Delaware for the fiscal year beginning July 1, 1959 and the amount of fifty thousand dollars (\$50,000.00) for the fiscal year beginning July 1, 1960 for use as teacher-training scholarships.

Section 2. The scholarships herein provided for shall not be for any fixed amount per student but shall be made available to students upon a basis of economic need, academic achievement and general citizenship.

Section 3. The scholarships herein provided for shall be administered in the University of Delaware by the General University Student Aid Program.

Section 4. Scholarship grants shall be for one year or semester and renewal shall be contingent upon application by the student and upon the same qualifications for which the scholarship was first granted to the student.

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

Approved July 9, 1959.

## CHAPTER 134

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, ENTITLED "EDUCATION" BY ENACTING A NEW CHAPTER PROVIDING FOR TUITION CHARGES FOR PUPILS ATTENDING SCHOOLS OUTSIDE THEIR RESIDENT DISTRICT.**

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

Section 1. Title 14, Delaware Code, is amended by adding a new chapter to read as follows:

**CHAPTER 6. TUITION CHARGES****§ 601. Definitions**

For the purpose of this chapter the following terms shall have the following meanings:

(a) "Receiving District" shall mean any school district which enrolls in its schools any pupil who is not a resident of such "Receiving District".

(b) "Sending District" shall mean any school district which sends to the schools of a "Receiving District" any pupil who is not a resident of such "Receiving District".

(c) "Residence". A pupil shall be considered a resident of the school district in which his parent or the legal guardian of his person resides.

**§ 602. Method of computation and payment of tuition charges for non-resident pupils**

(a) No pupil shall be transferred from one school district to another school district without the written approval of the Board of Education or Board of School Trustees of both the sending and receiving districts. The Board of Education or Board of School Trustees of any sending district shall not approve the transfer of any pupil to any receiving district when

such sending district provides instruction at the grade level for which application for transfer is made. A school district receiving any pupil who is a resident of another school district shall collect a tuition charge for the non-resident pupil. Such tuition charge shall be paid by the Board of Education or Board of School Trustees of the school district in which the pupil is a resident from the proceeds of a local tax which shall be levied for this specific purpose.

(b) In determining the tuition to be charged, the receiving district shall compute the tuition by adding such receiving district's share of (1) the costs of education for current expenditures; (2) the payments on any bonds and interest thereon; and (3) any other educational purpose for which local taxes were used the previous school year, provided however that the total school tax rate of the sending district shall in no case exceed the total school tax rate of the receiving district. The costs shall include only the costs for the regular school term for grades 1 through 12. The sum so obtained shall be divided by the total number of pupils in grades 1 through 12 attending all public schools in the receiving district as of September 30 of the current school year. The resulting figure shall represent the amount of the "tuition charge" per pupil.

(c) The bill for tuition charges shall be verified by the State Superintendent of Public Instruction within 20 days after receipt of such bill. No bill for tuition charges shall be paid until such time as it has been certified by the State Superintendent as being true and correct.

(d) For each pupil attending a public school of another district, the receiving district shall bill the sending district, and the sending district shall pay the tuition charge per pupil on or before April 1 of the year following the year in which the bill is submitted to the sending district for payment. In the case of pupils attending the public schools of the receiving district for less than a full term, the tuition charge shall be prorated by reference to the period of time during which such pupils actually attended the receiving district's schools, provided that attendance for part of any month shall be counted as a full month of attendance.



(e) Any school district sending pupils to the schools of another district shall levy and collect a tax to pay any tuition charges to the receiving district, and such tuition shall be collected by local taxation within the sending district according to the provisions of taxation as set forth in Chapter 19 of this title, except that no referendum shall be required.

**§ 603. Exceptions and claims**

(a) The provisions of this chapter shall not apply (1) to handicapped children as defined in Chapter 31 of this title; (2) when the payment or acceptance of such tuition charge is contrary to any educational program involving the use of federal matching funds which prohibits the payment or acceptance of such tuition.

(b) Any school district which has an existing agreement with another school district for the exchange of pupils between the districts concerned, provided such agreement has been in force and effect for at least one school year, shall not be required to collect a tuition charge until July 1, 1961, at which time payment and collection of any tuition charge shall be mandatory.

(c) The provisions of this act shall become effective July 1, 1959.

Approved July 9, 1959.

## CHAPTER 135

**AN ACT TO APPROPRIATE FUNDS TO PROVIDE AID TO  
NEEDY STUDENTS AT UNIVERSITY OF DELAWARE.**

WHEREAS, it is the belief of the General Assembly that in a democracy persons of all economic levels should have an opportunity to obtain a college education, and

WHEREAS, recognition is made of the need in the State for more highly trained personnel in order to advance the economy and culture of the State, and

WHEREAS, the present aid opportunities, in the form of scholarships, grants or employment, are not sufficiently great to guarantee that persons of varying aptitude and academic record can obtain the necessary assistance to meet the average cost per school year at the University of Delaware, and

WHEREAS, the 119th General Assembly provided for such a program by enacting the "Delaware Right to Education Law" Sections 5521 et seq. Title 14, Delaware Code, and

WHEREAS no funds have been appropriated to implement the "Delaware Right to Education Law"

**NOW THEREFORE**

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

Section 1. The amount of \$57,000.00 is appropriated to the University of Delaware for the fiscal year beginning July 1, 1959 and a like amount for the fiscal year beginning July 1, 1960, to carry out the purpose of the "Delaware Right to Education Law".

Section 2. This act shall be known as a supplementary appropriation and the funds appropriated shall be paid out of the General Fund of the State.

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

Approved July 9, 1959.

## CHAPTER 136

**AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, BY AUTHORIZING THE COUNCIL TO EXTEND THE BOUNDARIES OF SAID CITY AFTER A SPECIAL ELECTION OF THE QUALIFIED VOTERS AND REAL ESTATE OWNERS OF THE TERRITORY PROPOSED TO BE ANNEXED.**

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

Section 1. That Chapter 158, Volume 36, Laws of Delaware, be and the same is hereby amended by deleting at the end of Section 1 thereof, Section 1A as provided by Chapter 314, Volume 49, Laws of Delaware, and inserting in lieu thereof a new Section 1A, to read as follows:

Section 1A. The City of Dover is hereby authorized and empowered to extend its boundaries as hereinafter provided.

In order to extend the boundaries of The City of Dover the Council shall adopt a resolution proposing the inclusion of territory or territories within the limits of The City of Dover and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code for 1953. Said Resolution shall contain a description of the territory or territories proposed to be annexed and shall specify the date of such election, which shall be not less than thirty nor more than sixty days after the adoption of said resolution, and the place or places of said election. Said resolution shall be published in at least two issues of a newspaper of general circulation within The City of Dover at least two weeks prior to the day of said election.

Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters and real estate owners of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.

Any such election shall be held by the election officers of the Election District or Districts of Kent County which shall include the territory proposed to be annexed. Every person who is duly registered upon the Books of Registered Voters for said Election District, or Districts, who is a resident of the territory proposed to be included within the limits of The City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed, and every person of the age of twenty-one years or upwards who is the owner of real estate within a territory proposed to be included assessed to him on the assessment records of Kent County, shall be entitled to one vote for each One Hundred Dollars (\$100.00) or fractional part thereof of the assessed value of said real estate. Owners of real estate in common shall be entitled to vote according to their respective shares of the assessed value thereof. Owners of real estate by the entireties shall each be entitled to vote one-half of the assessed value thereof. Owners of real estate in joint tenancy shall be entitled to vote according to the assessed value thereof, divided by the number of joint tenants. Life tenants shall be entitled to vote according to the full amount of the assessed value of real estate so held by them, and the holders of remainder or similar interest subject to a life estate shall not be entitled to vote any part of the assessed value of such real estate.

The Council of The City of Dover shall provide the ballots for any such election and shall bear the cost of holding such election. The ballots shall briefly indicate the territory proposed to be included and shall provide two boxes on the ballot beside which shall appear the words "FOR inclusion within The City of Dover", and "AGAINST inclusion within The City of Dover". Each voter shall indicate his preference by making a mark in pencil within the box beside the words expressing his preference. The election officers shall note on the outside of each ballot before the same is deposited in the ballot box the number of votes to which the person casting such ballot is entitled.

At any such election the polls shall be open from one o'clock P. M. to seven o'clock P. M. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the Clerk of the Council the number of votes cast for and against inclusion within the City limits. At the next regular or special

meeting of the Council the Mayor and Council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of the inclusion of that territory, the Council may thereupon adopt a resolution annexing said territory and including some within the limits of The City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the Clerk of Council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of The City of Dover.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of The City of Dover, the proposed annexation of said territory shall be declared to have failed. Nothing in this Act shall prohibit Council from resubmitting a proposal of annexation to the voters of said territory, or any portion thereof, under the authority of this Section and in accordance with the provisions thereof.

Approved July 9, 1959.

## CHAPTER 137

**AN ACT RELATING TO THE UNEXPENDED FUNDS APPROPRIATED TO THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST FOR THE MENTAL HYGIENE CLINIC, BY CHAPTER 147, VOLUME 51, LAWS OF DELAWARE.**

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

Section 1. The sum of \$40,000 remaining unexpended in the Salaries and Wages of Employees Account of the Mental Hygiene Clinic, said appropriation being made to the State Board of Trustees of the Delaware State Hospital at Farnhurst by Chapter 147, Volume 51, Laws of Delaware, shall not revert to the General Fund.

Section 2. The remaining sum of \$25,000 unexpended in the Salaries and Wages of Employees Account of the Mental Hygiene Clinic, which was part of the appropriation made to the State Board of Trustees of the Delaware State Hospital at Farnhurst by Chapter 147, Volume 51, Laws of Delaware, shall not revert to the General Fund but shall be transferred to the Hospital for the Mentally Retarded at Stockley for the operation of trainable classes for children.

Approved July 9, 1959.

## CHAPTER 138

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE YOUTH SERVICES COMMISSION OF DELA-  
WARE FOR THE FISCAL YEAR BEGINNING JULY 1,  
1959 AND ENDING JUNE 30, 1960.**

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

Section 1. The sum of \$153,435 is hereby appropriated to the Youth Services Commission of Delaware for the fiscal year beginning July 1, 1959 and ending June 30, 1960 to be expended as follows:

**YOUTH SERVICES COMMISSION**

**ADMINISTRATION**

Salary and Wages of Employees .....	\$9,000
Travel .....	450
Repairs and Replacements .....	1,435
	<hr/>
	10,885

**FERRIS SCHOOL FOR BOYS**

Salary and Wages of Employees .....	21,399
Office Expense .....	415
Operations .....	5,900
Repairs and Replacements .....	3,600
Equipment .....	436
Handicapped Children—Units (5) .....	3,250
	<hr/>
	35,000

**BRIDGE HOUSE (Detention House for Juveniles)**

Salary and Wages of Employees .....	5,650
Operations .....	2,000
	<hr/>
	7,650

**KRUSE SCHOOL**

Salary and Wages of Employees .....	5,625
Office Expense .....	75
Travel .....	1,000
Operations .....	200
	<hr/>
	6,900

**WOODS HAVEN SCHOOL**

Salary and Wages of Employees .....	60,700
Office Expense .....	1,800
Travel .....	2,000
Operations .....	25,500
Repairs and Replacements .....	3,000
	<hr/>
	93,000

**TOTAL .....** \$153,435

Section 2. This Act is 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 9, 1959.



## CHAPTER 139

**AN ACT MAKING AN APPROPRIATION TO THE SEAFORD  
SPECIAL SCHOOL DISTRICT FOR THE PURPOSE OF  
RESTORING TO ITS STATE APPROPRIATION CERTAIN  
CASH COLLECTIONS WHICH WERE DEPOSITED IN  
THE GENERAL FUND OF THE STATE OF DELAWARE.**

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

Section 1. There is hereby appropriated to the Seaford Special School District the sum of \$1,165.58 for the following cash collections which were deposited in the General Fund of the State of Delaware:

Refunds on material in shop .....	\$ 963.23
Rental of school buildings .....	73.87
Telephone reimbursements .....	8.41
Books and supplies .....	111.71
Health supplies .....	8.36
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Total .....	\$1,165.58

Section 2. The funds appropriated shall be available for use until June 30, 1960.

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

Approved July 9, 1959.

## CHAPTER 140

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE BOARD OF EDUCATION, VOCATIONAL  
EDUCATION, AND REHABILITATION DIVISION AND  
TO THE WILMINGTON BOARD OF EDUCATION FOR  
THE FISCAL YEAR BEGINNING JULY 1, 1959, AND  
ENDING JUNE 30, 1960.**

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

Section 1. In addition to any and all other funds appropriated for the fiscal year beginning July 1, 1959 and ending June 30, 1960, to the State Board of Education, Vocational Education, and Rehabilitation Division, there is hereby appropriated the further sum of \$274,740 for the year beginning July 1, 1959, and ending June 30, 1960, as follows:

**STATE BOARD OF EDUCATION, VOCATIONAL  
EDUCATION, AND REHABILITATION DIVISION**

**Division I—SALARIES**

Assistant State Superintendents .....	\$ 5,020.00
Directors .....	80,980.00
Supervisors .....	93,720.00
Dover and Fairfax Trainable Schools .....	41,950.00
Clerical .....	1,590.00
Janitors .....	2,730.00
Office Expense .....	15,000.00
Travel .....	10,000.00
Rehabilitation .....	5,000.00
J. G. Leach School .....	4,500.00
Equipment .....	5,000.00
Vocational Training .....	4,000.00
Homebound .....	5,250.00

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**TOTAL STATE BOARD OF EDUCATION,  
VOCATIONAL EDUCATION, AND  
REHABILITATION .....\$274,740.00**

Section 2. In addition to any and all other funds appropriated for the fiscal year beginning July 1, 1959 and ending June 30, 1960, to the Wilmington Board of Education, there is hereby appropriated the further sum of \$96,220.00 for the year beginning July 1, 1959, and ending June 30, 1960, as follows:

## WILMINGTON BOARD OF EDUCATION

### Division I—SALARIES

#### Directors

Secondary Education .....	\$10,820.00
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#### Supervisors

Special Education .....	7,400.00
Physical Education .....	8,500.00
English .....	8,700.00
Science .....	8,900.00
Mathematics .....	7,600.00
Social Science .....	7,900.00
Foreign Language .....	8,500.00
Industrial Arts .....	8,700.00
Home Economics .....	7,400.00

#### Teachers

Helping Teachers .....	11,800.00
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#### TOTAL WILMINGTON

BOARD OF EDUCATION .....	\$96,220.00
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Section 3. This is a supplementary appropriations Act and the sums hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved July 9, 1959.

## CHAPTER 141

**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. 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, 1958, and is now duly organized and equipped for the fighting of fires, there is hereby appropriated the sum of \$1,750 annually for each of the fiscal years beginning July 1, 1959, and beginning July 1, 1960, 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 \$1,750 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, 1958, and is now duly organized and equipped for the fighting of fires shall be sufficient authority for the payment of said sum of \$1,750 by the State Treasurer to said Fire Company.

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

Approved July 9, 1959.

## CHAPTER 142

**AN ACT APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF VETERANS OF WORLD WAR I, WAR 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 RESULTING FROM SUCH SERVICE.**

*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 \$13,500 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, 1959 and ending June 30, 1961. \$6,750 of said sum is appropriated for the fiscal year beginning July 1, 1959 and \$6,750 of said sum is appropriated for the fiscal year beginning July 1, 1960.

Section 2. The word "children" referred to in Section 1 of this Act is further defined as those children who are not under 16 years of age or over 21 years of age and who have been domiciled in the State of Delaware for 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 4 years, and arriving at the age of 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, boards 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 \$500 for any one child for any one year.

Section 4. 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 of 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 \$750 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 money hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 9, 1959.

## CHAPTER 143

**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 \$15,000 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, 1959 and ending June 30, 1960, and a like sum of \$15,000 for the fiscal year beginning July 1, 1960 and ending June 30, 1961. 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 \$15,000 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 July 9, 1959.



## CHAPTER 144

**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. 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, 1959, maintain and operate and does continue to maintain and operate an ambulance for the purpose of public service, there is appropriated the sum of \$750 annually for each of the fiscal years beginning July 1, 1959, and beginning July 1, 1960, to be used for the maintenance and operation of said ambulance in the public service.

The said sum of \$750 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, 1959, and does continue to maintain and operate an ambulance in the public service shall be sufficient authority for the payment of said sum of \$750 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 July 9, 1959.

## CHAPTER 145

**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 Members elected to each House concurring therein):*

Section 1. The sum of \$8,000 is appropriated to the American Legion, Department of Delaware, \$4,000 for each of the fiscal years beginning July 1, 1959 and July 1, 1960. These sums shall be paid to the duly elected finance officer of said organization within three 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 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 act and the money appropriated shall be paid out of the General Fund of the State of Delaware by the State Treasurer.

Approved July 9, 1959.

## CHAPTER 146

**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. The sum of \$1,000 is appropriated to the Disabled American Veterans of Delaware for operation expenses for the biennium beginning July 1, 1959 and ending June 30, 1961. Five Hundred Dollars of said sum shall be paid within three months after July 1, 1959 and a like sum of Five Hundred Dollars shall be paid within three months after July 1, 1960 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 July 9, 1959.

## CHAPTER 147

**AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING.**

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

Section 1. § 322 (d), Chapter 3, Title 28, Delaware Code, is amended by striking out all of said subsection (d) and by substituting and enacting in lieu thereof the following new subsection (d) to read as follows:

§ 322. (d) No person shall be given a license to conduct racing for more than 70 per cent of the aggregate number of racing days authorized by law in one year, and no person shall be given a license to hold more than 2 meetings in any one year, nor shall more than 2 meetings for racing, totalling 70 per cent of the aggregate number of racing days authorized by law, be held in any one year on any one track within the State. However, if in any year only one applicant for a license to conduct racing within this State qualifies for a license on or before the 15th day of January in such year, the Commission may authorize the sole licensee to hold one or more meetings during that year for the aggregate number of racing days authorized by law.

Approved July 9, 1959.

## CHAPTER 148

**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 hereby appropriated to the State Soil Conservation Commission the sum of \$1500 for each of the fiscal years beginning July 1, 1959 and ending June 30, 1960, and beginning July 1, 1960 and ending June 30, 1961, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, straightening, cleaning out and draining the tax ditches of New Castle County.

Section 2. For the purposes of this Act, the Levy Court of New Castle County is hereby authorized and directed to appropriate to the State Soil Conservation Commission the further sum of \$1500 for each of the fiscal years beginning July 1, 1959 and ending June 30, 1960, and beginning July 1, 1960 and ending June 30, 1961, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, 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 Treasurer and the Levy Court of New Castle County from time to time upon certification to the State Treasurer and the Levy Court of New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County

that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, installing permanent-type structures, 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 \$0.50 for every \$1.00 or more so certified to the State Treasurer and the Levy Court of New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, installing permanent-type structures, 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 and expended by said Board on such tax ditches for which contributions from farmers and others benefiting from such cleaning out and draining have been collected or received as shall be determined by the said Board of Soil District Supervisors.

Section 5. This Act shall be known as a supplementary appropriation act and the moneys hereby appropriated by Section 1 of this Act shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved July 9, 1959.

## CHAPTER 149

**AN ACT APPROPRIATING 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 \$10,000 for each of the fiscal years beginning July 1, 1959 and ending June 30, 1960, and beginning July 1, 1960 and ending June 30, 1961, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, 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 \$10,000 for each of the fiscal years beginning July 1, 1959 and ending June 30, 1960, and beginning July 1, 1960 and ending June 30, 1961, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, 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, installing permanent-type structures, 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 \$0.50 for every \$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, installing permanent-type structures, 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 July 9, 1959.

## CHAPTER 150

**AN ACT AUTHORIZING THE MAYOR AND COUNCIL OF WILMINGTON TO COMPILE, REVISE, AMEND AND CODIFY EXISTING ORDINANCES AND REGULATIONS ADOPTED BY ANY DEPARTMENT, BOARD, OR AGENCY OF SAID THE MAYOR AND COUNCIL OF WILMINGTON.**

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

Section 1. The Mayor and Council of Wilmington shall have the power to revise, amend, restate, compile and codify all existing ordinances and regulations adopted by any department, board or agency of said The Mayor and Council of Wilmington, as well as all new ordinances or regulations not heretofore adopted and to make such changes, alterations, modifications, additions and substitutions as "The Council" may deem desirable to the end that a complete and simplified Code may be prepared, the same to be denominated the "Municipal Code of Wilmington, 1959".

Section 2. The ordinances and regulations in such revision, codification, compilation or code may be arranged in appropriate titles, chapters, articles, sections or other divisions and may be made up into one or more volumes, either bound or loose-leaf form, and may exclude the titles of the ordinances or regulations, enacting clauses, signatures of The Mayor and all other formal parts.

Section 3. Such ordinances and regulations when so revised, amended, restated, codified, compiled and published in book form, by authority of "The Council", need not be published in any other manner. Said Code thus published shall be in full force and effect two weeks from the date of publication and the filing thereof in the office of the Clerk of "The Council". Said Code shall be presumptive evidence in all courts of the State of Delaware of the ordinances and regulations and each and all provisions, sections and penalties therein contained and of the

date of passage and that the same is properly signed, attested and approved, and that all necessary notices, advertisements and hearings which may be required by law have been given.

Section 4. The codification of the ordinances and regulations may provide for the repeal of certain ordinances and regulations and parts of ordinances and regulations by the deletion or omission of the same from the codification.

Section 5. Any and all subsequent ordinances and regulations adopted subsequent to the publication of the codification herein provided for may be codified in accordance with the plan and scheme adopted in the "Municipal Code of Wilmington, 1959" and published by the authority of "The Council" of The Mayor and Council of Wilmington.

Approved July 9, 1959.

## CHAPTER 151

**AN ACT ABOLISHING THE SINKING FUND COMMISSIONERS OF THE CITY OF WILMINGTON; REPEALING CERTAIN ACTS RELATING TO THE SINKING FUND COMMISSIONERS OF THE CITY OF WILMINGTON AND TRANSFERRING THE POWERS AND DUTIES HERETOFORE EXERCISED BY THE SINKING FUND COMMISSIONERS OF THE CITY OF WILMINGTON TO THE CITY TREASURER.**

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

Section 1. Chapter 186 of Volume 11, Laws of Delaware, entitled "An Act to provide a Sinking Fund for the payment of City debt of Wilmington" and Chapter 92 of Volume 35, Laws of Delaware, entitled "An Act relating to the Sinking Fund of The Mayor and Council of Wilmington" and any and all acts amendatory of said acts or supplemental thereto be and they are hereby repealed.

Section 2. The Sinking Fund Commissioners of the City of Wilmington now in office are hereby authorized and directed to pay over to the City Treasurer of The Mayor and Council of Wilmington all moneys now held by such Commissioners, as well as any and all bonds and all other obligations held by such Commissioners, as and by way of investment of moneys heretofore paid to such Commissioners.

Section 3. The City Treasurer of The Mayor and Council of Wilmington is hereby authorized and directed to hold all such moneys or bonds or obligations received by him from the Sinking Fund Commissioners of the City of Wilmington for the sole purpose of the payment of the bonded debt of the City. The City Treasurer shall have authority to invest any and all moneys received by him from the Sinking Fund Commissioners in bonds of the United States of America, of the City of Wilmington, of the State of Delaware or of any town or county of the State of Delaware.

Section 4. The City Treasurer of The Mayor and Council of Wilmington shall have power to sell any of the bonds or obligations received by him from the Sinking Fund Commissioners of the City of Wilmington or such bonds or other obligations as may have been purchased by him by way of investment of moneys in the Sinking Fund whenever he is directed so to do by resolution of "The Council" of The Mayor and Council of Wilmington, provided, however, that the proceeds shall in all instances be used for the sole purpose of the payment of the bonded debt of the City.

Section 5. The City Treasurer of The Mayor and Council of Wilmington when directed by resolution of "The Council" of The Mayor and Council of Wilmington shall apply moneys held by him, pursuant to the terms of this law, solely for the payment of outstanding bonded debt of the City of Wilmington.

Section 6. This law shall become effective June 30, 1959.

Approved July 9, 1959.

## CHAPTER 152

**AN ACT REQUIRING THE DOING OF ALL WORK AND THE FURNISHING OF ALL MATERIALS AND SUPPLIES TO THE MAYOR AND COUNCIL OF WILMINGTON OR TO ANY BOARD, COMMISSION, DEPARTMENT OR AGENCY THEREOF TO THE LOWEST AND BEST BIDDER AND PROVIDING THE PROCEDURE RELATING THERETO.**

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

Section 1. No contract for the doing of any work or the furnishing of any materials and supplies to The Mayor and Council of Wilmington or to any Board, Commission, Department or Agency thereof shall be let or entered into until plans and specifications of the work or of the supplies or materials shall have been prepared and filed in the office of the Clerk of Council for public inspection, and sealed bids for the doing of the work or the furnishing of materials and supplies shall have been received by the Clerk of "The Council" and only to and with the lowest responsible bidder, who shall be required to furnish adequate corporate security; provided, however, that this provision shall not apply where the doing of the work or the furnishing of materials and supplies shall be less than Five Hundred Dollars (\$500.00).

Section 2. Every contract involving an expenditure exceeding Five Hundred Dollars (\$500.00) for doing of work or the furnishing of materials and supplies shall be let only after an advertisement calling for bids on said items shall have been published at least once in a newspaper published in the City of Wilmington at least ten days prior to the date set for the opening of the bids.

Section 3. All bids shall be publicly open in the office of the Clerk of Council and in the presence of the City Treasurer and a person representing the Board, Commission, Department or Agency of the City, and at the time specified for their opening.

The Clerk of Council may reject any and all bids if in his judgment it is in the interest of the City to do so, otherwise, the contract shall be awarded to the lowest, responsible bidder.

Section 4. Every bid submitted shall be accompanied by a certified check in an appropriate amount, which shall be stated in the specifications to accompany all bids.

Section 5. Within ten days after the award of a contract the successful bidder shall substitute a performance bond and a labor and materials bond containing such terms as the City Solicitor shall require and in such amount as may be stated in the specifications.

Section 6. All contracts shall be in writing and in duplicate and shall be executed in behalf of the City by the Mayor but only after the contract shall have been approved as to form by the City Solicitor and the availability of funds under the Budget and appropriations shall be certified to by the City Treasurer and the Fiscal Officer. Every bond shall contain a provision that in the performance of the contract the contractor will not discriminate or permit discrimination against any person because of his race, color, religion or national origin.

Section 7. "The Council" shall have power, with the approval of the Mayor to authorize the making of contracts for professional services without recourse to competitive bidding.

Section 8. A record of all bids, showing the name of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved by the Clerk of Council for three years in a file, which shall be open to public inspection during regular business hours.

Section 9. No transaction which requires sealed bids and which is essentially a unit shall be divided for the purpose of evading the intent of this law, and a violation hereof shall work a forfeiture of office or position on the part of any officer or employee who violates the provisions of this law

Section 10. Nothing in this Act shall be construed to apply to contracts for service to be rendered to The Mayor and Council of Wilmington or to any Board, Commission, Department, or Agency thereof by any public service company at rates duly filed with the Public Service Commission of Delaware.

Section 11. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved July 9, 1959.



## CHAPTER 153

**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 \$22,500 for each of the fiscal years beginning July 1, 1959 and ending June 30, 1960, and beginning July 1, 1960 and ending June 30, 1961, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, 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 \$22,500 for each of the fiscal years beginning July 1, 1959 and ending June 30, 1960, and beginning July 1, 1960 and ending June 30, 1961, to be used for the purpose of contributing to the costs of clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, 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, installing permanent-type structures, installing culverts and related structures, 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 \$0.50 for every \$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 for such clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, 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 July 9, 1959.

## CHAPTER 154

**AN ACT TO CREATE AN ACT ENTITLED "A BOAT REGISTRATION AND SAFETY ACT" PROVIDING FOR THE REGISTRATION OF MOTOR BOATS; CLASSIFICATION AND REQUIRED EQUIPMENT; EXEMPTIONS; BOAT LIVERIES; COLLISIONS, ACCIDENTS AND CASUALTIES; TRANSMITTAL OF INFORMATION; SKIS AND AQUA-PLANES; REGATTAS, RACES, MARINE'S PARADES, TOURNAMENTS OR EXHIBITIONS; LOCAL REGULATIONS; OWNER'S CIVIL LIABILITY; ENFORCEMENT AND PENALTIES.**

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

**Section 1. Declaration of policy**

It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

**Section 2. Definitions**

As used in this act—

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

"Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

"Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agree-

ment and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Waters of this State" means any waters within the territorial limits of this State, and the marginal sea adjacent to this State and the high seas when navigated as a part of a journey or ride to or from the shore of this State.

"Person" means an individual, partnership, firm, corporation, association, or other entity.

"Operate" means to navigate or otherwise use a motorboat or a vessel.

"Dealer" means any person engaged in the business of buying or selling, building and servicing boats and motors.

Section 3. The Delaware Commission of Shell Fisheries shall have overall supervision, direction and coordination of the provisions of this act.

Section 4. The Delaware Commission of Shell Fisheries is hereby authorized to make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the Federal Navigation Laws or with the navigation rules promulgated by the United States Coast Guard.

Section 5. The Delaware Commission of Shell Fisheries is hereby authorized to establish and maintain for the operation of vessels on the waters of this state pilot rules in conformity with the pilot rules contained in the Federal Navigation Laws or the navigation rules promulgated by the United States Coast Guard.

#### **Section 6. Operation of unnumbered motorboats prohibited**

Every motorboat on the waters of this State shall be numbered. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this act, or in accordance with

applicable federal law, or in accordance with a federally-approved numbering system of another state, and unless (1) the certificate of number awarded to such motorboat is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

#### Section 7. Identification number

(a) Commencing April 1, 1960, the owner of each motorboat requiring numbering by this State shall file annually an application for number with the Motor Vehicle Department on forms approved by it. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of \$2. Upon receipt of the application in approved form, the Motor Vehicle Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number, its numerals to be at least three inches high and of contrasting color to the hull, in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation. Class A boats owned and operated by the State of Delaware shall be registered and display identification numbers but pay no registration fees.

(b) Should the ownership of a motorboat change, a new application form with fee shall be filed with the Motor Vehicle Department and a new certificate of number shall be awarded in the same manner as provided for in an original award of number.

(c) In the event that an agency of the United States Government shall have in force an over-all system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this act by the Motor Vehicle Department shall be in conformity therewith.

(d) All records of the Motor Vehicle Department made or kept pursuant to this section shall be available to people with just cause.

(e) Every certificate of number awarded pursuant to this act shall continue in full force and effect for a period of one year unless sooner terminated or discontinued in accordance with the provisions of this act.

(f) The Motor Vehicle Department shall fix a day and month of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this act.

(g) The owner shall furnish the Motor Vehicle Department notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this State pursuant to subsections (a) and (b) of this section or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number for such motorboat except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number.

(h) Any holder of a certificate of number shall notify the Motor Vehicle Department within fifteen days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Motor Vehicle Department with his new address. The Motor Vehicle Department may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

(i) No number other than the number awarded to a motorboat or granted reciprocity pursuant to this act shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat.

(j) Dealers and livery owners shall have at their disposal blocks of numbers and shall pay the same fee.

(k) Auxiliary boats (dinghies) carried on and/or used as auxiliaries to Coast Guard registered boats must carry the Coast Guard number of the mother boat on the bows preceded by the letters DL, at no additional fee.

#### **Section 8. Classification and required equipment**

(a) Motorboats subject to the provisions of this act shall be divided into four classes as follows:

Class A. Less than sixteenth feet in length.

Class 1. Sixteen feet or over and less than twenty-six feet in length.

Class 2. Twenty-six feet or over and less than forty feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit lights as prescribed by current Coast Guard regulations.

(c) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(d) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(e) Every motorboat shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Delaware Commission of Shell Fisheries for each person on board, so placed as to be readily accessible: Provided, That every motorboat carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the Delaware Commission of Shell Fisheries for each person on board.

(f) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the U. S. Coast Guard, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(g) The provisions of subsections (c), (d) and (f) of this section shall not apply to motorboats while competing in any race conducted pursuant to section 13 of this act or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(h) Every motorboat shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the U. S. Coast Guard.

(i) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the U. S. Coast Guard for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

(j) Every Class A boat shall be required to carry: (1) a proper anchor and sufficient line; (2) a hand or mouth whistle.

(k) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

(l) No person shall operate or give permission for the operation of a vessel which is deemed unseaworthy by the Delaware Commission of Shell Fisheries or its agents.

(m) Inspection certificates shall be issued prior to the issuance of a number as set forth in this act by any motor vehicle inspection lane of this State; any members of the Dela-



ware State Police who have been designated for that purpose by the Superintendent of the State Police; any employees of the Game and Fish Commission who have been designated for that purpose by the said Commission and any employees of the Delaware Commission of Shell Fisheries who have been designated for that purpose by the said Commission providing nevertheless that such persons designated as herein provided to make inspections shall have their names certified to the Commissioner of Motor Vehicles.

**Section 9. Exemption from numbering provisions of this act**

A motorboat shall not be required to be numbered under this act if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law.

(2) A motorboat with a federally-approved numbering system of another state: Provided, That such boat shall not have been within this State for a period in excess of ninety consecutive days.

(3) A motorboat from a country other than the United States temporarily using the waters of this State.

(4) A ship's lifeboat.

(5) A motorboat whose owner is the United States, a state, or a subdivision thereof.

**Section 10.** The Delaware Commission of Shell Fisheries shall appoint a Boat Safety Director whose duties shall be to supervise the provisions of this act and to perform such other duties as shall be designated by the Delaware Commission of Shell Fisheries. The Boat Safety Director shall be a resident of the State of Delaware and shall be fully qualified and experienced with the rules and regulations of the Federal Government concerning small boats; safety inspection of small boats; construction and operation of small boats; and such other qualifications as may be deemed necessary for him to carry out the provisions of this act.

### Section 11. Boat liveryes

(a) The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is designed or permitted by him to be operated as a motorboat; the identification number thereof; and the departure date and time, and the expected time of return. The record shall be preserved for at least one year.

(b) Neither the owner of a boat livery, nor his agent or employee shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to section 5 of this act and any rules and regulations made pursuant thereto.

(c) Neither the owner of a boat livery, nor his agent or employee shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat to depart from his premises, if, in his opinion:

(1) The leasee is physically incapable of safely operating the boat.

(2) The weather is prohibitive to safe operation.

### Section 12. Collisions, accidents and casualties

(a) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render to all persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(b) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars shall file with the

Motor Vehicle Department a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require.

### Section 13. Transmittal of information

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Motor Vehicle Department, State Police, Game and Fish Commission and The Delaware Commission of Shell Fisheries pursuant to section 8 (b) shall be transmitted to said official or agency of the United States.

### Section 14. Water skis and aqua-planes

(a) No motorboat which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated or propelled in or upon any waterway, unless such motorboat shall be occupied by at least two competent persons: Provided, That this subsection shall not apply to any motorboat equipped with a wide angle, rear view mirror.

(b) No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one hour after sunset to one hour prior to sunrise: Provided, That this subsection shall not apply to motorboats used in duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided.

(c) All motorboats having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(d) No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any persons thereon to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing.

**Section 15. Regattas, races, marine parades, tournaments or exhibitions**

(a) The Delaware Commission of Shell Fisheries may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any waters of this State. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof, shall, at least fifteen days prior thereto, file an application with the Delaware Commission of Shell Fisheries for permission to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition. The application shall set forth the data, time and location where it is proposed to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition, and it shall not be conducted without authorization of the Delaware Commission of Shell Fisheries in writing.

(b) The provisions of this section shall not exempt any person from compliance with applicable federal law or regulation, but nothing contained herein shall be construed to require the securing of a state permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States.

**Section 16. Local regulation prohibited**

(a) The provisions of this act, and of other applicable laws of this State shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this State, or when any activity regulated by this act shall take place thereon; but nothing in this act shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of this act, amendments thereto or regulations issued thereunder: Provided, That such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this act, amendments thereto or regulations issued thereunder.

(b) Any subdivision of this State may, at any time, but only after public notice, make formal application to the Delaware Commission of Shell Fisheries for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

(c) The Delaware Commission of Shell Fisheries is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State.

#### **Section 17. Owner's civil liability**

The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of the provisions of the statutes of this State, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable, however, unless such vessel is being used with his or her express or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under the control of his or her spouse, father, mother, brother, sister, son, daughter, or other immediate member of the owner's family. Nothing contained herein shall be construed to relieve any other person from any liability which he would otherwise have, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

#### **Section 18. Filing of regulations**

A copy of the regulations adopted pursuant to this act, and of any amendments thereto, shall be filed in the office of the Secretary of State. Rules and regulations shall be published by the Motor Vehicle Department and the Delaware Commission of Shell Fisheries in a convenient form. A pamphlet of general rules and information shall be prepared by the Motor Vehicle Department and the Delaware Commission of Shell Fisheries and distributed to registrants.

**Section 19. Enforcement**

(a) Every peace officer of this State and its subdivisions shall have the authority to enforce the provisions of this act and in the exercise thereof shall have the authority to stop and board any vessel subject to this act.

(b) The State Police and the employees of the Game and Fish Commission shall enforce the provisions of this act on inland lakes and non-tidal streams. The State Police and the employees of the Delaware Commission of Shell Fisheries shall enforce the provisions of this act on navigable rivers, the Delaware Bay, Rehoboth Bay and Indian River Bay and waters of the Atlantic Ocean within the jurisdiction of the State of Delaware.

**Section 20. Penalties**

Any person who violates any provision of sections 6, 7, 8, 11, 12, 14 and 15 of this act shall be guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or ten days in jail, for each such violation.

Approved July 9, 1959.

## CHAPTER 155

**AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO THE PUBLIC SERVICE COMMISSION AND ITS CHARGES AND FEES, AND REIMBURSEMENT BY UTILITIES FOR CERTAIN COSTS AND EXPENSES, AND THE ESTABLISHMENT OF A REVOLVING FUND.**

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

Section 1. § 113, Title 26, Delaware Code, is amended by striking out and repealing said section and by inserting and enacting in lieu thereof a new § 113 to read as follows:

**§ 113. Charges and fees, and costs and expenses of proceedings; establishment of revolving fund**

(a) The Commission shall make and impose the following filing, copying, inspection and other charges and fees:

(1) For filing the Annual Financial Statement of any public utility .....	\$5.00
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(2) For filing each application for a Certificate of Public Convenience and Necessity (for original authority or for extension): for filing each application for approval of a transfer of a Certificate of Public Convenience and Necessity or of a transfer of any public utility rights or franchise .....	\$50.00
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(3) For filing each Application for approval or authority to discontinue or abandon all or any part of any public utility operation or route or service; for filing each application for approval to substitute non-agency for agency stations, or to substitute one type of service for another .....	\$25.00
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(4) For each filing of rate or tariff schedules, or amendment thereto, or notice of changes therein, or Petition or Application to Increase Rates .....	\$10.00
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(5) For filing each Petition or Application under Section 165 (a) (1), Title 26 of the Delaware Code ..... \$50.00

(6) For filing each Petition or Application under Section 165 (a) (2) or (3), Title 26, of the Delaware Code, in accordance with the following fee schedule based upon the aggregate amount of the stocks, (by par value or by stated value if no par) notes, bonds, other evidences of indebtedness with respect to Section 165 (a) (2), or obligation or liability with respect to Section 165 (a) (3) :

Aggregate Amount	Fee
\$1—\$5,000 inclusive .....	\$10
\$5,001—\$25,000 inclusive .....	25
\$25,001—\$50,000 inclusive .....	50
\$50,001—\$100,000 inclusive .....	75
\$100,001—\$200,000 inclusive .....	125
\$200,001—\$300,000 inclusive .....	200
\$300,001—\$500,000 inclusive .....	300
\$500,001—\$1,000,000 inclusive .....	400
For each additional \$25,000 .....	1

(7) For preparing and certifying to the Superior Court any record in an Appeal ..... \$50.00

(8) For certifying a copy of each paper, order, record, transcript or any other official document other than to the Superior Court ..... \$2.00

(9) For typewritten copies of any papers, documents, orders, records, transcripts or any other official document ..... \$\$.50 for  
each original  
page and 10¢  
for each copy  
of a page

(10) For the original equipment or vehicle inspection by the Commission or any of its staff ..... \$10.00 per  
vehicle or  
piece of  
equipment



(11) For each subsequent inspection of equipment or vehicle by the Commission or any of its staff ..... \$5.00 per vehicle or piece of equipment

(12) Upon request therefor by either a consumer or a utility, for testing each water meter having an outlet not exceeding one (1) inch ..... \$2.00

(13) Upon request therefor by either a consumer or a utility, for testing each water meter having an outlet of more than one (1) inch but not exceeding two (2) inches ..... \$5.00

(14) Upon request therefor by either a consumer or a utility, for testing each electric meter..... \$2.00

(15) The charge of fee for any services rendered by the Commission in filing papers, documents, records or other items not expressly provided for in this sub-section (a), shall be fixed by the Commission from time to time.

(b) Whenever the Commission, in a proceeding upon its own initiative or upon complaint or upon written Application to it, shall deem it necessary in order to carry out its statutory duties, to investigate the operations, services, practices, accounting records and/or procedures, rates, charges, rules and regulations, of any public utility, and/or to make valuations or revaluations of the property of any public utility, and/or to enter into and hold a Hearing or Hearings in connection therewith, such public utility shall be charged with and pay such portion of the expenses of the Commission, and the compensation and expenses of its agents, representatives, consultants and employees, including but not limited to those temporarily employed or retained, as is reasonably attributable to such investigation, valuation or revaluation, Hearing or Hearings, provided that notice of the Commission's intent so to charge such public utility shall be given to such public utility or to its counsel of record at the commencement of such investigation, valuation, revaluation, Hearing or Hearings, and provided further that an opportunity to be heard thereon shall first be given to such public

utility. No charge shall be made for the compensation of Commissioners.

From time to time as the investigation, valuation, revaluation, Hearing or Hearings progresses, or upon completion thereof, the Commission shall ascertain its costs incurred in connection therewith, including but not limited to the expenses of the Commission and the compensations and expenses of its agents, representatives, consultants and employees, including those temporarily employed or retained, and shall determine the amount thereof to be paid by the public utility and shall render a bill therefor by registered mail to the public utility. Such bill shall be rendered either at the conclusion of the investigation, valuation or revaluation, Hearing or Hearings, or from time to time during the progress thereof. The Commission shall furnish the public utility such itemization of said bill as may be requested by said public utility. The public utility shall have the right to audit said bill within a reasonable period after its rendition by the Commission and shall have the opportunity to be heard as to any or all of the items included in the bill. The amount of such bill as finally rendered by the Commission following such hearing and any appeal therefrom shall be paid by such public utility to the Commission within thirty days from the date of its rendition. The amount assessed against a public utility, not paid within thirty days after such determination, shall draw interest at the rate of six per centum per annum.

The expenses of the Commission and the compensation and expenses of its agents, representatives, consultants and employees, including but not limited to those temporarily employed or retained, reasonably attributable to any appellate court proceedings in either or both the Superior or Supreme Court of the State of Delaware growing out of any order, opinion, decision or findings of the Commission shall also be ascertained, charged, billed to and paid for the public utility in accordance with the foregoing conditions and procedures.

Whenever the investigation, valuation, revaluation, Hearing, Hearings, or appellate court proceedings involves the affairs and operations of two or more public utilities jointly, the charges made hereunder for such investigation, valuation, revaluation, Hearing, Hearings, or appellate court proceedings

shall be prorated among such public utilities upon the basis of their gross intrastate operating revenues for the last preceding calendar year.

The total aggregate amount to be charged by the Commission to any public utility under authority of this section in any calendar year shall not exceed one half of one per centum of such public utility's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, but in no event shall the total aggregate amount to be charged by the Commission to any such utility exceed \$50,000 for any calendar year.

(c) A revolving fund obtained from the sums collected pursuant to Sub-Section (b) above shall be established for the purpose of the Commission paying its expenses and the compensations and expenses of its employees, officers, agents, representatives and consultants, including but not limited to those temporarily employed, engaged in investigating the operations, services, practices, accounting records and/or procedures, rates, charges, rules and regulations, of any public utility, and/or in making valuations or revaluations of the property of any public utility, and/or in connection with any Hearing or Hearings or appellate court proceedings relating thereto. The monies collected from a public utility pursuant to sub-section (b) shall be used only to pay the costs assessed against the public utility pursuant to sub-section (b). All monies collected by the Public Service Commission pursuant to sub-section (b) hereof shall be paid monthly, accompanied by a detailed statement thereof, by the Commission to the State Treasurer; and all of said monies so paid representing the expenses of the Commission and the compensations and expenses of employees, officers, agents, representatives and consultants paid from the revolving fund shall be credited to said revolving fund. At the end of each fiscal year, the balance if any, of the revolving fund, together with collectible accounts receivable billed to any utility or utilities, less any compensations or expenses payable at that date shall be transferred to the general fund of the State of Delaware. All credits to said revolving fund shall be available for payments upon vouchers approved by the Chairman of the Commission.

Approved July 9, 1959.

## CHAPTER 156

**AN ACT TO AMEND SECTION 2521, TITLE 12, DELAWARE CODE, ENTITLED "DECEDENTS' ESTATES" AND RELATING TO KENT COUNTY.**

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

Section 1. § 2521, Title 12, Delaware Code, is hereby repealed and a new § 2521 enacted in lieu thereof to read as follows:

**§ 2521. Kent County**

The fees of the Register of Wills in Kent County, for the services specified, shall be as follows—

For filing petition for granting letters of administration or testamentary .....	\$ 1.00
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For granting letters of administration under seal, taking bond and making registry thereof, if the estate is under \$100.00 .....	1.25
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Over \$100.00 and less than \$500.00 .....	2.00
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Over \$500.00 and less than \$1,000.00 .....	3.00
--	------

Over \$1,000.00 and less than \$5,000.00 .....	5.00
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Over \$5,000.00 and less than \$10,000.00 .....	8.00
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Over \$10,000.00 and less than \$20,000.00 .....	12.00
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Over \$20,000.00 and less than \$50,000.00 .....	15.00
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Over \$50,000.00 and less than \$75,000.00 .....	20.00
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Over \$75,000.00 and less than \$100,000.00 .....	25.00
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Each additional \$100,000.00 over the first \$100,000.00 .....	10.00
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Taking and registering probate of will .....	2.00
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For granting letters testamentary under seal, same as for letters of administration.

Copy of will annexed to letters testamentary, two cents per line of eight word. Entering renunciation .....	.25
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Making and registering order for advertising letters of administration or testamentary .....	1.00
Hand bills .....	1.00
Filing inventory, and making registry of such filing and of appraised value of goods and chattels therein .....	.25
Filing list of debts .....	.25
For recording and indexing accounts .....	2.00
For adjusting, settling and certifying accounts, one per cent of the net personal estate, disregarding all disbursements made, or to be made, for legacies, bequests or distributive shares due to legatees, heirs-at-law, or persons otherwise entitled.	
Entering caveat .....	.50
Issuing citation .....	.50
Issuing subpoena to give evidence, all witnesses named before the issuing of the subpoena to be named therein .....	.50
Issuing an attachment .....	1.00
Taking depositions at large upon the litigation of a cause, two cents per line of ten words, and twenty-five cents additional for each deposition.	
Entering interlocutory order upon the litigation of a cause .....	.50
Entering sentence or decree upon the actual litigation of a cause .....	1.00
Filing petition or application for revoking letters of administration or testamentary .....	1.00
For sitting in trial of cause, per day .....	5.00
For recording release, acquittance or receipt .....	1.00
For acknowledging an acquittance, or any paper necessary to have acknowledgment thereto .....	.50
For recording will and probate, or any other writing proper to be recorded, and not provided for in this section, two cents per line of eight words.	

Certifying an extract, two cents per line of eight words.

Affixing seal of office to any writing not herein-  
fore mentioned, and for which no other fee is allowed .50

Making search ..... .25

Copy of exemplification of a record under seal  
not before provided for, two cents per line of eight  
words.

Section 2. This act shall be effective and apply to the estates of all persons departing this life after the passage of this act and nothing herein contained shall be construed as changing or affecting the fees to be charged by the Register of Wills for the estates of those decedents departing this life prior to the passage of this act.

Approved July 9, 1959.

CHAPTER 157

**AN ACT TO REPEAL SECTION 8303, TITLE 9, DELAWARE  
CODE RELATING TO NEW GENERAL ASSESSMENTS  
EVERY FOUR YEARS IN KENT COUNTY.**

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

Section 8303, Title 9, Delaware Code is hereby repealed.

Approved July 9, 1959.

## CHAPTER 158

**AN ACT APPROPRIATING MONEY TO ELLENDALE SCHOOL DISTRICT #125.**

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

Section 1. The sum of Four Hundred Ninety-Two Dollars and Fifty-Five Cents (\$492.55) is hereby appropriated to the Board of School Trustees of Ellendale School District #125, to defray unforeseen operational expenses during the fiscal year ending June 30, 1959.

Section 2. This Act is a Supplementary Appropriation Act and the funds herein appropriated shall be paid out of the General Fund of the State of Delaware, and any funds hereby appropriated remaining unexpended at the end of the current fiscal year on June 30, 1959, shall revert to the General Fund.

Approved July 9, 1959.



## CHAPTER 159

## 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 appropriated for the maintenance, equipment and operation of the Hospitals hereinafter mentioned, for each of the fiscal years ending June 30, 1960 and June 30, 1961, the sums of money set after the names of such Hospitals, respectively:

Hospital	No. of Beds	Amount
Beebe Hospital of Sussex County, Inc. ....	110	\$ 60,500.00
(The) Delaware Hospital, Inc. ....	379	208,450.00
Kent General Hospital .....	93	51,150.00
Memorial Hospital (Homeopathic Hospital Association of Delaware) .....	372	204,600.00
Milford Memorial Hospital, Inc. ....	145	79,750.00
Nanticoke Memorial Hospital .....	75	41,250.00
Riverside Hospital .....	38	20,900.00
St. Francis Hospital Incorporated .....	116	63,800.00
Wilmington General Hospital Association .....	317	174,350.00
Total .....		<hr/> \$904,750.00

Each of the appropriations shall be paid to the respective Hospitals in equal quarterly installments on the first day of July, October, January and April in each of the fiscal years 1960 and 1961.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of the St. Francis Hospital, Inc. at Wilmington for each of the above mentioned fiscal years, the sum of \$550 per bed not in excess of 140 beds; the same sum per bed for Beebe Hospital of Sussex County Inc., but not in excess of 25 beds; the same sum per bed for Kent General Hos-

pital, not in excess of 50 beds; the same sum per bed for Memorial Hospital (Homeopathic Hospital Association of Delaware) not in excess of 20 beds; the same sum per bed for Milford Memorial Hospital, Inc., not in excess of 10 beds; the same sum per bed for Riverside Hospital, not in excess of 50 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 beginning July 1, 1959 and July 1, 1960; Provided, however, that no portion of said appropriations shall be paid to any of said Hospitals unless such additional bed capacity shall have been completed and in operation prior to December 31, 1960; and Provided further that in each such case the first quarterly installment payable after the completion and operation of said bed capacity shall be in that proportion of the quarterly installment which the percent of the quarter remaining after the beginning of the operation of such capacity shall bear to the total of such quarter but no payment shall be made for beds completed after December 31, 1960.

Section 3. Prior to the payment by the State Treasurer of any quarterly installment of the appropriations hereinabove authorized, or any portion thereof, each of said Hospitals shall inform the State Treasurer in writing of the bed capacity of such Hospital and in case the report to the State Treasurer made by any Hospital shall show a reduction in bed capacity the appropriation and the quarterly payments herein authorized shall be reduced proportionately from the time of such reduction in capacity.

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 July 9, 1959.

## CHAPTER 160

**AN ACT TO AMEND CHAPTER 1, TITLE 8, § 274 OF THE DELAWARE CODE RELATING TO SURRENDER OF CORPORATE RIGHTS BEFORE PAYMENT OF CAPITAL AND BEGINNING BUSINESS.**

*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. § 274, Chapter 1, Title 8 of the Delaware Code, is hereby amended by striking out and repealing said section § 274 and substituting and enacting in lieu thereof a new section § 274 to read as follows:

§ 274. Before beginning the business or activity for which the corporation was created and, if the corporation is authorized to issue stock, before the payment of any part of the capital, the directors, the board of managers, or other governing body, however named, or a majority of them, or if there be no board of managers, or governing body, then, the incorporators named in the certificate of incorporation, or a majority of them, may surrender all their corporate rights and franchises by filing in the Office of the Secretary of State a certificate, verified by the oath or affirmation of a majority of the directors, managers, governing body or incorporators, that the business or activity for which the corporation was created has not been begun, that (if the corporation is authorized to issue stock) no part of the capital has been paid, and that all rights and franchises of the corporations are surrendered. Upon the filing of such certificate the corporation shall be dissolved. A certified copy of the certificate shall be recorded in the County where the original certificate of incorporation was recorded.

Approved July 9, 1959.

## CHAPTER 161

**AN ACT TO AMEND CHAPTER 135, VOLUME 29, LAWS OF DELAWARE, ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO CURBSTONE MARKETS IN THE CITY OF WILMINGTON," BY PROVIDING FOR A BUILDING TO BE KNOWN AS THE "FARMERS' AND TRUCKERS' MARKET".**

WHEREAS, The Ninety-Sixth Session of the General Assembly of The State of Delaware, by Chapter 135, Volume 29, Laws of Delaware, provided for the continuance, as such, of public curbstone markets then existing on King and Madison Streets, in the City of Wilmington; and

WHEREAS, Said public curbstone markets on King Street, and Madison Street, in the City of Wilmington, as the same existed at the time of the passage of the aforesaid Act of the General Assembly, have continued as such to the present time; and

WHEREAS, The large increase of vehicular traffic in recent years has given rise to serious municipal problems connected with and incident to traffic control, safety, parking and fire protection, which are not capable of solution, in the public interest, so long as said public curbstone markets, shall remain on King Street and Madison Street and, in any removal of said public curbstone markets from King Street and Madison Street to another street, so long as the same shall be required, as under the present Act, to be located on one side of such other street during part of a year and on the other side of such street during another part of a year; and

WHEREAS, It is deemed to be in the public interest that the present public curbstone markets on King Street and Madison Street, in the City of Wilmington, be removed therefrom; that such public markets be relocated, established and placed within a building situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware; that "The Mayor and Council of Wilmington;" a municipal corporation of the State of Delaware, shall have power and

authority in the exercise of its jurisdiction, by and through a Market Manager, to designate and establish stalls and spaces within said building, with the limitations presented by this Act; and that this Act be construed to give effect to these recitals of legislative purpose and intention, Now Therefore,

*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 1 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing said section and by enacting in lieu thereof a new Section 1 to read as follows:

§ 1. That "The Mayor and Council of Wilmington", a municipal corporation of the State of Delaware, be and the same is hereby authorized to establish, build and place within a building situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware, a public market; such market to be occupied solely by farmers and truckers whose principal business is the raising of farm products or truck, and by none others. Such market shall be used by such farmers or truckers, exclusively, for the sale of fruit, vegetables, fowls, meats and other farm products raised or produced on land occupied by such farmers or truckers, either as owners, lessees, or farmers upon the share. Such market shall be known as the "Farmers' and Truckers' Market". The public curbstone markets now existing on King Street and Madison Street shall, after the passage and approval of this Act, and after the construction and availability of said building, be moved to and shall be relocated in said building and shall be deemed and taken to be a "Farmers' and Truckers' Market" for all purposes of this Act and shall be continued thereafter as such under the provisions of this Act, provided, however, that the existence of the public curbstone markets on King Street shall cease to exist only after the completion of the said building and the location of the said markets within said building. Said "Farmers' and Truckers' Market" shall be open for business on Tuesday and Saturday between the hours of 7 A. M. and 6 P. M. only; and on Fridays and the day preceeding a legal holiday, excepting Sunday, and on the Saturday preceeding a legal holiday which falls on a Monday, between the hours of 7 A. M. and 9 P. M. only.

Section 2. Section 2 of Chapter 135, Volume 29, laws of Delaware is hereby amended by repealing said section, and by enacting in lieu thereof a new Section 2 to read as follows:

§ 2. It shall be the duty of the Mayor of the said "The Mayor and Council of Wilmington," a municipal corporation of the State of Delaware, to appoint a Market Manager, who shall serve at the pleasure of the Mayor, which appointment shall be subject to the approval and confirmation of the Council of "The Mayor and Council of Wilmington" to be in charge of said "Farmers' and Truckers' Market". It shall be the duty of the Market Manager during the month of April in each year to lay off and designate spaces and stalls within said building for use and occupancy of the persons entitled to use said "Farmers' and Truckers' Market." There shall be a minimum of 160 spaces and stalls 24 feet in length, and 9 feet wide. The said market shall contain water facilities, toilets, electric lighting, water drains and a minimum of fifty electrical outlets spaced at regular intervals, such outlets to be alternately 115 and 220 volt lines. The sides of the market floor are to be enclosed with moveable transparent materials which could be moved aside for screened materials to provide warm weather ventilation. A suitable sign designating the location of the market shall be erected on the outside of the building.

Section 3. Section 3 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing said section, and by enacting in lieu thereof a new Section 3 to read as follows:

§ 3. That from and after the effective date of the passage and approval of this Act, and after the construction and availability of said building, the following conditions shall apply to the use and occupancy of all spaces and stalls in the "Farmers' and Truckers' Market":

The said "The Mayor and Council of Wilmington" acting by and through its Market Manager aforesaid, shall provide on or before the first day of April in each year, a sufficient number of suitable blanks or forms to be used by the said farmers and truckers in making application for such spaces and stalls. Said blanks or forms shall have a blank space for the date, shall be addressed to the Market Manager of the City of Wilmington,

authority in the exercise of its jurisdiction, by and through a Market Manager, to designate and establish stalls and spaces within said building, with the limitations presented by this Act; and that this Act be construed to give effect to these recitals of legislative purpose and intention, Now Therefore,

*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 1 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing said section and by enacting in lieu thereof a new Section 1 to read as follows:

§ 1. That "The Mayor and Council of Wilmington", a municipal corporation of the State of Delaware, be and the same is hereby authorized to establish, build and place within a building situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware, a public market; such market to be occupied solely by farmers and truckers whose principal business is the raising of farm products or truck, and by none others. Such market shall be used by such farmers or truckers, exclusively, for the sale of fruit, vegetables, fowls, meats and other farm products raised or produced on land occupied by such farmers or truckers, either as owners, lessees, or farmers upon the share. Such market shall be known as the "Farmers' and Truckers' Market". The public curbstone markets now existing on King Street and Madison Street shall, after the passage and approval of this Act, and after the construction and availability of said building, be moved to and shall be relocated in said building and shall be deemed and taken to be a "Farmers' and Truckers' Market" for all purposes of this Act and shall be continued thereafter as such under the provisions of this Act, provided, however, that the existence of the public curbstone markets on King Street shall cease to exist only after the completion of the said building and the location of the said markets within said building. Said "Farmers' and Truckers' Market" shall be open for business on Tuesday and Saturday between the hours of 7 A. M. and 6 P. M. only; and on Fridays and the day preceeding a legal holiday, excepting Sunday, and on the Saturday preceeding a legal holiday which falls on a Monday, between the hours of 7 A. M. and 9 P. M. only.

Section 2. Section 2 of Chapter 135, Volume 29, laws of Delaware is hereby amended by repealing said section, and by enacting in lieu thereof a new Section 2 to read as follows:

§ 2. It shall be the duty of the Mayor of the said "The Mayor and Council of Wilmington," a municipal corporation of the State of Delaware, to appoint a Market Manager, who shall serve at the pleasure of the Mayor, which appointment shall be subject to the approval and confirmation of the Council of "The Mayor and Council of Wilmington" to be in charge of said "Farmers' and Truckers' Market". It shall be the duty of the Market Manager during the month of April in each year to lay off and designate spaces and stalls within said building for use and occupancy of the persons entitled to use said "Farmers' and Truckers' Market." There shall be a minimum of 160 spaces and stalls 24 feet in length, and 9 feet wide. The said market shall contain water facilities, toilets, electric lighting, water drains and a minimum of fifty electrical outlets spaced at regular intervals, such outlets to be alternately 115 and 220 volt lines. The sides of the market floor are to be enclosed with moveable transparent materials which could be moved aside for screened materials to provide warm weather ventilation. A suitable sign designating the location of the market shall be erected on the outside of the building.

Section 3. Section 3 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing said section, and by enacting in lieu thereof a new Section 3 to read as follows:

§ 3. That from and after the effective date of the passage and approval of this Act, and after the construction and availability of said building, the following conditions shall apply to the use and occupancy of all spaces and stalls in the "Farmers' and Truckers' Market":

The said "The Mayor and Council of Wilmington" acting by and through its Market Manager aforesaid, shall provide on or before the first day of April in each year, a sufficient number of suitable blanks or forms to be used by the said farmers and truckers in making application for such spaces and stalls. Said blanks or forms shall have a blank space for the date, shall be addressed to the Market Manager of the City of Wilmington,



and shall state that the applicant is a farmer or trucker, whose principal business is the raising of farm products or truck, and whether or not said applicant has been the occupant of any spaces or stalls at and within the public curbstone markets situate on King Street and Madison Street in the City of Wilmington and, if so, for how long past, and the said application shall also state just what space and stall is desired by the applicant, providing however, that such requests be for not more than one space and stall; and the said application shall be signed by the applicant in his, her or its full name. When any farmer or trucker who has duly filled out and signed his, her or its application as above stated, shall present the same to the Market Manager, if the space and stall therein applied for has not been heretofore awarded, the Market Manager shall thereupon issue to said applicant a certificate permitting such applicant to occupy such space and stall for one year, from the first day of May, until the thirtieth day of April of the following year, for which space or stall the said applicant shall pay the sum of Fifty Dollars (\$50.) annually and no other license fees whatsoever. When any farmer or trucker is already the occupant of any such space or stall, as shown by his, her or its application as above stated, and is applying for a re-allotment of his, her or its old space and stall, and said application is filed with the Market Manager on or before the twentieth day of April in any year, then the Market Manager shall re-allot to the said applicant his, her or its old space and stall as requested, and no space and stall already immediately previously occupied by any such farmer or trucker shall be allotted to any other farmer or trucker until after the twentieth day of April in any year, and the immediately previous occupant shall always have the preference and shall always be reallocated his, her or its old space and stall for the succeeding year, providing such previous occupant shall express such desire as shown by his, her or its application filed on or before the twentieth day of April in any year, as aforesaid. When such annual sums shall have been paid as herein before prescribed, the person paying the sums and receiving the certificate aforesaid, shall be subject to all the provisions of this Act, and subject to such other reasonable rules and regulations as the said Market Manager, under this Act, and not inconsistent therewith, may prescribe, be entitled to the free and uninterrupted use of such space and stall for market purposes as afore-

said, for the period of one year from the first day of May as above stated. No persons shall have allotted to him her or it more than one space and stall for any one year; and the certificate herein before provided to be given, shall have plainly expressed upon its face the date, the number of the space and stall allotted, and the name in full of the person to whom such space and stall is allotted, and shall be signed by the Market Manager. All said certificates shall expire on the thirtieth day of April in each year, and any space not allotted during the month of April or within thirty days thereafter, in any year, shall upon prepared application as herein before stated, be allotted for the balance of the year, ending on the thirtieth day of April next ensuing, at pro rata rates or at the monthly rate of Ten Dollars (\$10.), or the weekly rate of Five Dollars (\$5.). At no time shall there be more than two licensees permitted to use the same space or stall, regardless of whether a yearly, monthly or weekly permit is obtained. Any farmer or trucker to whom has been duly allotted such space and stall in the "Farmers' and Truckers' Market" as herein before described, and who does not desire to use the said space and stall on all of the market days during the week for any part or portion of the said year, during which year the said space and stall has been so allotted to him, her or it, may if he, she or it so desires, re-allot or sublet said space and stall to such other farmer or trucker as he, she or it may select, for such days of the week during the said year, or any part thereof as he, she or it may designate, and such other farmer or trucker shall have the same right to the use of said space and stall during such days as the person to whom said space and stall is allotted in the first instance would have, subject at all times to the right of the original allottee to reclaim the said space and stall for the full time, according to his, her or its certificate, providing nevertheless, that any such farmer or trucker, who shall re-allot or sublet his, her or its space and stall for any of the market days during any part of any particular year as above stated, shall not charge or receive any profit or remuneration therefor exceeding a pro rata amount for the actual time during which said space and stall is thus sublet, as compared with the total amount paid by such farmer or trucker for such space and stall for such year. The person who is subletting any space or stall shall notify the Market Manager as to the name of the person who is subleasing any space and stall

and the dates of such use and occupancy. Any person renting a space and stall on an annual basis may from time to time sublease the spaces and stalls on either side of his, her or its space and stall; or, if the spaces and stalls adjacent to his, her or its space and stall shall be available on a monthly or weekly basis, he may rent said spaces and stalls from time to time on a weekly basis, provided however that no licensee or sublessee shall obtain the use of more than three spaces and stalls at one time, all of which shall be adjacent to each other. A space holder and his sublessee may both use the same space on any one day if they desire to do so.

In the event of the death of any person to whom a stall has been allotted, the Market Manager shall upon receipt of an application for same within 60 days after the date of death issue a new license for the same space to the spouse of the decedent, if living, or to one of the children of the decedent if the spouse is not living.

Section 4. Section 4 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing said section and by enacting in lieu thereof a new Section 4 to read as follows:

§ 4. It shall be the duty of the said Market Manager to keep an accurate record of all spaces and stalls allotted, with the name of the person and the time for which such person is entitled to the use and occupancy thereof, which shall be a public record and open for public inspection at all reasonable hours.

Section 5. Section 5 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by striking out the word "curbstone" as it appears in Line 2 of said section.

Section 6. Section 6 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing said section and by enacting in lieu thereof a new Section 6 to read as follows:

§ 6. No person shall expose for sale in said "Farmers' and Truckers' Market" within the City of Wilmington, any beef, or pork, or mutton, without having previously taken and subscribed an oath or affirmation before the Clerk of the Council of "The Mayor and Council of Wilmington" for which such person shall

pay to said Clerk of the Council the sum of fifty cents), that he is a farmer or trucker as the case may be; that he will not expose for sale in any "Farmers' or Truckers' Market", now or hereafter existing within the limits of the City of Wilmington, any beef, any pork or any mutton unless the same shall have been fed upon lands occupied by him, for a period of at least 90 days before the slaughtering of the same, nor any veal meat, except such be the product of his own cows, upon land occupied by him. The said Clerk of the Council shall thereupon issue to such farmer or trucker a certificate of the taking of such oath or affirmation. The said oath or affirmation and a record of the issuing of the certificate as aforesaid, shall be entered in a record book kept by the said Clerk of the Council for that purpose. The said oath or affirmation and the certificate so given as aforesaid, shall only avail the person so taking and receiving the same up to the thirtieth day of April next, after the same has been so taken and received.

Section 7. Section 7 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by striking out and repealing said section in its entirety.

Section 8. Section 8 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing such section and by enacting in lieu thereof a new Section 8 to read as follows:

§ 8. Any person filling out and signing and filing with the said Market Manager any false application for any space and stall in said market, or making any false statement in any such application, or any Market Manager or any Clerk of the Council as the case may be, refusing to grant a certificate as herein before provided in Sections 3 and 6 of this Act, or charging or receiving more than the legal fees as herein before provided, or failing to comply with any of the provisions of this Act, or violating any of the provisions of this Act, or offending against any of the provisions of this Act, or any farmer or trucker, or any other person or persons, violating any of the provisions of this Act, or offending against any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, by the Municipal Court for the City of Wilmington, shall forfeit and pay a fine not exceeding Fifty Dollars (\$50.), or be imprisoned for a period not exceeding thirty days (30) or both, as the Court upon its discretion may deem proper.

Section 9. Section 9 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing such section and by enacting in lieu thereof a new Section 9 to read as follows:

§ 9. In addition to the "Farmers' and Truckers' Market" herein referred to, the said "The Mayor and Council of Wilmington", a municipal corporation as aforesaid, acting by and through its Market Manager as aforesaid, shall have full power and authority to regulate such other public markets in the said City of Wilmington which are in existence as of the date of the passage of this Act as it shall deem proper. All such markets regulated by said "The Mayor and Council of Wilmington" through its Market Manager as provided for in this Section, shall be other than Farmers' and Truckers' Markets, and shall at all times be kept separate and distinct from the Farmers' and Truckers' Markets as designated, described and provided for in the foregoing sections of this Act.

Section 10. Section 10 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing such section and by enacting in lieu thereof a new Section 10 to read as follows:

§ 10. The said "The Mayor and Council of Wilmington", a municipal corporation as aforesaid, acting by and through its Market Manager shall have full and complete power and authority, and it is hereby authorized and directed to adopt and promulgate suitable rules and regulations for the regulation and control of such rules as shall be established under Section 9 of this Act, and for the enforcement of such rules and regulations, and to make provisions for the punishment of persons, firms, associations or corporations who shall refuse or neglect to comply with the same or any of the same.

Section 11. Section 12 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by repealing such section and by enacting in lieu thereof a new Section 12 to read as follows:

§ 12. Upon and after the expiration of the term of office of the present Market Manager in the said City of Wilmington, and in the event that his successor is not as yet appointed by the Mayor and confirmed by the Council of "The Mayor and Council of Wilmington", all fees and monies of every type, class,

kind, and description shall be collected, received and paid to the City Treasurer. All such fees and monies shall constitute a portion of the general funds of the City. The compensation of said Market Manager shall be set by ordinance of the Council of "The Mayor and Council of Wilmington" and the compensation or salary of said Market Manager shall be paid in the same manner as other city officials are paid.

Section 12. Section 13 of Chapter 135, Volume 29, Laws of Delaware is hereby amended by striking out the words "Street and Sewer Department" and inserting in lieu thereof the words "Market Manager".

Section 13. Chapter 135, Volume 29, Laws of Delaware is hereby amended by adding at the end thereof a new Section 16 to read as follows:

§ 16. Upon the establishment, building and placing within a building situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware, a "Farmers' and Truckers' Market" in the place and stead of the said King Street and Madison Street market, all rights, titles and interests formerly granted to those persons coming under the authority of and benefiting by the provisions of Chapter 135, Volume 29 Laws of Delaware are hereby continued under the provisions of this Act.

Approved July 9, 1959.

CHAPTER 162

**AN ACT TO INCREASE THE FEES OF THE RECORDER IN  
KENT COUNTY.**

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

Section 1. Section 9617, Title 9, Delaware Code is amended by adding the words "and Kent County" after the words "New Castle County" wherever they appear in Section 9617.

Section 2. Section 9618, Title 9, Delaware Code is amended by deleting the word "Kent" wherever it appears in Section 9618.

Approved July 9, 1959.

## CHAPTER 163

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES  
OF THE UNIVERSITY OF DELAWARE FOR THE FISCAL  
YEAR ENDING JUNE 30, 1960.**

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

Section 1. The amount named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the University of Delaware is appropriated and authorized to be paid out of the Treasury of this State by the University of Delaware subject to the provisions of Part VI, Title 29, Delaware Code, for the period specified. All parts or portions of the sum appropriated by this Act which, on the first day of July, 1960 remains unexpended, 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.

The amount hereby appropriated is as follows:

	Year ending June 30, 1960
<b>UNIVERSITY OF DELAWARE</b>	
Salaries and Wages .....	\$158,000
Office Expense .....	10,000
Travel .....	2,000
Operations .....	20,000
Equipment .....	10,000
	<hr/>
	\$200,000

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 9, 1959.



## CHAPTER 164

**AN ACT TO AMEND TITLE 9, DELAWARE CODE BY PROVIDING FOR A NEW CHAPTER 44, ENTITLED "BUILDING PERMITS FOR KENT COUNTY."**

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

Section 1. Title 9, Delaware Code is amended by adding Chapter 44 thereto to read as follows:

**§ 4401. Definitions**

As used in this Chapter—

(a) "Board" means Kent County Board of Assessment.

(b) "Building" means any structure, building, edifice or part thereof.

(c) "Person" means any architect, builder, contractor, repairman, agent, partner or corporation as well as an individual.

(d) "Construction" means alteration, removal, demolition, addition, repair or construction of any new or old building.

**§ 4402. Application for construction permits**

(a) No person shall construct or cause to have constructed or commence the construction of a building without first filing with the Board an application in writing for such construction and obtaining a permit therefor. Such application shall be made on forms prescribed by the Board and shall contain such information as the Board shall prescribe.

(b) Permits shall be issued in the name of the owner of the building.

**§ 4403. Reports on permits issued by incorporated cities or towns**

Building inspectors or other officers authorized by law to issue permits for the construction of any buildings, in any incorporated city or town in Kent County, shall report to the

Board on blanks to be furnished by the Board, every permit issued by them respectively, for the construction of any building, specifying the estimated cost of the proposed construction.

#### **§ 4404. Inspections**

Each or any member of the Board shall make the necessary inspections to see that the provisions of this chapter are complied with and may order or compel the suspension of any work that is not in compliance with this chapter.

#### **§ 4405. Fees**

The fees for issuing permits shall be prescribed by the Board, but shall not be in excess of \$1.00.

#### **§ 4406. Records**

(a) The Board shall keep a careful and comprehensive record of applications, permits issued, inspections made, reports rendered and of notices or orders issued.

(b) The Board shall retain on file copies of all permits issued.

(c) All records may be open to public inspection at the discretion of the Board, but shall not be removed from the office of the Board.

#### **§ 4407. Permits not required**

No person shall be required to obtain a permit when the fair value of the construction of a building is less than \$1000.

#### **§ 4408. Notice of violation**

(a) Whenever the Board is satisfied that a building is being constructed without a permit first being issued therefor, the Board may serve a written notice or order upon the person responsible therefor, directing discontinuance of the construction until a permit has been obtained from the Board.

(b) No person having been served with such notice or order shall fail within five days to comply with the requirements thereof.

**§ 4409. Occupancy**

Any building that has been constructed without a permit may not be occupied, maintained or used by any person except with permission of the Board.

**§ 4410. Violation and penalty**

Any owner of a building wherein any work in connection therewith has been done without a permit or any person employed in connection therewith and who has participated or assisted in the commission of such violation or both, shall be fined not less than \$50 nor more than \$200 for each offense.

**§ 4411. Levy Court to appropriate necessary funds**

The Levy Court of Kent County shall annually appropriate to the Board such funds that are necessary to carry out the provisions of this chapter.

**§ 4412. Jurisdiction of Superior Court**

The Superior Court shall have jurisdiction over offenses committed under this Act.

Approved July 9, 1959.

## CHAPTER 165

**AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF VOCATIONAL EDUCATION FOR THE TRAINING OF VOLUNTEER FIREMEN.**

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

Section 1. There is hereby appropriated to the State Board of Vocational Education the sum of One Thousand Two Hundred Dollars (\$1,200.00) to be expended by the said Board to pay the expenses of the training school for volunteer firemen conducted during April 1959, in Camden, Delaware by the State Board of Vocational Education.

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 9, 1959.

CHAPTER 166

**AN ACT RELATING TO THE UNEXPENDED FUNDS APPROPRIATED TO THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST BY CHAPTER 288, VOLUME 51, LAWS OF DELAWARE.**

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

Section 1. Any unexpended sums of the \$85,000 appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the operation of Daytime Care Centers as provided by Chapter 288, Volume 51, Laws of Delaware shall not revert to the General Fund, until after June 30, 1960.

Approved July 9, 1959.

## CHAPTER 167

**AN ACT APPROPRIATING MONEY TO THE MAYOR AND COUNCIL OF WILMINGTON FOR USE OF ITS 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. For each and every Fire Company in the City of Wilmington, State of Delaware, which was on the first day of July, 1958, and is now duly organized and equipped for the fighting of fires, there is hereby appropriated to the Mayor and Council of Wilmington the sum of \$1750 for the fiscal year beginning July 1, 1959 to be used for the prevention and extinguishment of fires throughout the City of Wilmington and for the maintenance of apparatus and equipment.

The said sum of \$1750.00 shall be paid by the State Treasurer to the Mayor and Council of Wilmington for each of the said Fire Companies within three months after the beginning of said fiscal year, and a Certificate from the City of Wilmington—Department of Public Safety—Bureau of Fire to the effect that a Fire Company was on the first day of July, 1958, and is now duly organized and equipped for the fighting of fires shall be sufficient authority for the payment of said sum of \$1750 by the State Treasurer for said purpose.

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

Approved July 9, 1959.

## CHAPTER 168

**AN ACT TO PROVIDE FOR THE APPOINTMENT BY THE  
RESIDENT JUDGE OF NEW CASTLE COUNTY OF  
CERTAIN SCHOOL BOARD MEMBERS IN CERTAIN  
SCHOOL DISTRICTS IN NEW CASTLE COUNTY FOR A  
TERM ENDING JUNE 30, 1963.**

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

Section 1. The resident judge of New Castle County shall, within fifteen days after this Act becomes effective, appoint one member to each Board of School Trustees and to each Board of Education to which said judge appointed members for terms beginning July 1, 1958, unless such Board has ceased to exist due to consolidation. The members so appointed shall be citizens of the State and residents of the school district to which Board they are appointed. The members so appointed shall serve a term from the date of appointment until June 30, 1963, and shall succeed those members whose terms expired on June 30, 1959. The provisions of this Act shall not apply to the Henry C. Conrad High School District, the School District of the City of Wilmington, or to any school district whose board members are appointed pursuant to § 2507, Title 14, Delaware Code.

Section 2. This Act supersedes Chapter 77, Volume 52, Laws of Delaware and renders null and void any part of Chapter 77, Volume 52, Laws of Delaware, inconsistent with this Act.

Approved July 9, 1959.

## CHAPTER 169

**AN ACT TO AMEND SECTION 2128, TITLE 21, DELAWARE CODE RELATING TO THE STATUS OF PLATES UPON A TRANSFER OF TITLE TO A MOTOR VEHICLE.**

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

Section 1. Chapter 41, Volume 52, Laws of Delaware is hereby repealed.

Section 2. There is hereby enacted a new Section 2128, Title 21, Delaware Code, as follows:

**§ 2128. Status of plates upon transfer of title**

Upon the transfer of a vehicle or upon the expiration of registration for any other cause, the number plates assigned to a vehicle shall remain attached thereto. However, the transferor may have such registration plates and number plates transferred and assigned to another vehicle upon proper application in writing to the Department and upon payment to the Department of a fee of \$5 in addition to all other fees required by law.

Approved August 19, 1959.



## CHAPTER 170

**AN ACT TO AUTHORIZE THE MILFORD SPECIAL SCHOOL DISTRICT TO MAKE CERTAIN TAX REFUNDS.**

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

Section 1. The Milford Special School District is hereby authorized and directed to refund unto Mrs. J. Pierce Simpson a sum not to exceed \$164.00 for School taxes erroneously collected for the years 1948 through 1956.

Section 2. The Milford Special School District is hereby authorized and directed to refund unto Dorothy M. and Ralph A. Nivarre a sum not to exceed \$33.40 for School taxes erroneously collected for the year 1956.

Section 3. The Milford Special School District is hereby authorized and directed to refund unto Anna Z. Sparklin and William Sparklin a sum not to exceed \$135.80 for School taxes erroneously collected for the years 1948 through 1957.

Section 4. The Milford Special School District is hereby authorized and directed to refund unto Douglas and Marjorie Fry a sum not to exceed \$391.61 for School taxes erroneously collected for the years 1946 through 1958.

Section 5. The Milford Special School District is hereby authorized and directed to refund unto Ralph and Madalyn Fry a sum not to exceed \$122.12 for School taxes erroneously collected for the years 1953 through 1958.

Approved August 19, 1959.

## CHAPTER 171

**AN ACT TO AMEND TITLE 7, DELAWARE CODE, RELATING TO THE ACCIDENTAL KILLING OF DEER BY A MOTOR VEHICLE UPON A PUBLIC HIGHWAY.**

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

Section 1. Title 7, Chapter 7, Delaware Code is hereby amended by adding a new section thereto, to be known as Section 798, as follows:

**§ 798. Deer accidentally killed by motor vehicle**

Any person, who, while operating a motor vehicle upon any public highway in this State, accidentally strikes and kills a deer upon said public highway shall, upon producing visible evidence of collision with said deer to any State Police or Game Warden of this State, be entitled to possession of said deer. The provisions of this section shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

Section 2. Any sections of the Delaware Code or any rules and regulations of the Board of Game and Fish Commissioners inconsistent with the provision of this Act are hereby repealed to the extent of such inconsistency.

Approved August 19, 1959.

## CHAPTER 172

**AN ACT TO MAKE WATER RENTS AND SEWER SERVICE CHARGES LIENS IN NEWARK.**

*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. All water rents and sewer service charges laid or imposed by City of Newark which shall remain unpaid and in arrears for thirty days after they become due, shall be and constitute a lien upon the lands and premises of the owner to which the water was furnished. Such liens shall have preference and priority to all liens of recognizance, mortgage or judgment on such lands and premises created or suffered by the owner, although such other lien or liens shall be of a date prior to the attaching of such lien for water rents or sewer service charges.

Section 2. In case of the sale under execution process of any lands and premises upon which liens for water rents or sewer service charges exist, the liens shall be transferred to the fund arising from the sale in the hands of the officer making the sale and the real estate so sold shall be discharged therefrom.

Section 3. The lien for water rents and sewer service charges shall remain a lien for the period of 5 years and no longer, from the expiration of 30 days after the water rents and sewer service charges became due and payable.

Approved August 19, 1959.

## CHAPTER 173

**AN ACT TO AUTHORIZE THE LEVY COURT OF KENT COUNTY TO APPROPRIATE MONEY TO THE KENT COUNTY FIREMAN'S ASSOCIATION.**

*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. 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, 1959, and a similar sum for the fiscal year beginning July 1, 1960 to the Kent County Volunteer Fireman's Association for the maintenance of radio equipment used in connection with volunteer fire fighting apparatus throughout the county.

Approved August 19, 1959.

## CHAPTER 174

**AN ACT TO AMEND TITLES 9, 10, AND 12, DELAWARE CODE BY INCREASING THE SALARY OF THE CLERK OF THE PEACE, CORONER, COMPTROLLER, LEVY COURT COMMISSIONERS, RECORDER OF DEEDS, MEMBERS OF THE BOARD OF ASSESSMENT, RECEIVER OF TAXES, PROTHONOTARY, SHERIFF, REGISTER IN CHANCERY, AND CLERK OF THE ORPHANS' COURT, AND REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY.**

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

Section 1. Title 12, Section 2505 (3) of the Delaware Code is amended by striking out the figures "\$3,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$3,600.00".

Section 2. Title 10, Section 2502 (3) of the Delaware Code is amended by striking out the figures "\$3,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$3,600.00".

Section 3. Title 10, Section 2101 (3) of the Delaware Code is amended by striking out the figures "\$3,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$3,600.00".

Section 4. Title 10, Section 2301 (3) of the Delaware Code is amended by striking out the figures "\$3,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$3,600.00".

Section 5. Title 9, Section 8405 (3) of the Delaware Code is amended by striking out the figures "\$3,000" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,000.00".

Section 6. Title 9, Section 8205 (3) of the Delaware Code is amended by striking out the figures "\$2,100" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$2,700.00".

Section 7. Title 9, Section 9602 (3) of the Delaware Code is amended by striking out the figures "\$3,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$3,600.00".

Section 8. Title 9, Section 309 (b) of the Delaware Code is amended by striking out the figures "\$2,800.00" as they appear in subparagraph (b) therein and by inserting in lieu thereof the figures "\$3,600.00", as to each of the salaries of the Levy Court Commissioners in and for Sussex County.

Section 9. Title 9, Section 9306 (3) of the Delaware Code is amended by striking out the figures "\$3,000.00" as they appear in said section and by inserting in lieu thereof the figures "\$3,600.00", as and for the salary of the Comptroller in and for Sussex County.

Section 10. Title 9, Section 9501 (3) of the Delaware Code is amended by striking out the figures "\$2,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$2,600.00".

Section 11. Title 9, Section 9402 (3) of the Delaware Code is amended by striking out the figures "\$3,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$3,600.00".

Approved August 19, 1959.

## CHAPTER 175

**AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF WILMINGTON TO ISSUE NEGOTIABLE BONDS AND NOTES FOR LAWFUL PURPOSES AND TO PROVIDE FOR THEIR PAYMENT.**

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

Section 1. The Mayor and Council of Wilmington (hereinafter referred to as "City") shall have power to issue, from time to time, bonds of the City to finance the cost of any object or purpose for which it has lawful authority to raise or appropriate or expend money and which is not a current expense of the City and which has a period of usefulness of at least five years. Such objects or purposes shall include, but not be limited to, the acquisition, construction, reconstruction, improvement, extension, enlargement and equipment of water supply systems, sewage disposal systems, electric systems, school buildings, fire houses, police stations, libraries, museums, auditoriums, hospitals and all other buildings suitable for the use of the City, highways, streets, curbs, sidewalks, gutters, bridges, boulevards, parks, playgrounds, recreation centers, incinerators, wharfs, docks, harbors, sea walls, storm sewers, culverts and drains, the acquisition of fire fighting and other equipment or mobile property, furnishings, machinery and apparatus. The cost of any object or purpose financed by the issuance of bonds under this act shall include the cost of issuing the bonds and any expenses incident thereto.

Section 2. The powers conferred by this act shall be in addition to and not in lieu of or substitution for the powers conferred by any other law. Bonds may be issued hereunder for any object or purpose notwithstanding that any other law may provide for the issuance of bonds for the same or like purposes and without regard to the requirements, restrictions or other provisions contained in any other law. Bonds may be issued under this act notwithstanding any debt or other limitation prescribed by any other law, and the mode and manner

of procedure for the issuance of bonds under this act need not conform to the provisions of any other law.

Section 3. Bonds issued by the City pursuant to this act shall be authorized by an ordinance passed by "The Council". Each such ordinance shall state in brief and general terms the object or purpose for which the bonds are to be issued, the period of probable usefulness of such object or purpose, the maximum aggregate principal amount of the bonds to be issued under the ordinance, the date upon which each installment of the bonds shall become due and payable and the maximum rate of interest to be borne by the bonds. All matters not required to be determined by such an ordinance may be determined by subsequent resolutions passed by "The Council".

Section 4. The period of probable usefulness stated in any ordinance shall be computed from the date of the bonds thereby authorized and may not exceed thirty years. The bonds authorized by each ordinance shall mature in annual installments, the first of which shall be payable not more than one year after the date of such bonds and the last of which shall be payable not later than the end of the period of probable usefulness determined by the ordinance authorizing the bonds. No annual installment shall be more than fifty per centum in excess of the smallest prior installment.

Section 5. Bonds issued pursuant to this act shall be negotiable instruments and shall be bonds payable to bearer with coupons attached for the payment of interest to bearer, but provision may be made for the registration of such bonds as to principal only or as to both principal and interest. The aggregate principal amount of bonds to be issued under the ordinance authorizing such bonds, the rate or rates of interest they shall bear, and the times and place or places of payment of the principal of and interest on the bonds shall be fixed by resolution or resolutions adopted by "The Council". Such bonds may be made subject to redemption prior to their respective maturities with or without premium and the bonds may be made payable at such place or places either within or without the State of Delaware as "The Council" may by resolution provide. Such bonds, and any interest coupons representing the



interest thereon, shall be issued in such form and shall be executed in such manner as "The Council" may prescribe. The delivery of bonds executed in the manner prescribed by "The Council" shall be valid notwithstanding any change in the officers or in the seal of the City occurring after the signing and sealing of the bonds.

Section 6. Bonds issued pursuant to this act shall be sold by "The Council" as "The Council" may determine, and shall be sold for not less than par and accrued interest at public sale upon sealed proposals after at least ten days' notice published at least once in one newspaper published in the City of Wilmington and in a financial journal published in the City of New York, and upon such terms, conditions and regulations as "The Council" may prescribe.

Section 7. The proceeds of the sale of bonds issued under this act shall be used only for the object or purpose or objects or purposes specified in the ordinance authorizing such bonds or for the payment of the principal of and interest on temporary loans made in anticipation of the sale of such bonds. If for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on such bonds.

Section 8. Bonds shall not be issued pursuant to this act if their issuance would increase the aggregate principal amount of all bonds of the City, then outstanding, to an amount in excess of ten per centum of the assessed valuation of the real estate taxable by the City. In computing the aggregate principal amount of bonds of the City for such purpose, there shall be excluded all bonds issued by the City for the purpose of providing a supply of water for the City and all bonds issued by the City pursuant to the Wilmington Sewer Revenue Bond Act of 1949, enacted by Chapter 269 of Volume 47 of the Laws of Delaware, and the acts amendatory thereof.

Section 9. Whenever "The Council" shall have authorized the issuance of bonds by an ordinance adopted pursuant to this act, "The Council" may borrow money in anticipation of the

issuance of such bonds so authorized and, for such purpose, may issue, and from time to time renew, negotiable bond anticipation notes of the City, of an aggregate principal amount not exceeding the principal amount of such bonds authorized by such ordinance. "The Council" shall authorize such notes by a resolution or resolutions which shall determine the date on which such notes are to be payable, the maximum principal amount thereof and the rate or maximum rate of interest to be borne thereby and the manner of their signing. "The Council" in such resolution may delegate to the City Treasurer authority to sell the notes thereby authorized, either at public or private sale, and to determine within the limitations prescribed by such resolution the rate of interest to be borne by such notes and the principal amount thereof. Moneys raised by the issuance of notes in anticipation of the issuance of bonds shall be used only to finance the object or purpose for which the proceeds of the bonds may be used and such proceeds shall be applied, to the extent necessary, to pay and retire such notes.

Section 10. The full faith and credit of the City shall be deemed to be pledged for the punctual payment of the principal of and interest on every bond and note issued under this act. "The Council" shall annually levy and collect a tax ad valorem upon all taxable property in the City sufficient to pay the principal of and interest on each such bond or note as such principal and interest become due; provided, however, such tax may be reduced by the amount of other moneys appropriated and actually available for such purpose.

Section 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved August 19, 1959.

## CHAPTER 176

**AN ACT TO INCORPORATE THE TOWN OF OAK ORCHARD  
IN THE COUNTY OF SUSSEX, STATE OF DELAWARE.**

*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. CREATION**

The limits and bounds hereinafter described and defined in Section 2 of this Act and the inhabitants therein are hereby created as a municipal corporation of the State of Delaware under the style and name of the "Town of Oak Orchard".

**Section 2. LIMITS AND BOUNDS**

The corporate limits and bounds of the Town of Oak Orchard, Delaware, are established and declared to include all of that tract, piece or parcel of land, marsh and beach described as follows, to wit: Beginning at a cement boulder settled on the south side of the Boardwalk at Water Front of Oak Orchard between Oak Orchard and Riverdale, thence running said Riverdale line S. 10° W. 155 feet to the south end of a culvert across River Street and Cabin Neck Gut, thence with center of said Cabin Neck Gut, and land of Chief Clark, to land of Wm. H. Davis, thence with said David land, with a cement boulder settled on bank of Gut, N. 72° 40' E. 660 feet to a cement boulder, settled on S. W. Right of Way of Highway leading to Oak Orchard, thence with South West Right of Way of said Road S. 45° E. 1031 feet to a cement boulder, corner for Moore land, and A. Ableman's Heirs land, thence Ableman's Heirs land, and Moores land N. 72° 40' E. 1150 feet, to a cement boulder corner for land of Chief Clark, thence with land of Chief Clark, Ableman's Heirs, and Bowden land and Fagan, S. 36° 45' E. 1700 feet to a cement Boulder corner for land of Fagan and Bowden thence with land of Fagan and Chief Clark N. 48° 45' E. 1570 feet to center of a glade with a cement Boulder settled on south west side, thence down center of said Glade Southeasterly to Indian River thence with shore line of Indian River Southwesterly to place of beginning.

The Town Council may at any time hereafter cause a survey and plot to be made of the Town of Oak Orchard, Delaware, and said plot when so made and approved by the Town Council, signed by the President and attested by the Secretary with the municipal corporate seal attached thereto may be recorded in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware, and when so recorded the plot, or duly certified copy thereof, shall be evidence in all Courts of law and equity of this State.

### Section 3. GOVERNMENT.

The Government of the Town of Oak Orchard and the exercise of all powers conferred by this Charter except as otherwise provided herein shall be vested in a Town Council, consisting of seven members, to be chosen as hereinafter provided. One of the said councilmen shall have the title of Mayor of Oak Orchard, with duties hereinafter to be prescribed, and who shall also be President of the Town Council. Each of the seven councilmen shall be above the age of twenty-one years, a non-delinquent taxable of said Town and at the time of his election and during his term of office, a free holder of the Town. Four of the said councilmen during the terms of their office shall be bona fide residents of the Town of Oak Orchard, including the councilman with the title of Mayor and three of the said councilmen during the terms of their office shall be non-residents of the Town of Oak Orchard. If at any time during the terms of the said councilmen they fail to comply with the aforesaid residence requirements they shall ipso facto vacate their office.

### Section 4. ELECTIONS

The following persons shall serve as members of the Town Council from and after passage hereof until their successors are duly elected and qualified:

Thomas C. Whitlege—Mayor and President of Council  
Manie P. Wendling—Resident Councilman  
Henry C. Shugard—Resident Councilman  
Arthur E. Cathel, Sr.—Resident Councilman  
Howard R. Elliott—Non-Resident Councilman  
John T. Satterfield—Non-Resident Councilman  
Preston E. West—Non-Resident Councilman

At the annual election to be held on the second Saturday in September, 1959, between the hours of 1:00 o'clock P. M. and 4:00 o'clock P. M. (Eastern Standard Time) at such place within the limits of the Town as shall be designated by the Town Council, three of the councilmen shall be elected for the term of two years each, one of whom shall have the title of Mayor and four of the councilmen shall be elected for the terms of one year each, whereby two resident and one non-resident councilmen shall serve two year terms respectively and whereby two resident and two non-resident councilmen shall serve one year terms respectively.

Thereafter on the second Saturday in September in each and every year, the successors of the members of the Town Council whose terms shall have expired, shall be chosen to serve the term of two years. The members of the Town Council shall serve until their successors are duly elected and qualified.

In case of vacancy created in any office of the Town Council either by death, resignation, loss of residence or otherwise, the Town Council shall fill such vacancy by appointment and the person so appointed shall serve the unexpired term of said office.

#### Section 5. NOMINATIONS TO ELECTIVE OFFICES

Nominations of candidates for elective offices in the Town of Oak Orchard shall be by petition signed by not less than five qualified free holders or residents or both of the Town and filed with the Secretary of the Council on or before 11:00 o'clock A. M. (Eastern Standard Time) on the Saturday preceeding the annual Town election. Whenever a petition nominating a person for the office of councilman including that of Mayor and President of the Council shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular Town election as a candidate for the office for which he was nominated, provided he meets the qualifications as prescribed under this Charter. The Town Council shall judge the qualifications of the candidate so nominated on the Saturday preceeding the annual Town election and after 11:00 o'clock A. M. (Eastern Standard Time) of that said day and their decision shall be final.

No petition shall designate more than one person to be voted for and each petition must designate whether the signer thereof is a free holder of the Town or a bona fide resident thereof for at least 30 days.

#### Section 6. MANNER OF HOLDING ELECTIONS

Annual Town elections shall be held on the second Saturday in the month of September from 1:00 o'clock P. M. until 4:00 o'clock P. M. (Eastern Standard Time) at such place as shall be determined by the Council, due notices of which shall be given by posting notices thereof in three of the most public places within the corporate limits of the Town of Oak Orchard not less than seven days prior to the day of such annual election. The Town Council shall have prepared sufficient ballots which will entitle all eligible voters to vote at such election which shall contain the names of all persons properly nominated and under proper headings designating the offices for which nominated. Such ballots shall be delivered to the Election Board and every eligible voter shall receive one from the said Board during the hours of the said annual election.

Every election shall be held under the supervision of an Election Board which shall consist of three qualified voters of the Town appointed for that purpose by the Town Council. If any member of the Election Board be absent at the opening of the polls then in such case the remaining members of the Board shall select a qualified voter to act as a member of the Election Board. Members of the Election Board shall be Judges of the Election and shall decide upon the legality of the votes offered and they shall keep a true and accurate list of all voters voting.

At such election every person, male or female, above the age of twenty-one years who is a free holder on the day of the election and against whose property there are no due and unpaid taxes, assessments or other charges due the Town, whether a resident of the State of Delaware or not, shall have one vote and also every person, male or female, above the age of twenty-one years who shall have been a bona fide resident of the Town of Oak Orchard for at least thirty days immediately preceeding any such election, shall have one vote, if all Town taxes, assess-

ments and charges levied against such person shall be paid at the time of such election. All votes shall be offered in person and in voting the voters shall cross out the names of all the candidates for whom he does not desire to cast his vote.

If a majority of the Election Board shall not be satisfied that any person offering to vote at the election possesses the qualifications of a voter of the Town of Oak Orchard, they shall receive the ballot but shall not count it, and shall return it in a separate package to the Town Council with the name of the person presenting the ballot.

Upon the close of the election the votes shall be read and counted and the person having the highest number of votes for each office shall be declared, by the Election Board, to be duly elected to serve the term for which he was chosen. In the event of a tie vote for any office, the Election Board shall determine the tie by a majority vote.

The Election Board shall enter in a book to be provided for that purpose minutes of the election, containing the names of the persons chosen and they shall subscribe to the same and shall give to the persons elected certificates of their election. The book containing such matters, shall be preserved by the Town Council and shall be evidence in any Court of Law and Equity. All ballots cast and all records of the election shall be preserved in the custody of the Election Board for a period of ten days.

#### Section 7. ORGANIZATION

The Town Council at their first regular meeting after said election shall meet first for the purpose of organization and the newly elected officers shall assume the duties of their respective offices, being first duly sworn to perform their duties with fidelity, which oath shall be taken before a Notary Public, Justice of the Peace or by a holding over member of the Council. The Town Council shall select a Secretary and Treasurer from their own number to serve until the next annual organization meeting. They also may choose an assistant Secretary and Treasurer outside their number to serve until the next annual organization meeting.

The Town Council at such annual organization meeting shall also appoint, by a majority vote, such officers, employees and agents of the Town which they may deem proper and necessary for the proper conduct and management of the Town to serve until the next annual organization meeting.

#### Section 8. MEETINGS OF TOWN COUNCIL

The Town Council shall hold one regular meeting every month and such meeting shall be held on the third Saturday of each and every month at a time and place within the corporate limits of the Town of Oak Orchard as designated by the Town Council.

Special meetings may be called by the President of the Town Council and shall be called by him upon the written request of any three members of the Town Council. The Secretary shall thereafter give bona fide notice to all members of the Town Council of the time and place of such special meeting and the subjects to be considered thereat. The Town Council shall have the same power and authority to transact all business at such special meeting as they would have at regular monthly meetings.

#### Section 9. QUORUM

A majority of the members elected to the Town Council shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Town Council.

#### Section 10. RULES AND MINUTES OF TOWN COUNCIL

The Town Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

#### Section 11. DUTIES AND POWERS OF THE MAYOR

The Mayor of Oak Orchard and President of the Town Council shall be sworn to perform the duties of his office with



fidelity and as chief executive of the Town he shall preside at the meetings of the Town Council. He shall receive all communications and complaints and present the same to the Town Council. He shall sign all deeds necessary and contracts made by the Town Council and shall countersign all checks and warrants authorized by the Town Council and drawn on the Treasurer for the payment of money. He shall be a member, ex-officio, of all committees, and shall perform such other duties as may be prescribed by ordinance, or by the by-laws adopted by the said Town Council, and shall have all and every power conferred, and perform the duties imposed upon him by this Charter or the ordinances of the Town.

In the performance of his duties as President of the Town Council of Oak Orchard, he shall be known and designated as President of the Town Council of Oak Orchard and in executing any deed, lease, contract, warrant on the Treasurer, or other papers and instruments in writing necessary for him, as such President, to sign, he shall sign and execute the same as President.

As a councilman of Oak Orchard and as President of the Town Council of Oak Orchard, he shall have the same right as other councilmen to vote on all matters and may at any time appoint another councilman to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor and may thereafter immediately resume his duties as presiding officer.

In addition to his powers and duties as President of the Town Council of Oak Orchard, he shall, as Mayor of the Town of Oak Orchard, have all powers of a Justice of the Peace within said Town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the Town as far as arrest and hold to bail and fine and imprisonment offenders. He shall have jurisdiction and cognizance of all fines and penalties prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware; of all neglects, omissions or defaults of any member of the Police Force or other Town Officer, agent or employee; provided, that he shall impose no fine and penalty in excess of that fixed by the

ordinance; which, in any event, shall not exceed a fine of \$500.00, and shall not commit to prison for a longer term than ninety days. The jails of Sussex County may be used for imprisonment under the provisions of this Charter.

As Mayor of the Town of Oak Orchard, he shall also have jurisdiction in suits of civil nature for the collection of taxes and assessments, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatements of nuisances, and all other matters which may arise in the proper government and control of the Town under the provisions of this Charter. Within his jurisdiction, he shall have all the powers and authority and shall be subject to all the limitations of a Justice of the Peace of Sussex County, and his fee shall be the same as those of a Justice of the Peace for like services. For any service or duty in which no fee is provided by law such fee shall be established by ordinance.

Upon the expiration of his term of office or upon resignation or removal from office, he shall forthwith turn over all records, books, papers, documents and other things belonging to or appertaining to his office of Mayor of the Town of Oak Orchard. He shall also pay over to the Treasurer all money in his hands belonging to the Town.

In the event the Mayor does not desire to or is unable to perform the criminal and civil duties and exercise such powers imposed upon him under this section, the Town Council may reelect some suitable person to be alderman to perform these duties, who must reside in the Town, to serve at the pleasure of the Town Council. The Alderman shall report in writing all fines, penalties and money received by him when requested by the Town Council and he shall pay over to the Town treasurer all such fines, penalties and money within ten days after making such report. Upon termination of the Alderman's office, he shall forthwith deliver to his successor all books, papers and documents pertaining to his office and make payment to the Town treasurer all money belonging to said Town. Failure to make said reports when requested or failure to make said payments as provided herein shall cause the Alderman to be guilty of a misdemeanor.

In the further event the Mayor and the Alderman do not desire or are unable to perform the criminal and civil duties and exercise such powers imposed upon them under this section, the Town Council may select any available Justice of the Peace who may or may not reside in the Town to perform these said duties, to serve at the pleasure of the Town Council, under the same requirements as an Alderman.

#### Section 12. DUTIES OF THE SECRETARY

The Secretary shall have charge and custody of the books, journal, records, papers, seal and other effects of the Town and shall keep the same in a safe and secure place and deliver the same to his successor in office. He shall keep a full and complete record of all the Town transactions and proceedings and enter same into a journal. He shall attest the seal of the Town when authorized by the Town Council and perform such duties and have such other powers as may be prescribed by ordinance. All records, books and journals in custody of the Secretary shall be open for the inspection of the Town Council and public, under such regulations as the Town Council may prescribe.

The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon an Assistant Secretary in the absence or inability of the Secretary or as may be directed by the Town Council.

#### Section 13. DUTIES OF THE TREASURER

The Treasurer shall be custodian of all the Town funds and shall deposit them in such banking institutions as may be designated by the Town Council. The Treasurer shall pay out no money except upon check or warrant countersigned by the President or Secretary and authorized by the Town Council. He shall keep a true, accurate and detailed account of all money received and of all money paid by him and his books and accounts shall be open to the inspection of the Town Council at all times. He shall make such reports as required by the Town Council and shall file a bond with corporate surety with the Town Council for the faithful performance of his duties, in such form and for such amount as the Town Council shall direct. He shall have such other powers and perform such other duties as prescribed by this Charter and by the Town Council.

The duties and powers of the Treasurer as hereinbefore prescribed shall devolve upon an Assistant Treasurer in the absence or inability of the Treasurer or as may be directed by the Town Council.

#### Section 14. AUDIT

There shall be an annual audit of the books and accounts of the Town by an auditing committee appointed by the Town Council consisting of not less than two persons who shall make and deliver a detailed report of every and all accounts, books and records examined and audited by them to the Town Council.

#### Section 15. POLICE FORCE

It shall be the duty of the Town Council to appoint a Police Force, consisting of a Chief of Police and such number of subordinates as the Town Council may deem necessary. The Town Council shall from time to time make rules and regulations necessary for organization, government and control of the Police Force. The members of the Police Force shall be subject to the direction of the Town Council and may be removed by the Town Council at any time. They shall preserve peace and order, and shall compel obedience within the limits of the Town to the Town ordinances and State laws and shall have such other duties as the Town Council from time to time, prescribe.

Each member of the Police Force shall be vested within the Town limits and within one mile outside of said limits with all the powers and authority of a State Police Officer and in the case of a pursuit of an offender their power and authority shall be without territorial limitation.

Every person sentenced to imprisonment as provided heretofore shall be delivered by a member of the Police Force to the Sussex County Correctional Institution, to be there imprisoned for the term of the sentence.

Each member of the Police Force may detain any person arrested for a period of not over two hours before formal charges are made against such person. Once formal charges are so made, the person arrested shall thereafter within a reason-

able time be taken before the judicial officer provided for under this Charter who will hear and determine the charge. If such judicial officer shall not be available to hear and determine the charge, the person arrested may be delivered to the Sussex County Correctional Institution for imprisonment until such reasonable time thereafter as shall enable said judicial officer to hear and determine the said cause.

#### Section 16. ASSESSMENT AND COLLECTION OF TAXES

The Town Council shall appoint annually an Assessor to make a just, true and impartial annual assessment of all real estate within the limits of the Town of Oak Orchard not to exceed the annual assessment of each such property as assessed by the County and to make a personal assessment of all the citizens of the Town above the age of twenty-one years. The assessor after making such annual assessment shall before the third Saturday in June of each year deliver to the Town Council a list containing the names of all persons assessed and the amount of assessment against each, distinguishing the real and personal assessment of each person. Immediately upon receiving the annual assessment list from the Assessor, the Town Council shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung up for seven days in a public place in the said Town. Notice of the hanging of the list shall be posted in at least three public places in the Town which shall also notify all concerned that the Town Council shall at their regular meeting on the third Saturday in July of each year hear appeals from said assessment and shall increase, decrease or abate such assessment if they deem such action necessary and just. The decision of the Town Council sitting as a Board of Appeals shall be final and conclusive.

The Town Council is authorized and empowered to levy and collect an annual tax on the assessed valuation on all the real estate within the limits of the Town not to exceed in any one year fifty cents (50c) on each one hundred dollars (\$100.00) valuation of assessed real estate. The Town Council is likewise authorized and empowered to levy and collect in the same manner as taxes against real estate, a personal tax upon all persons

who are citizens of the Town not to exceed in any one one year, the sum of five dollars (\$5.00) for each person so assessed.

Immediately after the regular meeting in July of each year, the Town Council shall at once cause to be made a full, true and correct annual tax list showing the amount of tax against each taxable thereon. Thereafter the Town Council shall at once deliver to the treasurer the tax list with a warrant to collect same immediately.

The Treasurer shall within ten days after receipt of said tax list and warrant render to every taxable named therein an account or tax bill, showing the amount due the Town in taxes.

The Treasurer shall cause a list of unpaid taxes to be posted in a public place within the Town if after sixty days from the notification of said account or tax bill the taxable has failed to make payment thereof, as herein provided. The Treasurer shall further cause by registered mail to notify the delinquent taxable that unless the said taxes are paid within thirty days after the posting of said notice the Treasurer shall in the name of the Town collect the same with all costs by the processes afforded it by the Laws of the State of Delaware for the collection of delinquent taxes.

#### Section 17. BUDGET

Annually each year and not later than the fifteenth day of June, the Town Council shall prepare a budget containing the financial plan for the ensuing fiscal year. The budget shall contain the following information:

1. A detailed statement showing the expenses of conducting each department and office of the Town for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the Town, together with a schedule of maturities of bond issues, if any.

4. An estimate of the amount of money to be received from taxes and all other anticipated income of the Town from any source or sources.

The Town Council shall, so far as possible adhere to the budget so adopted in the making of appropriations, but may revise the same whenever, in the opinion of the Town Council, such revision shall become necessary or advisable.

#### Section 18. BOARD OF HEALTH

The Town Council may at their discretion appoint a Board of Health who may or may not be residents of the Town and if and when appointed said Board of Health shall be composed of three members. The Board shall serve for two years and shall have cognizance of all matters pertaining to the life and health of the residents of the Town and shall report to the Town Council in writing whatever is deemed by the Board to be injurious to the health and welfare of the people of the Town. It shall make such recommendations to the Council as may, in their judgment, be beneficial or in any way contribute to the sanitation or public health. The Board shall also have all powers enumerated by the laws of the State of Delaware for local Boards of Health. The power of the Town Council to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infectious or contagious disease or nuisances effecting the same shall extend to an area within one mile outside of the limits of the Town. In the event the Town Council does not deem it necessary to appoint a Board of Health as herein provided said Town Council shall have all of the duties and powers herein conferred upon the Board of Health.

#### Section 19. GENERAL POWERS

The Town of Oak Orchard, Delaware, shall have all powers granted to municipal corporations and to cities and Towns by the Constitution and general laws of the State of Delaware together with all the implied powers necessary to carry into execution all powers granted. It shall have perpetual succession, and may have and use a corporate seal, which may be altered,

changed, or renewed at pleasure; may sue and be sued, plead and be empleaded in any and all courts of law or equity in the State of Delaware and elsewhere by its corporate name, and, for the purpose of this Charter, to take, hold, receive and enjoy, any lands, tenements and hereditaments, in fee simple or for a lesser estate or interest, and also goods, chattels, rights and credits, and may sell, lease, hold, manage and control any such property or properties in such manner as the Town Council may deem expedient and proper for the purposes expressed herein; may appoint such officers and agents and employ such persons as shall be deemed necessary or convenient for the management of the affairs of the Town and may fix and determine the compensation of such officers, agents or employees.

It shall have all other powers and functions requisite to or appropriate for the government of the Town, or necessary to the public health, safety, comfort or welfare or the protection and preservation of public and private property; and all actions, suits and proceedings shall be brought in the name of the "TOWN OF OAK ORCHARD, DELAWARE".

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein implied thereby, or appropriate to the exercise thereof, it is intended that the TOWN OF OAK ORCHARD, DELAWARE, shall have and may exercise all powers which under the Constitution of the State of Delaware, it would be competent by this Charter specifically to enumerate. All powers of the Town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Town Council.

## Section 20. ENUMERATED POWERS

By ordinance, rules, regulations, resolutions, and by-laws or amendments to the same, THE TOWN OF OAK ORCHARD, DELAWARE, for the good government and welfare of the Town, shall have the following powers (which shall not be deemed to be exclusive); to prevent vice, drunkenness and immorality; to preserve peace and good order, to restrain and suppress disorderly houses, gambling houses, houses of ill-fame; to restrain



and suppress all instruments and devices for gaming; to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money and to license the same to prevent any horse racing in any street, highway, alley or strand, to authorize the stopping and detention of any person who shall be guilty of any immoderate riding or driving of any horse, or other animal, motor vehicle or other vehicle upon any street, alley, highway, or beach strand, to regulate, control or prohibit the parking of vehicles upon the streets of the Town, to regulate or prohibit the riding or driving of any horse or other animal, motor vehicle or other vehicle upon any beach strand; to establish and regulate one or more pounds, and to restrain the running at large of horses, cattle, swine, goats or other animals, or geese, chickens, ducks or other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding and sale; to authorize the destruction of dogs running at large and to impose taxes on the owner of dogs, to locate, regulate and remove slaughter houses, swine pens, privies and water closets; to restrain drunkards, vagrants, mendicants and street beggars.

THE TOWN OF OAK ORCHARD, DELAWARE, shall, in a like manner, have the power to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said Town; to prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys, beach or beach strands to regulate, clean and keep in repair, the streets, highways, lanes, alleys, beach, beach strands, boardwalks, wharves, docks, sidewalks, crosswalks, sewer drains, aqueducts and water courses, and to prevent and remove obstruction in and upon the same in any manner whatsoever; to level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel or shell the streets, highway and alleys of said Town, and the sidewalks, crosswalks, and gutters thereof, or any of them, or any parts or sections of the same, to prescribe the manner in which such work shall be performed; to enforce the removal of snow, ice and dirt from sidewalks and gutters by the occupant or owner thereof, to prevent or regulate the erections of any stoop, step, platform, bay window, cellar door, gate area, descent

into a cellar or basement, sign or post, or the erection of any projection or otherwise, in, over, under or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises, to abate or remove nuisances of all kinds at the expense of those maintaining them, and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental, in the opinion of the Town Council, or Board of Health, to the health of the inhabitants of the Town, to cleanse, remove or abate the same, under the direction of the Town Council as often as the said Town Council or Board of Health may deem necessary for the health and well-being of the inhabitants of the Town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected, as hereinafter directed, from such owner, or occupants in addition to any fine or penalty which he, she, they or it may be liable for maintaining such nuisance.

THE TOWN OF OAK ORCHARD, DELAWARE, shall, in a like manner, have the power to prescribe the manner in which all contracts for performing work or furnishing materials for the Town shall be made and executed, to prescribe the manner in which corporations or persons shall exercise any privileges granted to them in the use of any street, avenue, highway, alley, beach or strand in said Town, or in digging up any street, avenue, highway, or alley, beach or strand for the purpose of laying down pipes, or for any purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate, to enter into contract or contracts with, or to grant franchises, concessions, or rights to any person, firm, partnership or corporation who may apply for the use of any street, highway, avenue, lane, alley, beach or strand for the purpose of furnishing communication services, electric lights, power, gas, heat or water to said Town and its inhabitants, or for the construction and operation of railways route, grant franchises to and enter into contract or contracts with any other public carrier or for the construction and operation of sewer or other sanitary systems of drainage or for the erec-

tion of wharves or piers; to regulate, protect and improve the public grounds of said Town to provide lamps to light the streets in public places of every description in said Town; to erect and regulate wells, pumps, aqueducts and cisterns in the public streets; to prescribe and regulate the places of vending or exposing for sale of any and all articles of merchandise from wagons or other vehicles.

THE TOWN OF OAK ORCHARD, DELAWARE, shall, in like manner, have the power to direct and regulate the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds in said Town and to authorize and prohibit the removal or destruction of said trees; to direct the digging down, draining, filling-up or fencing of lots, tracts, pieces or parcels of ground in said Town, which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by the Town or this Charter; to prescribe the manner in which such work shall be performed, and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; for the prevention of fire and the preservation of the beauty of the Town; to regulate and control the manner of building or removing of dwelling houses or other buildings, and to establish a code for the same, and for the purpose of promoting health, safety, morals, or the general welfare of the Town, the Town Council may regulate and restrict the height, number of stores, and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of building, structures, and land for trade, individual residences, or other purposes and is granted the authority and power vested in municipalities by Title 22, Delaware Code of 1953, Chapter 3, entitled "Municipal Zoning Regulations", and any amendments thereto; to regulate the construction of chimneys; to prevent the setting up or construction of furnaces, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, and to authorize any Town Officer or Constable or person whom they may designate for the purpose; to enter upon and inspect any place or places for the purpose of

ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to make, adopt and promulgate all rules and regulations relative to the use of any sewer in said Town and the tapping thereof, including the charge and fee therefor, as they shall deem proper, and they may also adopt ordinances prescribing penalties for any injury to the said sewer or any part thereof, or for any abuse of any privilege granted in connection therewith, to prescribe the material or private drains or sewers which shall enter into any Town sewer, and shall direct the manner in which they shall be laid.

THE TOWN OF OAK ORCHARD, DELAWARE, shall, in like manner, have the power to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms in said Town, to regulate or prohibit the use of candles and lights in barns, stables and other buildings; to regulate and prohibit swimming or bathing in the ocean or within waters within the limits of the Town.

THE TOWN OF OAK ORCHARD, DELAWARE, shall, further have the power and authority to compel the owners of property within the limits of the Town to keep the same free from unsanitary or unsightly conditions, clear of tall weeds and rubbish, and to fill in any low lots, provided that the Town Council in its opinion shall deem the same to be unsanitary or unsightly or in any other manner prejudicial to the welfare of the Town or adjoining lot owners. The Town Council shall have the power and authority to pass any ordinance prohibiting or regulating the same.

THE TOWN COUNCIL OF OAK ORCHARD, DELAWARE, shall, in like manner, have the power and authority to collect license fees annually of such various amount or amounts as the Town Council shall, from time to time, fix from any individual, firm, association, or corporation carrying on or practicing any business, profession or occupation within the limits of the Town, provided however, that nothing herein shall be so construed as to make it mandatory upon any resident of the State of Delaware to apply for a license in order to sell, in the Town, farm produce or any farm products grown on his or her farm.

THE TOWN OF OAK ORCHARD, DELAWARE, shall also have the power and authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in the Town and supplying the inhabitants thereof with any form or manner of services for any valuable consideration.

The Town Council shall have the power to make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of this State, or of the United States, as they may deem necessary to carry into effect the powers and duties imposed upon them by this Charter or any other law of this State, and such also, as they may deem necessary and proper for the good government protection or preservation of persons and property, or for the preservation of the public health of the City and its inhabitants.

**Section 21. POWER TO REMOVE OBSTRUCTIONS, NUISANCES, UNSANITARY OR UNSIGHTLY CONDITIONS**

In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, or unsanitary conditions, as these terms should be defined by the Town Council either upon their own inspection or upon information obtained from the Board of Health, Police force, or citizens of the Town, if the Town Council shall deem that such obstruction, nuisance, or unsanitary condition should be removed or abated, as the case may be, the Town Council shall enact an ordinance or adopt a resolution, or both, to that effect, and thereupon shall direct the Secretary to forward by registered mail of the United States, in a sealed wrapper, addressed to his or her last known post office address or deliver personally to the person or persons continuing or causing such obstruction, nuisance, or unsanitary conditions, or to the person or persons who are responsible for its existence or continuance a notice to remove or abate the same. If such person or persons refuse or neglect, for the space of fifteen (15) days after such notice is mailed or for the space of two (2) days if said notice is delivered in person, to remove or abate the same, the Town Council shall issue a warrant in the name of the TOWN OF OAK ORCHARD, DELAWARE, commanding such person or persons forthwith to remove or abate such obstruction, nuisance, or unsanitary condition, and

shall forthwith proceed to remove or abate the same and, to that end, shall have full power and authority to enter into and upon any lands and premises within the limits of the Town. The Town Council, or anyone designated by them, shall likewise have the authority to take with them such assistants, implements, machinery or other things as may be necessary and proper to do and perform all matters and things in connection with the removal or abatement of such obstructions, nuisance, or unsanitary condition. At the next regular or special meeting of the Town Council, the Town Council shall specify the costs and expenses of all necessary work, labor and proceedings incurred in the abatement or removal of the same. The Town Council shall then issue a warrant, containing an itemized account thereof, together with the name and last known address of the person from whom the Town Council shall have determined the amount due and shall deliver such warrant to the Treasurer of the Town. The warrant shall command the Treasurer forthwith to collect the amount stated to be due thereon from the person or persons designated therein. The Treasurer shall forward to such person or persons in a sealed wrapper a true and correct copy of the warrant by depositing the same in the United States mail and addressed to such person or persons last known post office address or serve personally upon said person if he be within the limits of the Town. If such person or persons shall refuse or neglect to pay the same within thirty (30) days from the date of the mailing of such notice and exact copy of the warrant, or the service of the same personally upon such person or persons, the Treasurer shall then be authorized and required to collect the same in the same manner as herein provided for the collection of delinquent Town taxes.

## Section 22. SIDEWALKS, BOARDWALKS, CURBING AND GUTTERS

In respect to leveling, grading, flagging or re-flagging, curbing or re-curbing, guttering or re-guttering, paving or re-paving, building or re-building, the sidewalks, boardwalks, crosswalks, and gutters of the Town, the expense thereof shall be borne by the owner of the property abutting upon the same, and the Town Council shall have the authority to specify the manner of performance and the materials to be used therein.

The Town Council shall direct a written notice to the owner or owners of any house or lands in said Town, along, in front of or adjoining which they deem proper that a pavement, sidewalk, boardwalk, curb or gutter, be laid or constructed or both and the Town Council shall have the authority to specify the manner of performance and the materials to be used therein. Letters to one joint owner shall be notice to all. In case the owner shall not reside in the Town at the time, notice to the occupant or tenant shall be deemed to be a sufficient notice. If there be no occupant or tenant residing in the Town at the time, such notice may be sent by mail to the owner, directed to him or her at his or her last known post office address. Should such owner neglect or refuse to comply with said notice for the space of thirty (30) days, the Town Council shall issue a warrant in the name of the Town, directed to the Treasurer or the Chief of Police, demanding such person forthwith to do their work as specified in the above mentioned notice to the owner or owners. Whereupon the person to whom said warrant shall have been directed shall forthwith proceed to lay such pavement, sidewalk, curbs or gutters, or either or both, as directed in the warrant. To that end he shall have full power and authority to enter in any premises or lands of the Town, and to take with him such assistants, materials, implements, machinery or other things as may be necessary or proper to perform the work specified in the warrant. At the next regular or special meeting of the Town Council, after the delivery of the warrant, upon return thereon accompanied by an itemized statement of all costs incurred in the performance of necessary work and labor incident thereto, the Town Council shall determine the amount due the Town by reason of the work done, and shall issue a warrant thereon, direct to the Treasurer or Chief of Police, which shall contain the amount to be by him collected, and the person or persons from whom it shall be by him collected and commanding him forthwith to collect the same from the person or persons so specified in the warrant. A true and exact copy of this warrant shall be mailed or served upon the person or persons therein specified. If the amount specified as due the Town shall not have been paid to the Town within thirty (30) days from the date of service of such true and exact copy of the warrant, the Treasurer shall then be authorized and required to collect the

same in the same manner as herein provided for the collection of delinquent Town taxes.

#### Section 23. STREETS

THE TOWN OF OAK ORCHARD, DELAWARE, shall have the power and authority to locate, lay out and open new streets and to widen or abandon the same, or parts thereof, whenever the Town Council shall deem it for the best interest of the Town. In such case, the Town Council shall adopt a suitable resolution, which shall include a general description of the street to be opened, widened or altered or to be vacated or abandoned, as the case may be, stating the day, hour and place where the Town Council will sit to hear and determine objections, and to award damages by reason thereof. Copies of such resolution shall be posted in at least three public places in the Town at least five days prior to the day fixed by the Town Council for the hearing referred to in said resolution.

At said hearing, the Town Council shall hear objections to the proposed resolution and/or any damages which might be sustained by any owners of property affected thereby, and shall award just and reasonable compensation to any person or persons who shall be deprived of property by virtue thereof. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn upon him by the authority of Town Council upon delivery of a good and sufficient deed conveying a fee simple title unto "The Town of Oak Orchard", which title shall be clear and free of all liens and incumbrances.

In the event any person refuses to accept the award of damages made by the Town Council, the Town Council may proceed in the name of the Town to condemn the property of the person refusing to accept said award, under the provision of Chapter 61, Title 10, Delaware Code of 1953.

#### Section 24. JETTIES, BULKHEADS, EMBANKMENTS AND BOARDWALKS

The Town Council of Oak Orchard shall have the power and authority to locate, lay-out, construct, widen, extend, improve, repair, vacate or abandon jetties, bulkheads and embankments



for the preservation of any beach or strand within the limits of the Town or contiguous thereto, to the end that the same may be preserved and property may be protected, or boardwalks and piers, to the end that the general public might enjoy the use thereof. In the locating, laying-out, constructing, widening, extending, improving, repairing, vacating or abandoning of any such jetties, bulkheads, embankments, boardwalks and piers, the Town Council shall have full power and authority to use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as the Town Council shall deem expedient and advisable.

The Town Council may, by condemnation proceedings, take private lands or the right to use private lands for any of the purposes mentioned in this Section. The proceedings by condemnation under this Section shall be the same as prescribed in Section 23 of this Charter for the opening and laying-out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 23 shall be changed and modified to cover cases contemplated by this present Section.

#### Section 25. DRAINAGE

The Town Council of Oak Orchard shall have the full jurisdiction and control, within the limits of the Town, of the drainage of all water thereof, together with the right to alter and change the course and direction of any of the natural water courses, runs and rivulets within the limits of the Town and may pass ordinances for the opening of gutters, surface water and underground drains and sewers within the limits of the Town. The Town Council of Oak Orchard shall also have full power to regulate, maintain, clean and keep the natural water courses, runs and rivulets within the Town limits open and clean and unobstructed and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided by Section 23 of this Charter; which is concerned with the opening and laying-out of any streets. By like proceedings the Town Council of Oak Orchard shall also have the power and authority to enter upon private lands and take, condemn and occupy the same for the purpose of laying-down gutters, surface water and underground water drains or

sewers, or any of them, within the Town limits. Provided, however, that the resolutions referred to in Section 23 of this Charter shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

#### Section 26. ADDITIONAL RIGHTS OF CONDEMNATION

THE TOWN OF OAK ORCHARD, DELAWARE, shall have the power to acquire lands, tenements, property or interest therein, by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewerage disposal and/or for any other municipal purpose, whether within or without the limits of the Town. The procedure shall be in accordance with and under the provisions of Chapter 61, Title 10, Delaware Code of 1953.

#### Section 27. REFERENDUM

This Charter of the Town of Oak Orchard shall not take effect until such time as it shall have been accepted by the electors of the Town of Oak Orchard.

On Saturday the 22nd day of August, 1959, a Special Referendum Election shall be held at a public place as shall be determined by the Special Referendum Election Board between the hours of 1:00 o'clock P. M. and 4:00 o'clock P. M. (Eastern Standard Time).

The reason for this Special Referendum Election shall be for the purpose of voting for the acceptance or rejection of this Charter as adopted and approved by the General Assembly of the State of Delaware. The Charter shall not be deemed to have been accepted by the electors of the Town of Oak Orchard in any other manner whatsoever of the Town of Oak Orchard voting at such Special Referendum Election.

At such Special Referendum Election the electors shall be every person, male or female, above the age of twenty-one years who is a free holder within the limits of the Town of Oak Orchard, at the time and date of such Election and every person

male or female above the age of twenty-one years, who has been a bona fide resident within the limits of the Town of Oak Orchard for at least thirty (30) days immediately preceding such Election and they shall each have one vote. The limits of the Town of Oak Orchard shall be as prescribed in this Charter.

The Special Referendum Election Board shall consist of three members, who shall be appointed by the Governor and who shall thereafter organize and prepare for the said Special Referendum Election to be held on the date aforesaid. If at the opening of the polls there shall not be present the three members of said Board, then the remaining member or members shall select a qualified elector to so act as a member of said Board. The members of the said Board shall be the judges of the said Election and shall decide upon the legality of the votes offered. If a majority of the said Board shall not be satisfied that any person offering to vote at the said Election possesses the qualifications of an elector, as prescribed herein, they shall receive the ballot but shall not count it. The said Board shall keep a true and accurate list of all voters voting.

The Special Referendum Election Board shall give due notice of such Special Referendum Election by posting notices thereof in three of the most public places within the limits of the Town of Oak Orchard not less than seven days before the day of such Election. It shall also publish such notice in one issue of one newspaper published in Sussex County at least seven days before the day of such Election. The said Board shall also forward a copy of such notice to every person who is a free holder in the Town of Oak Orchard and who is a bona fide resident within the Town limits of the Town of Oak Orchard by enclosing such notice in a sealed or unsealed wrapper and depositing the same, with postage prepaid, in the United States mails, to the last known address of such persons at least seven days before the day of such Election. Such notice shall be deemed to have been a bona fide notice of such Election, when the same shall have been forwarded to the last known address of such persons at his or their address as the same appears upon the assessment records of Sussex County.

The Special Referendum Election Board shall cause to be printed sufficient ballots to entitle all qualified electors of the Town to vote; said ballots to be printed in the following form:

I Hereby cast my vote to *Accept* the Charter of the Town of Oak Orchard, provided for in the Act of the General Assembly entitled: "An Act to Incorporate the Town of Oak Orchard, of the County of Sussex and State of Delaware".

I Hereby cast my vote to *Reject* the Charter of the Town of Oak Orchard, provided for in the Act of the General Assembly entitled: "An Act to Incorporate the Town of Oak Orchard, of the County of Sussex and State of Delaware".

Place an "X" at the bottom of the column *you favor*.

Such ballots shall be held by the said Board and at the opening of the polls every qualified elector calling for a ballot shall receive same. Every person, qualified to vote at such Election shall offer his vote in person.

Upon the close of the Special Referendum Election, the votes shall be read and counted. If a majority of the votes cast shall be in favor of the acceptance of this Charter, the said Board shall declare this Charter to be in full force and effect. If a majority of the votes, cast at such Election shall be for the rejection of this Charter, the said Board shall declare this Charter to be null and void by virtue of such non-acceptance or rejection. In the event of a tie vote, the said Board shall determine the tie by a majority vote.

Immediately after the determination of the result of the Election by the Special Referendum Election Board, the Special Referendum Election Board shall immediately execute a Certificate of Election, which shall be acknowledge before a Notary Public, and which shall state the date of holding such Election; the purpose for which such Special Referendum Election was held; the number of qualified votes cast at such Special Referendum Election; the number of votes cast for the acceptance of this Charter by the electors of the Town of Oak Orchard; and the number of votes cast against the acceptance of this Charter by the electors of the Town of Oak Orchard.

Immediately after the execution and acknowledgment of the aforementioned Certificate by the Special Referendum Election Board, that Board shall cause the same to be duly recorded in the Office of the Recorder of Deeds of the State of Delaware, in and for Sussex County, at Georgetown, Delaware. After the same shall have been duly recorder, it shall be returned to the Town Council of Oak Orchard to be by it kept amongst the official papers of the Town Council of Oak Orchard. Such Certificate, or a duly certified copy of the record thereof, shall be prima facie evidence of the acceptance or rejection of this Charter in all Courts of Law and Equity in the State of Delaware or elsewhere.

All ballots cast and all records of the Special Referendum Election shall be preserved in the custody of the Election Board for the period of ten (10) days. At the end of that period the Special Referendum Election Board shall deliver the same to the Town Council of Oak Orchard and they shall be preserved by the Town Council of Oak Orchard for a further period of two (2) months.

Approved August 19, 1959.

## CHAPTER 177

**AN ACT TO AMEND AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE, AND RELATING TO THE TOWN COUNCIL.**

*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 302, Volume 49, Laws of Delaware, is amended by adding a new sentence to read as follows:

Four members of the Town Council shall reside within thirty miles of the Town of Fenwick Island.

Section 2. Section 12, Chapter 302, Volume 49, Laws of Delaware, is amended by repealing the first sentence thereof and by enacting a new first sentence to read as follows:

The Town Council shall hold regular meetings on the last Friday or Saturday in each month and at such times and places as may be designated by the Council.

Approved August 20, 1959.

## CHAPTER 178

**AN ACT TO AMEND CHAPTER 283, VOLUME 51, LAWS OF  
DELAWARE, TO PROVIDE FOR THE FINANCING OF  
CAPITAL IMPROVEMENTS THEREUNDER AND AP-  
PROPRIATING THE NECESSARY FUNDS.**

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

Section 1. Section 14, Chapter 283, Volume 51, Laws of Delaware, is hereby amended by adding thereto a new paragraph to read as follows:

School construction may be started under the authority of this Act for Vocational Facilities for Sussex County until but not after December 31, 1960 and to this end the provisions of paragraph two above are not applicable. Moneys may be borrowed by the State under the authority of this Act for Vocational facilities for Sussex County until but not after December 31, 1960 to complete school construction started prior to December 31, 1960 and to this end the provisions of paragraph two above are not applicable.

Approved August 20, 1959.

## CHAPTER 179

**AN ACT TO APPROPRIATE MONEY TO THE BELVEDERE  
VOLUNTEER FIRE COMPANY.**

*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 appropriated to the Belvedere Volunteer Fire Company the sum of \$1,750 annually for each of the fiscal years beginning July 1, 1959, and July 1, 1960, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment.

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 of Delaware.

NOTE: This bill became a law on August 3, 1959 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.



## CHAPTER 180

**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 \$10,000 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, 1959 and ending June 30, 1961.

\$5,000 of said sum shall be paid within three months after July 1, 1959 and a like sum of \$5,000 shall be paid within three months after July 1, 1960.

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.

NOTE: This bill became a law on August 3, 1959 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

## CHAPTER 181

**AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO SALE OR SERVICE OF LIQUOR TO AN INTOXICATED PERSON.**

*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. § 711, Title 4, Delaware Code is amended to read as follows:

**§ 711. Sale or service of liquor to intoxicated person**

Any person who is the owner of, or is in charge of, or is acting as an employee of a hotel, restaurant, club, gathering of persons, store, or establishment, shall refuse to sell or to serve alcoholic liquor to any individual if such individual is intoxicated or appears to be. The person who is the owner of, or is in charge of, or is acting as an employee, shall not be liable to such individual for damages claimed to arise, from the refusal to sell alcoholic liquor.

Approved August 24, 1959.

CHAPTER 182

**AN ACT TO AMEND CHAPTER 15, TITLE 13, DELAWARE  
CODE, RELATING TO BARS TO DIVORCE.**

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

Section 1. Chapter 15, Title 13 of the Delaware Code is amended by striking from § 1524 the words at the end of said section, "or has been guilty of adultery not condoned."

Approved August 24, 1959.

## CHAPTER 183

**AN ACT TO AMEND TITLE 28, SECTION 522, DELAWARE CODE RELATIVE TO APPLICATION AND REJECTION AND AWARD OF DATES AND MAXIMUM RACING DAYS AND QUALIFICATIONS FOR LICENSE FOR HARNESS HORSE RACING.**

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

Section 1. Title 28, Section 522, Delaware Code is hereby amended by striking out sub-paragraph (c) of Title 28, Section 522 as it now appears and inserting in lieu thereof a new sub-paragraph (c) as follows:

(c) The Commission shall on or before the Fifteenth day of January of each year, award all dates for harness horse racing in this State within the current year, but the dates so awarded shall not exceed eighty (80) days in the aggregate for the entire State, and subject to the provisions hereinafter stated, not more than twenty (20) days in the aggregate for Sussex County, and not more than forty (40) days in the aggregate for Kent County. The dates awarded to Kent County shall be used for racing only in Kent County, and the dates awarded to New Castle County shall be used for racing only in New Castle County, and the dates awarded to Sussex County shall be used for racing in said county or, with the prior approval of the Commission, the Sussex County licensee may assign the twenty (20) days awarded to it to a corporation duly licensed by the Commission for the current year to conduct harness horse racing in New Castle County. If the harness horse racing dates, as applied for, do not conflict with each other, the Commission shall award the dates applied for, anything to the contrary contained in this chapter notwithstanding. The racing dates awarded in any year for Kent County shall not conflict or overlap with the racing dates awarded to any other licensee, and shall begin not later than September 15, or if that day falls on a Sunday, September 16. If an application is made for a license for Sussex County, it shall not be necessary for the applicant to submit to the Commission

the blue prints and specifications referred to in Subsection (a) of this Section, if the application states that the racing dates which the Commission may award will be assigned by the applicant to the New Castle County Licensee for use in New Castle County.

Approved August 17, 1959.

## CHAPTER 184

**AN ACT PROVIDING FOR THE USE OF THE UNEXPENDED PORTIONS OF CERTAIN FUNDS APPROPRIATED TO THE DELAWARE STATE COLLEGE AND AMENDING CHAPTER 213, VOLUME 51.**

*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 213, Volume 51, Laws of Delaware, may be used by the said Delaware State College for the erection, equipping and furnishing of faculty housing at Delaware State College, or for incidental expenses connected therewith, and the said appropriation act, Chapter 213, Volume 51, Laws of Delaware, is hereby amended to the extent of any inconsistency herewith.

Approved September 18, 1959.

## CHAPTER 185

**AN ACT TO AUTHORIZE THE GOVERNOR, THE SECRETARY OF STATE AND THE STATE TREASURER TO BORROW MONEY FOR LIABILITIES AND EXPENSES OF THE STATE HIGHWAY DEPARTMENT AND ISSUE NOTES OF THE STATE OF DELAWARE AND APPROPRIATING THE MONIES SO BORROWED TO THE STATE HIGHWAY DEPARTMENT.**

WHEREAS, the State Highway Department has undertaken or proposes to undertake the construction or reconstruction of certain roads, highways or bridges as Federal-aided projects, in accordance with project agreements made or to be made by the Secretary of Commerce of the United States with the State Highway Department under Title 23 of the United States Code, and the Federal Government's share of any item of the cost of such projects (including the costs of acquisition of rights-of-way) will not be paid to the State until after such item of cost has been paid by the State, and it is necessary to provide a method for the early realization by the State of the costs for which the State will be reimbursed by the Federal Government; NOW, THEREFORE

*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 Governor, the Secretary of State and the State Treasurer, herein sometimes referred to as the Issuing Officers, are hereby authorized to borrow, from time to time, upon the faith and credit of the State of Delaware such amounts of money as the Issuing Officers determine to be necessary; but the amount borrowed under the authority of this section and unpaid at any time shall not exceed the amount of all then unpaid vouchers which shall have been submitted by the State Highway Department to the United States Bureau of Public Roads for payment by the United States to the State pursuant to project agreements made or to be made by the State Highway Department with the Secretary of Commerce of the United States under Title 23 of the United States Code.

Section 2. For the purpose of borrowing any such sums the issuing Officers are hereby authorized to issue negotiable notes which shall be direct general obligations of the State of Delaware. The public faith and credit of the State are hereby pledged to the payment of said notes and the interest thereon. The Issuing Officers may sell such notes at either public or private sale for not less than par and accrued interest. Each note shall be payable not more than one year after its date but may be renewed from time to time until monies are available for its payment. Each note may be payable or redeemable by the State prior to its stated maturity. Each note shall be executed on behalf of the State by the Governor, the Secretary of State and the State Treasurer and shall be sealed with the Great Seal of the State and shall be in such form and contain such provisions as may be determined by the Issuing Officers. Each note shall specify by number and date the voucher or vouchers submitted by the State Highway Department to the United States Bureau of Public Roads on the basis of which the money is being borrowed.

Section 3. All monies borrowed under this Act are hereby appropriated to the State Highway Department and may be used by the Department for the payment of its liabilities and expenses; provided that this shall not authorize the Department to expend for its operations or for the State's share of the cost of any State or Federal Aid project more money than has been or may be appropriated to the Department under any other statute.

Section 4. In the event the Issuing Officers shall issue notes pursuant to this Act, all monies thereafter received by the State from the United States pursuant to the aforesaid project agreements shall, to the extent necessary to pay the principal of such notes, be set aside by the State Treasurer and applied to the payment of such principal as soon as it is practicable to do so. All interest on such notes shall be paid from the monies appropriated to the State Highway Department either by Chapter 284 of Volume 51 of the Laws of Delaware, or by Chapter 9 of Volume 52 of the Laws of Delaware.

Section 5. The authorization to borrow under this Act shall expire and terminate on June 30, 1960.

Approved September 18, 1959.



## CHAPTER 185

**AN ACT TO AUTHORIZE THE GOVERNOR, THE SECRETARY OF STATE AND THE STATE TREASURER TO BORROW MONEY FOR LIABILITIES AND EXPENSES OF THE STATE HIGHWAY DEPARTMENT AND ISSUE NOTES OF THE STATE OF DELAWARE AND APPROPRIATING THE MONIES SO BORROWED TO THE STATE HIGHWAY DEPARTMENT.**

WHEREAS, the State Highway Department has undertaken or proposes to undertake the construction or reconstruction of certain roads, highways or bridges as Federal-aided projects, in accordance with project agreements made or to be made by the Secretary of Commerce of the United States with the State Highway Department under Title 23 of the United States Code, and the Federal Government's share of any item of the cost of such projects (including the costs of acquisition of rights-of-way) will not be paid to the State until after such item of cost has been paid by the State, and it is necessary to provide a method for the early realization by the State of the costs for which the State will be reimbursed by the Federal Government; NOW, THEREFORE

*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 Governor, the Secretary of State and the State Treasurer, herein sometimes referred to as the Issuing Officers, are hereby authorized to borrow, from time to time, upon the faith and credit of the State of Delaware such amounts of money as the Issuing Officers determine to be necessary; but the amount borrowed under the authority of this section and unpaid at any time shall not exceed the amount of all then unpaid vouchers which shall have been submitted by the State Highway Department to the United States Bureau of Public Roads for payment by the United States to the State pursuant to project agreements made or to be made by the State Highway Department with the Secretary of Commerce of the United States under Title 23 of the United States Code.

Section 2. For the purpose of borrowing any such sums the issuing Officers are hereby authorized to issue negotiable notes which shall be direct general obligations of the State of Delaware. The public faith and credit of the State are hereby pledged to the payment of said notes and the interest thereon. The Issuing Officers may sell such notes at either public or private sale for not less than par and accrued interest. Each note shall be payable not more than one year after its date but may be renewed from time to time until monies are available for its payment. Each note may be payable or redeemable by the State prior to its stated maturity. Each note shall be executed on behalf of the State by the Governor, the Secretary of State and the State Treasurer and shall be sealed with the Great Seal of the State and shall be in such form and contain such provisions as may be determined by the Issuing Officers. Each note shall specify by number and date the voucher or vouchers submitted by the State Highway Department to the United States Bureau of Public Roads on the basis of which the money is being borrowed.

Section 3. All monies borrowed under this Act are hereby appropriated to the State Highway Department and may be used by the Department for the payment of its liabilities and expenses; provided that this shall not authorize the Department to expend for its operations or for the State's share of the cost of any State or Federal Aid project more money than has been or may be appropriated to the Department under any other statute.

Section 4. In the event the Issuing Officers shall issue notes pursuant to this Act, all monies thereafter received by the State from the United States pursuant to the aforesaid project agreements shall, to the extent necessary to pay the principal of such notes, be set aside by the State Treasurer and applied to the payment of such principal as soon as it is practicable to do so. All interest on such notes shall be paid from the monies appropriated to the State Highway Department either by Chapter 284 of Volume 51 of the Laws of Delaware, or by Chapter 9 of Volume 52 of the Laws of Delaware.

Section 5. The authorization to borrow under this Act shall expire and terminate on June 30, 1960.

Approved September 18, 1959.

## CHAPTER 186

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE STATE HIGHWAY DEPARTMENT'S CAPITAL IMPROVEMENTS PROGRAMS AND TO ISSUE NOTES AND BONDS THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE STATE HIGHWAY DEPARTMENT.**

WHEREAS, the State Highway Department, by resolution adopted on September 16, 1959: (a) determined the Department's capital improvements programs for the biennium beginning July 1, 1959, including its program for constructing and reconstructing highways, bridges, buildings and other property under the jurisdiction of the Department, its program for hard surfacing dirt roads, its program for repairing, maintaining and reconstructing streets and roads in unincorporated suburban communities, and its program for preventing and repairing damage from beach erosion; (b) estimated that the total cost to the State (exclusive of such portions of the cost of any projects included in any such programs as might be paid to the State by the Federal Government) of the Department's capital improvements programs (including the cost of acquiring the necessary land and rights-of-way) would be \$28,000,000 for the biennium beginning July 1, 1959 and that the estimated cost of such programs to the State for each year of the biennium would be \$14,000,000; and (c) directed the Chairman and Chief Engineer of the Department to transmit copies of the Department's resolution setting forth such programs to the Governor and the General Assembly with the request that the General Assembly appropriate to the Department the sum of \$14,000,000 for each year of the biennium for the purpose of enabling the Department to proceed with the capital improvements programs set forth in such resolution; 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. The Governor, Secretary of State and State Treasurer of the State of Delaware (herein sometimes referred to as the Issuing Officers) shall borrow upon the faith and credit

of the State of Delaware a sum of money not in excess of Fourteen Million Dollars (\$14,000,000) which shall be used by the State Highway Department for defraying the costs for the year beginning July 1, 1959 of its capital improvements programs set forth in the resolution adopted by the Department on September 16, 1959: provided that not more than Ten Million Dollars (\$10,000,000) shall be used for the construction or reconstruction of the highways, bridges, buildings and other property under the jurisdiction of the Department which are contemplated by or within the scope of the aforesaid resolution, whether or not specifically identified therein; not more than Two Million Nine Hundred Thousand Dollars (\$2,900,000) shall be used for the hard surfacing of dirt roads; not more than Seven Hundred Fifty Thousand Dollars (\$750,000) shall be used for repairing, maintaining and reconstructing streets and roads in unincorporated suburban communities; and not more than Three Hundred Fifty Thousand Dollars (\$350,000) shall be used for preventing and repairing damage from beach erosion. The costs of construction and reconstruction of the aforementioned projects and of carrying out the aforementioned program shall not include ordinary or normal maintenance expenses of highways, bridges, buildings or other property under the jurisdiction of the Department but may include, among other costs, the costs of acquiring necessary lands and rights-of-way and the surveying, grading and landscaping thereof; the costs of relocating utility facilities provided the State is otherwise obligated to pay such costs; the costs of labor, material, equipment, supplies and engineering for such projects and programs; and the costs of such dams, storm sewers, underpasses and facilities as may be incidental and necessary to the aforementioned projects and programs. The Issuing Officers shall sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the said sum of Fourteen Million Dollars (\$14,000,000). The bonds may be issued all at one time, or from time to time, in such series and amounts as the Issuing Officers shall determine to be required, subject to the provisions contained in this Act. Said sum of money may be borrowed and said bonds may be issued in addition to any sums authorized to be borrowed or bonds authorized to be issued for the purposes hereinbefore described by any other law now in effect.

Section 2. In anticipation of the issuance of 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. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than June 30, 1960. The total amount of said bonds theretofore issued, shall not exceed Fourteen Million Dollars (\$14,000,000).

Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 3. The bonds and notes issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds and notes hereby authorized to be issued and the coupons thereto attached, and the said bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The said bonds and notes shall recite that they are issued for the purposes set forth in Section 1 of this Act, that they are issued in pursuance of this Act and the Constitution of this State, and upon the sale and delivery of any such bond or note, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds or notes and the legality and validity of such bonds or notes and of the principal debt and interest represented thereby, and the legality and validity of such bonds or notes thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bonds or notes.

Section 5. The bonds issued under the authority of this Act shall be in denominations of One Thousand Dollars

(\$1,000.00), or a multiple thereof, as shall be decided by the Issuing Officers, or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such dates as the Issuing Officers shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the Issuing Officers, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Said bonds shall be in such form and may contain such other and further recitals and be subject to such terms and conditions, with such privileges as to registration, conversion, re-conversion, redemption and exchange, and may contain such other provisions as may be determined by said Issuing Officers.

The said bonds shall mature as the Issuing Officers may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within twenty (20) years from the date of issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer and shall have the impression of the Great Seal of the State thereon. The facsimile signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting.

Attached interest coupons shall bear the signatures of the State Treasurer which may be engraved, printed or written on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 6. For the purpose of designation and identification any bond issued under the authority of this Act shall be known and styled "State Highway Department Improvement Bond of 1959."

Section 7. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the Issuing Officers may adopt.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following:

This bond paid and redeemed this.....  
day of....., A. D. 19.....

.....  
State Treasurer

As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid". All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this Act is unpaid and not redeemed.

Section 8. Whenever the bonds authorized by this Act may be issued in conformity with the provisions of this Act, the Issuing Officers are hereby directed to advertise that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Issuing Officers. Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once, ten or more days before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York, and no other publication of such notice

of sale shall be necessary; and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Issuing Officers at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 9. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers' Bank of the State of Delaware at Dover, and shall be used exclusively in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

In addition to any moneys appropriated by any other Act there is hereby appropriated to the State Highway Department the sum of Fourteen Million Dollars (\$14,000,000) 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. Any of said funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund but shall remain in said account to be used for the purposes set forth in this Act.

Section 10. There is hereby appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the year ending June 30, 1960, and such further sums as may be necessary for the repayment of the principal of any of the said bonds or notes which become due during the year ending June 30, 1960. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.



Section 11. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year beginning July 1, 1960 and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved September 18, 1959.

## CHAPTER 187

**AN ACT TO AMEND CHAPTER 57, VOLUME 52, LAWS OF  
DELAWARE.**

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

Section 1. Subparagraph (7), Section 2, Chapter 57, Volume 52, Laws of Delaware, is hereby repealed and a new subparagraph inserted to read as follows:

(7) All expense incident to the advertising, preparing, issuing and delivering of the revenue anticipation notes or certificates, principal and interest thereon shall be paid by the State Treasurer. There is appropriated such sums as may be necessary to pay costs, principal and interest of such revenue anticipation notes or certificates.

Section 2. This Act will take effect upon its enactment.

Approved September 18, 1959.

## CHAPTER 188

**AN ACT RELATING TO THE PURCHASE OF THE RAILROAD STATION OF THE DELAWARE RAILROAD COMPANY AT DOVER, DELAWARE.**

WHEREAS, the State needs additional office space and library space for the State Library Commission, and

WHEREAS, the Delaware Railroad Company has offered to convey to the State of Delaware for the use of the State Library Commission, the railroad station located on the easterly side of the railroad tracks at Dover, Delaware, and containing thereon a two-story brick and stone building, walkways, shelters and approaches thereto in consideration of the State of Delaware transferred all of its right, title and interest in and to those certain 5200 shares of stock subscribed for on the part of the State of Delaware in the Delaware Railroad Company by virtue of Chapter 634, Volume 11, Laws of Delaware, enacted February 24, 1859, NOW, THEREFORE

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

Section 1. All of the right, title and interest of the State of Delaware in and to those certain 5200 shares of stock in the Delaware Railroad Company, acquired by virtue of the laws of Delaware in such case, matter and provided, the dividends on the certain stock having heretofore been assigned for the use and benefit of the Delaware Railroad Company, be and hereby are transferred, assigned and set over to the said Delaware Railroad Company upon the following terms and conditions:

(a) The Delaware Railroad Company shall convey by fee simple deed free and clear of liens and encumbrances to the State of Delaware, for the use of the State Library Commission, those certain premises located on the easterly side of the said Company's railroad tracks in Dover, Delaware, and the southerly side of Forrest Street, and located at the westerly terminus of Loockerman Street in the City of Dover in Kent County, State of Delaware, and being commonly known as the Railroad Passenger Station, and containing thereon a two-story brick and stone building, sheltered walkways and with the approaches thereto.

(b) That the said conveyance herein referred to shall be consummated on or before January 1, 1960.

Section 2. That the State Library Commission of the State of Delaware is designated as the coordinating State Agency.

Section 3. The proper officials of the State of Delaware are directed to execute such assignments and other instruments in writing as may be necessary to transfer all the right, title and interest of the State of Delaware in and to the said stock to the Delaware Railroad Company.

Approved September 24, 1959.

CHAPTER 189

**AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO ASSIGN STUDENTS OF WILEY'S AND ROSE VALLEY SCHOOLS TO ANY SCHOOL DISTRICT WHERE TRANSPORTATION FACILITIES ARE AVAILABLE.**

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

Section 1. The State Board of Education is authorized to assign students of Wiley's and Rose Valley Schools to any school district where transportation facilities are available without any transportation, tuition or other charges for students involved, for the fiscal year ending June 30, 1960.

Section 2. This act shall take effect upon passage, any law or laws to the contrary notwithstanding.

Approved September 24, 1959.

## CHAPTER 190

**AN ACT AMENDING TITLE 17, DELAWARE CODE, ENTITLED "HIGHWAYS" RELATING TO INCREASING THE PENALTY FOR DISPOSING TRASH WITHIN A CERTAIN DISTANCE OF THE HIGHWAY.**

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

Section 1. § 518, Title 17, Delaware Code, is amended by striking out subsection (h) thereof and inserting a new subsection (b) to read as follows:

(b) Whoever violates any provision of this section shall be fined the sum of not less than \$50 nor more than \$250 for each violation.

Approved September 30, 1959.

CHAPTER 191

**AN ACT RELATING TO THE USE OF CERTIFIED MAIL IN LIEU OF REGISTERED MAIL BY THE STATE OF DELAWARE, ITS VARIOUS OFFICES, DEPARTMENTS AND AGENCIES.**

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

Section 1. The State of Delaware, its various offices, departments and agencies may on and after the effective date of this Act, use certified mail in all cases wherein previously hereto registered mail was required.

Section 2. Any and all acts inconsistent herewith are hereby repealed.

Approved September 30, 1959.

## CHAPTER 192

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

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

Section 1. Article IV, Section 3 of the Constitution of the State of Delaware is amended by striking all of that Section and inserting in lieu thereof a new Section 3 to read as follows:

Section 3. The Justices of the Supreme Court, the Chancellor and the Vice-Chancellor or Vice-Chancellors, and the President Judge and Associate Judges of the Superior Court and of the Orphans' Court shall be appointed by the Governor, by and with the consent of a majority of all the Members elected to the Senate, for the term of twelve years each, and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this Constitution. If a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty (30) days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term.

Appointments to the offices of the State Judiciary shall at all times be subject to all of the following limitations:

First, no more than two of the three Justices of the Supreme Court in office at the same time, shall be of the same major political party, at least one of said Justices shall be of the other major political party;

Second, at any time when the total number of Judges of the Superior Court and Orphans' Court shall be an even number not more than one-half of the members of all such offices shall be



of the same political party; and at any time when the number of such offices shall be an odd number, then not more than a bare majority of the members of all such offices shall be of the same major political party, the remaining members of such offices shall be of the other major political party.

Third, at any time when the total number of the offices of the three Justices of the Supreme Court, the Judges of the Superior Court and Orphans' Court, the Chancellor and all the Vice-Chancellors shall be an even number, not more than one-half of the members of all such offices shall be of the same major political party; and at any time when the total number of such offices shall be an odd number, then not more than a bare majority of the members of all such offices shall be of the same major political party; the remaining members of the Courts above enumerated shall be of the other major political party.

Fourth, before sending the name of any person to the Senate for confirmation as the appointment of the Governor to a vacancy in any Judicial office as aforesaid, the Governor shall, not less than ten (10) days before sending the name of such person to the Senate for confirmation, address a public letter to the President of the Senate informing him that he intends to submit to the Senate for confirmation as an appointment to such vacancy the name of the person he intends to appoint.

## CHAPTER 193

**AN ACT PROPOSING AMENDMENTS TO ARTICLE V OF  
THE CONSTITUTION OF THE STATE OF DELAWARE,  
RELATING TO THE SUPERIOR COURT ACTING AS  
BOARDS OF CANVASS.**

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

Section 1. Article V, Section 6 of the Constitution of the State of Delaware is amended by striking out all of that Section and inserting in lieu thereof a new Section 6 to read as follows:

Section 6. The presiding election officer of each hundred or election district, on the day next after the general election, shall deliver one of the certificates of the election, made and certified as required by law, together with the ballot box or ballot boxes, containing the ballots, and other papers required by law to be placed therein, to the Prothonotary of the Superior Court of the county, who shall at twelve o'clock noon on the second day after the election present the same to the said court, and the election officer or officers having charge of any other certificate or certificates of the election shall at the same time present the same to the said court, and the said court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistance as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificates of election of any hundred or election district shall not be produced, or in case the certificates produced do not agree, or in case of complaint under oath of fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such certificate, the court shall have power to issue summary process against the election officers or any other persons to bring them forthwith

into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all the other jurisdiction and powers now vested by law in the boards of canvass, and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

No act or determination of the court in the discharge of the duties imposed upon it by this section shall be conclusive in the trial of any contested election.

For the purposes of this section the Superior Court shall consist in New Castle County of the President Judge and resident Associate Judge; in Kent County of the Chancellor and the resident Associate Judge; and in Sussex County of the resident Associate Judge and an Associate Judge designated by the President Judge.

Two shall constitute a quorum. The Governor shall have power to commission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

## CHAPTER 194

**AN ACT PROPOSING AMENDMENTS TO ARTICLE IV OF  
THE CONSTITUTION OF THE STATE OF DELAWARE,  
RELATING TO THE COMPOSITION OF THE SUPERIOR  
COURT AND ORPHANS' COURT.**

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

Section 1. Article IV, Section 5 of the Constitution of the State of Delaware is amended by striking out all of that Section and inserting in lieu thereof a new Section 5 to read as follows:

Section 5. The President Judge of the Superior Court and the Orphans' Court and the Associate Judges thereof shall compose the Superior Court and the Orphans' Court, as hereinafter prescribed. In each of the said courts the President Judge when present shall preside and in his absence the senior Associate Judge present shall preside.

One Judge shall constitute a quorum of the said courts, respectively, except in the Superior Court sitting to try cases of prosecution under Section 8 of Article V of this Constitution, when two Judges shall constitute a quorum. One Judge may open and adjourn any of said courts.

## CHAPTER 195

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

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

Section 1. Article IV, Section 2 of the Constitution of the State of Delaware is amended by striking out all of that Section and inserting in lieu there of a new Section 2 to read as follows:

Section 2. There shall be three Justices of the Supreme Court who shall be citizens of the State and learned in the law. One of them shall be the Chief Justice who shall be designated as such by his appointment and who when present shall preside at all sittings of the Court. In the absence of the Chief Justice the Justice present who is senior in length of service shall preside. If it is otherwise impossible to determine seniority among the Justices, they shall determine it by lot and certify accordingly to the Governor.

There shall be seven other State Judges who shall be citizens of the State and learned in the law. One of them shall be Chancellor, one of them Vice-Chancellor, one of them President Judge of the Superior Court and of the Orphans' Court, and the remainder of them Associate Judges of the Superior Court and of the Orphans' Court. Three of said Associate Judges shall be Resident Associate Judges and one of them shall after appointment reside in each county of the State.

There shall also be such number of additional Vice-Chancellors and Associate Judges as may hereinafter be provided for by Act of the General Assembly. Each of such Vice-Chancellors and Associate Judges shall be citizens of the State and learned in the law.

If it is otherwise impossible to determine seniority of service among the Vice-Chancellors or among the said Associate Judges, they shall determine it by lot respectively and certify accordingly to the Governor.

The tenure and status of the Justices of the Supreme Court and State Judges as shall have been appointed as provided for by the Constitution or by Act of the General Assembly prior to the time this amended Article IV of this Constitution becomes effective shall in no wise be affected.

## CHAPTER 196

**AN ACT TO AMEND TITLE 10, DELAWARE CODE ENTITLED  
"COURTS AND JUDICIAL PROCEDURE" RELATING TO  
PROCEDURE IN THE COURT OF COMMON PLEAS FOR  
NEW CASTLE COUNTY.**

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

Section 1. § 1361, Title 10, Delaware Code, is hereby amended by striking out and repealing said § 1361 in its entirety.

Section 2. § 1362, Title 10, Delaware Code, is hereby amended by striking out and repealing said § 1362 in its entirety.

Section 3. § 1363, Title 10, Delaware Code, is hereby amended by striking out and repealing said § 1363 in its entirety.

Section 4. § 1364, Title 10, Delaware Code, is hereby amended by striking out and repealing said § 1364 in its entirety.

Section 5. § 1365, Title 10, Delaware Code, is hereby amended by striking out and repealing said § 1365 in its entirety.

Section 6. § 1366, Title 10, Delaware Code, is hereby amended by striking out and repealing said § 1366 in its entirety.

Section 7. § 1367, Title 10, Delaware Code, is hereby amended by striking out and repealing said § 1367 in its entirety.

Section 8. § 1368, (b) and (c), Title 10, Delaware Code are hereby amended by striking out and repealing said § 1368 (b) and (c) in their entirety.

Approved October 1, 1959.

## CHAPTER 197

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, ENTITLED "ELECTIONS" BY PROVIDING A VOTER WITH THE RIGHT TO VOTE IF HE MOVES HIS RESIDENCE TO ANOTHER ELECTION DISTRICT IN THE SAME HUNDRED WITHIN THIRTY DAYS PRIOR TO A GENERAL ELECTION.**

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

Section 1. Amend § 1701, Title 15, Delaware Code, by inserting and enacting the words "or Hundred" immediately after the word "district" as it appears in line seven of said section.

Section 2. Amend § 4947, Title 15, Delaware Code, by striking the period at the end of the last sentence of said section and by inserting and enacting in lieu thereof the following:

, provided, however, if a person shall have changed his residence to another election district in the same Hundred during the thirty days immediately preceeding the date of the general election, said person shall be considered a resident of the election district from which he has moved for the purpose of voting in such general election if such person has had no opportunity to transfer his registration to the new election district.

Approved October 1, 1959.



## CHAPTER 198

**AN ACT TO AMEND CHAPTER 63, TITLE 29, DELAWARE CODE, ENTITLED "BUDGET APPROPRIATION BILL" AND RELATING TO ESTIMATED STATE REVENUE.**

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

Section 1. § 6337, Title 29, Delaware Code, is amended by adding the following sentence to that section:

For the purpose of this section the following items shall be deemed not to be appropriations: (1) encumbered and continuing balances not paid and outstanding at the end of the previous fiscal year, (2) principal or interest on the revenue deficiency notes not paid and outstanding at the end of the previous fiscal year.

Section 2. § 6339, Title 29, Delaware Code, is amended by adding the following sentence to that section:

For the purpose of this section the following items shall be deemed not to be appropriations: (1) encumbered and continuing balances not paid and outstanding at the end of the previous fiscal year, (2) principal or interest on the revenue deficiency notes not paid and outstanding at the end of the previous fiscal year.

Section 3. This Act shall relate back to the 30th day of June, 1959 and shall not be effective after the 30th day of June, 1960.

Section 4. Any Act or Acts inconsistent with this amendment are to the extent of any inconsistency abolished.

Approved October 1, 1959.

## CHAPTER 199

**AN ACT TO AMEND CHAPTER 35, TITLE 12, OF THE DELAWARE CODE, RELATING TO ASSIGNMENTS OF INTERESTS IN SPENDTHRIFT TRUSTS.**

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

Section 1. Section 3536, Title 12, Delaware Code, is amended by adding "(a)" immediately before the existing paragraph of said section so that said paragraph shall be designated subsection (a), and by adding to said section the following subsection:

(b) Notwithstanding the provisions of subsection (a), a beneficiary entitled to receive all or a part of the income of a trust shall have the right to assign gratuitously in writing, at any time or from time to time, a stated fraction or percentage of his entire remaining income interest in such trust to the State of Delaware, or to any corporation, church, community chest, fund or foundation described in Paragraph (5) of Section 1118, Title 30 of the Delaware Code, and such assignment shall be valid and binding on all parties irrespective of any restrictions on assignment contained in the instrument creating or defining the trust; provided, however, that this subsection shall not authorize a beneficiary of such a trust to reduce any part of his income interest which is subject to such restrictions on assignment below 50% of what such interest would be if no assignments were made hereunder. Any interest assigned hereunder, together with a corresponding portion of the corpus of the trust, shall be treated as a separate share and thereafter no provision of the trust permitting invasion of corpus for the benefit of the assignor shall be exercisable with respect to such share.

Section 2. The amendment provided for in Section 1 shall be effective as of the date of enactment of this Act and shall be applicable to all trusts, whether created before, on or after the date of enactment of this Act.

Approved October 1, 1959.

## CHAPTER 200

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO  
BORROW A CERTAIN SUM OF MONEY FOR SUNDRY  
CAPITAL IMPROVEMENTS AND EXPENDITURES IN  
THE NATURE OF CAPITAL INVESTMENTS AND TO  
ISSUE BONDS AND NOTES THEREFOR.**

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

Section 1. The Governor, the State Treasurer and the Secretary of State of the State of Delaware, hereinafter sometimes referred to as the Issuing Officers, are hereby authorized, and fully empowered to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of \$2,656,000 in order to provide any or all of the funds in the amounts specified for the following purposes, or so much as shall be appropriated by the 120th General Assembly of the State of Delaware for such purposes:

To be expended by the Board of Trustees of the University of Delaware for additional steam generating facilities, one-half the cost of constructing and equipping a dormitory building and an extension to Brown Chemistry Laboratory at the University of Delaware, Newark, Delaware ..... \$2,656,000

The agency to whom the above listed funds are appropriated and for whom the above listed funds have been borrowed may expend the said funds for the capital improvements and equipment listed above or for such other capital improvements or equipment as may be authorized by the General Assembly.

The said Issuing Officers are hereby authorized and fully empowered to sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the sum of \$2,656,000. The said bonds shall be issued in such series and amounts as the Issuing Officers shall determine.

Section 2. In anticipation of the issuance of bonds, the Issuing Officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3 per cent per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than June 30, 1961. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed \$2,656,000.

Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 3. The bonds and notes issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds and notes hereby authorized to be issued and the coupons thereto attached, and the said bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The said bonds and notes shall recite that they are issued for the purposes set forth in Section 1 of this Act, that they are issued in pursuance of this Act and the Constitution of this State, and upon the sale and delivery of any such bond or note, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bond or notes and the legality and validity of such bonds or notes and of the principal debt and interest represented thereby, and the legality and validity of such bonds or notes thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bonds or notes.

Section 5. The bonds issued under the authority of this Act shall be in denominations of \$1,000, or multiple thereof, as shall be decided by the Issuing Officers, or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such dates as the Issuing Officers shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the Issuing Officers, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Said bonds shall be in such form and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said Issuing Officers.

The said bonds shall mature as the Issuing Officers may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within 20 years from the date of issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer or Deputy State Treasurer and shall have the impression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer or his Deputy shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer or his Deputy which may be engraved, printed or written on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 6. For the purpose of designation and identification any bond issued under the authority of this Act shall be known and styled "Capital Improvement Bond of 1959, Series I".

Section 7. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the Issuing Officers may adopt.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer or his Deputy and also by writing across the face thereof in red ink the following:

This bond paid and redeemed this.....  
day of.....A. D. 19.....

.....  
State Treasurer

As the said coupons are paid, it shall be the duty of the State Treasurer or his Deputy to mark the same in red ink across the face "Paid". All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this Act is unpaid and not redeemed.

Section 8. Whenever the bonds authorized by this Act may be issued in conformity with the provisions of this Act, the Issuing Officers are hereby directed to advertise that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Issuing Officers. Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once ten or more days before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York, and no other publication of such notice of sale shall be necessary; and said bonds may be sold upon such

terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Issuing Officers at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 9. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover, and shall be used exclusively in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 10. There is appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which may become due on such bonds and notes during the biennium ending June 30, 1961, and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the biennium ending June 30, 1961. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any money received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 11. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 121st Session and each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved October 1, 1959.

## CHAPTER 201

**AN ACT APPROPRIATING MONEY TO THE UNIVERSITY OF DELAWARE FOR CAPITAL IMPROVEMENTS ON THE UNIVERSITY CAMPUS AT NEWARK, DELAWARE.**

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

Section 1. There is hereby appropriated to the University of Delaware the sum of \$2,656,000 to be expended by the Board of Trustees of the University of Delaware for capital improvements to include additional steam generating facilities, one-half the cost of constructing and equipping a dormitory building and an extension to Brown Chemistry Laboratory at the University of Delaware, Newark, Delaware.

Section 2. The money appropriated herein shall be paid by the State Treasurer out of money received by the sale of bonds authorized under a separate Act of the 120th General Assembly being Senate Bill No. 260. 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, provided that such funds shall revert to the General Fund on June 30, 1963 if not expended by such date.

Approved October 1, 1959.



## CHAPTER 202

**RELATING TO THE TRANSFER OF LANDS TO THE STATE  
HIGHWAY DEPARTMENT OF THE STATE OF DELA-  
WARE BY THE STATE BOARD OF TRUSTEES OF THE  
DELAWARE STATE HOSPITAL.**

WHEREAS, the State Highway Department of the State of Delaware wishes to obtain from the State Board of Trustees of the Delaware State Hospital at Farnhurst, Delaware, certain properties for the purpose of constructing specific portions of the Delaware Section of the National System of Interstate and defense Highways, more particularly described as follows, to wit:

Parcel #1. The Southerly border from U. S. 13 to Easterly right of way of the Pennsylvania Railroad, irregular 9.7 acres.

Parcel #2. From Westerly right of way of Pennsylvania Railroad to the old Cauffild land, 12.77 acres.

Parcel #3. Southeast quadrant of the Delaware Memorial Bridge approach and Route 13, 11.88 acres.

Parcel #4. Northeast quadrant of the Delaware Memorial Bridge approach and Route 13, irregular 11 acres.

Parcel #5. At intersection of Delaware Memorial Bridge approach and Landers Lane, .095 acres, and

WHEREAS, a transfer of title to said lands and premises in the manner aforesaid is in the best interest of the peoples of the State of Delaware, and

WHEREAS, the transfer of this land will necessitate various changes and improvements to nearby buildings presently erected on the grounds of the Hospital, NOW, THEREFORE

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

Section 1. The State Board of Trustees of the Delaware State Hospital at Farnhurst be and is hereby authorized to trans-

fer to the State Highway Department of the State of Delaware all of its right, title and interest in and to the following described lands and premises to wit:

Parcel #1. The Southerly border from U. S. 13 to Easterly right of way of the Pennsylvania Railroad, irregular 9.7 acres.

Parcel #2. From Westerly right of way of Pennsylvania Railroad to the Old Cauffild land, 12.77 acres.

Parcel #3. Southeast quadrant of the Delaware Memorial Bridge approach and Route 13, 11.88 acres.

Parcel #4. Northeast quadrant of the Delaware Memorial Bridge approach and Route 13, irregular 11 acres.

Parcel #5. At intersection of Delaware Memorial Bridge approach and Landers Lane, .095 acres.

Section 2. Monies received from the sale of such lands and premises shall be placed in a special account by the State Treasurer and shall be drawn upon by the Board of Trustees for the improvement of buildings, grounds and facilities, as follows:

(a) To develop necessary recreational areas for the patients who formerly utilized a part of the land being transferred to the State Highway Department.

(b) To replace the 75,000 gallon water tank constructed in 1922 and now beyond repair.

(c) To construct additional parking facilities for visitors and employees, with necessary entrances and exits and to repair and pave existing parking areas.

(d) To repair and repave certain existing roadways on the hospital grounds.

(e) To construct a small building near the main entrance to the hospital to serve the purpose of an information and control center for visitors.

(f) To repair and remodel the Swift Building erected in 1916. This building houses approximately one hundred twenty (120) patients.

(g) To make certain minor repairs and improvements to the New Castle Building originally constructed prior to 1900. Some of the patients presently housed in this building will be transferred to the Acute and Convalescent Building and the wards will require certain repairs and remodeling prior to the building being occupied by other patients of the hospital.

(h) Miscellaneous repairs and improvements to buildings, grounds and facilities.

Approved October 1, 1959.

## CHAPTER 203

**AN ACT TO AMEND SECTION 1108, 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. Section 1108, Title 10, Delaware Code is stricken and the following is substituted therefor:

**§ 1108. Master: appointment, duties**

The Judges may appoint, commission and set the salaries of a member or members of the bar of Kent and Sussex Counties to act as masters in the Court, all of whom shall hold office at the pleasure of the Judge.

When requested by the Judge, a master may hear, in the first instance, any case, cause or matter properly before him, and may order the issuance of legal process to compel the attendance of necessary parties and witnesses.

Upon the conclusion of such hearing the master shall transmit to the Judge all papers relating to the case, together with his findings and recommendations in writing, notice in writing of which shall be given to the parties or to their attorneys; or in case the hearing shall relate to a child, then to the parent, guardian, custodian or next friend of the child, or to their attorney; or in case there be no parent, guardian, custodian, next friend or attorney for the child, then to a Probation Officer of the Juvenile Court of Kent and Sussex Counties.

In the event the findings and recommendations of the master, are confirmed by an order of the Judge, said order shall become the judgment of the Court with rights of appeal de novo to the Superior Court reserved to all parties. In the event the findings and recommendations of the master, are not confirmed by an order of the Judge the case shall be set down for review and hearing de novo by the Judge.

Section 2. Any Act or Acts inconsistent with this Act are to the extent of any such inconsistency repealed.

Approved October 1, 1959.

CHAPTER 204

**AN ACT TO AMEND SECTION 101, TITLE 13, DELAWARE  
CODE RELATING TO VOID AND VOIDABLE MAR-  
RIAGES.**

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

Section 1. Section 101 (b) (6), Title 13, Delaware Code  
is amended by striking the words "filed with" in Line "4" and  
adding instead the words:

"inspected by".

Approved October 8, 1959.

## CHAPTER 205

**AN ACT RELATING TO THE REIMBURSEMENT OF FUNDS  
RECEIVED BY THE STATE OF DELAWARE OR ANY  
AGENCY THEREOF FOR THE COST OF CONSTRUCTION  
OF INTERSTATE ROADS OR HIGHWAYS.**

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

Section 1. All funds received by the State of Delaware or any agency thereof as reimbursement of the State's portion of the cost of construction of interstate roads or highways shall be applied to the payment of any notes of the State of Delaware issued in anticipation of the issuance of bonds therefor. In the event that there be no notes issued in anticipation of the bonds for which payment may be made, the funds so received shall be set aside and held by the State Treasurer in anticipation of the issuance of such notes.

Approved December 11, 1959.

## CHAPTER 206

**AN ACT TO AMEND CHAPTER 3, TITLE 17, DELAWARE CODE, RELATING TO THE AUTHORITY OF THE STATE HIGHWAY DEPARTMENT TO ISSUE REVENUE BONDS TO DEFRAY THE COST OF CONSTRUCTION OF A BRIDGE OVER THE DELAWARE RIVER, BY INCREASING THE AGGREGATE OF BONDS THAT MAY BE ISSUED THEREUNDER AND TO AUTHORIZE AND EMPOWER THE DELAWARE INTERSTATE HIGHWAY DIVISION, SUCCESSOR OF THE STATE HIGHWAY DEPARTMENT FOR THE OPERATION AND CONTROL OF THE DELAWARE MEMORIAL BRIDGE, TO ACQUIRE AT A COST NOT IN EXCESS OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) LAND ADJACENT TO SAID BRIDGE AND APPROACHES FOR USE AS ADDITIONS, IMPROVEMENTS, MAINTENANCE AND OPERATION OF SAID BRIDGE AND TO ISSUE ADDITIONAL REVENUE BONDS NOT TO EXCEED SAID AMOUNT FOR THAT PURPOSE.**

*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. § 318, Chapter 3, Title 17, Delaware Code, relating to the authority of the State Highway Department to issue revenue bonds to defray the cost of construction of a bridge over the Delaware River, as amended, be and the same is further amended by striking out and deleting the words and figures "Forty-six Million Five Hundred and Fifty Thousand Dollars (\$46,550,000)" wherever the same shall appear in said chapter and section, and by substituting in lieu thereof the words and figures "Forty-six Million, Eight Hundred Fifty Thousand Dollars (\$46,850,000)."

Section 2. The Delaware Interstate Highway Division, successor to the Delaware State Highway Department for the operation and control of the Delaware Memorial Bridge, is authorized and empowered to issue not exceeding Three Hundred Thousand Dollars (\$300,000) of additional Revenue Bonds, pur-

suant to the provisions of Chapter 3, Title 17, Delaware Code, as amended, for the purpose of acquiring additional land adjacent to said Bridge and its approaches for use as additions, improvements, maintenance and operation of said Bridge.

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

Approved December 11, 1959.



## CHAPTER 207

**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 \$3,000 is hereby appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation expenses for the biennium beginning July 1, 1959 and ending June 30, 1960. \$1,500 of said sum shall be paid within three months after July 1, 1959 and a like sum of \$1,500 shall be paid within three months after July 1, 1960, 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 December 21, 1959.

## CHAPTER 208

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE BOARD OF CORRECTIONS FOR THE  
FISCAL YEAR ENDING JUNE 30, 1960.**

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

Section 1. There is hereby appropriated to the State Board of Corrections the sum of \$109,977.00 for the fiscal year ending June 30, 1960.

Section 2. The money shall be allocated as follows:

(a) Salaries and Wages of Employees: .....	\$34,560.00
1. Kent and Sussex Guards salary adjustments to equal New Castle salaries effective Janu- ary 1, 1960 .....	4,560.00
2. To meet present salary re- quirements for existing per- sonnel .....	27,000.00
3. Chef for N. C. Institution .....	3,000.00
	<hr/>
	34,560.00
(b) Office Expense: .....	1,767.00
1. Insurance—Honesty Bond and Workmen's Compensation .....	342.00
2. Photographic and fingerprint- ing Supplies .....	725.00
3. Telephones—Due to cut in or- iginal request .....	700.00
	<hr/>
	1,767.00
(c) Travel Expense: .....	1,000.00
1. Auto Insurance .....	675.00
2. Prisoner Transportation .....	325.00
	<hr/>
	1,000.00

(d) Operations: .....	72,650.00
1. Food .....	72,650.00
	<hr/>
	109,977.00

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 December 21, 1959.

## CHAPTER 209

**AN ACT TO AMEND SECTION 10, CHAPTER 128, VOLUME 33, LAWS OF DELAWARE, RELATING TO RESPONSIBILITY FOR DAMAGE RESULTING TO PERSONS OR PROPERTY UPON FOOTWAYS IN THE TOWN OF MIDDLETOWN.**

*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 10, Chapter 128, Volume 33, Laws of Delaware, is hereby amended by adding the following paragraph:

The owner of any premises fronting upon any footways shall be solely responsible for any damage that may result to persons or property by reason of any hole, excavation or obstruction in or upon such footways, or from any defective condition of such footways; provided, however, that such hole, excavation or obstruction or other defective conditions of the footways aforesaid is not caused by the city or any of its authorized agents.

Approved January 8, 1960.

## CHAPTER 210

**AN ACT TO AMEND SECTION 5, CHAPTER 128, VOLUME 33, LAWS OF DELAWARE, RELATING TO COMPENSATION OF THE MAYOR AND MEMBERS OF COUNCIL OF MIDDLETOWN.**

*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 5, Chapter 128, Volume 33, Laws of Delaware, is hereby amended by striking out all of that Section and inserting in lieu thereof a new Section 5 to read as follows:

Section 5. The salaries, fees or compensation of the Mayor and members of the Council and the appointive officers shall be fixed by resolution of the Council; but the sum paid to the Mayor shall not exceed \$500.00 during each fiscal year and the sum paid to each member of Council shall not exceed \$300.00 during each fiscal year.

Approved January 8, 1960.

## CHAPTER 211

**AN ACT TO AMEND CHAPTER 283, VOLUME 51, LAWS OF DELAWARE, TO PROVIDE FOR THE FINANCING OF CAPITAL IMPROVEMENTS THEREUNDER AND APPROPRIATING THE NECESSARY FUNDS.**

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

Section 1. Section 14, Chapter 283, Volume 51, Laws of Delaware, is hereby amended by adding thereto a new paragraph to read as follows:

School construction may be started under the authority of this Act for Laurel Special School District—P. L. Dunbar School until but not after December 31, 1960 and to this end the provisions of paragraph two above are not applicable. Moneys may be borrowed by the State under the authority of this Act for Laurel Special School District—P. L. Dunbar School until but not after December 31, 1960 to complete school construction started prior to December 31, 1960 and to this end the provisions of paragraph two above are not applicable.

Approved January 19, 1960.

## CHAPTER 212

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO MILLSBORO SCHOOL NO. 23.**

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

Section 1. The appropriation made to Millsboro School No. 23 appearing under the subdivision "Local School Districts" in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$7,000 from the appropriation item "H. Teachers" in Division I to the unit appropriation item "A" under Division II, thereby reducing the said appropriation item for "Teachers" to \$154,560 and increasing the said unit appropriation item "A" under Division II from \$20,800 to \$27,800 in order to restore moneys spent or obligated from the latter item to make emergency repairs to the school sewerage disposal system.

Approved January 19, 1960.

## CHAPTER 213

**AN ACT APPROPRIATING MONEY TO THE STATE HIGHWAY DEPARTMENT, STATE POLICE DIVISION.**

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

Section 1. There is hereby appropriated to The State Highway Department, State Police Division, the sum of \$98,500.00 for the fiscal year beginning July 1, 1959 for the following purposes:

Salaries .....	\$26,500.00
Operations .....	19,000.00
Capital Equipment .....	53,000.00
	<hr/>
	\$98,500.00

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

NOTE: This bill became a law on January 29, 1960, without the approval of the Governor, and in accordance with Section 18, Article III of the Constitution of Delaware.



CHAPTER 214

**AN ACT TO REPEAL § 3919, TITLE 10, DELAWARE CODE,  
RELATING TO LIMITATIONS OF LIABILITY OF NEWS-  
PAPERS FOR LIBEL.**

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

Section 1. That Section 3919, Title 10, Delaware Code, be  
and the same is hereby repealed in its entirety.

NOTE: This bill became a law on January 21, 1960 with-  
out the approval of the Governor and in accordance with Section  
18, Article III of the Constitution of Delaware.

## CHAPTER 215

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO PAUL PODOLSKY, PRESIDENT-DIRECTOR OF THE  
FORMER DELAWARE VETERANS' MILITARY PAY  
COMMISSION FOR SERVICES RENDERED.**

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

Section 1. There is hereby appropriated to Paul Podolsky, President-Director of the former Delaware Veterans' Military Pay Commission for searching claims after deadline and preparing and mailing final report, stenographic work—correspondence, from June 30, 1958 to May 1, 1959, the sum of \$335.

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.

NOTE: This bill became a law on January 21, 1960 without the approval of the Governor and in accordance with Section 18, Article III of the Constitution of Delaware.

## CHAPTER 216

AN ACT TO AMEND CHAPTER 3, TITLE 17, DELAWARE CODE, RELATING TO THE AUTHORITY OF THE STATE HIGHWAY DEPARTMENT TO ISSUE REVENUE BONDS TO DEFRAY THE COST OF CONSTRUCTION OF A BRIDGE OVER THE DELAWARE RIVER, BY INCREASING THE AGGREGATE OF THE BONDS THAT MAY BE ISSUED THEREUNDER AND TO AUTHORIZE AND EMPOWER THE DELAWARE INTERSTATE HIGHWAY DIVISION, SUCCESSOR OF THE STATE HIGHWAY DEPARTMENT FOR THE OPERATION AND CONTROL OF THE DELAWARE MEMORIAL BRIDGE, FROM TIME TO TIME, TO IMPROVE AND MAKE ADDITIONS TO THE BRIDGE, ITS APPURTENANCES AND APPROACHES AS MAY BE DEEMED APPROPRIATE BY SUCH DIVISION AT A COST NOT TO EXCEED IN THE AGGREGATE FORTY-NINE MILLION · FIFTY THOUSAND DOLLARS (\$49,050,000) AND TO ISSUE ADDITIONAL REVENUE BONDS NOT TO EXCEED SAID AMOUNT FOR SUCH PURPOSES, AND TO AUTHORIZE THE DIVISION TO ENTER INTO AGREEMENTS WITH THE STATE HIGHWAY DEPARTMENT, AMONG OTHERS, TO CONSTRUCT SUCH ADDITIONS AND IMPROVEMENTS AND TO PAY OR REIMBURSE SAID DEPARTMENT, IN WHOLE OR PART, THE COSTS THEREOF.

*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. § 318, Chapter 3, Title 17, Delaware Code, relating to the authority of the State Highway Department to issue revenue bonds to defray the cost of construction of a bridge over the Delaware River, as amended, be and the same is hereby further amended by striking out the words and figures "Forty-six Million Five Hundred Fifty Thousand Dollars (\$46,550,000)" wherever the same shall appear in said Chapter and section, and by substituting in lieu thereof the words and figures "Forty-nine Million Fifty Thousand Dollars (\$49,050,000)".

Section 2. The Delaware Interstate Highway Division, successor of the State Highway Department for the operation and control of the Delaware Memorial Bridge, is authorized and empowered at one time or from time to time, to issue not exceeding "Two Million Five Hundred Thousand Dollars (\$2,500,000) additional Revenue Bonds, pursuant to the provisions of Chapter 3, Title 17, Delaware Code, as amended, for the purpose of making additions and improvements to the Bridge, its appurtenances and approaches, deemed necessary by the said Division.

Section 3. The Delaware Interstate Highway Division, in addition to its other powers, may enter into agreements with the State Highway Department, among others, to construct or reconstruct any addition or improvement to the said Bridge, its appurtenances or approaches and to pay, or reimburse the said Departments or others, in whole or part, the costs of said additions or improvements, including the cost of the acquisition of any rights-of-way, franchises, easements or other interests in land deemed necessary by the Division for such additions or improvements.

Section 4. All acts or parts of acts inconsistent with any provision of this Act are hereby repealed to the extent of such inconsistency.

Approved February 8, 1960.

## CHAPTER 217

**AN ACT RELATING TO COLEMAN DUPONT ROAD, INC.,  
THE TRANSFER OF SHARES OF STOCK THEREOF TO  
THE STATE OF DELAWARE AND THE DISPOSITION  
THEREOF.**

WHEREAS, pursuant to Chapter 273, Volume 21, Laws of Delaware, as amended, there was incorporated on October 16, 1911, the Coleman duPont Road, Inc., and

WHEREAS, the ownership of stock of said corporation invested in Frank V. duPont, individually, and Frank V. duPont, Trustee under Item 2 of the last will and testament of Coleman duPont, and

WHEREAS, Frank V. duPont, individually, and as Trustee, as hereinbefore mentioned pursuant to the authority vested in him, has offered the said shares of stock in the said corporation to the State of Delaware, and

WHEREAS, it is the desire of the Governor and the General Assembly of the State of Delaware to accept said shares of stock and to, in due course, dissolve the said corporation, transferring the net assets thereof to the State of Delaware or its duly constituted agencies, and

WHEREAS, there appears to be no laws authorizing the transfer hereinbefore mentioned, NOW, THEREFORE

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

Section 1. The Governor of the State of Delaware, be and he is hereby authorized to accept on behalf of the State of Delaware from Frank V. duPont, individually, and Frank V. duPont, Trustee under Item 2 of the last will and testament of Coleman duPont all the shares of stock in Coleman duPont Road, Inc.

Section 2. Upon the transfer of the said stock to the State of Delaware, the Governor of the State of Delaware, for and on behalf of the State of Delaware shall organize said corporation

and vote the said stock for a dissolution thereof, the net assets to be conveyed, transferred, assigned and set over as follows: Real Property to the State of Delaware for the use of the State Highway Department; monies due or to become due on personal property converted to cash to be paid to the General Fund of the State of Delaware.

Section 3. Upon transfer of the real property to the State of Delaware such property shall be administered in the name of the State of Delaware by the Delaware State Highway Department in such a way as to fulfill all the requirements of the existing and future law. Administration of the real property transferred above shall be such as to place it within the same category and condition as other rights-of-way held in the name of the State of Delaware on or before July 1, 1967. The State Highway Department shall be held directly responsible for administering such real property in the best interests of the State of Delaware.

Approved February 8, 1960.

CHAPTER 218

**AN ACT TO AMEND SECTION 1933, TITLE 14, DELAWARE  
CODE RELATING TO THE COLLECTION OF A TAX ON  
HOUSE TRAILERS.**

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

Section 1. Section 1933, Title 14, Delaware Code is amended by adding a new Section as follows:

(d) The Receiver of County Taxes shall have the authority to enforce the civil provisions of this statute by an action for debt in the courts of any of the several Justices of the Peace to include the cost of that proceeding.

Approved February 17, 1960.

## CHAPTER 219

**AN ACT TO AMEND CHAPTER 84, TITLE 9, DELAWARE CODE, RELATING TO DESTRUCTION OF CANCELED BONDS AND COUPONS BY THE RECEIVER OF TAXES AND COUNTY TREASURER FOR NEW CASTLE COUNTY.**

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

Section 1. Chapter 84, Title 9, Delaware Code, is amended by adding a new section designated § 8437 to read as follows:

**§ 8437. Destruction of canceled bonds and coupons**

The Receiver of Taxes and County Treasurer for New Castle County may destroy any paid off, matured, redeemed, called or canceled bills and coupons issued by the Levy Court of New Castle County which he deems advisable. The destruction and cremation of bonds and coupons shall be witnessed by the President of the Levy Court, the Comptroller and a representative of the Farmers Bank of the State of Delaware, and said witnesses shall execute a certificate of destruction of said bonds and coupons of which shall be retained by the Receiver of Taxes and County Treasurer of New Castle County.

Approved February 17, 1960.



## CHAPTER 220

**AN ACT TO AMEND TITLE 1, DELAWARE CODE, RELATING TO A CONTRACT FOR THE COMPILATION, REVISION, ANNOTATION, PRINTING AND BINDING OF THE POCKET PARTS.**

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

Section 1. § 212, Title 1, Delaware Code, is amended by striking out the first sentence thereof and by substituting in lieu thereof the following sentence:

The Commission shall, upon such specifications and conditions as it shall determine, duly and sufficiently advertise for bids for the compilation, revision, annotation, printing and binding of the pocket supplements, and shall award a contract for such work, which contract may, in the discretion of the Commission, cover the pocket supplements for more than a single biennial session of the General Assembly, to the lowest and best legal publisher of recognized standing as such.

Approved February 17, 1960.

## CHAPTER 221

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, ENTITLED "ELECTIONS" RELATING TO PREPARATION OF LISTS OF REGISTERED VOTERS; TIMING AND DATING OF DOCUMENTS; APPLICATIONS FOR BALLOTS AND COMMUNICATIONS; REMOVAL OF RECORDS OF DECEASED PERSONS FROM REGISTRATION RECORDS; REMOVAL OF RECORDS OF PERSONS CONVICTED OF A FELONY; CERTIFICATION OF VOTE.**

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

Section 1. § 305, Title 15, Delaware Code, is amended by inserting the words "or the Wilmington City Chairman of any political party" following the word "party" in the second line thereof.

Section 2. Title 15, Delaware Code, is amended by adding a new section 119 as follows:

**§ 119. Timing and dating**

It shall be the duty of each Department of Elections to time and date each application for a ballot, or other communication received by the department and the person timing and dating the application for a ballot, letter or other communication shall place his initials thereon. Each Department shall note the time and date of all ballots received.

Section 3. § 1705, Title 15, Delaware Code, is amended by adding the following paragraphs:

(c) Should the Department be unable to determine from the records of the Registrar of Vital Statistics the identity of a deceased voter it shall refer the name, residence, age and such other available information to the Attorney General who shall forthwith make a full investigation and report his findings to the Department. The Department shall then remove the original and duplicate permanent registration records of the deceased voter as provided in subparagraph (b) of this section.

(d) The Clerks of the Court shall notify in writing the State Election Commissioner and the Department of Elections of each County of the names and addresses of all persons convicted of a felony.

Section 4. § 4514 (b), Title 15, Delaware Code, is amended by adding a new sentence to read as follows:

The certificate shall include for each candidate the number of votes received as follows: "Voting Machine No. ....", "absentee ballots" and "totals".

Approved February 17, 1960.

## CHAPTER 222

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE BOARD OF TRUSTEES OF THE STATE WEL-  
FARE HOME AND HOSPITAL FOR THE CHRONICALLY  
ILL AT SMYRNA FOR THE FISCAL YEAR BEGINNING  
JULY 1, 1959 AND ENDING JUNE 30, 1960.**

WHEREAS, The State of Delaware in conjunction with the Federal Government has recently completed a much needed building program at the State Welfare Home at Smyrna, and

WHEREAS, The State Welfare Home at Smyrna has a long waiting list of applicants for admission thereto, and

WHEREAS, Funds for the operation of said new building were not provided in the Budget Appropriation Bill,

**NOW THEREFORE**

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

Section 1. The sum of \$130,000.00 is hereby appropriated to the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna to be expended as follows:

Reimbursement to Counties ..... \$130,000.00

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 February 17, 1960.

## CHAPTER 223

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, ENTITLED "ELECTIONS" RELATING TO ABSENTEE BALLOTS.**

WHEREAS, the 120th General Assembly of the State of Delaware recently passed House Bill No. 315 which, upon signing by the Governor, became law thereby amending Section 5505 (a) and Section 5511, Title 15, Delaware Code; and

WHEREAS, Section 5505 (b) should have also been included in said House Bill in order to coincide with the other provisions of the law but was omitted, NOW THEREFORE

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

Section 1. Section 5505 (b), Title 15, Delaware Code, is hereby amended by repealing said section in its entirety and by enacting and inserting in lieu thereof a new Section 5505 (b) to read as follows:

§ 5505 (b). Such request, subject to the provisions of § 5511 of this chapter, may be made by anyone on behalf of any such elector and such request shall be made to the Department of Elections of the County in which the election District of such is located and the Department of Elections of that County shall act upon such request.

Approved February 17, 1960.

## CHAPTER 224

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SLAUGHTER BEACH", BEING CHAPTER 167, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, BY EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SLAUGHTER BEACH.**

WHEREAS, it appears that, at a special election called and held under the auspices of the Commissioners of the Town of Slaughter Beach on August 20, 1959, pursuant to due notice, the question of the annexation and inclusion of the lands or territory hereinafter described into the corporate limits of the Town of Slaughter Beach was submitted to the qualified voters and real estate owners within said territory, and that all of said voters and real estate owners did approve the proposed annexation;

**NOW THEREFORE,**

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

Section 1. Chapter 167, Volume 37, Laws of Delaware, as amended, is further amended by adding and inserting therein after Section 2 thereof a new section to be designated and known as Section 2A, to read as follows:

Section 2A. The boundaries of the Town of Slaughter Beach are extended to include the lands or territory formerly known as Cedar Beach, bounded and described as follows, to-wit:

BEGINNING at a stone on the shore of Delaware Bay, a corner for lands of William V. Benson and Clessen E. Bridgham; thence with said lands, South seventy-two (72) degrees four (4) minutes West six hundred thirty-four (634) feet crossing the Slaughter Beach to Cedar Beach State Highway to a stone in old Cedar Creek; thence with the said old Creek, Westerly about Twelve Hundred (1200) feet to a corner for lands formerly belonging to the heirs of Henry May, deceased; thence with said

lands and a survey of the year 1885 North fifty-five (55) degrees West fifty (50) perches to a stone on Cedar Island (as represented by a plot of the Dorsey lands as recorded in Orphans' Court of Sussex County, Book No. 36 at page 491); thence North thirteen and one-half ( $13 \frac{1}{2}$ ) degrees East two hundred forty-eight (248) perches to a point in the center of the old dirt road leading to the former location of the Cedar Beach Hotel (said line passes twenty-two and one-half ( $22 \frac{1}{2}$ ) feet to the West of a dwelling on the King Land); thence with the center of said dirt road South seventy-six (76) degrees eight (8) minutes West two hundred fifty-nine and one-third ( $259 \frac{1}{3}$ ) feet; thence leaving said road and with lands of Laura Roberts and J. Cecil Watson, passing seven and one-half ( $7 \frac{1}{2}$ ) feet North of the Northeast corner of a dwelling on the Roberts lot, North seventy-two (72) degrees twenty-five (25) minutes West, eight hundred sixty-seven (867) feet to the canal connecting Cedar Creek with Mispillion River near the Light House; thence with said canal, North thirty-five (35) degrees twenty-five (25) minutes East thirteen hundred fifty (1350) feet to a ditch and stone; thence with said ditch, North sixty-seven (67) degrees East seven hundred eighty-three (783) feet to a stone; thence two other courses with what was formerly a ditch South sixty-two (62) degrees East one hundred eighty-six (186) feet to a stone; North eighty-three and one-quarter ( $83 \frac{1}{4}$ ) degrees East four hundred forty (440) feet to a stone at Delaware Bay; thence along Delaware Bay Southerly to the place of beginning;

The Commissioners of the Town of Slaughter Beach shall cause a plot of said addition to the Town of Slaughter Beach to be recorded in the Recorder's Office in and for Sussex County at Georgetown, and said extension of the boundaries of said Town shall become effective in law at the time the said plot is recorded.

Section 2. This Act shall take effect notwithstanding anything to the contrary contained in Section 101, Title 22, Delaware Code.

Approved February 26, 1960.

## CHAPTER 225

**AN ACT TO AMEND SECTION 5521 (b), TITLE 29, DELAWARE CODE, ENTITLED "EMPLOYEES' PENSION PLAN" AND PROVIDING AN EXCEPTION TO MANDATORY RETIREMENT.**

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

Section 1. § 5521 (b), Title 29, Delaware Code, is amended by deleting the period at the end of the first sentence, substituting a comma therefor, and add the following words "excepting the State Psychiatrist and Criminologist".

Approved February 26, 1960.



## CHAPTER 226

**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 concurring therein):*

Section 1. 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, 1959, 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 \$750 annually for each fiscal year beginning July 1, 1959, and beginning July 1, 1960, to be used for the maintenance and operation of said rescue truck in the public service.

Section 2. The said sum of \$750 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, 1959, 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 \$750 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.

NOTE: This bill became a law on February 29, 1960 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

## CHAPTER 227

**AN ACT APPROPRIATING MONEY TO SELBYVILLE AMERICAN LEGION POST NO. 39, AT SELBYVILLE, DELAWARE, WITH WHICH TO OPERATE AND MAINTAIN 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. There is appropriated unto the Selbyville American Legion Post No. 39, at Selbyville, the sum of \$750 annually for each of the fiscal years beginning July 1, 1959, and beginning July 1, 1960, to be used for the operation and maintenance of its ambulance in the public service.

Section 2. Said sum of \$750 annually, shall be paid by the State Treasurer to said Selbyville American Legion Post No. 39 and a certificate of the Secretary of said Selbyville American Legion Post No. 39, 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 \$750 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.

NOTE: This bill became a law on February 16, 1960 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 228

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE HILLSIDE CIVIC ASSOCIATION FROM ASSESSMENT AND TAXATION.**

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

Section 1. § 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as, "Hillside Civic Association".

Approved March 1, 1960.

## CHAPTER 229

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS  
TO THE STATE BOARD OF TRUSTEES OF THE DELA-  
WARE STATE HOSPITAL AT FARNHURST, DELA-  
WARE,, FOR DELAWARE STATE HOSPITAL AND  
HOSPITAL FOR THE MENTALLY RETARDED AT  
STOCKLEY, DELAWARE.**

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

Section 1. There is hereby appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst, Delaware, the sum of \$81,000 to be used for Salaries and Wages of Employees of the Delaware State Hospital.

Section 2. A further sum of \$51,000 is hereby appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst, Delaware, for Salaries at the Hospital for the Mentally Retarded at Stockley, 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 March 1, 1960.

## CHAPTER 230

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, ENTITLED "EDUCATION" RELATING TO PROCUREMENT OF LAND FOR SCHOOL SITES.**

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

Section 1. Title 14, Delaware Code, is amended by striking out sub-section (a) of § 2303, and inserting in lieu thereof the following new subsection (a):

1. When lands are required for the site of a school house, or for enlarging a school house lot, or for playgrounds or other school purposes, and the State Board of Education or the School Board shall for any cause be unable to contract with the owner or owners thereof upon what they deem to be a fair valuation thereof, such Boards, or either of them, may institute proceedings, in accordance with Chapter 61, Title 10, Delaware Code.

2. No lot so taken or enlarged shall exceed, in the whole, including the land occupied by the school building, more than 15 acres for a school whose certified enrollment is less than 500 pupils.

3. No lot so taken or enlarged shall exceed, in the whole, including the land occupied by the school building, more than 25 acres for schools having a certified enrollment in excess of 500 pupils.

4. Certified enrollment, as used in this act, means the official net enrollment at the end of any school year, as determined by the State Board of Education, or in the case of a proposed new school, the normal capacity of the proposed school building as approved by the State Board of Education.

5. Any proposed action pursuant to Chapter 61, Title 10, Delaware Code shall be approved by appropriate resolutions of the local Board of Education or Board of School Trustees and by the State Board of Education. The State Board shall,

in the usual manner, review the building and site needs of the local district before deciding whether or not to adopt a resolution indicating the need for procuring the land as provided by Chapter 61, Title 10, Delaware Code, and the maximum number of acres involved.

Approved March 11, 1960.

## CHAPTER 231

**AN ACT TO AMEND CHAPTER 154, VOLUME 52, LAWS OF DELAWARE, RELATING TO BOAT REGISTRATION AND SAFETY, AND APPROPRIATING FUNDS THEREFOR.**

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

Section 1. Chapter 154, Volume 52, Laws of Delaware, is amended by striking out the words "Motor Vehicle Department" wherever the same appear therein and by substituting in lieu thereof the words "Delaware Commission of Shell Fisheries".

Section 2. Section 2, Chapter 154, Volume 52, Laws of Delaware, is amended by adding the words "or whether or not such machinery is permanently or temporarily attached" after the word "propulsion" as the same appears in the second line of the definition of "Motorboat".

Section 3. Section 7 (a), Chapter 154, Volume 52, Laws of Delaware, is amended by adding the words "and no other number shall be carried on the bow of such vessel" at the end of the fifth sentence thereof.

Section 4. Section 8 (m), Chapter 154, Volume 52, Laws of Delaware, is hereby repealed.

Section 5. Section 13, Chapter 154, Volume 52, Laws of Delaware, is amended by striking out the figure "8" as the same appears therein and substituting in lieu thereof the figure "12".

Section 6. The amount of \$12,000 is appropriated to the Delaware Commission of Shell Fisheries for the fiscal year beginning July 1, 1959 and ending June 30, 1960, to carry out the purpose of Chapter 154, Volume 52, Laws of Delaware.

Section 7. This Act shall be known as a supplementary appropriation and the funds appropriated shall be paid out of the General Fund of the State of Delaware.

Approved March 11, 1960.

## CHAPTER 232

AN ACT TO AUTHORIZE AND EMPOWER THE WILMINGTON PARKING AUTHORITY, A "PARKING AUTHORITY" CREATED BY "THE MAYOR AND COUNCIL OF WILMINGTON" PURSUANT TO THE PROVISIONS OF CHAPTER 369, VOLUME 48, LAWS OF DELAWARE, TO SURRENDER AND TRANSFER, GRANT AND CONVEY UNTO "THE MAYOR AND COUNCIL OF WILMINGTON", A MUNICIPAL CORPORATION, ALL OF ITS RIGHT, TITLE, AND INTEREST IN AND TO CERTAIN OF THE REAL PROPERTY SITUATE BETWEEN AND BOUNDED BY SEVENTH STREET, EIGHTH STREET, FRENCH STREET AND WALNUT STREET IN THE CITY OF WILMINGTON, COUNTY OF NEW CASTLE AND STATE OF DELAWARE.

WHEREAS, The One Hundred and Sixteenth Session of the General Assembly of The State of Delaware, by Chapter 369, Volume 48, Laws of Delaware authorized incorporated cities or towns of the State of Delaware to organize and incorporate a "Parking Authority" by the adoption of ordinance signifying its intention so to do; and

WHEREAS, "The Council" of "The Mayor and Council of Wilmington" passed an ordinance on July 19, A. D. 1951 which was approved by "The Mayor" on July 23, A. D. 1951, by which it authorized and directed the organization and incorporation of a body politic to be known as the Wilmington Parking Authority and to enjoy and exercise all the powers, privileges, and authorities set forth in the "Parking Authority Laws," Chapter 369, Volume 48, Laws of Delaware; and

WHEREAS, the said Wilmington Parking Authority is authorized by Section 5, Chapter 369, Volume 48, Laws of Delaware, to acquire, purchase and hold real property necessary or desirable for carrying out the purpose of the said Authority; and

WHEREAS, the said Wilmington Parking Authority, acting pursuant to the authority conferred by Section 5, Chapter 369, Volume 48, Laws of Delaware, has, with moneys advanced



by "The Mayor and Council of Wilmington", purchased and now holds legal title to the real property situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware; and

WHEREAS, The One Hundred and Nineteenth Session of the General Assembly of the State of Delaware, by Section 1, of Chapter 161, Volume 52, Laws of Delaware, being an Act entitled, "An Act To Amend Chapter 135, Volume 29, Laws of Delaware, Entitled 'An Act To Revise and Consolidate The Statutes Relating To Curbstone Markets In The City of Wilmington,' By Providing For A Building To Be Known As The Farmers and Truckers' Market" authorized "The Mayor and Council of Wilmington," a municipal corporation of the State of Delaware, to establish, build and place a building situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware to be used in part as a public market; and

WHEREAS, "The Mayor and Council of Wilmington," a municipal corporation of the State of Delaware, has advanced large sums of money to the said, Wilmington Parking Authority to be used by the said Wilmington Parking Authority in the purchase and acquisition of the real property situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware, pursuant to the provisions of Section 508, Title 22, Delaware Code, as amended by 49 Delaware Laws, Chapter 2, and 50 Delaware Laws, Chapter 221, authorizing "The Mayor and Council of Wilmington" to appropriate sums of money to the said Wilmington Parking Authority for the acquisition of lands upon which the Authority may undertake to create a parking facility; and

WHEREAS, it now appears that "The Mayor and Council of Wilmington", a municipal corporation of the State of Delaware, cannot proceed to put into effect and establish and build a building to be used in part as a public market on the land situate between and bounded by Seventh Street, Eighth Street,

French Street, and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware as "The Mayor and Council of Wilmington" is authorized to do by Section 1, Chapter 161, Volume 52, Laws of Delaware so long as the ownership and title to the aforesaid lands is in the said Wilmington Parking Authority; and

WHEREAS, serious doubt exists as to the power and authority of the said Wilmington Parking Authority to surrender and transfer, grant and convey to "The Mayor and Council of Wilmington," a municipal corporation of the State of Delaware all its right, title, and interest in and to the aforesaid lands situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware; and

WHEREAS, "The Mayor and Council of Wilmington" has requested the General Assembly to enact legislation so that the said "The Mayor and Council of Wilmington" should be enabled to proceed with the establishment, building and placement of a public market on the lands situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware, Now Therefore,

*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. The Wilmington Parking Authority, a body corporate and politic organized and incorporated by an ordinance of "The Council" of "The Mayor and Council of Wilmington" passed July 19, A. D. 1951 pursuant to the provisions of Chapter 369, Volume 48, Laws of Delaware, be and it is hereby authorized and directed to surrender and transfer, grant and convey, all of its right, title, and interest in and to the lands situate between and bounded by Seventh Street, Eighth Street, French Street and Walnut Street in the City of Wilmington, County of New Castle and State of Delaware to "The Mayor and Council of Wilmington", a municipal corporation of the State of Delaware.

Section 2. "The Mayor and Council of Wilmington", a municipal corporation of the State of Delaware, is hereby authorized to use the lands transferred pursuant to the provisions of Section 1 of this Act for the construction of a municipal facility to house a public market and to serve such other municipal purposes as are authorized by "The Mayor and Council" including the leasing to said Parking Authority of so much of the building to be constructed on said site as may be found unnecessary by "The Council" by resolution for the public market or for other municipal purposes.

Approved March 14, 1960.

## CHAPTER 233

**AN ACT TO AMEND CHAPTER 5, TITLE 28, DELAWARE CODE, RELATING TO HARNESS RACING BY GRANTING THE DELAWARE HARNESS RACING COMMISSION JURISDICTION AND POWER OVER ALL DRIVERS, GROOMS, OWNERS, AND THEIR EMPLOYEES.**

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

Section 1. § 504, Chapter 5, Title 28, Delaware Code is amended by adding a new sentence at the end thereof to read as follows:

The Commission shall possess all necessary powers and duties to regulate the conduct of all grooms, drivers and owners and their employees, of all harness racing horses entered or to be entered, in any harness racing meet authorized by the Commission under this Chapter. For this purpose, the said Commission may promulgate and prescribe such rules and regulations as it may deem proper and necessary.

Section 2. § 526, Chapter 5, Title 28, Delaware Code is amended by adding a new sentence at the end thereof to read as follows:

All grooms, drivers and owners and their employees of any horses entered, or to be entered, in any harness racing meet licensed under this Chapter, shall be subject to said rules and regulations prescribed as aforesaid by the said United States Trotting Association. Said rules of the United States Trotting Association may be modified or abrogated by the Commission upon giving the United States Trotting Association an opportunity to be heard.

Approved March 14, 1960.

## CHAPTER 234

**AN ACT APPROPRIATING MONEY TO THE CORONER OF KENT COUNTY FOR THE SOLE PURPOSE OF PERFORMING AUTOPSIES.**

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

Section 1. There is hereby appropriated to the Coroner of Kent County the sum of One Thousand (\$1,000.00) Dollars for the sole purpose of employing from time to time a pathologist to perform autopsies when such becomes necessary in the opinion of the said Coroner and Attorney General.

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. Any unexpended portion of this appropriation at the expiration of the present fiscal year shall revert to the General Fund.

Approved March 14, 1960.

## CHAPTER 235

**AN ACT TO AMEND SECTION 8206, TITLE 9, DELAWARE CODE, RELATING TO EXPENSES OF MEMBERS AND APPRAISERS OF THE BOARD OF ASSESSMENT OF KENT COUNTY.**

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

Section 1. Title 9, Section 8206, Delaware Code is hereby amended to read as follows:

**§ 8206. Expenses of Members and Appraisers of Boards of Assessment**

(a) The necessary expenses of the members of any Board of Assessment incurred in traveling through the County on official business, shall be reported and verified monthly by the members and paid by the Levy Court of the County.

(b) In Kent County until February 1, 1963, in lieu of the payment set forth in sub-section (a) above, the Levy Court of the County is authorized to pay to the members of the Board of Assessment of Kent County and its appraisers a flat sum not to exceed \$10.00 per diem to cover mileage and all other travel expenses of said members and appraisers submitted to said Levy Court.

Approved March 21, 1960.

## CHAPTER 236

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE LEWES MEMORIAL COMMISSION FOR THE  
FISCAL YEAR BEGINNING JULY 1, 1959 AND ENDING  
JUNE 30, 1960.**

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

Section 1. The sum of \$300.00 is hereby appropriated to the Lewes Memorial Commission for the fiscal year beginning July 1, 1959 and ending June 30, 1960 to be expended as follows:

**LEWES MEMORIAL COMMISSION**

Salaries and Wages of Employees ..... \$300.00

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 March 21, 1960.

## CHAPTER 237

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE DEPARTMENT OF PUBLIC WELFARE FOR  
THE FISCAL YEAR ENDING JUNE 30, 1960.**

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

Section 1. The sum of \$77,000 is hereby appropriated to the Department of Public Welfare for the fiscal year ending June 30, 1960, to be expended as follows:

Aid to Dependent Children Grants .....	\$ 4,000
Aid to Disabled Grants .....	3,000
Direct Care—C. W. S. ....	70,000
	<hr/>
	\$77,000

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 March 22, 1960.



## CHAPTER 238

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE LABOR COMMISSION OF DELAWARE, THE STATE HIGHWAY DEPARTMENT, SOIL CONSERVATION COMMISSION, AND DEPARTMENT OF PUBLIC WELFARE, BY MAKING TRANSFERS IN CERTAIN APPROPRIATION ITEMS TO SAID AGENCIES.**

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

Section 1. The appropriation made to the Labor Commission of Delaware appearing under the subdivision "Enforcement Boards" in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended as follows:

(a) By transferring the sum of \$250.00 from the appropriation item "Travel" to the appropriation item "Equipment"; and

(b) By transferring the sum of \$215.00 from the appropriation item "Repairs and Replacements" to the appropriation item "Equipment".

Section 2. The appropriations made to the State Highway Department appearing under the subdivision "Roads: Maintenance, Police, etc." in Section 1, Chapter 57, Volume 52, Laws of Delaware, are amended as follows:

(a) The sum of \$100,000 is transferred from the Maintenance Division item, "Repairs and Replacements", to the Maintenance Division item, "Salaries and Wages of Employees"; and

(b) The sum of \$115,000 is transferred from the Construction Division item, "Operations", to the Maintenance Division item, "Salaries and Wages of Employees"; and

(c) The sum of \$10,000 is transferred from the Construction Division item, "Operations", to the Construction Division item, "Salaries and Wages of Employees"; and

(d) The sum of \$10,000 is transferred from the Mosquito Control Division item, "Operations" to the Mosquito Control Division item, "Salaries and Wages of Employees".

Section 3. The appropriation made to the Soil Conservation Commission appearing under the subdivision "Agriculture, Forestry, etc." in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$1500 from the item, "Salaries and Wages of Employees", to the item, "Travel".

Section 4. The appropriation made to the Department of Public Welfare appearing under the subdivision "Public Welfare" in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended as follows:

(a) By transferring the sum of \$7200 from the item, "Old Age Assistance-Grants", to the item, "Aid to Disabled-Grants"; and

(b) By transferring the sum of \$10,000 from the item, "Old Age Assistance-Grants", to the item, "Aid to Dependent Children-Grants".

Approved March 16, 1960.

## CHAPTER 239

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO DEPARTMENT OF ELECTIONS FOR NEW CASTLE, KENT AND SUSSEX COUNTIES.**

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

Section 1. The appropriation made to the Department of Elections—Kent County, appearing under the sub-division "Legislative and Elections" in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$9,000 from the appropriation item "Operations" under "Department of Elections—Kent County" to the appropriation item "Operations" under "Department of Elections—New Castle County".

Section 2. The appropriation made to the Department of Elections—Sussex County, appearing under the sub-division "Legislative and Elections" in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$9,000 from the appropriation item "Operations" under "Department of Elections—Sussex County" to the appropriation item "Operations" under "Department of Elections—New Castle County".

Approved March 16, 1960.

## CHAPTER 240

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

WHEREAS, amendments to the Constitution of the State of Delaware were proposed to the 119th General Assembly as follows:

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

*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. Paragraph (1) of Section 11 of Article IV of the Constitution of the State of Delaware is amended to read as follows:

(1) (a) To receive appeals from the Superior Court in civil causes and to determine finally all matters of appeal in the interlocutory or final judgments and other proceedings of said Superior Court in civil causes: Provided that on appeal from a verdict of a jury, the findings of the jury, if supported by evidence, shall be conclusive.

(1) (b) To receive appeals from the Superior Court in criminal causes, upon application of the accused in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding One Hundred Dollars, and in such other cases as shall be provided by law; and to determine finally all matters of appeal on the judgments and proceedings of said Superior Court in criminal causes: Provided, however, that appeals from the Superior Court in cases of prosecution under Section 8 of Article V of this Constitution shall be governed by the provisions of that Section.

Section 2. That paragraph (2) of Section 11 of Article IV of the Constitution of the State of Delaware be amended to read as follows:

(2) Wherever in this Constitution reference is made to a writ of error or a proceeding in error to the Superior Court, such reference shall be construed as referring to the appeal provided for in Section (1) (a) and Section (1) (b) of this Article., AND

WHEREAS, the said proposed amendments were agreed to by two-thirds of all the members elected to each House in the said 119th General Assembly, NOW, THEREFORE

*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. The said proposed amendments are agreed to and adopted and shall forthwith become part of the Constitution.

Effective March 23, 1960.

## CHAPTER 241

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE PUBLIC ARCHIVES COMMISSION FOR THE  
FISCAL YEAR BEGINNING JULY 1, 1959 AND ENDING  
JUNE 30, 1960.**

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

Section 1. The sum of \$5,600 is hereby appropriated to the Public Archives Commission for the fiscal year beginning July 1, 1959 and ending June 30, 1960 to be expended as follows:

## PUBLIC ARCHIVES COMMISSION

Operations .....	\$ 800
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## JOHN DICKINSON MANSION

Salaries and Wages of Employees .....	4,200
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## DELAWARE STATE MUSEUM

Salaries and Wages of Employees .....	600
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\$5,600

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 March 23, 1960.

CHAPTER 242

**AN ACT MAKING AN EMERGENCY DEFICIENCY SUPPLEMENTAL APPROPRIATION TO THE INDUSTRIAL ACCIDENT BOARD FOR COURT REPORTING FEES FOR THE FISCAL YEAR ENDING JUNE 30, 1960.**

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

Section 1. There is hereby appropriated to the Industrial Accident Board the sum of \$3,000 for the fiscal year ending June 30, 1960, to cover court reporting fees necessitated by heavy case load.

Section 2. This Act is an emergency deficiency supplemental appropriation and the funds appropriated shall be paid out of the General Fund of the State of Delaware.

Approved March 23, 1960.

## CHAPTER 243

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE  
CODE, RELATING TO THE LIMITATIONS UPON TAX-  
ING POWER, BY EXEMPTING LANDS AND IMPROVE-  
MENTS OF THE KLAIR ESTATES CIVIC ASSOCIATION,  
INC. FROM ASSESSMENT AND TAXATION.**

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

Section 1. Section 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as "The Klair Estates Civic Association, Inc."

Approved March 23, 1960.



CHAPTER 244

**AN ACT TO AMEND SECTIONS 2301 AND 2307, TITLE 19, DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION.**

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

Section 1. Section 2301, Title 19, Delaware Code is amended by striking the following words as those words appear in the definition of the word "Employee":

"excluding executive officers of any corporation"  
and inserting instead:

"excluding wife and minor children of a farm employer unless the wife or minor children is a bonafide employee of a farm employer and is named in an endorsement to the Farmer Employer's contract of insurance."

Section 2. Section 2307, Title 19, Delaware Code is amended by adding the following words to that section:

"unless such an employer carries insurance to insure the payment of compensation to such employees, or any of them, or their or either of their dependents."

Approved March 29, 1960.

## CHAPTER 245

**AN ACT TO AMEND SECTION 791, TITLE 7, DELAWARE CODE, RELATING TO RACCOON AND OPOSSUM.**

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

Section 1. Section 791, Title 7, Delaware Code is amended by striking subsection (b) and substituting in lieu thereof the following:

Any person may trap, hunt with dogs, or otherwise take raccoons from any lands in New Castle County or Kent County from the Southerly boundary limits of the City of Wilmington, and East and Southeast of the center line of U. S. Route No. 13, thence following said center line of U. S. Route No. 13 to the point where U. S. Route 13 forms a junction with U. S. Route No. 113 and thence along the center line of U. S. Route No. 113 to a line dividing Kent County from Sussex County, during any time of the year excepting on Sundays.

Approved April 1, 1960.

CHAPTER 246

**AN ACT TO APPROPRIATE FUNDS TO THE JUVENILE COURT OF KENT AND SUSSEX COUNTIES FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF CHAPTER 203, VOLUME 52, LAWS OF DELAWARE RELATING TO MASTERS OF SAID COURT.**

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

Section 1. There is hereby appropriated to the Juvenile Court of Kent and Sussex Counties the sum of Ten Thousand Dollars, (\$10,000.00) for the fiscal year ending June 30, 1960 for the purpose of carrying out the provisions of Chapter 203, Volume 52, Laws of Delaware relating to Masters of said Court.

Section 2. This is a supplementary Appropriation Bill, and the fund hereby appropriated shall be paid by the State Treasurer out of the General Funds of the State of Delaware.

Approved April 1, 1960.

## CHAPTER 247

**AN ACT TO AMEND TITLE 30, CHAPTER 19, ENTITLED  
"CORPORATION INCOME TAX" BY PROVIDING FOR  
REFUNDS.**

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

Section 1. § 1912, Title 30, Delaware Code, is hereby amended by adding subsection (e) to read as follows:

(e) The Tax Department shall retain out of the revenue collected by it a sum sufficient to provide when needed a fund of \$20,000 out of which it shall pay any refunds provided for in this chapter. The fund shall be deposited in the financial institution which is the legal depository of State monies to the credit of the State Tax Department and shall be disbursable on order of the Tax Commissioner.

Approved April 6, 1960.

## CHAPTER 248

**AN ACT TRANSFERRING \$8,000 FROM SALARIES OF DIRECTORS (120-4000-C5) AN APPROPRIATION TO THE STATE BOARD OF EDUCATION WHICH APPEARS AS CHAPTER 140, VOLUME 52, LAWS OF DELAWARE, TO COST OF HOMEBOUND INSTRUCTION (101-4000-H3), STATE BOARD OF EDUCATION.**

WHEREAS, there will remain unspent in the appropriation for salaries of directors for the year ending June 30, 1960, the sum of \$8,000, said appropriation being made to the State Board of Education under Chapter 140, Volume 52, Laws of Delaware; and

WHEREAS, there is a need for additional funds for operating the program of homebound instruction, State Board of Education, NOW, THEREFORE

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

Section 1. The sum of \$8,000 is hereby transferred from salaries of directors (120-4000-C5) an appropriation to the State Board of Education which appears as Chapter 140, Volume 52, Laws of Delaware, to cost of homebound instruction (101-4000-H3), State Board of Education.

Approved April 11, 1960.

## CHAPTER 249

**AN ACT TO AMEND AN ACT APPROVED FEBRUARY 4, 1935, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT CHANGING THE NAME OF "THE TOWN OF DOVER" TO "THE CITY OF DOVER" AND ESTABLISHING A CHARTER THEREFOR' BY EXEMPTING CERTAIN REAL ESTATE FROM MUNICIPAL TAXATION."**

*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 1 of an act approved February 4, 1935, entitled "An Act to amend an act entitled 'An Act Changing the name of "The Town of Dover" to "The City of Dover" and establishing a charter therefor' by exempting certain real estate from municipal taxation", be and the same is hereby amended by striking out the words "water rents, or charge for electric current, or any of them,".

Approved April 11, 1960.

CHAPTER 250

**AN ACT TO AMEND CHAPTER 15, TITLE 9, DELAWARE  
CODE RELATING TO LEVY COURT OF NEW CASTLE  
COUNTY.**

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

Section 1. That § 1562 (a) Title 9, Delaware Code is hereby amended by striking out the figures "\$125,000" as they appear at the end thereof and substituting in lieu the figures "\$175,000".

Approved April 11, 1960.

## CHAPTER 251

**AN ACT TO AMEND CHAPTER 17, TITLE 10, DELAWARE CODE RELATING TO THE JUDGES OF THE MUNICIPAL COURT FOR THE CITY OF WILMINGTON.**

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

Section 1. Chapter 17, Title 10, Delaware Code is hereby amended by repealing § 1702 and § 1703 thereof in their entirety and by enacting and inserting in lieu thereof a new § 1702 to read as follows:

§ 1702. (a) The Governor of the State of Delaware shall appoint every twelve (12) years two (2) Associate Judges of the Municipal Court for the City of Wilmington subject to the confirmation of the Senate. One (1) Judge shall be appointed from each of the two major political parties.

(b) No person shall be eligible to the office of Associate Judge unless he is duly licensed to practice law before the Supreme Court of this State and has been a resident of the City of Wilmington for a period of three (3) years prior to the date of his appointment.

(c) Whenever used in this Code or in any other law of this State, unless the context requires a different meaning, the term "City Judge" shall mean the two (2) Associate Judges of the Municipal Court for the City of Wilmington.

(d) The Associate Judges shall receive a compensation equal in amount as provided for by "The Council" of "The Mayor and Council of Wilmington".

Section 2. This Act shall become effective upon the expiration of the present terms of the Chief Judge and Associate Judge of the Municipal Court for the City of Wilmington or upon a vacancy created by death, resignation or otherwise at which time a successor shall be appointed subject to the confirmation of the Senate for the full term of twelve (12) years.

Approved April 11, 1960.



CHAPTER 252

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY TO MAKE NEW INDICES FOR MORTGAGES" AS IT APPEARS IN CHAPTER 72, VOLUME 52, LAWS OF DELAWARE.**

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

Section 1. That Section 1 of Chapter 72, Volume 52, Laws of Delaware, be and the same is hereby amended by striking out the words "the Campbell" as it now appears in the third line of said Section and substituting in lieu thereof the words "a suitable".

Approved April 19, 1960.

## CHAPTER 253

**AN ACT TO AMEND SECTION 5403, TITLE 7, DELAWARE CODE RELATING TO THE PURPOSES OF THE DELAWARE ARCHAEOLOGICAL BOARD.**

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

Section 1. Section 5403 (i), Title 7, Delaware Code is amended by striking out the words "under the supervision of the Board" and substituting therefor the words "in the State of Delaware or pertaining thereto".

Approved April 19, 1960.

## CHAPTER 254

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, BEING CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, BY AUTHORIZING THE TOWN COUNCIL TO RAISE BY TAXATION A SUM NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) YEARLY.**

*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. Paragraph 13 of Section 15, Chapter 161, Volume 43, Laws of Delaware, is amended by striking out the words and figures "Five Thousand Dollars (\$5,000.00)" where the same now appear in said section and inserting in lieu thereof the words and figures "Ten Thousand Dollars (\$10,000.00)."

Approved April 19, 1960.

## CHAPTER 255

**AN ACT TO AMEND CHAPTER 204, VOLUME 17, LAWS OF DELAWARE, PROVIDING FOR PUBLIC PARKS BY ENLARGING THE POWERS OF THE BOARD OF PARK COMMISSIONERS SO AS TO AUTHORIZE THE ACQUISITION, MAINTENANCE, OPERATION AND SUPERVISION OF RECREATIONAL FACILITIES ON PARK LANDS OF THE MAYOR AND COUNCIL OF WILMINGTON.**

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

Section 1. That Section 3 of Chapter 204, Volume 17, Laws of Delaware, providing for Public Parks in the City of Wilmington be and the same is hereby amended to read as follows:

Section 3. That said Commissioners shall have the care, management and supervision of all lands laid out and used as public parks, and they shall have all power and authority to adopt and execute all necessary plans for the maintenance and improvement thereof, and to supervise the expenditure of all moneys which may be given or appropriated for laying out, improving and adorning the same; and, in addition, said Commissioners are empowered and authorized to acquire, maintain, operate and supervise all kinds of recreational facilities on Park Lands of The Mayor and Council of Wilmington, including, but in no way limiting their power, the maintenance of baseball fields, football fields, tennis courts, golf courses, skating rinks, and swimming pools, and in connection therewith to erect and maintain buildings necessary thereto and therefor and to install and maintain roads and bridges across such lands. And the City Council of Wilmington may confer upon the said board, and the board may accept the care and management, from time to time, of any other grounds now appropriated or hereafter to be appropriated for park purposes for the use of the said city. But the said board shall not contract any debts the total amount whereof shall be in excess of its annual income or receipts, or which shall not be paid out of the annual appropriation made

for its use by the City Council of Wilmington. All land and property which shall be held, laid out, and used for maintaining any public park, or which shall be purchased or acquired for such use or purpose, shall be forever free from state, county and city taxation so long as used for such purpose. No county road, street, railway, sewer, water or gas pipes, telegraph or telephone wires, shall be laid out, opened, extended over, under, above or through any park under the control and care of the said Board of Park Commissioners without their approval and consent.

Approved April 19, 1960.

## CHAPTER 256

**AN ACT TO AMEND CHAPTER 7, TITLE 9, DELAWARE CODE PROVIDING FOR THE ESTABLISHMENT OF PARK DISTRICTS FOR THE DEVELOPING, EQUIPPING, IMPROVING AND MAINTAINING OF PARKS AND OTHER RECREATIONAL FACILITIES AND ACTIVITIES; AND TO CARRY ON RECREATIONAL PROGRAMS; AUTHORIZING AND REGULATING THE ISSUING OF DISTRICT BONDS TO FINANCE SUCH PROJECTS AND PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE RIGHTS OF THE HOLDERS THEREOF.**

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

Section 1. § 701, Title 9, Delaware Code is amended by striking out the last sentence of said Section and inserting in lieu thereof the following sentence:

The provisions of this chapter shall apply only to that portion of New Castle County which is north of the Delaware and Chesapeake Canal, but excluding therefrom the City of New Castle, and shall not apply to the remainder of the State of Delaware.

Approved April 22, 1960.

CHAPTER 257

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE CASTLE HILLS CIVIC ASSOCIATION, FROM ASSESSMENT AND TAXATION.**

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

Section 1. Section 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as "The Castle Hills Civic Association".

Approved April 25, 1960.

## CHAPTER 258

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF WESTVIEW MAINTENANCE CORPORATION AND SUBURBAN CENTURY CLUB FROM ASSESSMENT AND TAXATION.**

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

Section 1. § 8105, Title 9, Delaware Code is hereby amended by inserting at the end thereof the following:

Westview Maintenance Corporation  
Suburban Century Club

Approved April 25, 1960.



## CHAPTER 259

**AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" BY REVISING THE DEFINITION OF AID TO DEPENDENT CHILDREN TO CONFORM WITH FEDERAL LEGISLATION.**

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

Section 1. Subsection (2), section 504, Title 31, Delaware Code is hereby repealed and a new subsection (2) enacted in lieu to read as follows:

(2) Aid to Dependent Children: assistance granted with respect to needy dependent children. Aid to Dependent Children means aid granted with respect to a child under the age of eighteen 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, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as his or their own home. 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 relative with whom the child is living has resided in the State for one year immediately preceding the birth, or, if the parent, parents or relative with whom the child is living has been a resident of the State for one year immediately preceding the application. Aid to Dependent Children may include aid granted to any one of the relatives enumerated above with whom the child is living if that person is in need.

Approved May 12, 1960.

## CHAPTER 260

**AN ACT TO AMEND CHAPTER 3, TITLE 9, DELAWARE CODE, REGARDING TERMS OF LEVY COURT COMMISSIONERS IN NEW CASTLE COUNTY.**

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

Section 1. Chapter 3, Title 9, of the Delaware Code, be and it hereby is amended, by striking out and eliminating the last sentence of Section 303(b).

Approved May 12, 1960.

CHAPTER 261

**AN ACT TO AMEND SECTION 122, TITLE 20, DELAWARE  
CODE RELATING TO THE ADJUTANT GENERAL.**

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

Section 1. Section 122 (f), Title 20, Delaware Code is amended by striking the figure "6000" and inserting in lieu thereof the figure "10,000".

Approved May 12, 1960.

## CHAPTER 262

**AN ACT AUTHORIZING THE YOUTH SERVICES COMMISSION TO SELL 0.540 ACRES OF LAND TO THE STATE HIGHWAY DEPARTMENT AND TO USE THE FUNDS DERIVED THEREFROM.**

WHEREAS, the State Highway Department of the State of Delaware wishes to obtain from the Youth Services Commission of Delaware 0.540 acres of land required for the construction of the new Faulkland Road and which borders the property of the Ferris School for Boys along Faulkland Road, NOW, THEREFORE

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

Section 1. The Youth Services Commission of Delaware be and it is hereby authorized to sell to the State Highway Department of the State of Delaware all of its rights, title and interest in and to that certain 0.540 acres of land adjoining Faulkland Road in New Castle County and being a part of the property of the Ferris School for Boys, for the sum of \$2,700.

Section 2. Monies received from the sale of such lands and premises shall be placed in a separate account by the State Treasurer and shall be drawn upon by the Youth Services Commission of Delaware for the purpose of defraying part of the cost of new sewer construction at Kruse School.

Approved May 12, 1960.

## CHAPTER 263

**AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, BY MAKING CERTAIN TRANSFERS FROM THE APPROPRIATION "STATE EMPLOYEES PENSION PLAN-BENEFITS".**

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

Section 1. Section 1 of Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$28,550 from the appropriation item "Benefits" appearing under "State Employees' Pension Plan" and allocating said sum to and among the following appropriation items:

(a) To—State Employees Pension Plan	
Survivors' Pensions .....	\$14,500.00
(b) To—Paraplegic Veterans' Pensions	
Benefits .....	5,550.00
(c) To—State Treasurer	
Salaries and Wages of Employees	8,500.00

Approved May 12, 1960.

## CHAPTER 264

**AN ACT TO REINCORPORATE THE TOWN OF MAGNOLIA.**

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

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

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

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

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

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein shall include all powers implied thereby, or appropriate to the exercise thereof, and it is intended that the Town of Magnolia shall have and may exercise all powers which, under the constitution of the State of Delaware, it would be competent for this charter specifically to enumerate. All powers of the Town of Magnolia held, expressed or implied,

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

Section 2. That the limits of the Town of Magnolia shall be and determined by measuring from a stone in the center of the main roads leading from Dover to Frederica and from Canterbury to Barker's Landing, at the intersection of the said roads in the Town of Magnolia, and measuring from the said stone one-fourth ( $\frac{1}{4}$ ) of a mile in all directions, forming a radius or circle of one-half mile in diameter through the center of the said circle in any and all directions.

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

Section 3. The governing body of the Town of Magnolia shall be a Town Council composed of five (5) members whose terms shall be as hereinafter set forth and who shall serve until their successors shall be duly elected and qualified and each of whom at the time of nomination and election shall be a resident of said Town, above the age of twenty-one (21) years and the owner of real estate within said Town, provided, however, that any married man, otherwise qualified, whose wife is the owner of real estate within said Town, any married woman, otherwise qualified, whose husband is the owner of real estate within said Town, may be nominated and elected a member of Council although such person may not be the owner of real estate within said Town, and real estate in said Town owned jointly by husband and wife shall make both husband and wife eligible, if otherwise qualified. No person shall be eligible for nomination or election who shall not have paid, prior to the filing of his nomination, all Town taxes theretofore assessed to him, and also all water and sewer rents theretofore due from him.

Members of Council shall be nominated and elected as follows: There shall be an election held in some public place selected by the Council within the limits of said Town on the second Tuesday in January in 1960 from the hour of seven o'clock p. m. until the hour of nine o'clock p. m. for the election of five members of the Council, two of said members to serve for a term of one year and three of said members to serve for a term of two years. Thereafter, at each annual town election to be held on the second Tuesday in January in each year during the hours aforesaid, and at the place aforesaid, the successor of each member of the Council whose term then expires shall be elected for the term of two years and until his successor has been duly elected and qualified.

At any annual or special election within said Town every person resident in said Town above the age of twenty-two years who shall not be delinquent in the payment of any taxes assessed against such voter and who has resided in the said Town for at least one year prior to the holding of such election shall be entitled to vote.

All elections under the provisions of this charter shall be held by five persons designated by the Council of the Town of Magnolia for such purpose, and it shall be the duty of such persons so designated to hold such election on the day and between the hours designated and to keep an accurate record of the votes cast and report and certify the same to the Council at its next meeting. In the event that the second Tuesday of January in any year shall fall on a holiday then such election shall be held on the Tuesday next following. Any vacancy in the Election Board shall be filled by the remaining members of said Board. In the event of a tie vote for any office, the Election Board shall determine the tie by lot. All persons desiring to be candidates at any municipal election shall file with the Secretary of the Council a written statement of their candidacy at least ten days previous to said election, and a vote cast for any person whose candidacy has not been so filed, shall not be counted.

The election shall be held in some public place selected by the Council within the limits of said Town after ten (10) days notice thereof by Council posted in at least five (5) of the most public places in said Town.



Council shall cause to be printed ballots, at least as many in number as the approximate number of citizens in said Town entitled to vote at the election. Such ballots shall contain the names of all persons duly nominated, under headings designating the offices for which nominated and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls, and every citizen calling for a ballot shall receive one from the election officers.

On the second Tuesday in February, A. D. 1960, and on the second Tuesday of February of each year thereafter, the members who shall have been elected to the Town Council of the said Town of Magnolia, as well as the hold over members of said Town Council, shall meet for the purpose of organizing by the election of officers and such other business as may come before such meeting. Such meeting shall be known as the "Annual Meeting" of the Town Council. At the Annual Meeting one of the members of the Town Council shall be designated and elected by the members of the Council as and for the Mayor of the Town of Magnolia, and one of the members of the Town Council shall be designated and elected by the members of the Council as and for the Vice-Mayor of the Town of Magnolia, and one of the members of the Town Council shall be designated and elected by the members of the Council as and for the Vice-Mayor of the Town of Magnolia.

If any vacancy should occur in the membership of the said Council, by death, resignation, removal from town, refusal to serve, or otherwise, the remaining members of Council shall have the power to fill such vacancy until the next regular election.

Section 4. It shall be the duty of the Mayor of the Town of Magnolia, or in his absence it shall be the duty of the Vice-Mayor, to call a special meeting of the Council at any time, first giving reasonable notice thereof upon the application of at least two members of the Council of the Town of Magnolia. At any regular or special meeting the Council may pass upon such ordinances, resolutions or matters affecting the good government and requirements of the said Town, the improvement of the streets, lanes and alleys, the paving or other improvements of the streets, lanes and alleys and all other matters relating to the

said Town, its sanitation, ornaments, improvement and general welfare, as by said Council may be deemed proper. The Council may by ordinance impose fines, penalties and forfeitures for the violation of any of the ordinances of the Town and may provide for the collection thereof.

Section 5. The government of the said Town of Magnolia shall be vested in the Mayor and Town Council which shall exercise all of the powers conferred by any of the provisions of this charter, except as otherwise provided herein.

The Town Council shall constitute the legislative body of the said Town of Magnolia.

The Town Council in addition to the powers hereinbefore conferred shall have power to regulate the streets, lanes, alleys and sidewalks of the said Town, and direct the sidewalks, or such part thereof, as they may determine to be paved or otherwise improved at the expense of the owner of the property adjacent thereto; on complaint of any citizen to examine any chimney, stove pipe, fixtures, or any other matter or object dangerous to the Town or to the welfare of the citizens and property of said Town, and if adjudged dangerous to cause and require the same to be repaired and remedied, or, if necessary, to be removed; to prevent or remove nuisances in said Town; to prohibit the firing of guns and pistols, the making of bonfires or setting off of fireworks or any dangerous sport; and to suppress and prevent any noisy and turbulent assemblage of persons within the said Town.

Section 6. The Council shall, at the Annual Meeting in every year, determine the amount of tax to be raised in said Town for that year, not exceeding Five Thousand Dollars (\$5,000.00), and shall appoint an assessor to make an assessment of persons and property therein, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor of said Town, within two weeks from his appointment to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said Town, and also an assessment of all citizens residing in said Town, above the age of twenty-one years, as well those owning real

estate as those not owning real estate in said Town; and the said Assessor shall forthwith, after making such assessment, deliver to the Council for the time being a copy of such assessment, containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the Council shall give five days' public notice of that fact, that it will sit, at a place and on a day to be by it designated, from seven o'clock p. m., to nine o'clock p. m., to hear appeals from said assessment. It shall have power at such time to add to or lessen any assessment. When the appeal day has passed, the Council shall, without delay, cause the assessment list to be transcribed and the copy to be delivered to the Collector, who shall thereupon collect from each taxable the amount of his tax and pay over the whole amount to the Treasurer, by the 30th day of November. The Collector shall have the same powers for the collection of said taxes as are conferred by law on the collectors of county taxes. The Treasurer and Collector shall each give bond to the Council for the proper discharge of their respective duties.

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

Section 8. Whenever Council shall by ordinance or resolution direct the paving or improving of the sidewalks of the said Town, or any part thereof, the Secretary of the Council shall immediately give notice to the owners of the property abutting thereon by serving such notice personally on the owner or owners thereof if such person or owner shall be resident in the Town of Magnolia; otherwise, it shall be sufficient notice if the Secretary shall post a notice on the property or properties affected by nailing or otherwise attaching such notice upon a conspicuous place on the said property affected or at the front door of the main building if such lands be improved. If such ordinance or resolution be not complied with within three months, the Council may direct the work to be done and the expenses of the same shall become a charge against the owner or owners of the

property affected. The Council may on ten days' notice by advertisements posted at three of the most public places within said Town sell any personal property or any of the real estate of the party or parties in default as shall be necessary to pay the expenses, together with costs, of such proceeding resulting from the improvements so made. Such sale shall be at public auction and notice of said sale be served on the owner or owners of the said property affected if they be resident within the corporate limits of said town. Otherwise, notice shall be served by posting a copy of the advertisement of said sale at the front door by the main building located on the lands affected if the same be improved, or upon a conspicuous part of such lands if the same are unimproved, and notice shall be sent to the owner or owners or to any of them, if known, by registered mail, addressed to the last known post office address of such owner or owners or any of them. Such sale shall transfer all the right and title of the person or persons in default in the property sold to the purchaser or purchasers thereof and the Mayor of the Town of Magnolia is hereby authorized to execute under the seal of the corporation a deed or deeds conveying title to the lands and premises sold under the provisions hereof. The proceeds of such sale shall be paid to the Treasurer for the use of the Town, but if there be any surplus after the payment of the claim, together with all costs and expenses for which the sale was made, such surplus shall be paid to the party or parties in default if known, or if unknown such surplus shall be deposited in a depository to be designated by the Council of the Town of Magnolia to be there held until sufficient proof of the identity of the parties entitled shall have been established.

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

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

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

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

The Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed in the Town so far as to arrest and hold for bail, or fine and imprison offenders; and also of all fines, penalties and forfeitures prescribed by this charter or any law of the State or by any ordinance of the Council and also of all neglects, omissions or defaults of any member of the Town police force or other city officer or employee, provided that in the case of violation of an ordinance, he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days in default of the payment of a fine imposed by him. The Kent County Correctional Institution may be used for imprisonment under the provisions of this Act provided that the Council shall pay for the board of persons committed for breaches of ordinances that do not constitute breaches of the general law. Within his jurisdiction as aforesaid the Alderman shall have all the powers and authority of a Justice of the Peace for Kent County.

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

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

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

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

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

Section 11. At the Annual Meeting of the Town Council the Council shall elect a Treasurer for the Town of Magnolia. The Treasurer may or may not be a member of the Council. He may also serve as Secretary of the Council. It shall be the duty of the Treasurer to receive all moneys due the Town of Magnolia from the Collector of Taxes, and from any other source or sources to keep the same deposited in a depository to be designated by the Council, and to pay such charges or claims against the Town as the Council or the Mayor shall from time to time designate and direct. He shall account at each regular meeting of the Council, and more often if required, showing in detail the receipts and disbursements of the Town funds. Before entering upon his duties the Treasurer shall be first sworn to diligently and faithfully perform the duties of his office, and shall enter into bond to the Town of Magnolia with surety to be approved by the Council in such amount as the Council shall designate to faithfully and diligently perform the duties incumbent upon him as Treasurer of the Town of Magnolia and a true and correct accountancy to make of all the moneys received by him as Treasurer of said Town of Magnolia. The cost of the bond shall be paid by the Town of Magnolia.

Section 12. At the Annual Meeting of the Town Council the Council may elect a Collector of Taxes whose duties it shall be to collect all taxes which shall be assessed pursuant to the provisions of this charter. He shall make a monthly accounting to the Treasurer of said Town and shall pay over to said Treasurer such sums as from said accounting shall be found due the said Town. The Treasurer shall give receipts for the money so paid. Before entering upon his duties the Collector shall be sworn or affirmed to diligently and impartially perform the duties of his office. He shall also enter into a bond to the Town of Magnolia in such sum as The Council shall designate to faithfully perform the duties of his office and to make a just accounting of all moneys received by him for the said Town of Magnolia and to pay over to the said Town of Magnolia all moneys received by or charged to him as such Collector. The cost of the bond shall be paid by the Town of Magnolia. The Collector may or may not be a member of the Council while serving as Collector. The Council shall fix the compensation of the Collector. The Collector shall be charged with the full

amount of the tax debit received by him, and it shall be his duty to collect the same; provided, however, that The Council may for cause shown, permit the allowance of any delinquencies as the Council may deem proper. At the regular meeting of the Council held during the month of February of each year, the Collector shall make a detailed report of all moneys collected and a list of those owing taxes not received and collected by him.

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

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

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

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



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

Section 16. The Council shall have the power to borrow in any one year a sum not in excess of Five Thousand Dollars (\$5,000.00) and to anticipate current revenue by such sum so borrowed whenever the needs of the Town shall require more money than is at the time in the Town Treasury from current receipts.

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

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

Section 19. The Council shall have the power to condemn any property real or personal within the Town limits as shall be necessary for municipal purposes. The procedure thereof shall be the same as that for the laying out of streets as set out in Section 10 hereof; provided, however, that if the damages sustained by any party interested shall exceed One Thousand Dollars (\$1,000.00), and such party shall be dissatisfied with the award made under Section 10 hereof, such party may file an appeal with the Resident Associate Judge of Kent County whose duty it shall be to appoint five disinterested freeholders of Kent County to view the property and assess the damages sustained by said party. The Resident Associate Judge of Kent

County shall make such rules and orders as he may deem proper in carrying this provision into effect and shall assess the costs thereof as he shall deem proper. Where real estate is involved a copy of the final award and the approval thereof by the Resident Associate Judge of Kent County shall be recorded in the office of the Recorder of Deeds for Kent County. Upon the making of such award the Council of the Town of Magnolia shall by Resolution determine upon the acceptance thereof, and if the award be accepted shall pay to the party to whom the award is made the full sum thereof within sixty days of such award. Otherwise the project shall be abandoned.

Section 20. The Council shall have power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the Town. The power to adopt such ordinances shall extend to the area outside the Town limits and within one mile of said limits.

Section 21. The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the Town or by a volunteer fire company.

Section 22. For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building material; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any buildings and the kind and grade of materials used in the construction thereof.

Section 23. The Council may adopt zoning ordinances limiting and specifying districts and regulating therein buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

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

Section 25. The Council may provide for the issuance of building permits and may forbid the construction of any new buildings, or the addition to, or alteration, or repair of any existing buildings unless a building permit has been obtained therefor.

Section 26. Should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphates, fertilizers or manures of any kind, he or they before erecting such building or buildings, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such buildings will not endanger the other property or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

Section 27. The Council shall have full power to regulate the placing or replacing of poles or other structures on, in, under, and through the streets, alleys and highways within the town limits so that such poles or other structures will not interfere with the safety and convenience of people traveling on said streets, alleys and highways.

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

Section 29. All ordinances and resolutions heretofore adopted or in force in the Town of Magnolia are continued in force and effect as ordinances and resolutions until repealed, altered or amended under the provisions of the charter, and the acts of the Commissioners of the Town of Magnolia and of the officials of said Town heretofore lawfully done or performed

under any prior charter of said Town of Magnolia by whatever name designated, or under any ordinance of said Town, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

Section 30. All taxes, penalties, fines, forfeitures, assessments and debts due the Town of Magnolia at the time of the approval of this charter shall be deemed to be due the said Town of Magnolia and the same shall remain unimpaired until paid.

Section 31. This Act shall become effective immediately upon the approval hereof.

Approved May 17, 1960.

CHAPTER 265

**AN ACT TO AMEND SECTION 8606 (b), TITLE 9, DELAWARE CODE, RELATING TO THE COLLECTION OF TAXES.**

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

Section 1. Section 8606 (b), Title 9, Delaware Code, is hereby repealed.

Approved May 17, 1960.

## CHAPTER 266

**AN ACT MAKING AN APPROPRIATION TO THE STATE  
BOARD OF VOCATIONAL EDUCATION FOR THE  
TRAINING OF VOLUNTEER FIREMEN.**

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

Section 1. There is hereby appropriated to the State Board of Vocational Education the sum of One Thousand Five Hundred Dollars (\$1,500.00) to be expended by the said Board to pay the expenses of the training school for volunteer firemen conducted during May 1960, in Camden, Delaware by the State Board of Vocational Education.

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, 1960.

## CHAPTER 267

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE", BEING CHAPTER 649, VOLUME 18, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE COMPOSITION AND ELECTION OF THE TOWN COUNCIL OF OCEAN VIEW.**

*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 649, Volume 18, Laws of Delaware, as amended, is further amended by striking out all of Section 2 of said chapter and inserting in lieu thereof a new Section 2 as follows:

Section 2 (a). 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 Town Council of the Town of Ocean View, to be composed of three members, one of whom shall be President of said Council, and all of whom shall be elected or chosen as hereinafter provided.

(b) Each of the said three Councilmen shall be of the age of twenty-one years or older, a non-delinquent taxable of said Town, and, at the time of his election and during his term of office, a resident freeholder of said Town. His ceasing to be such resident freeholder shall, ipso facto, vacate his office.

(c) The said Councilmen shall be elected at the annual town election by the qualified voters of the Town for terms of three years and until their respective successors shall be duly elected as hereinafter provided, and the President of the Town Council shall be elected, by and from the members of said Council at their first meeting after each annual town election, for the term of one year and until his successor shall be duly elected; but any Councilman or the President may be re-elected from time to time.

(d) The annual town election shall be held on the second Saturday in April in each year hereafter, from one o'clock to four o'clock in the afternoon, at such place in said Town as shall be designated by the Town Council. At least twenty days before the day of each such election, the Town Council shall give public notice of the date, time and place of holding such election, and of the final date, time and place for filing by candidates for the office of Councilman, by posting written or printed notices thereof in at least six of the most public places in said Town. Every citizen residing in said Town, who is twenty-one years of age or older and who is not delinquent in the payment of any tax levied against him by said Town, shall have the right to vote at such election.

(e) The present members of the Town Council of Ocean View and other officers now serving are hereby appointed to serve and shall continue to serve as the Councilmen and officers of said Town from and after the passage hereof until their respective successors are duly elected or chosen as provided herein.

At the annual town election to be held on the second Saturday in April, A. D. 1960, one Councilman shall be elected for the term of three years to succeed the expired term of Lloyd G. Daisey; and at the annual town election to be held on the second Saturday in April, A. D. 1961, one Councilman shall be elected for the term of three years to succeed the expired term of Paul L. Jackson; and at the annual town election to be held on the second Saturday in April, A. D. 1962, one Councilman shall be elected for the term of three years to succeed the expired term of John R. Hill, Sr.

Thereafter, at each annual town election, the successor of each Councilman whose term then expires shall be elected for the term of three years and until his successor shall be duly elected.

(f) The said annual town election shall be held under the supervision of an election Board consisting of the Alderman of said Town, who shall be the Inspector of Election, and two other adult citizens of said Town who shall be appointed by the Town Council at a meeting thereof to be held prior to said election.



and who shall be Clerks of the election. Any vacancy in said Election Board shall be filled by the remaining members of said board, but if they shall not agree or if they fail to do so, then the voters present may proceed to elect some one of their number to fill such vacancy. The Election Board shall be judges of the election and shall decide upon the legality of the votes offered.

The Inspector shall receive the ballots and deposit them in a box prepared for that purpose and the assisting officers or clerks shall keep a list of the persons voting. Upon the close of the election, the votes shall be read and counted publicly, and the person or persons receiving the highest number of votes shall be elected. In case of a tie vote, the Election Board shall determine the tie by lot.

The Election Board shall enter in a book provided for that purpose a minute of each election containing the name of the person or persons elected, shall subscribe the same, and shall give to each person so elected a certificate of election with notice of the time and place of the next meeting of the Town Council. Said book containing such minutes shall be evidence in any court of law or equity. All ballots cast and the records of the election shall be preserved in the custody of the Election Board for a period of twenty days after the election.

(g) Every person desiring to be a candidate for the office of Councilman at said annual town election shall file with the Town Clerk or other clerk in charge, at the business office or headquarters of the Town Council, during the usual business hours and not later than five o'clock in the afternoon on the tenth day immediately preceding the day of said election, a written statement of such candidacy, signed by the candidate, and witnessed by two adult residents of the town. Any person whose candidacy has not been so filed shall not be deemed a candidate and his name shall not be entered on the ballot for said election.

(h) In case no candidate shall file for the office of Councilman that is to be filled at any annual town election, then the present incumbent of that office shall continue in office for the same term or period he would have served if he had been elected at said election. In case only one candidate shall file for any office of Councilman and there is no contest for any such office

to be filled at any annual election, then the Town Council need not proceed further to hold such public election, but in that case the Town Council shall merely cause the Town Clerk to make and deliver to each such sole candidate on the day such election would otherwise have been held, a certificate of election with notice of the time and place of the next meeting of the Town Council, and thereupon such candidate shall be deemed duly elected to the office for which he filed.

(i) Before entering upon the duties of his or their office, the newly elected Councilman or Councilmen, as the case may be, shall be first duly sworn or affirmed, by the Alderman of said Town, to perform the duties of the office of Councilman with fidelity.

(j) In case of any vacancy created in the office of Councilman, either by death, resignation, loss of residence in the Town of Ocean View, or otherwise, the Town Council shall fill such vacancy for the residue of the whole term; provided, however, if the unexpired portion of the term of the office which is vacant shall be for more than one year, then the Town Council shall appoint some suitable person to serve until the next annual town election, at which time there shall be elected a suitable person to fill the then unexpired portion of the term of said office.

Approved May 18, 1960.

## CHAPTER 268

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE", BEING CHAPTER 649, VOLUME 18, LAWS OF DELAWARE, AS AMENDED, RELATING TO JURISDICTION OF OFFENSES COMMITTED IN SAID TOWN.**

*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 3, Chapter 649, Volume 18, Laws of Delaware, is amended by inserting and adding to the second sentence appearing in the second paragraph of said Section 3, the further proviso as follows:

And further provided, that if at any time the Alderman shall not be available to hear and determine any alleged breach of the peace or other offense committed in said town, the same may be heard and determined by any Justice of the Peace resident in said town, or if there be none or if he is not available at the time, then the same may be heard and determined by the nearest Justice of the Peace outside of said town.

Approved May 18, 1960.

## CHAPTER 269

**AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF WILMINGTON TO ADOPT AN ORDINANCE MERGING THE WILMINGTON PLANNING COMMISSION AND WILMINGTON ZONING COMMISSION, AND THE FUNCTIONS OF THESE COMMISSIONS, INTO A SINGLE ENTITY TO BE KNOWN AS THE WILMINGTON COMMISSION ON ZONING AND PLANNING, AND ESTABLISHING MEMBERSHIP THEREOF.**

*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. The Mayor and Council of Wilmington may at any time by ordinance provide that the Wilmington Planning Commission, established pursuant to 22 Delaware Code § 701, and the Wilmington Zoning Commission, established pursuant to 22 Delaware Code § 306, shall be merged into and be a single commission or entity to be known as the Wilmington Commission on Zoning and Planning, and the powers and duties imposed by the terms of 22 Delaware Code § 701 and 22 Delaware Code § 306 shall be performed and carried out by the said Wilmington Commission on Zoning and Planning.

Section 2. The Wilmington Commission on Zoning and Planning shall have eight members and, upon its formation, such Commission shall consist of all the members who constituted the Wilmington Planning Commission and the Wilmington Zoning Commission at the time of the effective date of this law. These members shall serve out the terms of office for which they were appointed to their respective Commissions. As their respective terms expire, the Mayor, subject to confirmation by "The Council", shall appoint their successors for terms of four (4) years each.

Section 3. Members of the Wilmington Commission on Zoning and Planning may be removed for cause after a public hearing by the Mayor, with the approval of "The Council". A

vacancy occurring, otherwise than by expiration of term, shall be filled by appointment of the Mayor for the unexpired term in the same manner as an original appointment.

Section 4. Upon its formation and thereafter annually the Wilmington Commission on Zoning and Planning shall elect a Chairman and a Secretary from among its own number. It may employ such experts, clerical and other assistants as it may determine necessary, and the Commission shall appoint a custodian of its plan, reports and records.

Section 5. The Wilmington Commission on Zoning and Planning shall have the same functions, rights, powers, duties and liabilities as those now vested by statute and ordinance in the Wilmington Planning Commission and the Wilmington Zoning Commission, and all laws and ordinances relating to those commissions, not inconsistent herewith, including all laws and ordinances which specify the functions, rights, powers, duties and liabilities of the respective commissions, shall remain in full force and effect and shall be applicable to said Wilmington Commission on Zoning and Planning.

Approved May 18, 1960.

## CHAPTER 270

**AN ACT TO AMEND CHAPTER 27, TITLE 12 OF THE DELAWARE CODE, RELATING TO SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS BY PROVIDING A PROCEDURE WHERE THE REAL ESTATE IS IN MORE THAN ONE COUNTY.**

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

Section 1. Chapter 27, Title 12 of the Delaware Code is amended by adding to § 2701 a new subsection to be designated subsection (c), as follows:

(c) Where the decedent has real estate in more than one of the counties of this State the petition may be presented to the Orphans' Court of any of the counties wherein such real estate is located. The Court may, in such action, make an order in relation to any real estate of the decedent located within the State of Delaware. The Court shall order the part of the proceedings which relates to real estate in a county other than that where the petition is presented, to be certified and recorded in the Orphans' Court in that county; and the record shall have all the effect of an original record. The sale of any such real estate shall be conducted only in the county wherein such real estate is located.

Approved May 24, 1960.

## CHAPTER 271

**AN ACT TO AMEND CHAPTER 184 OF VOLUME 43, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE TOWN OF SEAFORD TO THE CITY OF SEAFORD", AS AMENDED BY CHAPTER 265 OF VOLUME 49, LAWS OF DELAWARE, BY GIVING AUTHORITY TO THE CITY COUNCIL OF SEAFORD TO INCREASE THE ANNUAL SERVICE CHARGES FOR THE USE OF THE MUNICIPAL SEWERS.**

*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. Chapter 184, Volume 43, Laws of Delaware, as amended by Chapter 265, Volume 49, Laws of Delaware, adding a new section entitled "Sewers and Sewer Service Charges" and designated as Section 27a is hereby further amended by striking out the words and figures "shall not exceed 30% of the amount charged" as the same appear therein and by substituting in lieu thereof the following words "shall not exceed twice the amount charged".

Approved May 24, 1960.

## CHAPTER 272

**AN ACT TO AMEND CHAPTER 184 OF VOLUME 43, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE TOWN OF SEAFORD TO THE CITY OF SEAFORD", AS AMENDED, BY GIVING AUTHORITY TO THE MAYOR TO APPOINT AN ASSISTANT ALDERMAN AND HIS POWERS AND 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. Section 15(G), Chapter 184, Volume 43, Laws of Delaware, as amended, is hereby amended by adding at the end of the first paragraph thereof the following:

The Mayor may also appoint some suitable person who shall be a qualified voter of the City of Seaford as Assistant Alderman, who may or may not be a Justice of the Peace, and who shall hold office for a term of one year or until his successor shall be appointed or chosen, subject, however, to removal according to the provisions of this Act. The Assistant Alderman shall perform the functions of Alderman in his absence and at such other times as may be designated by the Mayor. During such periods of time, the Assistant Alderman shall have the same powers and duties as the Alderman.

Approved May 24, 1960.



## CHAPTER 273

**AN ACT AUTHORIZING THE TRANSFER OF FUNDS IN  
THE BUDGET OF THE DELAWARE STATE DEVELOP-  
MENT DEPARTMENT.**

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

Section 1. The sum of \$7,217 which is the remainder of an appropriation made to the Delaware State Development Department on July 14, 1955, under authority of Chapter 430, Volume 50, Delaware Laws, for the purpose of preparing and publishing a State Information Booklet is hereby transferred to Delaware State Development Department, Operations Account, as set up by Chapter 57, Volume 52, Laws of Delaware, to be used for industrial advertising.

Approved May 24, 1960.

## CHAPTER 274

**AN ACT TO AMEND CHAPTER 322, VOLUME 51, LAWS OF  
DELAWARE RELATING TO THE USE OF THE OLD  
DETENTION HOME AS A TEMPORARY PLACE OF  
RESIDENCE FOR PERSONS ON PROBATION OR RE-  
LEASED FROM CORRECTIONAL INSTITUTIONS.**

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

Section 1. Section 2, Chapter 322, Volume 51, Laws of Delaware is hereby amended by striking out the word "three" as it appears in line nine thereof and by inserting in lieu thereof the word "six".

Approved May 24, 1960.

## CHAPTER 275

**AN ACT TO AMEND SECTIONS 6901 AND 6902, TITLE 16, DELAWARE CODE OF 1953 SO AS TO PERMIT AND AUTHORIZE THE SALE AND DISCHARGE OF CAPS OF A KIND AND EXPLOSIVE POWER AS HEREIN DEFINED AND AUTHORIZED.**

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

Section 1. That Section 6901 of Title 16, Delaware Code of 1953, be and the same is amended by adding a new paragraph to said Section to read as follows:

The term "fireworks", as used in this Chapter, shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any caps or tablets or other device containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times.

Section 2. That Section 6902 of Title 16, Delaware Code of 1953, be and the same is amended by striking the first sentence thereof and substituting a new first sentence in said Section to read as follows:

No person shall fire or discharge in or on or into any street, highway, alley or public place in the State, any rifle, gun, pistol,

revolver, cane, cannon or other appliance, whether projecting or exploding any bullet, cartridge, blank cartridge, cap (except a cap excluded from the provisions hereof under the definition set forth in § 6901 of this Title) or otherwise or any explosive substance or mixture of chlorates or nitrates.

Approved May 24, 1960.

## CHAPTER 276

**AN ACT TO AMEND CHAPTER 5 OF TITLE 28 OF THE  
DELAWARE CODE RELATING TO HARNESS RACING.**

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

Section 1. Subsections (a), (c) and (d) of Section 522 of Title 28 of the Delaware Code are amended to read as follows:

(a) The application for a license to conduct a harness horse race meet shall be filed with the Commission on or before the 31st day of December of the year preceding that for which the license is requested, but the Commission may, for a good cause, permit an application to be filed at a later date. The application shall specify the days on which harness horse racing is desired to be conducted, and shall be in such form and supply such data and information, including a blueprint of the track and specifications of its surface and blueprints and specifications of buildings and grandstand on the land where the meet is to be conducted, as the Commission prescribes; provided, however, that it shall not be necessary for the applicant to submit blueprints and specifications with the application if the race meet for which a license is requested is to be conducted at a track for which the Commission granted a license for the preceding year.

The blueprints and specifications shall be subject to the approval of the Commission, which, at the expense of the applicant, may order such engineering examination thereof as to the Commission seems necessary. The erection and construction of the track, grandstand and buildings of any applicant for a license to conduct harness horse racing under this chapter, shall be subject to the inspection of the Commission, which may order such engineering examination as the Commission deems necessary at the expense of the applicant, and may employ such inspectors as the Commission considers necessary for that purpose.

(c) The Commission shall, on or before the 15th day of January of each year, award all dates for harness horse racing in this State for the current year, but the dates so awarded,

subject to the provisions hereinafter stated, shall not exceed 40 days in the aggregate for any county. The dates available for award to New Castle County shall be used by the New Castle County licensee for racing in that county only. The dates available for award to Kent County and Sussex County may be used in whole or in part for racing in those counties or, with the prior approval of the Commission, the Kent County licensee or the Sussex County licensee may assign all or any of their respective dates to the New Castle County licensee for use in New Castle County. If the harness racing dates as applied for do not conflict with each other, the Commission shall award the dates applied for; but if the harness racing dates as applied for conflict with each other, then the racing dates awarded in any year for Kent County shall begin September 15th, or if that day falls on a Sunday, September 16th, and shall not conflict or overlap with the racing dates awarded to any other licensee.

(d) No more than two harness horse racing meets shall be held in any one county in any one year.

Section 2. Section 529 of Title 28 of the Delaware Code is amended to read as follows:

**§ 529. Licensee's annual financial statement**

Every licensee shall file with the Commission not later than four months after the close of its fiscal year a statement, duly certified by an independent public accountant, of its receipts from all sources whatsoever during the fiscal year and of all expenses and disbursements, itemized in the manner and form directed by the Commission, showing the net revenue from all sources derived by the licensee during the fiscal year covered by such statement.

Approved May 24, 1960.

## CHAPTER 277

**AN ACT TO AMEND TITLE 6, DELAWARE CODE ENTITLED  
"COMMERCE AND TRADE" RELATING TO LEGAL  
RATE OF INTEREST.**

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

Section 1. § 2301, Title 6, Delaware Code is hereby amended by repealing said section in its entirety and by inserting in lieu thereof a new § 2301 to read as follows:

**§ 2301.**

(a) The legal rate of interest for the loan or use of money, in all cases where no express contract has been made for a less rate, shall be six per cent per annum.

(b) If the rate of interest specifically set forth in any bond, note or other evidence of indebtedness, exclusive of other charges, fees or discounts authorized or permitted under Federal law or under any rule or regulation promulgated pursuant thereto, does not exceed the six per cent (6%) legal rate prescribed in this Section, no person shall, by way of defense or otherwise, avail himself of any of the provisions of this Chapter, to avoid or defeat the payment of any interest or any such charges, fees or discounts, which any such person shall have contracted to pay in respect of any loan insured by the Federal Housing Administration, or the Commissioner thereof, under or pursuant to the provisions of the National Housing Act, approved June 27, 1934, and amendments thereto, or guaranteed by the Veterans Administration, or the Administrator thereof, under and pursuant to Title 38 of the United States Code, and amendments thereto; nor shall anything contained in this Chapter be construed to prevent recovery of any such interest or any such charges, fees or discounts from any person who shall have contracted to pay the same.

Approved May 24, 1960.

## CHAPTER 278

**AN ACT TO REPEAL SECTION 8104, CHAPTER 81, TITLE 9, DELAWARE CODE, PERTAINING TO THE EXEMPTION OF INDUSTRIAL REALITY WITHIN THE LIMITS OF THE TOWN OF NEWPORT, OR ADJACENT THERETO, BETWEEN THE WILMINGTON AND NEWPORT TURNPIKE AND CHRISTIANA RIVER SO FAR AS THE ROAD LEADING TO AND THROUGH THE LAND KNOWN AS CONRAD'S MARSH, OR WITHIN THE LIMITS OF THE CITY OF DELAWARE CITY OR THE CITY OF NEW CASTLE, FROM ASSESSMENT OR TAXATION FOR STATE, COUNTY, OR MUNICIPAL PURPOSES.**

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

Section 1. § 8104, Chapter 81, Title 9, Delaware Code, be, and the same is hereby repealed in its entirety.

Approved May 24, 1960.



## CHAPTER 279

**AN ACT TO AMEND CHAPTER 383, VOLUME 50, LAWS OF DELAWARE, ENTITLED "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", RELATING TO THE PURPOSE FOR WHICH AN APPROPRIATION TO TRUSTEES OF HARTLY SCHOOL DISTRICT CAN BE USED.**

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

Section 1. Section 1 of Chapter 383, Volume 50, Laws of Delaware is amended by adding a new paragraph therein as follows:

Any funds remaining unexpended after the construction of a new two room addition to Hartly School shall be used for the purpose of aiding the construction of a new kitchen and for the purpose of maintenance and improvement of the school grounds to the Hartly School.

Approved May 24, 1960.

## CHAPTER 280

**AN ACT TO AMEND TITLE 21, DELAWARE CODE, ENTITLED "MOTOR VEHICLES", IN RESPECT TO SPECIFIC SPEED LIMITS.**

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

Section 1. Section 4126 (a), (1), subsection (D), Title 21, Delaware Code is amended to read as follows:

(D) 60 miles per hour under other conditions on four lane undivided roads and on dual highways.

Approved May 24, 1960.

## CHAPTER 281

**AN ACT TO AMEND TITLE 3, DELAWARE CODE, RELATING  
TO THE POWERS AND AUTHORITY OF THE STATE  
BOARD OF AGRICULTURE.**

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

Section 1. § 7101, Title 3, Delaware Code, is amended by striking out all of said § 7101 and inserting in lieu thereof the following:

**§ 7101. Duties and powers of Board of Agriculture**

The State Board of Agriculture shall protect the health of the domestic animals of the State, and determine and employ the most efficient and practical means for the detection, prevention, suppression, control or eradication of dangerous, contagious, or infectious diseases among the domestic animals, to include a blood test and injection test for the determination of the existence of any contagious or infectious disease. For these purposes it may establish, maintain, enforce and regulate such quarantine and other measures relating to the movement and care of animals and their products, the disinfection of suspected localities and articles and the destruction of animals, as it deems necessary, and may adopt from time to time all such regulations as are necessary and proper for carrying out the purposes of this Chapter and Chapter 73 of this Title. In the case of any contagious disease, the Board or its authorized agents may put under quarantine the entire herd containing the suspected or diseased animal or animals.

Section 2. § 7104, Title 3, Delaware Code is hereby amended by repealing said § 7104 thereof in its entirety and by enacting in lieu thereof a new § 7104 to read as follows:

§ 7104. The State Board of Agriculture or any member thereof, or any of their duly authorized agents, may after ten (10) days notice to the proper person or persons concerned enter any premises, farms, fields or pens, where any domestic animal

is at the time quartered, for the purpose of examining it in any way that is deemed necessary to determine whether they are or were the subjects of any contagious or infectious diseases.

For purposes of this section, it shall be the duty of the owner or custodian of any animals proposed to be examined, to adequately restrain and confine said animals in an area accessible to the examiner and so designated by him on the premises.

Approved May 24, 1960.

## CHAPTER 282

**AN ACT TO LEGALIZE AND VALIDATE THE ACTS DONE AND PROCEEDINGS TAKEN BY THE MAYOR AND COUNCIL OF THE TOWN OF MILTON AUTHORIZING THE ISSUANCE OF \$444,000 OF BONDS OF SAID TOWN TO FINANCE THE COST OF IMPROVING AND ENLARGING THE SEWAGE DISPOSAL SYSTEM OF SAID TOWN AND TO AUTHORIZE THE ISSUANCE OF SAID BONDS AND THE PLEDGING OF REVENUES DERIVED FROM SEWER SERVICE CHARGES AND TAXES AND ASSESSMENTS TO SECURE THEIR PAYMENT.**

WHEREAS, at a special election held in the Town of Milton on June 21, 1958, pursuant to Section 50 of Chapter 194 of Volume 45 of the Laws of Delaware, a majority of the votes cast were for the borrowing of the sum of \$444,000 by the issuance of bonds of said town of the aggregate principal amount of \$444,000, to finance the cost of improving and enlarging the sewage disposal system of the town as hereinafter set forth and, in order to effect a sale of such bonds upon advantageous terms, it will be necessary that the town enter into covenants or agreements with the purchaser of the bonds relative to the establishment of sewer service charges and frontage taxes or assessments and the pledging of revenues derived from such sources to the payment of the principal of and interest on the bonds and to the creation of reserves therefor; NOW, THEREFORE,

*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. All the acts done and proceedings taken by the Mayor and Council of the Town of Milton in and about the calling and holding of a special election held in said town on June 21, 1958, at which a majority of the votes cast were cast in favor of borrowing, as provided in a resolution adopted by the Mayor and Council on April 25, 1958, the sum of \$444,000 by the issuance of bonds of said town of the aggregate principal amount of \$444,000 bearing interest at a rate not exceeding five per centum per annum, to finance the cost of improving and enlarging the

sewage disposal system of the town by the construction of intercepting, sub-main and lateral sewers, manholes, house connections, pumping stations, force mains, a sewage treatment plant together with the equipment required therefor, and an outfall sewer, and by replacing with concrete or macadam the surface of streets affected by such improvements, and proposing that such bonds and the interest thereon shall be paid from sewer revenue receipts, including a front foot benefit charge, and a tax to be levied annually on all taxable property in said town, are hereby legalized and validated notwithstanding any defect, irregularity or omission in said acts and proceedings, and notwithstanding any lack of statutory authority therefor; and the Mayor and Council of said town is hereby authorized to issue said bonds pursuant to said acts and proceedings, and said bonds when issued shall be valid and binding obligations of said town.

Section 2. The Mayor and Council may, prior to the issuance of such bonds, adopt a resolution or resolutions, containing provisions which shall be a part of the contract with the holders of such bonds, as to (a) the rentals, fees and other charges to be prescribed and charged for services afforded by the town's sewage disposal system, and the amounts to be raised in each year thereby, and the use and disposition of the revenues thereby obtained; (b) the levy and collection of taxes or assessments, in the manner provided by law, for the purpose of paying the expense of constructing, reconstructing, extending, operating and maintaining the town's sewage disposal system, including the payment of principal of and interest on bonds issued to finance such system, upon parcels of land abutting or fronting on any public street within the town along which the town shall have constructed or maintains a sewer main capable of disposing sewage from the parcels of land abutting or fronting thereon, and the amount to be raised in each year thereby, and the use and disposition of the revenue thereby obtained; (c) pledging all or any part of such revenues to secure the payment of the bonds; (d) the setting aside of reserves or sinking funds and the use and disposition thereof; (e) limitations on the purpose to which the proceeds of the sale of such bonds may be applied and the manner of the expenditure of such proceeds; (f) limitations on the issuance of additional bonds and the terms upon which such additional bonds may be issued and secured; (g) vesting in a trustee or trustees such property, rights, powers and

duties in trust as the Mayor and Council may determine to be appropriate to secure the payment of such bonds and limiting or abrogating the rights, powers and duties of such trustee or trustees; (h) conferring upon the holders of the bonds or such trustee or trustees remedies for enforcing the rights of the holders of the bonds and requiring the town to carry out any agreement with the holders of the bonds; (i) the insurance to be carried on such sewage disposal system, and the use and disposition of insurance moneys; (j) limitations or restrictions as to the leasing or otherwise disposing of the sewage disposal system while any of the bonds or interest thereon remain outstanding and unpaid; (k) the continuous operation and maintenance of the sewage disposal system; and (l) any other matters, of like or different character, which in any way affect the security or protection of the bonds.

Section 3. The Mayor and Council of the Town of Milton shall have power to acquire by condemnation any lands, tenements, property or interest therein, whether within or without the limits of the Town, required for the improving and enlarging of the sewage disposal system of the Town. Any such condemnation may be made in the manner provided and in accordance with the procedure prescribed by Title 10 of Chapter 51 of the Delaware Code of 1953.

Section 4. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

Approved May 24, 1960.

## CHAPTER 283

## AN ACT TO REINCORPORATE THE TOWN OF NEWPORT.

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

## Section 1. INCORPORATION

The municipal corporation of the State of Delaware now known as "Commissioners of Newport" shall continue to be known by that name and the inhabitants thereof within the corporate limits as defined in Section 2 of this Act or subsequently altered by annexation procedures shall, under the name of "Commissioners of Newport", continue to be a municipal body politic in perpetuity.

## Section 2. BOUNDARIES

The boundaries of the Town of Newport are hereby established and declared to be as follows:

BEGINNING at a point at the low water mark of the Christiana River and the westerly side of Mary Street and thence northerly to the north side of the Philadelphia, Wilmington and Baltimore Railroad's right-of-way and thence westerly with the north side of the said right-of-way five hundred seventy-six feet to a point in the easterly side of a twenty-five foot wide lane, known as Krebs Lane and thence along said easterly side of said lane, about 550 feet to the southerly line of land of Elizabeth L. Ball, thence North 85 degrees 31 minutes East 122 feet to a point thence along another line of land of said Elizabeth L. Ball, North 3 degrees and 58 minutes West 122 feet to the southerly side of Market Street, also known as Newport-Christiana Turnpike, thence along southerly side of said Market Street approximately three hundred thirteen feet to a point, thence northerly seventy feet to the northerly side of Market Street at its intersection with the easterly line of land now owned by Clara Weingarten, thence North six degrees West five hundred ninety-five and nine-tenths feet to a stone, thence North twenty-four degrees and eighteen minutes West seven



hundred fifty and fifty-one hundredths feet to a stone in the southeasterly side of a sixty foot wide roadway belonging to Claud Banta and extending from the Newport Gap Turnpike to the plot of land known as Tuxedo Park and thence along said southeasterly side of said sixty-foot wide roadway easterly to the Newport Gap Turnpike approximately eight hundred ninety-nine feet and thence south along the said Newport Gap Turnpike two hundred ninety-three feet to the present boundaries of said Town of Newport and thence Easterly on a line parallel to and 760 feet Northerly from the Northerly side of Christian Street to the land formerly owned by Robert Lynam thence Southerly along the line of said Robert Lynam's land and the present boundary line of the Town of Newport to the northern side of St. James' Cemetery, thence Easterly along the Northerly side of said Cemetery to the intersection of the present limit of Town of Newport with the Westerly line of land of Frank A. Herpel, thence Southerly along the line of said land of Frank A. Herpel 382 feet to a corner to the land of St. James Cemetery, the Industrial Trust Company and Frank A. Herpel, thence Easterly along the line of land of Frank A. Herpel to a point in said line one hundred twenty-five feet Westerly from the Westerly side of Larch Avenue as laid out on the Plot of Newport Heights and thence Southerly on a line parallel to and one hundred twenty-five feet distant from the Westerly side of said Larch Avenue, approximately five hundred fifty-six feet to the southerly side of Ayre Street as laid out on the Plot of Newport Heights and thence westerly along the southerly side of said Ayre Street approximately fifty feet to the westerly side of Lot 87 as shown on the Plot of Newport Heights and thence southerly along said westerly side of said lot eighty-seven feet to the northerly side of the right-of-way of the Philadelphia, Wilmington and Baltimore Railroad and thence westerly with the north side of said right-of-way approximately five hundred sixteen feet to the present boundaries of the Town of Newport and thence along said boundary and limits of the said Town of Newport to the Christiana River, low water mark, thence with low water of said river to the place of Beginning.

The Commissioners of the Town of Newport may at any time hereafter cause a survey and plot to be made of said Town and the said plot, when made and approved by the Commissioners,

shall be recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware, and the same or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State.

### Section 3. ANNEXATION

The said Corporation shall have the power to annex any additional contiguous territory when a majority of the qualified voters and real estate owners in such contiguous territory have by a special election held for that purpose voted in favor of being included within the limits of the Town of Newport and the said majority of voters and real estate owners have presented a petition seeking to have the territory annexed to the Town of Newport.

Before any additional territory shall be annexed to the Town the Commissioners of Newport shall pass a resolution accurately describing and defining the territory proposed to be annexed and notice of the petition for annexation shall be posted in at least four public places in the Town. After the expiration of 14 days from the posting of the said notices and within 35 days after the posting of the said notices the Commissioners of Newport may, by ordinance, two-thirds of all the Commissioners concurring therein, annex to the Town the territory described and defined in said resolution, and such territory shall become a part of the Town of Newport.

### Section 4. STRUCTURE OF GOVERNMENT

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Commissioners of Newport, five in number, whose presiding officer shall be called "Mayor".

### Section 5. ELECTIONS

An election shall be held in the Town of Newport for an Alderman, Town Commissioners, Treasurer and Assessor on the second Monday in January 1960, and annually thereafter, from two o'clock until seven o'clock in the afternoon, and at such

place as shall be determined and fixed by the Town Commissioners. At least ten days previous to such election, due notice thereof and of the time and place thereof shall be given by said Town Commissioners. At all such elections the votes shall be received by three qualified voters of said Town appointed by the Commissioners at any regular or special meeting of said Commissioners, held in the month of December, preceding said election. Said persons so appointed shall be known as Judges of Election, and the result of the balloting for said Officer of said Town shall be ascertained by the said Judges of Election. The persons who shall conduct such election as provided in this Act shall be the Judges thereof, and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted, and the persons having the highest number of votes for Alderman, Assessor or Treasurer shall be declared elected.

The three candidates for Commissioner having the highest number of votes for such office shall be declared elected, the highest and next highest thereof for a two-year-term, and the third highest thereof for a one-year-term. In case of a tie of any of the persons voted for, the election shall be determined by lot, that is, the names of the persons having a tie vote shall be written on identical slips and concealed from the person who shall draw the same, and one of the said Judges of Election shall draw one of said slips, and the person whose name appears on said slip shall be the person elected. Immediately after such election, said Judges of Election shall enter in a book to be provided for the purpose, a minute of such election, containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each, and they shall subscribe to the same and deliver said book to said Commissioners at their organization meeting. They shall also give to the persons so elected certificates of their election. The book containing such minutes shall be preserved by the Commissioners and shall be evidence in all Courts in this State or elsewhere. In case of the absence, inability or failure of any of said Judges of Election to serve and perform his duties, as required by this Act, then and in such case it shall be the duty of the Commissioners of Newport, or a majority of them without formal meeting, to select an additional Judge of Election and who shall possess the same

qualifications of the other Judges of Election and who shall perform the duties herein required in connection with the conduct of said election.

### Section 6. BALLOTS

Immediately after the expiration of the time for filing names of candidates, the said Town Commissioners shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for; for instance, "Vote for One", or "Vote for Two", or as many as the voters shall be entitled to vote for in any particular case. The voters shall designate their choice of candidates to be voted for for each particular office, at such election, by drawing a line through the names of all persons who are candidates for each particular office, except those candidates in each group desired to be voted for; provided, however, that no elector at any such election shall be allowed to vote for more candidates for any particular office (but may vote for less) than the number to be elected at such election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. The form of ballot shall be substantially as follows:

#### OFFICIAL BALLOT

Candidates for Election to Elective Offices in the Town  
of Newport

#### FOR ALDERMAN

.....  
.....  
.....

(Vote for One)

#### FOR COMMISSIONERS

.....  
.....  
.....

(Vote for Three)

**FOR TREASURER**

.....  
.....  
.....

(Vote for One)

**FOR ASSESSOR**

.....  
.....  
.....

(Vote for One)

The method of voting shall be by striking out the names of those not voted for, so that the eligible number of candidates for any particular office shall remain on the ballot.

**Section 7. VOTER QUALIFICATIONS**

Every person domiciled in the Town of Newport who shall have reached the age of twenty-one years, who is a citizen of the United States, who has been domiciled in the State of Delaware for one year and in the Town of Newport for at least three months next preceding the day of the election, who is a non-delinquent taxpayer and whose name is recorded in the registration book of the Town of Newport shall be entitled to vote at the annual municipal elections, special elections and referenda, except as otherwise provided in this Charter.

**Section 8. REGISTRATION OF VOTERS**

The Commissioners shall by ordinance provide for the registration of voters, including those voters owning real property within the Town of Newport who reside outside the Town and may prescribe registration and voting places, provided there shall be at least two registration days per year, the last one not more than thirty (30) days prior to any election or referendum. The hours of registration shall be as provided by ordinance. The ordinance may provide for permanent registration lists.

## Section 9. QUALIFICATIONS FOR OFFICE

### (a) Commissioners

No person shall be eligible to hold office as a Commissioner except persons who at the time of filing as a candidate have been residents of the Town for a period of one year immediately preceding the date of filing, is a citizen of the United States, has attained the age of twenty-one years, is a non-delinquent taxpayer and has owned real property in the Town of Newport for at least one year immediately prior to the date of filing as a candidate.

### (b) Treasurer, Alderman and Assessor.

No person shall be eligible to hold office as Treasurer, Alderman or Assessor except persons who at the time of filing as a candidate have been residents of the Town for a period of one year immediately preceding the date of filing, is a citizen of the United States, has attained the age of twenty-one years and is a non-delinquent taxpayer.

## Section 10. FILING FOR OFFICE

No person shall be voted upon as a candidate for the offices of Commissioners, Treasurer, Alderman or Assessor unless at least thirty (30) days before the date set for the election of said officers he shall have filed with the Secretary or Mayor of the Commissioners of Newport a letter or other certificate setting forth that he will be a candidate for a certain designated office. The Commissioners of Newport shall not permit the name of any such candidate to be filed except such candidate as shall meet the requirements of Section 9 of this Charter.

## Section 11. ORGANIZATION MEETING

An organization meeting of the Commissioners of Newport shall be held within one day following the annual election of officers. At the organization meeting the Commissioners elected shall select one of the Commissioners as the presiding officer of the Commissioners of Newport for the term of one year. If the

Commissioners are unable to select one of their number as a presiding officer then such officer shall be chosen for the Commissioners by lot by the Commissioners. The presiding officer shall be called the "Mayor".

#### Section 12. MEETINGS OF COMMISSIONERS

In addition to the Organization Meeting there shall be twelve stated meetings of the said Commissioners in every year, viz: On the first Thursday of every month and special meetings upon two days' notice at such times as the same shall be called by any three of the Commissioners. All meetings except Organization Meetings shall be open to attendance by the public.

#### Section 13. COMPENSATION

Each Commissioner shall receive a minimum annual salary of one hundred dollars (\$100) to be paid yearly during the month of December. The Commissioners may elect to pay additional compensation to themselves but such additional compensation shall not exceed one hundred dollars (\$100) to any Commissioner in any one year. The Commissioner elected Mayor shall receive a minimum annual salary of one hundred and fifty dollars (\$150) to be paid yearly during the month of December.

The Treasurer shall receive a minimum annual salary of one hundred dollars (\$100), the Assessors shall receive a minimum annual salary of two hundred dollars (\$200), and the Alderman shall receive a minimum annual salary of twenty-five dollars (\$25). The above mentioned salaries to be paid yearly during the month of December. The Commissioners shall fix the compensation to be received by the Secretary and Collector of Taxes for their services in office.

Monies received from the Town by Commissioners as compensation for services and duties performed in capacities other than as Commissioner shall not be included in computing the minimum and maximum annual salary of a Commissioner.

#### Section 14. PROCEDURE

The Commissioners shall determine their own rules of procedure and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection.

Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have the affirmative vote of a majority of the Commissioners. Vote on any ordinance shall be by voice vote and how each Commissioner voted on any ordinance shall be entered on the record.

#### Section 15. VACANCIES IN OFFICE

##### (a) Temporary Absence or Inability to Act

In case of the temporary absence or inability to act of the Mayor, the Commissioners shall appoint a President pro tempore from among themselves to act in such temporary absence or inability of the Mayor. The President pro tempore when lawfully acting as Mayor shall have all the powers conferred upon the Mayor by this Charter. The compensation of the President pro tempore, not to exceed two hundred and fifty dollars (\$250) in any one year, shall be fixed by the Commissioners.

In case of the temporary absence or inability to act of the Secretary, Alderman, Treasurer, Assessors or a Commissioner, the majority of the Commissioners may appoint an officer pro tempore to act in any such temporary absence or inability.

##### (b) Permanent Vacancies

If, by death, resignation or otherwise, any vacancy shall occur in the office of Mayor, Commissioner, Alderman, Treasurer, Assessor, or Secretary, a majority of the Commissioners are hereby authorized to fill said vacancies at the next regular meeting or at a special meeting for the unexpired term of said office or offices.

#### Section 16. MAYOR

It shall be the duty of the Mayor to preside at all meetings of the Commissioners and he shall have a vote therein and in case of his absence a President pro tempore shall be appointed in his place. He shall execute on behalf of the Town when authorized by a majority of the Commissioners all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. He shall have the power to appoint the other four



Commissioners to be in charge of any departments or divisions of the Town Government created by the Commissioners. At least one Commissioner must be appointed to each department or division created by the Commissioners. The Mayor shall also have the power to appoint the Secretary of the Town. It shall be the duty of the Mayor to see that the laws and ordinances of the said Town are faithfully executed and the Mayor shall perform all duties imposed upon him by this Charter. The Mayor shall also have the power to administer oath and affirmation.

#### Section 17. SECRETARY

It shall be the duty of the Secretary to record all the proceedings of the Commissioners and keep a correct journal of the same in a book or books provided for that purpose, said journal must show all bills approved by the Commissioners, the amount of said bills and to whom payable. The Secretary shall file and keep in a safe place the Seal of the Town; and deliver the same to his successor in office. The Secretary shall attest the Seal of the Town when authorized by the Commissioners and shall perform such duties and such other powers as may be prescribed by the Commissioners. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of the Commissioners. The Secretary may be a Commissioner.

#### Section 18. TREASURER

##### (a) Duties

It shall be the duty of the Treasurer to deposit all moneys in his possession belonging to said Town, in the name of the Town of Newport, in a bank selected by the Commissioners; the said Treasurer shall be the custodian of all moneys belonging to said Town and shall pay out of any moneys in his possession belonging to the said Town all bills approved in writing by the Commissioners or a majority of them and presented to him for payment, and take a receipt for the same to be preserved and delivered to his successor in office; he shall settle his accounts with the said Commissioners annually in the month of December and at such other times as the said Commissioners may require. The Treasurer shall attend all meetings of the Commissioners. The Treasurer may be a Commissioner.

(b) Audit of Accounts

The Commissioners are hereby required to appoint one or more suitable and capable persons to audit the account of the Treasurer annually in the month of December and at such other times as said Commissioners may deem advisable. It shall be the duty of the said auditor or auditors to make and post in at least three public places in the Town of Newport a statement showing all receipts and disbursements and balance remaining in the hands of the Treasurer.

(c) Bond of Treasurer

The Treasurer before entering upon the duties of his office shall give bond to the "Commissioners of Newport", with sufficient surety, to be approved by the Commissioners in penal sum equal to the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of said office, and for the delivery to his successors in office all books, papers, etc., relating to said Treasurer and all sums of money belonging to the Town which are in his hands upon the termination of his office and the settlement of his final account; to which said bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty. The cost of said bond shall be paid out of the money of the Town of Newport.

(d) Failure to Give Bond

If the Treasurer shall fail to bond as required by this section, he shall thereby forfeit his office and the same shall become vacant; in case such vacancy occurs the Commissioners are authorized to appoint a Treasurer to serve for the unexpired term.

Section 19. COLLECTOR OF TAXES

The Commissioners shall elect some suitable person Tax Collector for the Town; and after having ascertained the sum necessary to be raised on the said Town for the purposes of this Act, and having apportioned the same on the assessment and valuation aforesaid, shall, yearly, on or before the fifteenth day

of May, furnish the Tax Collector of said Town with a list containing the names of the taxables, as well as the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax levied on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the Commissioners or a majority of them.

The Tax Collector, on the fifteenth day of May, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collectors of the county rates and levies. All taxes shall be due and payable on the fifteenth day of May of the year during which said taxes are levied. A discount of five per centum may be allowed on all taxes paid on or before the last day of June; five per centum shall be added to all taxes paid after the last day of August. No legal proceedings shall be instituted for the collection of taxes until after the last day of August of the year during which said taxes are levied, provided, that if any person or persons shall remove from said Town his or their taxes shall become due and collectable by law.

The said Tax Collector shall also before entering upon his duties give bond to the "Commissioners of Newport", with sufficient surety, to be approved by the Commissioners of said Town in the penal sum equal to the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of his office; to which said bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty. The cost of said bond shall be paid out of money belonging to said Town.

The said Tax Collector shall render an account, and pay unto the Town Treasurer all money in his hands, on the first Monday of every month and upon the expiration of his term of office and at such other time or times as the Commissioners, or a majority of them, shall require. He shall have all the power conferred upon or vested in the Receiver of Taxes and the County Treasurer for New Castle County.

The citizens of the Town of Newport are hereby exempted from the payment of all Hundred and Road Taxes. The compensation of the Tax Collector shall be fixed by the Commissioners.

#### Section 20. ALDERMAN

The Alderman is hereby constituted a conservator of the peace within said Town and is authorized and empowered to exercise within said Town all the authority which a Justice of the Peace may exercise under the laws of the State; with all the powers of the Justice of the Peace to take recognizance, to arrest, hold for bail, or fine and imprison offenders in such amounts and/or for such terms as are set out by the laws of the State; provided that in the case of a violation of an ordinance he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days a person who is in default in the payment of a fine imposed for the violation of a Town ordinance. Provided further that he shall have no jurisdiction in any civil matter other than to carry out the provisions of this Act.

He shall have jurisdiction and authority over all neglects, omissions or defaults of the Town police, Assessor, Collector of Taxes, Treasurer or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to the said Town or to execute or obey any law or ordinance thereof.

The fees of said Alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Alderman to keep a book of record, or docket, to be called the "Alderman's Docket of Newport", to be provided by the Commissioners, in which all his official acts shall be entered, and he shall, upon expiration of his term of office, deliver over to his successor all the books and papers pertaining to his office within ten days after the election and qualification of his successor and shall pay over to the Treasurer of the Town all moneys in his hand belonging to the Town within five days after the expiration of this term; upon his neglect or failure to deliver to his successor in office within

the time aforesaid all the books and papers belonging to his office or upon neglect or failure to pay over to the Treasurer of the Town within the time aforesaid all moneys belonging to the Town, he shall be deemed guilty of a misdemeanor and upon conviction thereon shall be fined not less than one hundred dollars ( \$100) or more than five hundred dollars (\$500).

All fines collected by the Alderman belong to the Town and its use. The Alderman at every regular meeting of the Commissioners shall report to it all fines and penalties imposed by him since the Commissioners last meeting and pay to the Treasurer of the Town all such fines and penalties received by him during the said time and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100).

Prosecution by the Alderman shall be by information without indictment by a Grand Jury or trial by Petit Jury. Processes issued by the Alderman may be directed to any county constable, the Sheriff of any county or any member of the Town Police force who shall execute the same in like manner and be subject to the same penalties as in other cases.

## Section 21. POLICE

The Commissioner who is appointed by the Mayor to be in charge of the Police Department shall be known as "Commissioner of Police". The Commissioner of Police shall have the power to appoint or employ a police force consisting of the Commissioner and such number of subordinates as he may deem wise. Subject to the approval of a majority of the Commissioners, the Commissioner of Police shall from time to time make rules and regulations as may be necessary for the organization, government, payment and control of the police force. He shall have the power to remove any member from the police force.

Each member of the police force, including the Commissioner of Police, shall be vested within the Town limits with all the power and authority of a constable of New Castle County and

may carry fire arms and in the case of pursuit of any offender their power and authority is extended to any part of the State of Delaware. They may arrest with or without warrant any violators of the laws or ordinances of the Town when they have observed such violation and have pursued the violators beyond the limits of the Town and they may bring them back into said Town for trial, or take them before any Justice of the Peace that such offenders may be dealt with according to law. In any case of necessity, members of the police force may command the aid of any citizen or citizens. The Commissioner of Police may appoint special members of the police force with the same powers and duties as regular members of the police force.

## Section 22. BOARD OF HEALTH

The Commissioners at their first regular meeting following the annual election may appoint a Board of Health consisting of five members, one of whom shall be a Commissioner and one of whom shall be a practicing physician. The Board shall serve until the first regular meeting of the Commissioners, after the annual election in the following year. The said Board of Health shall take cognizance of the interest of health among the people of the Town and shall report to the Commissioners in writing whatever in its judgment is injurious to health. The said Board shall have all powers now or hereafter vested by the laws of this State in Boards of Health generally and also such additional powers as may be conferred by ordinance adopted by the Commissioners.

The members of said Board shall organize by the election of a President and a Secretary within fourteen days after notice of their appointment and said Board shall keep a record of its proceedings.

## Section 23. ASSESSOR

The Assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed before one of the Commissioners or a Justice of the Peace to diligently, faithfully and impartially perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath

or affirmation, in the record book of the Commisisoners containing the certificate of the election of the Alderman, Commissioners and Assessor. The compensation of the Assessor shall be fixed by the Commissioners.

#### Section 24. ASSESSMENT PROCEDURE

The Assessor of the Town shall, annually, in the month of March, make a true, just and impartial valuation or assessment of the real estate within said Town, said assessment shall be made personally by the Assessor, and after a view of the premises, an assessment of all the citizens residing in said Town above the age of twenty-one years and including those not owning real estate within its limits and the said Assessor shall forthwith after making such assessment and deliver to the Commissioners a duplicate containing the name of all the persons assessed and the amount of their assessments, distinguishing the real and personal assessments of each. The Commissioners shall assess the real estate and person of the Assessors. The Commissioners shall, between the first and fifteenth days of April, cause a full and complete transcript of said duplicate to be posted in a public place in said Town, there to remain for the space of twenty days thereafter for public inspection, and said Commissioners shall on the Wednesday next after the expiration of the said twenty days hold a court of appeals, which shall continue open from six o'clock P. M. until ten o'clock P. M. of the said day, when they shall hear and determine appeals from said assessments. Notice of the posting of the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said Town. The decision of the Commissioners upon any appeals shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the other Commissioners.

After the valuation and assessment shall be examined and adjusted by the said Commissioners, all taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed in just and equal proportions and rates.

## Section 25. POWERS OF THE TOWN

The Town of Newport shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The Town of Newport shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by the enactment of this Charter. The Town of Newport, as a body politic and corporate, shall succeed to own or possess all property whether real, personal or mixed, and all the rights, privileges, franchises, powers and immunities now belonging to, possessed by, or enjoyed by the former corporation known as "The Commissioners of Newport".

The Town of Newport may have and use a corporate seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise, lease or condemnation, for the purpose of providing sites for public buildings, parks, sewer systems, sewage treatment plants, water systems, water plants, gas or electric systems, or other municipal purposes, and may sell, lease, mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware or restricted by this Charter, the Town of Newport shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of Newport shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town, whether express or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Commissioners.



## Section 26. POWERS OF THE COMMISSIONERS

The Commissioners shall constitute the legislative body of the Town of Newport and together shall be designated as the Commissioners.

The Commissioners shall have power to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the Town, which power shall extend to the area outside the Town limits and within one mile from said limits.

The Commissioners may also pass ordinances to ascertain and fix boundaries of streets, squares, lanes and alleys; or repair and amend the same, and provide for the paving thereof, or to alter, extend, or widen any street, square, lane, or alley, or open and lay out new ones subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes, and alleys; to fix the building lines upon the same; to direct the paving of foot ways and to prescribe the widths thereof, to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors, and other inlets to yards and buildings; to provide police and the lighting of streets at the expense of the Town, and generally to prescribe and regulate the use of the streets, lanes and alleys of the Town and to have and exercise control over the same; subject to the provisions in that behalf hereinafter contained.

The Commissioners shall have the power to prescribe rules and regulations directed toward the prevention of fires and explosions, to adopt municipal zoning regulations; to adopt traffic regulations; to regulate itinerant peddlers and canvassers within the Town; to regulate signs and bill boards and to provide for permits for the erection and maintenance thereof.

The Commissioners shall have the power to provide for the regulation of auctions and auctioneers, also to regulate public amusements, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the heights, thickness of walls, and materials of buildings and the mode of erecting the same within said

Town; and for providing for and securing the safety of the inmates thereof, and make provisions for the enforcement of such regulations.

The Commissioners shall have the power to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets and sidewalks within the Town of Newport, and fix the license fee thereof and to license the conduct of business generally within the Town and fix license fee for same and to make all necessary rules and regulations and provide necessary penalties for the enforcement of such ordinances and the collection of such license fees, provided, however, that no license fee shall exceed \$50.00 per year and in its discretion to provide for the payment of the expenses thereof; to provide for the measuring or weighing of coal, lime, grain, or other matter sold in the said Town.

The Commissioners shall have the power to lay and collect fines on the owners of any horse, cow, dog, or other animal which may be found at large in any of the streets, squares, lanes or alleys aforesaid, and in general shall have power to do all those matters and things for the well-being of the said Town, which shall not be in contravention of any existing laws of this State or the Constitution thereof.

The Commissioners shall not have power to exempt any individual from the operation of any general ordinance or municipal regulation. The Commissioners shall have power to require all persons owning or keeping any male or female dog or dogs within the limits of the said Town to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have power to fix the time and manner of registering the amount of the annual fee thereof, and the penalty for not registering by ordinance.

The Commissioners shall have the power to create a Community Welfare Fund and to pay into said Fund from Town income from time to time sums of money not to exceed two per centum (2%) in any one year of the gross amount of money collected by the Town for taxes in that year. The proceeds of the Community Welfare Fund may be used by the Town for

community projects or donated to worthwhile organizations in the Town that provide community services or protection to the Town and its citizens. Any donation by the Town from the Community Welfare Fund to an organization must be first approved by a majority of the Commissioners.

The Commissioners shall have all other powers requisite to and appropriate for the government of the Town of Newport, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well-being of its population, and for the protection and preservation of public and private property.

#### Section 27. THE TOWN MAY ENGAGE IN BUSINESS

The Town of Newport shall have the right and power to acquire, own and maintain, within or without the corporate limits of such Town, all real estate for municipal purposes for sites and rights-of-way for public buildings, parks, sewer systems, sewage treatment, water systems, water plants or other municipal and general welfare purposes and for the location, erection and maintenance thereon of public facilities for the uses aforesaid.

In any case where the Commissioners may deem it to be to the best interests of the people of the Town of Newport to acquire the properties of any privately owned sewer system, sewage treatment plants, water systems, water plants or utilities within the present or future boundaries of the Town, the question shall be submitted to a vote of the freeholders of the Town of Newport. The Commissioners may at any time call a special election for such purposes upon thirty days' notice. In acquiring said utility property, the Town of Newport shall respect the franchise rights of the owners and shall in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility property by municipalities. The Commissioners shall be authorized to negotiate the aforementioned purchase only upon the approval of a majority of the freeholders of the Town of Newport.

### Section 28. POWER OF TOWN OVER STREETS

The several posts and mark stones now set and fixed or which may hereafter be established in the middle of the streets of said Town of Newport, as well as all such other posts and mark stones as shall from time to time be set and fixed in the earth by the Town of Newport shall in all cases and in all courts of law within the State be deemed, taken and allowed as land marks. The said Town of Newport by itself or by its servants or agents shall have the right to enter upon any land within the limits of the Town and thereon set and fix such posts and mark stones as in the judgment of the Commissioners are necessary; and if any person shall wilfully tamper with or remove any of said posts or mark stones such person shall, for each such offense, forfeit and pay a fine of one hundred dollars; and the Town of Newport may reward the informer of such offense by allowing him a portion of said penalty not exceeding one-half thereof.

The Commissioners shall have the power and authority to lay out, locate and open new streets and to widen or to alter existing streets or parts thereof, whenever they shall deem it for the best interests of the Town. The procedure shall be as follows:

The Commissioners shall, by a majority vote, adopt a resolution for the opening of a new street, or the widening or altering of a street, or the vacating or abandoning of a street, or any part thereof, as the case may be, the resolution giving a general description of the street to be opened, widened, altered, vacated or abandoned. The resolution shall also state the day, hour and place where and when the Commissioners will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five (5) or more public places in the Town at least five (5) days before said day. A copy of such resolution shall be sent to all persons who would be deprived of property in consequence thereof, and to all person or persons having or claiming any interest or lien therein, at least five (5) days before the day fixed for the hearing, by personal service or by registered mail addressed to their last known post office address. At the time and place fixed in said resolution, said

Commisisoners shall hear such residents of the Town, or owners of the property affected, as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem for the best interests of the Town, the opening of a new street or the widening, altering, vacating or abandoning of an existing street, or part thereof, as the case may be, as contemplated in their prior resolution. In case the determination of the Commissioners shall be to proceed with the plan contemplated by said first resolution, they shall also award just and reasonable compensation to any who will be deprived of property in consequence thereof.

Such compensation as may be awarded shall be paid by the Treasurer of the Town on a warrant drawn on him by the authority of the Commissioners. Any land owner, or person having or claiming any interest or lien therein, who may be dissatisfied with the compensation awarded by the Comissioners, may, within five (5) days after notice of the award of the Commisisoners, appeal therefrom by serving written notice to that effect on the Mayor. In order to prosecute said appeal, such appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal, apply to the Resident Judge of the Superior Court of the State, in New Castle County, for the appointment of the freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge shall issue a commission under his hand, directed to five (5) impartial freeholders of the County, two of whom shall be residents of the Town of Newport, commanding them to determine and fix the damages which the appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantages which will inure to the appellant, and to make return of their findings to the said Judge at the time therein appointed. The freeholders shall give notice of the day, hour and place when and where they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or sent by registered mail to his last known address, and if not served personally by posting a copy on the premises affected at least fifteen (15) days before the day when the freeholders are to view the premises, and a copy of such notice

should also be served on the Mayor at least fifteen (15) days before the day of such meeting. The freeholders named in such commission, being first sworn or affirmed on the day and at the hour and place stated in the notice shall view the premises and hear the witnesses, and shall without delay, determine and fix the damages, if any, which said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon the said freeholders shall make return in writing of their proceedings to the said Resident Judge, who shall cause a copy of said return to be delivered to the Mayor, and such return shall be final and conclusive. The said Judge shall have the power to fill any vacancies among the freeholders. On application within twenty (20) days after the award the said Judge may set aside a grossly improper award and appoint a new Commission. The amount of damages being ascertained, the Town may pay or tender the same to the person entitled thereto within one (1) month after the same shall be finally ascertained, or may deposit the same in any Bank in the Town to the credit of the person entitled thereto, within the said period of one (1) month and thereupon the Town may carry into effect the plan contemplated in the resolution aforesaid. The return of freeholders shall be filed in the Office of the Prothonotary of New Castle County.

In the ascertainment and assessment of damages by the freeholders, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the Town of Newport, but if said damages shall not be increased, the said costs shall be paid by the appellant. The fees to the freeholders shall be five dollars (\$5.00) per day to each, which shall be taxes as a part of the costs.

#### Section 29. SEWER AND WATER MAIN IMPROVEMENTS

The Commissioners shall have the entire jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of said Town, and may pass ordinances for the construction of water mains and the opening of gutters, drains and sewers within the limits thereof. And may pass ordinances for

the regulating and maintaining, cleansing and keeping the same and the natural water courses, runs and rivulets within the said limits open, clean and unobstructed; and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same way and under the same rules and procedure as hereinbefore provided in case of streets, etc., and by general regulations prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, and kept open and unobstructed, and the expense thereof may in its discretion be assessed upon the property particularly benefited thereby, except such real estate as it exempt from municipal assessment and taxation by virtue of any law of the State of Delaware, and prescribe the mode of collection thereof; provided, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Whenever the Commissioners of the Town of Newport shall determine either on petition by a majority in numbers or in interest of the property holders abutting a proposed sanitary sewer construction, improvement, alteration, or repair or on its own initiative, that such construction, improvement, alteration, or repair of sanitary sewers is required, it shall order the City Engineer to proceed in accordance with law to undertake work and surveys necessary to make a report estimating cost and apportioning assessments. The Commissioners shall then proceed as hereinbefore described for street improvements. The Commissioners may perform such construction, improvement, alteration, or repair by contract or municipal agency. Provided, that assessment for the construction, improvement, alteration, repair and operation of sanitary sewers may be made upon the property abutting upon that portion of the street in which any sanitary sewer may be constructed under the provisions of this Charter, and shall be based upon the lineal feet of such property abutting on such street, each such lineal foot being assessed alike. In the case of property situated at the corner of two such streets or otherwise so situated as to be assessed for the cost of building a sanitary sewer in one of such streets, only the front of such property shall be liable for such assessments. The Commissioners on individual appeals according to rules established by them, shall in all cases decide what

portion of the corner property shall be considered frontage and what portion side frontage. Provided that in all corner properties the side frontage shall not exceed one hundred and twenty-five (125) feet and side frontage thus determined shall be exempt from the payment of any sanitary sewer assessment, unless the owner thereof should, after the side frontage is fixed as aforesaid, decide to make such side frontage the front of said property, in which case the owner shall pay such additional assessment as the Commissioners may determine. No property shall be assessed for the cost of constructing the sanitary sewer and connecting the same with the disposal plant, unless such property shall abut and be bounded by that portion of the street in which a sanitary sewer has been built, or unless such property has the right of access to such street or desires to use such sanitary sewer and the sanitary sewer is constructed upon the street upon which the property abuts, in either of which case such property shall be liable for the same assessment as though a sanitary sewer was constructed in the portion of the street on which such property abuts, and the property shall not be liable for any further assessment for sanitary sewer purposes. Where any such assessments shall be made upon any land for the cost of constructing a sanitary sewer and connecting it with the disposal plant, the Commissioners shall have the right to compel the owner to connect any building or structure erected as may be prescribed by the Commissioners from time to time. The word street shall be deemed and held to comprehend and include highways, lanes and alleys.

### Section 30. SIDEWALKS

Whenever the Town of Newport shall have determined that any paving, graveling or guttering of the sidewalks or any or either or all of them, shall be done it shall notify the owner or owners of land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of said owner or owners, to cause such paving, graveling or guttering to be done in conformity with said notice. In the event of any owner, neglecting to comply with said notice for the space of thirty days, the Commissioners may proceed to have the same done, and when done the Treasurer of the Town of Newport shall as soon as convenient



thereafter present to the said owner or owners of such lands, a bill showing the expense of paving, graveling or guttering. If such owner or owners be not resident in the Town of Newport, such bill may be presented to the occupier or tenant of said land with a copy of said bill to be mailed to the owner or owners at his or their last known address or if there is no occupier or tenant resident in the Town of Newport such bill may be sent by mail to such owner or owners at his or their last known address. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of the Commissioners to issue an order in the name of "Town of Newport" under the hand of the Mayor, and the seal of the said corporation, directed to the Treasurer of the Town of Newport, commanding him to proceed to collect said delinquent assessment as levied in accordance with the authority granted under Section 37 "Collection of Taxes and Special Assessments" of this Act. The claim for paving, graveling or guttering shall be a lien on the premises in front of which the said work was done, and shall have the same priority and be collectible in the same manner as municipal property taxes.

If any new paving is ordered by the Commissioners as aforesaid, in front of lot or lots held or owned by a widow or widows as and for her or their dower, such expense incurred as aforesaid shall be paid by the owner or owners of the reversion in the fee simple. All subsequent repairs named in this Act are to be kept up at the expense of such tenant in dower.

Any notice required by this section to one co-owner, shall be notice to all; and in case no owner shall reside in the Town, notice may be served upon the occupier or tenant of said premises resident in the Town, and if there be no such occupier or tenant, it shall be sufficient to send said notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her residence.

The provisions hereinbefore contained in this section, shall apply to any order made by the Commissioners in respect to any such paving, graveling or guttering heretofore done, which the Commissioners may deem insufficient or to need repairing. The Commissioners in addition to the provisions of this section hereinbefore shall have power and authority to enforce by ordinance,

all the requirements of this section by imposing such fines and penalties as shall be in the judgment of the Commissioners necessary and proper.

The paving of the curb, gutter and street shall be done by the Commissioners at the expense of the Town, except in case of property exempt from taxation, in which case the Commissioners may in their discretion require the owner or owners of said exempt property to pay for the paving of the curb, gutter and street, and in case said owners refuse so to pave, curb and gutter, the Commissioners may proceed to have the same done and collect the expense thereof in the same manner and by the same proceedings as are hereinbefore provided, in case of paving, graveling and guttering sidewalks, footways, etc., where the owners of property refuse to pave, gravel and gutter sidewalks and footways in front of their property.

### Section 31. ACQUISITION OF PROPERTY

The Town of Newport is hereby authorized and empowered whenever it shall deem it necessary and expedient for any municipal purpose to obtain and acquire property either within the boundaries of said Town or outside said boundaries and to obtain legal title to said property by appropriate conveyances. If the Town of Newport fails to reach an agreement with an owner or owners of said property it shall have the power to take such property by condemnation in the manner and according to the procedure as set forth in Title 10, Chapter 61, Delaware Code of 1953; provided, however, that the right of condemnation shall not extend to property owned by the State of Delaware or any agency thereof.

### Section 32. SPECIAL ASSESSMENTS

#### (a) Levying of Special Assessments

The Town of Newport is hereby authorized and empowered to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement; and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the proceeds of such special assessments.

(b) Assessments Payable in Installments

The Commissioners may provide for the payment of special assessments, for whatever purpose levied, by installments, but assessments for permanent improvements shall be within ten years in annual or more frequent installments, and assessments for current services shall be payable within one year.

(c) Assessments Not to Exceed Value of Benefit

The amount assessed against any property for any work or improvement shall not exceed the value of the benefits accruing to the property therefrom.

Section 33. POWER TO RAISE REVENUE

The Commissioners shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than \$50,000 in any one year clear of all delinquencies and expenses of collection. The Commissioners shall have the right to grant or refuse, and to charge fees for licenses, or permits for traveling shows, and other businesses of any description within the limits of the Town, to control their use of any property within the Town. The Commissioners shall also have the power to levy and collect franchise fees and to impose sewer rentals on sanitary sewers.

The Commissioners may, in its discretion, exempt from Town taxation any manufacturing plants or other industrial improvements hereafter established within the Town of Newport or brought within the boundaries of the Town of Newport by virtue of any future extension for a term not to exceed five years from the time said plants or improvements are established or brought within the boundaries of the Town of Newport.

The Commissioners shall have the power by ordinance to allow discounts for early payment of taxes, to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

The Commissioners shall have the power to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.

#### Section 34. POWER TO BORROW MONEY

The Commissioners of Newport under the restrictions hereinafter provided may borrow for municipal purposes on the credit of the Town such sum or sums of money at such time or times as they may deem proper not to exceed ten percent of the assessed value of the real estate of said Town and issue bonds for the payment of same.

If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town of Newport within the meaning of the bonded indebtedness limitation set out above; provided, however, that in the event of some emergency, the Town of Newport may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the Town of Newport out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Commissioners shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

Before the Town of Newport may incur indebtedness by the issuance of bonds as aforesaid, the borrowing of money shall have been authorized by the Commissioners and shall have been approved in the following manner:

1. The Commissioners shall by resolution propose to the freeholders of the Town of Newport the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in the Town at least one week prior to the hearing date.

2. A public hearing shall be held at which time all persons of interest wishing to be heard shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Commissioners.

3. If the Commissioners desire to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than thirty days nor more than sixty days after the date of such resolution.

4. The notice of the time and place for holding the said special election shall be printed in a newspaper of general circulation in the Town once a week for three successive weeks prior to the election. The special election shall be conducted by the Election Board as herein provided for annual elections.

5. The Commissioners shall cause the Election Board to prepare, print and have available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said Referendum all freeholders of the Town of Newport shall be entitled to one vote. Each corporation owning property in the Town of Newport shall be entitled to one vote under this section.

6. The Election Board shall count the votes for and against the proposed loan and shall announce the results thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan; and shall deliver the same

to the Commissioners, which certificates shall be entered on the minutes of the Commissioners, and the original shall be filed with the paper of the Commissioners. Provided, however, no bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.

7. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Commissioners. The bonds shall be sold to the highest bidder after at least one month's notice published at least twice in a newspaper of general circulation in the Town and at least once in a publication carrying municipal bond notices and devoted primarily to financial news. The Commissioners shall provide, in its budget, for revenues sufficient to pay the interest and principal on the said bonds or certificates of indebtedness at the maturity or maturities therefor. The faith and credit of the Town of Newport shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.

#### Section 35. BORROWING FOR CURRENT EXPENSES

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Commissioners shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed. Provided, however, the amount of such indebtedness shall not at any time exceed the sum of one-half percent of the assessed value of real estate.

To exercise the power aforesaid the Commissioners shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Commissioners. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the bonded debt of the Town when limitations under indebtedness, as set forth elsewhere in this Charter, are computed.

### Section 36. LIENS ON REAL ESTATE

All water rents laid or imposed by the Commissioners of Newport remaining unpaid and in arrears for thirty days after they become due shall be and constitute a lien upon the lands and premises of the owner to which the water was furnished, and such lien shall have preference and priority to all liens of recognizance, mortgage or judgment on such lands and premises created or suffered by said owner, although such other lien or liens shall be of a date prior to the time of the attaching of such lien for water rents. The lien for water rents shall remain and continue as a lien against the real estate for the period of ten years from the expiration of the thirty days after said water rents become due and payable, but if the real estate remains the property of the person who was the owner at the time it was assessed, the lien shall continue until the tax is collected.

In the case of sale under execution process of any lands and premises upon which such liens for water rents and/or taxes shall exist, such liens shall be transferred to the fund arising from such sale in the hands of the officer making the same and the real estate so sold shall be discharged therefrom, provided, that if such fund shall not be sufficient to pay and discharge the said tax lien by reason of the said real estate having been sold subject to another or other lien or liens created by said taxable, then the unpaid balance of said tax shall remain a lien upon the land so sold. The Commissioners of Newport in collecting water rents out of real estate upon which there is a lien under the provisions of this section shall proceed in the manner prescribed herein for the collection of taxes out of real estate by the Commissioners of Newport.

All taxes for Town purposes which may hereafter be lawfully assessed on real estate in the Town of Newport shall constitute a prior lien thereon for a period of ten years from the first day of July succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until the tax is collected, and may, with all incidental costs and expenses, be levied by sale thereof as hereinbefore provided. The said tax lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to.

### Section 37. COLLECTION OF TAXES AND SPECIAL ASSESSMENTS

In addition to all existing methods and authority for the collection of taxes or special assessments due to the Town of Newport, the following methods and authority are hereby established:

(a) The Tax Collector may recover the amount of tax in an action of debt against the person taxed, before any Justice of the Peace in New Castle County, or before the Court of Common Pleas or Superior Court of New Castle County; and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions.

If judgment be rendered in favor of the Tax Collector, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, not in excess of five per centum of the amount of taxes plus accrued interest, to be taxed by the Court in the costs, and execution shall issue against the real estate of the defendant; provided, no execution against the real estate shall issue except out of the Superior Court of New Castle County.

Where such judgment is recovered before a Justice of the Peace or Court of Common Pleas, and it is the desire of the Tax Collector to proceed against the real estate of the defendant, the said Tax Collector shall take a transcript of the judgment from the Justice of the Peace or Court of Common Pleas and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments.

(b) The Town of Newport may file, or cause to be filed, a Praeceptum in the office of the Prothonotary of the Superior Court in and for New Castle County, which Praeceptum shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessments due and the property against which the assessment was laid; and the state-



ment of the lot number of the particular section in which said property is located or the street number or numbers shall be sufficient identification and description of the said property. The Prothonotary shall make a record of same on the judgment records of said Superior Court against the property mentioned or described in said Praeceptum. Thereafter upon a Praeceptum for Monition filed in the office of said Prothonotary by the Town of Newport through any person authorized on its behalf to collect taxes or assessments due to the Town of Newport, a Monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which Monition shall briefly state the amount of the judgment for the taxes or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien; and a description of such property by street and number or by lot number or numbers of the particular section in which said property is located shall be a sufficient description. Said Monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessments stated herein is paid within twenty days after the date hereof, or within such period of twenty days evidence of the payment of taxes herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for New Castle County, the Town of Newport may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated:

Name of Person in whose name property is assessed	Description of Property	Year or Years	Amount of Judgment
--	----------------------------	------------------	-----------------------

Said Monition, or copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for the taxes or assessments is a lien. The Sheriff shall make due and proper return of his proceedings under said Monition to said Prothonotary within ten days after the posting of said copy of Monition as aforesaid.

Alias or Pluries Monition may issue upon like Praecept. The posting of said Monition shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty days following the return of the Sheriff upon such Monition, unless before the expiration of said twenty days the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date therefor prior to the filing of said lien for record in the office of the Prothonotary as aforesaid, upon Praecept filed by the Town of Newport, a writ of Venditioni Exponas shall issue out of the office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writs of Venditioni Exponas issued out of the Superior Court.

Said Writ shall be substantially in the following form :

New Castle County

The State of Delaware

}

TO THE SHERIFF OF NEW CASTLE COUNTY  
GREETINGS

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington, the.....day of.....A. D. 19..... IT WAS COMMANDED, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said posting. That on the.....day of..... A. D. 19....., you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the.....day of.....A. D. 19.....

We therefore now command you to expose to public sale real estate mentioned and described in said Monition as follows:

And that you should cause to be made as well as certain debt of.....Dollars (\$.....) lawful money of the United States, which to the said Town of Newport, a municipi-

pal corporation of the State of Delaware, is due and owing, as also the sum.....Dollars (\$.....) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said.....was convicted as it appears of record and against which said property it is a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday the.....day of.....next, to render to the said Town of Newport, a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable.....at  
Wilmington the.....day of.....A. D. 19.....

.....  
Prothonotary

Upon the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person or persons who are the owner or owners thereof, and likewise freed and discharged from any dower or curtesy or statutory right, in the nature of a dower or curtesy, whether absolute or inchoate, in or to said real estate, and from all equity of redemption and liens and encumbrances held by persons and corporation against said property.

The owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within one year from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representative, successors or assigns, the amount of the purchase price and fifteen per cent in addition thereto, together with all costs incurred in the cause; or if the purchaser or his

legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the Town of Newport, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns.

In the event that the owner of said property or his legal representatives shall fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a Petition to the Superior Court setting forth the appropriate facts in conformity with this Act and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to said property to the Petitioner; and thereupon the said Superior Court shall have power, after a hearing upon said Petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said Petition, and a description of said property by street number or by lot number or numbers of the particular section in which said property is located, together with a description of said property by metes and bounds.

If the owner of any real estate sold under an order of sale or his legal representative shall redeem said real estate, he may prefer to said Superior Court a petition setting forth that fact and thereupon the said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the judgment, under which said real estate was sold, a memorandum that the real estate described in the proceeding upon which said judgment was entered has been redeemed and thereafter the said owner shall hold such redeemed real estate subject to the same liens, and the same order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

No monition proceedings shall be brought under this Act unless the tax or assessment sought to be collected hereunder shall at the time of the filing of said Petition in the Office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for Town purposes which may hereafter be lawfully assessed on

real estate in the Town of Newport shall constitute a prior lien thereon for a period of ten years from the first day of July succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall continue until the tax is collected, and may, with all incidental costs and expenses, to be levied by sale thereof as hereinbefore provided. The said tax lien and costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may be charged with or liable to. The Town of Newport shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Act and in the event that such person or persons is the highest and best bidder or bidders therefor the title thereto shall be taken in the name of the Town of Newport, a municipal corporation of the State of Delaware. The Town of Newport by resolution duly adopted, is authorized and empowered to sell and convey any real estate purchased under the provisions of this Act.

Whenever the Superior Court is mentioned in this Statute the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this Act may be done by the said Superior Court or any Judge thereof in vacation thereof, as well as in term time.

The fees and costs to be fixed in all Monition proceedings under this Act, where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

Filing Praeipe .....	\$1.10
Issuing Monition and copy .....	2.75
Issuing Alias or Pluries Monition and copy .....	2.75
Writ of Venditioni Exponas .....	2.75
Filing any Petition in Superior Court under this Act.....	1.00
Cost of paying money into Superior Court .....	1.00
Cost of paying money out of Superior Court .....	1.00
for each check drawn	

The following fees shall be charged by the Sheriff:

Posting Monition .....	\$ .75
Posting each Alias or Pluries Monition or copy .....	.75

All other charges not covered by this Act shall be the same as are now provided by laws.

### Section 38. LIMITATION OF ACTION FOR DAMAGES

No action suit or proceeding shall be brought or maintained against the Commissioners of Newport for damages on account of physical injuries, death or injury to property by reason of the negligence of the said Commissioners or any of its departments, officers, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall, within ninety days from the happening of such injury, notify the Commissioners in writing of the time, place, cause and character of the injuries sustained.

### Section 39. FORMER GOVERNMENT IN FORCE

All ordinances, resolution, orders, rules, or regulations in force in the Town of Newport at the time this Charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Commissioners otherwise provide by ordinance, notwithstanding any change in organization effected by this Charter. All acts and doings of the Commisisoners of Newport or of any officer of said Town lawfully done or performed under the provisions of any law of this State or of any ordinance of the Commissioners of Newport are hereby ratified and confirmed. All debts, fines and penalties or forfeitures due the said Town of Newport and all debts due from same Town of Newport to any person, persons or corporations are hereby declared unaffected and unimpaired and all laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same be fully paid and discharged.

### Section 40. CONTINUANCE IN OFFICE

All persons holding any non-elective office or employment under the Town of Newport at the time this Charter goes into effect shall continue in such office or employment and shall

draw the same rate of compensation as during the month preceding the adoption of this Charter until removed or until the compensation is changed.

The President of the Commissioners of Newport shall continue as the Mayor of the Commissioners of Newport and the Commissioners of Newport shall continue as Commissioners until their successors are elected and qualify as previously provided for in this Charter.

#### Section 41. SEVERABILITY OF CHARTER PROVISIONS

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or applications, and to this end the provisions of this Charter are declared to be severable.

#### Section 42. EFFECTIVE DATE OF PUBLIC ACT

This Act shall be deemed and taken to be a Public Act effective as of the date of its approval by the Governor of the State of Delaware.

Approved May 25, 1960.

## CHAPTER 284

**AN ACT TO AMEND SECTION 3709 OF TITLE 12, NOW RELATING TO TRUSTEES OF NON-RESIDENT MENTALLY ILL PERSONS, THE AMENDMENT TO ENCOMPASS FIDUCIARIES OF NON-RESIDENT MENTALLY ILL, AGED, OR INFIRM PERSONS.**

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

Section 1. § 3709 of Title 12 of the Delaware Code is amended to read as follows:

**§ 3709. Foreign fiduciary of non-resident mentally ill, aged or infirm person; qualifications; powers, removal of property; accounting**

(a) When any mentally ill, aged or infirm person in any other one of the United States has property in this State and a fiduciary, howsoever called, duly appointed in such other state, such foreign fiduciary shall have all the rights and powers of a trustee appointed by the Court of Chancery of this State upon filing for record in the office of the Register in Chancery in any county of this State, a certificate of his appointment, under the seal of the court or officer making such appointment, therein setting forth that such appointment was duly made according to the laws of such state; that the fiduciary has given security (describing it) in due form and the amount thereof, or, if it be the case, that no security is required of the fiduciary under the laws of such state; the amount of property owned by such mentally ill, aged or infirm person in the state wherein such fiduciary was appointed; and that he is, by the laws of such state invested with the care and management of the estate of such mentally ill, aged or infirm person, with authority to receive and liability as fiduciary to account for the same. Such foreign fiduciary shall not be entitled to recover or receive any property or effects belonging to any such mentally ill, aged or infirm person, or to do any act under the laws of this State, unless such fiduciary shall first have been authorized to do so by the Court of Chancery and shall have given such security as the Court of Chancery may have ordered.



(b) The Court of Chancery may authorize such foreign fiduciary of any such mentally ill, aged or infirm person to remove any property or effects belonging to any such mentally ill, aged or infirm person to the state wherein such fiduciary was duly appointed.

(c) Whenever it appears to the satisfaction of the Court of Chancery that all the property and effects in this State, belonging to any such non-resident mentally ill, aged or infirm person, have been removed to the state wherein such fiduciary was duly appointed, and have been accounted for by him, according to the laws of the state wherein such fiduciary was duly appointed, the Court of Chancery may relieve such fiduciary from further accounting before the Court.

Approved June 2, 1960.

## CHAPTER 285

**AN ACT TO AMEND CHAPTER 79, VOLUME 52, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY PROVIDING FOR THE ELECTION OF SCHOOL BOARD MEMBERS IN THE CONRAD HIGH SCHOOL DISTRICT," BY PROVIDING FOR APPOINTMENT OF MEMBERS FROM DISTRICTS VOTING AGAINST ELECTED SCHOOL BOARDS.**

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

Section 1. Chapter 79, Volume 52, Laws of Delaware, is hereby amended by repealing and striking out paragraph (g), Section 2507, as it appears in Section 1 thereof, and by enacting and inserting in lieu thereof a new paragraph (g), Section 2507, to read as follows:

Section 2507. (g) Provided, however, in the Henry C. Conrad High School District the board shall be composed of five members, one member to be elected each year for a term of five years. One member shall be a resident of and elected by the voters in each of the following districts: Krebs, Stanton, Richardson Park, Marshallton and Oak Grove. The election shall be conducted in the same manner as prescribed in Chapter 3 of this title, except, however, that the polling place shall be the school building or buildings in the district which is electing such member, and the conduct of the election shall be the responsibility of the school board of the district which is electing such member. In the event that the Krebs, Stanton, Richardson Park, Marshallton or Oak Grove districts have their method of selecting school board members changed from election to appointed by the resident judge of New Castle County in accordance with Section 511 of this title, the member from such district on the school board of the Henry C. Conrad High School District shall also be appointed by the resident judge of New Castle County in accordance with the provisions of sub-section (d) of this section, except that such appointments shall be for a term of 5 years when filling a vacancy caused by expiration of term. Any vacancy caused by reason other than expiration of term shall

be filled for the unexpired term by a vote of the members of the school board of the district of the member whose office is vacant, except, in the event the members of such school board are appointed by the resident judge of New Castle County, the vacancy shall be filled for the unexpired term by appointment by said resident judge.

Approved June 2, 1960.

## CHAPTER 286

**AN ACT TO AMEND SECTION 2707, TITLE 24, DELAWARE  
CODE, RELATING TO RECEIPTS AND DISBURSE-  
MENTS OF THE BOARD OF REGISTRATION FOR PRO-  
FESSIONAL ENGINEERS AND LAND SURVEYORS.**

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

Section 1. Section 2707, Title 24, Delaware Code, is amended by adding a new unnumbered subsection to that section as follows:

Notwithstanding any other provision of this section to the contrary, the Secretary of the Board shall retain all moneys derived from the provisions of this chapter and use said money so retained to meet current operating expenses of the Board in an amount not exceeding \$1,500.00.

Section 2. This Act shall be effective only until June 30, 1960.

Approved June 2, 1960.

CHAPTER 287

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE BY GIVING THE SUSSEX CHAPTER OF DELAWARE HUMANE ASSOCIATION TAX EXEMPTION STATUS.**

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

Section 1. § 8105, Title 9, Delaware Code is hereby amended by placing at the end thereof the following:

"Sussex Chapter of Delaware Humane Association"

Approved June 7, 1960.

## CHAPTER 288

**AN ACT TO AUTHORIZE THE KENT COUNTY LEVY COURT  
TO MAKE CERTAIN TAX REFUNDS.**

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

Section 1. The Kent County Levy Court is hereby authorized to refund to Walter Louis Scott and Dorothy P. Scott, sums not to exceed \$50.00 for County taxes for the years 1954 through 1958 which taxes were erroneously collected in respect to property and persons located within Kent County.

Approved June 7, 1960.

## CHAPTER 289

**AN ACT TO AMEND CHAPTER 246, VOLUME 52, LAWS OF DELAWARE, RELATING TO THE APPROPRIATION TO THE JUVENILE COURT OF KENT AND SUSSEX COUNTIES.**

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

Section 1. Section 1 of Chapter 246, Volume 52, laws of Delaware, is amended by adding a new paragraph at the end of Section 1, as it now appears as follows:

However a sum up to the amount of \$2500 of the total sum herein appropriated may be used for the purpose of paying the salaries and other office expenses of the Juvenile Court of Kent and Sussex Counties.

Approved June 7, 1960.

## CHAPTER 290

**AN ACT TO AMEND CHAPTER 13, TITLE 7, DELAWARE CODE, ENTITLED "ENFORCEMENT OF GAME AND FISH LAWS" RELATING TO PENALTY FOR VIOLATION OF ANY GAME OR FISH LAW EXCEPTING THOSE SPECIFYING A PENALTY.**

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

Section 1. § 1304, Title 7, Delaware Code is amended by striking out the words "the fine shall be not less than \$50 and costs" as the same appear at the end of the first sentence, and substituting in lieu thereof the following words: "the fine shall be not less than \$10 nor more than \$50 and costs."

Approved June 9, 1960.



CHAPTER 291

**AN ACT TO AUTHORIZE THE CAESAR RODNEY SPECIAL SCHOOL DISTRICT TO MAKE CERTAIN TAX REFUNDS.**

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

Section 1. The Caesar Rodney Special School District is hereby authorized to refund to Walter Louis Scott and Dorothy P. Scott, sums not to exceed \$33.00 for school taxes for the years 1954 through 1958 which taxes were erroneously collected in respect to property and persons located within the Caesar Rodney Special School District.

Approved June 9, 1960.

## CHAPTER 292

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE STATE BOARD OF EXAMINERS AND REGIS-  
TRATION OF ARCHITECTS FOR THE FISCAL YEAR  
ENDING JUNE 30, 1960.**

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

Section 1. The sum of \$600 is hereby appropriated to the State Board of Examiners and Registration of Architects for the fiscal year ending June 30, 1960, to be expended as follows:

Salaries and Wages .....	\$150
Office Expense .....	450
	<hr/>
	\$600

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 9, 1960.

CHAPTER 293

**AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE BY INCREASING THE SALARY OF THE JUDGES OF THE FAMILY COURT IN AND FOR NEW CASTLE COUNTY.**

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

Section 1. Chapter 9, Title 10, Delaware Code is hereby amended by striking out and repealing Section 908, and by inserting and enacting in lieu thereof a new Section 908 to read as follows:

Section 908. Effective July 1, 1960, the salary of each of the Judges shall be \$17,500 per year.

Approved June 9, 1960.

## CHAPTER 294

**AN ACT TRANSFERRING \$1,000 FROM SALARY OF SUPERVISOR OF PHYSICAL EDUCATION AN APPROPRIATION OF THE STATE BOARD OF EDUCATION WHICH APPEARS AS CHAPTER 140, VOLUME 52, LAWS OF DELAWARE, TO AN ACCOUNT FOR THE PURPOSE OF MATCHING FUNDS MADE AVAILABLE UNDER THE PROVISIONS OF PUBLIC LAW 85-864 ENTITLED THE "NATIONAL DEFENSE EDUCATION ACT OF 1958", STATE BOARD OF EDUCATION.**

WHEREAS, The Congress of the United States has enacted Public Law 85-864 entitled the "National Defense Education Act of 1958" and has declared the purposes and policies of such law to be as follows:

"The security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present emergency demands that additional and more adequate educational opportunities be made available.

"To meet the present educational emergency requires additional effort at all levels of government. It is therefore the purpose of this Act to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States",

WHEREAS, there will remain unspent in the salary for Supervisor of Physical Education for the year ending June 30, 1960, the sum of \$1,000, said appropriation being made to the State Board of Education under Chapter 140, Volume 52, Laws of Delaware, NOW, THEREFORE

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

Section 1. The sum of \$1,000 is hereby transferred from the salary of Supervisor of Physical Education (101-0400-D3) an appropriation to the State Board of Education which appears

as Chapter 140, Volume 52, Laws of Delaware, to an account for the purpose of matching funds made available under the provisions of Public Law 85-864 entitled the "National Defense Education Act of 1958", State Board of Education.

Approved June 9, 1960.

## CHAPTER 295

**AN ACT EMPOWERING THE STATE HIGHWAY DEPARTMENT TO ENTER UPON PRIVATELY OWNED LANDS FOR THE PURPOSE OF SURVEYS, REPAIRS, RECONSTRUCTION AND OPERATION OF PUBLICLY FINANCED IMPROVEMENTS AND TO ASSIGN TO SAID AGENCIES THE AUTHORITY TO DETERMINE AND MAINTAIN PROPER WATER LEVELS BACK OF SLUICES, WATER CONTROL STRUCTURES AND SIMILAR PUBLICLY FINANCED INSTALLATIONS.**

WHEREAS, the General Assembly of the State of Delaware has in past years appropriated monies from the General Fund of the State Treasury for the purpose of constructing certain public works improvements consisting of, but not necessarily limited to, sluice gates, dams, water control structures and similar installations, and

WHEREAS, a number of these improvements financed by public funds have been constructed on privately owned property with no provisions in the appropriation bills for obtaining public ownership of the property to be occupied by said improvements as well as no provisions for future maintenance and operation of the improvements, and

WHEREAS, the operation of these publicly financed improvements has in some instances been assumed by the owner(s) of the property upon which they are located and such operations, particularly those involving water levels in impoundments and access across dams, have allegedly caused serious damage and inconvenience to adjoining property owners and the public in general, NOW THEREFORE,

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

Section 1. The State Highway Department of the State of Delaware may enter upon the lands or waters of any person for the purpose of surveys, repairs, reconstruction and operation of publicly financed improvements, but subject at all times to

responsibility for all and any damages which shall be done to the property of any such person or persons. Water levels to be maintained back of publicly financed sluices, water control structures, dams and similar structures shall be at a level that will not cause damage to adjoining property, such as seepage of water into basements and wells, and that no lands shall be flooded without the owners full consent.

Approved June 10, 1960.

## CHAPTER 296

**AN ACT TO AMEND TITLE 30, DELAWARE CODE, ENTITLED "STATE TAXES" RELATIVE TO THE SALARIES OF APPOINTEES OF THE TAX COMMISSIONER.**

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

Section 1. § 325, Title 30, Delaware Code, is hereby repealed and a new § 325 enacted in lieu thereof to read as follows:

**§ 325. Salaries of appointees of Tax Commissioner**

The Tax Board shall fix the salaries of all appointees of the Tax Commissioner. The Commissioner may appoint one deputy at an annual salary not to exceed \$6,500 per year.

Approved June 15, 1960.



CHAPTER 297

**AN ACT TO AMEND CHAPTER 7, TITLE 17, DELAWARE  
CODE RELATING TO RAILROAD CROSSINGS OVER  
HIGHWAYS.**

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

Section 1. Amend Section 709, Chapter 7, Title 17, Delaware Code by adding a new sub-section (d) as follows:

(d) This section shall not apply if the Department and the company owning the railroad have entered into a written agreement pertaining to the construction of the proposed overhead or undergrade crossing and prescribing the manner in which the costs and expenses of construction and maintenance of such crossings shall be apportioned between the company owning the railroad and the Department.

Approved June 15, 1960.

## CHAPTER 298

**AN ACT TO AMEND CHAPTER 61, TITLE 9, DELAWARE CODE RELATING TO THE LEVY COURT OF SUSSEX COUNTY, BY AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO MAKE AN ANNUAL APPROPRIATION TO CERTAIN CITIES AND TOWNS OF SUSSEX COUNTY IN AID OF MAINTENANCE OF PUBLIC DUMPING AREAS BY SAID TOWNS.**

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

Section 1. Chapter 61, Title 9, Delaware Code, is amended by inserting in and adding to Subchapter III thereof a new section to be designated section 6133 as follows:

**§ 6133. Cities and Towns; Aid for maintenance of public dumping areas**

The Levy Court shall appropriate annually the aggregate sum of \$10,000 and on the first day of May of each year shall divide, distribute and pay the same equally between, among and to the incorporated cities and towns in Sussex County which regularly maintain, supervise and control local dumping areas open to the use of the general public; and each city or town receiving a share of said appropriation shall use its share for the maintenance of such local dumping area.

Section 2. This Act shall relate back to and be deemed effective as of May 1, 1960.

Approved June 15, 1960.

## CHAPTER 299

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES  
OF THE STATE GOVERNMENT FOR THE FISCAL  
YEAR ENDING JUNE 30, 1961.**

*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 limitation of this Act and to the provisions of Part VI, Title 29, Delaware Code, as amended or qualified by this Act. All parts or portions of the several sums appropriated by this Act which, on the first day of July 1961, shall not have been paid out of the State Treasury, shall revert to the General Fund; provided, however, that no funds shall revert which are encumbered pursuant to Section 6521, Title 29, Delaware Code, or which are appropriated to the State Board of Education for the operation of 1, 2 and 3 Teacher Schools.

The several amounts hereby appropriated are as follows:

AGENCIES	YEAR ENDING JUNE 30, 1961
<b>LEGISLATIVE AND ELECTIONS</b>	
DELAWARE COMMISSION ON INTERSTATE COOPERATION	
Office Expense .....	\$ 150.00
Fees .....	6,100.00
Travel .....	600.00
Legislative Travel Only .....	5,000.00
Interstate Conference .....	350.00
Delaware River Basin Advisory Committee..	5,000.00
Southern Regional Education Compact .....	28,000.00
Total .....	<hr/> 45,200.00

DEPARTMENTS OF ELECTIONS—  
NEW CASTLE COUNTY

Salary of Board Members .....	12,750.00
Salaries and Wages of Employees .....	64,000.00
Office Expense .....	60,000.00
Travel .....	2,000.00
Registration and Election Officers .....	103,250.00
Operations .....	18,000.00
Total .....	260,000.00

DEPARTMENTS OF ELECTIONS—KENT COUNTY

Salary of Board Members .....	6,000.00
Salaries and Wages of Employees .....	11,340.00
Office Expense .....	9,000.00
Travel .....	500.00
Registration and Election Officers .....	9,700.00
Operations .....	3,460.00
Total .....	40,000.00

DEPARTMENTS OF ELECTIONS—SUSSEX COUNTY

Salary of Board Members .....	6,000.00
Salaries and Wages of Employees .....	17,000.00
Office Expense .....	14,000.00
Travel .....	1,000.00
Registration and Election Officers .....	20,000.00
Operations .....	7,000.00
Total .....	65,000.00

Total Departments of Elections ..... 365,000.00

LEGISLATIVE REFERENCE BUREAU

Salary of Executive Director .....	6,000.00
Salary of Assistant Director .....	4,800.00
Salaries and Wages of Employees .....	3,600.00
Office Expense .....	1,200.00
Travel .....	100.00
Repairs and Replacements .....	100.00
Equipment .....	200.00
Total .....	16,000.00

## GENERAL ASSEMBLY

Salaries—House Members .....	105,000.00
Salaries—Senate Members .....	54,000.00
Total .....	159,000.00

## DELAWARE CODE REVISION COMMISSION

Salaries of Commissioners .....	4,800.00
Total .....	4,800.00

## STATE ELECTION COMMISSIONER

Salaries and Wages of Employees .....	14,500.00
Office Expense .....	3,500.00
Travel .....	500.00
Repairs and Replacements .....	500.00
Total .....	19,000.00

TOTAL LEGISLATIVE AND  
ELECTIONS .....

609,000.00

## EXECUTIVE AND FINANCIAL

## GOVERNOR

Salary of Governor .....	17,500.00
Salaries and Wages of Employees .....	19,000.00
Office Expense .....	3,000.00
Governor's Conference .....	400.00
Contingent Expenses .....	4,000.00
Repairs and Replacements .....	500.00
Equipment .....	500.00
Total .....	44,900.00

## SECRETARY OF STATE

Salary of Secretary of State .....	8,000.00
Salaries and Wages of Employees .....	100,000.00
Office Expense .....	6,700.00
Magistrate Bonds .....	400.00
Dissolution Account .....	9,000.00
Departmental Supplies .....	40,000.00
Travel .....	1,500.00

Repairs and Replacements .....	3,000.00
Equipment .....	1,500.00
<b>Total .....</b>	<b>170,100.00</b>

**STATE TREASURER**

Salary of Treasurer .....	6,000.00
Salary of Deputy Treasurer .....	5,000.00
Salaries and Wages of Employees .....	50,000.00
Office Expense .....	35,380.00
Travel .....	500.00
Repairs and Replacements .....	500.00
Equipment .....	750.00
<b>Total .....</b>	<b>98,130.00</b>

**BUDGET COMMISSION**

Salary of Chief Accountant .....	7,500.00
Salaries and Wages of Employees .....	63,000.00
Office Expense .....	56,815.00
Travel .....	3,000.00
Special Audits by C. P. A.s .....	10,000.00
Repairs and Replacements .....	2,000.00
Equipment .....	500.00
<b>Total .....</b>	<b>142,815.00</b>

**AUDITOR OF ACCOUNTS**

Salary of Auditor .....	6,000.00
Salary of Deputy Auditor .....	5,000.00
Salaries and Wages of Employees .....	44,000.00
Office Expense .....	4,500.00
Travel .....	500.00
Repairs and Replacements .....	1,000.00
<b>Total .....</b>	<b>61,000.00</b>

**STATE INSURANCE COMMISSIONER**

Salary of Commissioner .....	6,000.00
Salary of Deputy Commissioner .....	5,000.00
Salary of Actuary .....	3,500.00
Salaries and Wages of Employees .....	15,000.00
Office Expense .....	3,000.00

Operations—Insurance Premiums .....	100,000.00
Travel .....	1,000.00
Repairs and Replacements .....	200.00
Equipment .....	400.00
<b>Total .....</b>	<b>134,100.00</b>
<b>STATE TAX DEPARTMENT</b>	
Salary of Commissioner .....	8,000.00
Salaries and Wages of Employees .....	330,000.00
Office Expense .....	77,000.00
Travel .....	2,200.00
Repairs and Replacements .....	2,500.00
Equipment .....	3,000.00
Escheats Division .....	3,000.00
Social Security Division Operations .....	8,500.00
<b>Total .....</b>	<b>434,200.00</b>
<b>STATE BANK COMMISSIONER</b>	
Salaries and Wages of Employees .....	54,600.00
Office Expense .....	2,600.00
Travel .....	6,300.00
Repairs and Replacements .....	500.00
<b>Total .....</b>	<b>64,000.00</b>
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>	
Salaries of Commissioners .....	3,000.00
Salaries and Wages of Employees .....	95,000.00
Office Expense .....	17,000.00
Travel .....	7,000.00
Repairs and Replacements .....	3,000.00
Equipment .....	1,000.00
<b>Total .....</b>	<b>126,000.00</b>
<b>DELAWARE RACING COMMISSION</b>	
Salaries of Commissioners .....	4.00
Salaries and Wages of Employees .....	2,100.00
Office Expense .....	2,400.00
Travel .....	400.00
<b>Total .....</b>	<b>4,904.00</b>

## DELAWARE HARNESS RACING COMMISSION

Salaries of Commissioners .....	3.00
Salaries and Wages of Employees .....	6,500.00
Office Expense .....	3,000.00
Travel .....	3,000.00
<b>Total .....</b>	<b>12,503.00</b>

<b>TOTAL EXECUTIVE AND FINANCIAL .....</b>	<b>1,292,652.00</b>
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## JUDICIAL AND LEGAL

## COURT OF CHANCERY

Salary of Chancellor .....	20,500.00
Salary of Vice-Chancellor .....	20,000.00
Salaries and Wages of Employees .....	20,000.00
Chancellor for Reporting .....	200.00
Office Expense .....	1,200.00
Chancellor's Report .....	4,750.00
Travel .....	500.00
Repairs and Replacements .....	350.00
Equipment .....	600.00
<b>Total .....</b>	<b>68,100.00</b>

## SUPERIOR COURT

Salary of President Judge .....	20,500.00
Salaries of Associate Judges .....	80,000.00
Salaries and Wages of Employees .....	75,000.00
Kent Resident Judge for Reporting .....	200.00
Office Expense and Furnishings .....	4,000.00
Reports .....	4,750.00
Travel—Room Rent .....	6,000.00
Repairs and Replacements .....	2,000.00
Equipment .....	3,000.00
<b>Total .....</b>	<b>195,450.00</b>

## COMMON PLEAS COURT—KENT COUNTY

Salary of Judge .....	5,000.00
<b>Total .....</b>	<b>5,000.00</b>



**COMMON PLEAS COURT—SUSSEX COUNTY**

Salary of Judge .....	12,500.00
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Total .....	12,500.00
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**NEW CASTLE COUNTY LAW LIBRARY**

Salaries and Wages of Employees .....	3,500.00
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Office Expense .....	250.00
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Repairs and Replacements .....	500.00
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Books and Publications .....	4,750.00
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Toal .....	9,000.00
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**KENT COUNTY LAW LIBRARY**

Salaries and Wages of Employees .....	5,300.00
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Office Expense .....	250.00
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Repairs and Replacements .....	200.00
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Books and Publications .....	4,000.00
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Total .....	9,750.00
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**SUSSEX COUNTY LAW LIBRARY**

Salaries and Wages of Employees .....	300.00
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Office Expense .....	75.00
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Books and Publications .....	4,000.00
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Total .....	4,375.00
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**ATTORNEY GENERAL**

Salary of Attorney General .....	10,000.00
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Salary of Chief Deputy .....	7,500.00
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Salary of New Castle County Deputy .....	6,500.00
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Salary of New Castle County Assistant Deputy .....	6,000.00
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Salary of Kent County Deputy .....	6,000.00
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Salary of Sussex County Deputy .....	6,500.00
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Salary of Sussex County Assistant Deputy..	6,000.00
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Salaries of Tax Deputies (2) .....	12,000.00
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Salaries of State Detectives (3) .....	10,500.00
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Salaries and Wages of Employees .....	32,500.00
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Office Expense .....	6,500.00
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Travel .....	4,000.00
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Operations .....	4,000.00
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Repairs and Replacements .....	4,000.00
Equipment .....	1,000.00

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Total .....	123,000.00
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**SUPREME COURT**

Salary of Chief Justice .....	22,500.00
Salaries of Associate Justices .....	44,000.00
Salaries and Wages of Employees .....	18,120.00
Office Expense .....	8,150.00
Travel .....	900.00
Repairs and Replacements—Library .....	200.00

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Total .....	93,870.00
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**JUVENILE COURT (KENT AND SUSSEX)**

Salary of Judge .....	12,500.00
Salaries and Wages of Employees .....	36,000.00

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Total .....	48,500.00
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**FAMILY COURT OF NEW CASTLE COUNTY**

Salaries of Judges .....	25,000.00
Salaries and Wages of Employees .....	146,805.00
Office Expense .....	6,000.00
Travel .....	1,000.00
Repairs and Replacements .....	1,000.00
Equipment .....	195.00

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Total .....	180,000.00
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**BOARD OF POST MORTEM EXAMINERS**

Salary of Medical Examiner .....	15,000.00
Salaries and Wages of Employees .....	9,900.00
Office Expense .....	1,900.00
Travel .....	800.00
Operations .....	200.00
Repairs and Replacements .....	200.00

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Total .....	28,000.00
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TOTAL JUDICIAL AND LEGAL .....	777,545.00
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**DEBT SERVICE****REDEMPTIONS—STATE BONDS**

Bonds Issued .....	10,973,000.00
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Authorized—Unissued .....	729,100.00
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Total .....	11,702,100.00
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INTEREST—STATE BONDS .....	4,876,772.00
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Total .....	4,876,772.00
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Total State Obligations .....	16,578,872.00
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**PURCHASE OF COUNTY HIGHWAY  
BONDS AND COUPONS**

Redemption and Interest .....	120,855.00
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Total County Obligations to be Paid by State .....	120,855.00
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TOTAL DEBT SERVICE .....	16,699,727.00
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**REGULATORY BOARDS****MEDICAL COUNCIL OF DELAWARE**

Salaries of Members .....	320.00
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Salaries and Wages of Employees .....	1,000.00
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Office Expense .....	630.00
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Travel .....	450.00
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Total .....	2,400.00
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**STATE BOARD OF PHARMACY**

Salaries of Board Members .....	600.00
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Salaries and Wages of Employees .....	3,000.00
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Office Expense .....	750.00
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Travel .....	1,300.00
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Total .....	5,650.00
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**STATE BOARD OF DENTAL EXAMINERS**

Salaries of Board Members .....	540.00
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Salaries and Wages of Employees .....	150.00
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Office Expense .....	155.00
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Travel .....	155.00
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Total .....	1,000.00
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## STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages of Employees .....	150.00
Office Expense .....	25.00
Travel .....	25.00

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Total .....	200.00
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## STATE BOARD OF ACCOUNTANCY

Salaries and Wages of Employees .....	240.00
Office Expense .....	460.00

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Total .....	700.00
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## STATE BOARD OF EXAMINERS IN OPTOMETRY

Salaries of Board Members .....	105.00
Office Expense .....	45.00
Travel .....	75.00

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Total .....	225.00
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STATE BOARD OF EXAMINERS  
OF GRADUATE NURSES

Salaries of Board Members .....	400.00
Salaries and Wages of Employees .....	3,000.00
Office Expense .....	2,100.00
Travel .....	500.00

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Total .....	6,000.00
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## STATE BOARD OF EXAMINERS OF UNDERTAKERS

Salaries of Board Members .....	160.00
Salaries and Wages of Employees .....	240.00
Office Expense .....	100.00
Operations .....	200.00

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Total .....	700.00
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## STATE BINGO CONTROL COMMISSION

Operations .....	30,000.00
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Total .....	30,000.00
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## DELAWARE REAL ESTATE COMMISSION

Salaries of Commission Members .....	2,200.00
Office Expense .....	600.00
Travel .....	200.00
Total .....	3,000.00

BOARD OF EXAMINERS AND  
REGISTRATION OF ARCHITECTS

Salaries and Wages of Employees .....	200.00
Office Expense .....	250.00
Travel .....	250.00
Equipment .....	50.00
Total .....	750.00

## STATE ATHLETIC COMMISSION

Salaries of Commissioners .....	900.00
Salaries and Wages of Employees .....	150.00
Office Expense .....	600.00
Travel .....	100.00
Total .....	1,750.00

ATLANTIC STATES MARINE  
FISHERIES COMMISSION

Dues .....	1,500.00
Total .....	1,500.00

STATE BOARD OF REGISTRATION FOR PRO-  
FESSIONAL ENGINEERS AND LAND SURVEYORS

Salary of Secretary .....	3,300.00
Office Expense .....	3,200.00
Travel .....	500.00
Equipment .....	200.00
Total .....	7,200.00

## DELAWARE COMMISSION OF SHELL FISHERIES

Salary of Executive Secretary .....	5,000.00
Salary of Boat Inspector .....	1,500.00
Salaries and Wages of Employee .....	32,000.00
Office Expense .....	3,000.00

Travel .....	1,000.00
Operations .....	19,500.00
Research .....	9,000.00
<b>Total .....</b>	<b>71,000.00</b>
<b>DEPARTMENT OF CIVIL DEFENSE</b>	
Salary of State Director .....	6,000.00
Salaries and Wages of Employees .....	20,000.00
Office Expense .....	3,000.00
Travel .....	2,000.00
Operations .....	4,000.00
Repairs and Replacements .....	1,000.00
Equipment .....	2,500.00
<b>Total .....</b>	<b>38,500.00</b>
<b>BOARD OF CHIROPODY EXAMINERS</b>	
Salaries of Board Members .....	150.00
Office Expense .....	30.00
Travel .....	20.00
<b>Total .....</b>	<b>200.00</b>
<b>STATE BOARD OF CHIROPRACTIC EXAMINERS</b>	
Salaries of Board Members .....	150.00
Office Expense .....	65.00
Travel .....	50.00
<b>Total .....</b>	<b>265.00</b>
<b>STATE FIRE PREVENTION COMMISSION</b>	
Salary of Fire Marshal .....	6,000.00
Salaries and Wages of Employees .....	3,200.00
Office Expense .....	1,100.00
Travel .....	2,300.00
Operations .....	600.00
Repairs and Replacements .....	200.00
Equipment .....	500.00
<b>Total .....</b>	<b>13,900.00</b>
<b>TOTAL REGULATORY BOARDS .....</b>	<b>184,940.00</b>

## ENFORCEMENT BOARDS

## LABOR COMMISSION OF DELAWARE

Salary of Child Labor Inspector .....	3,400.00
Salary of 10-Hour Law Inspector .....	3,000.00
Salaries and Wages of Employees .....	6,200.00
Office Expense .....	4,000.00
Travel .....	800.00
Repairs and Replacements .....	300.00
Equipment .....	100.00

*pi* Total ..... 17,800.00

## BOARD OF PAROLE

Salaries of Board Members .....	600.00
Salary of Parole Officer .....	3,600.00
Salaries and Wages of Employees .....	1,200.00
Office Expense .....	500.00
Travel .....	1,500.00

Total ..... 7,400.00

## BOARD OF PARDONS

Salary of Lieutenant-Governor .....	144.00
Travel .....	96.00
Witness Fees .....	100.00

Total ..... 340.00

## BOARD OF BOILER RULES

Salary of Chief Inspector .....	6,000.00
Salaries and Wages of Employees .....	10,000.00
Office Expense .....	2,200.00
Travel .....	2,000.00
Equipment .....	300.00

Total ..... 20,500.00

## REGULATORS OF WEIGHTS AND MEASURES

Salaries and Wages of Employees .....	7,000.00
Office Expense .....	200.00
Travel .....	1,200.00

Total ..... 8,400.00

## INDUSTRIAL ACCIDENT BOARD

Salaries of Members .....	10,800.00
Salaries and Wages of Employees .....	12,000.00
Office Expense .....	5,200.00
Court Reporting Fees .....	3,600.00
Travel .....	2,000.00
Repairs and Replacements .....	250.00
Equipment .....	800.00
Total .....	34,650.00

## DELAWARE NATIONAL GUARD

Salary of Adjutant General .....	10,000.00
Salaries and Wages of Employees .....	52,000.00
Office Expense .....	8,000.00
Travel .....	3,000.00
Operations .....	53,400.00
Uniform Allowance—Officers .....	22,700.00
Unit Fund Allowance—\$500 per unit .....	19,500.00
Repairs and Replacements .....	18,400.00
Equipment .....	20,000.00
Total .....	207,000.00

## PUBLIC SERVICE COMMISSION

Salaries of Commission Members .....	13,500.00
Salaries and Wages of Employees .....	32,940.00
Office Expense .....	3,500.00
Travel .....	5,000.00
Operations .....	10,000.00
Repairs and Replacements .....	1,000.00
Total .....	65,940.00

TOTAL ENFORCEMENT BOARDS .. 362,030.00

## PENSIONS AND SOCIAL SECURITY

## RETIRED AND DISABLED TEACHERS' PENSIONS

Benefits .....	123,000.00
Total .....	123,000.00



## STATE EMPLOYEES' PENSION PLAN

Salaries and Wages of Employees .....	6,000.00
Office Expense .....	2,500.00
Travel .....	100.00
Benefits .....	1,200,000.00
Survivors' Pensions (Spouse) .....	70,000.00
Total .....	1,278,600.00

STATE'S SHARE OF SOCIAL  
SECURITY CONTRIBUTIONS

Contributions .....	1,010,000.00
Total .....	1,010,000.00

## STATE JUDICIARY RETIREMENT FUND

Contributions .....	5,600.00
Total .....	5,600.00

## PARAPLEGIC VETERANS' PENSIONS

Benefits .....	7,200.00
Total .....	7,200.00

## STATE POLICE RETIREMENT FUND

Contributions .....	175,730.00
Total .....	175,730.00

## TOTAL PENSIONS AND

SOCIAL SECURITY .....	2,600,130.00
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## MISCELLANEOUS

## CUSTODIAN

Salary of Custodian .....	5,000.00
Salaries and Wages of Employees .....	55,000.00
Office Expense .....	1,200.00
Operations .....	46,500.00
Repairs and Replacements .....	25,000.00
Equipment .....	2,000.00
Total .....	134,700.00

## STATE BUILDINGS AND GROUNDS COMMISSION

Operations .....	500.00
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Total .....	500.00
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## STATE LIBRARY COMMISSION

Salaries and Wages of Employees .....	25,890.00
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Office Expense .....	905.00
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Travel .....	725.00
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Operations .....	3,000.00
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Repairs and Replacements .....	13,450.00
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Equipment .....	2,500.00
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Permanent Improvements .....	5,500.00
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Total .....	51,970.00
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## PUBLIC ARCHIVES COMMISSION

## ADMINISTRATION

Salaries and Wages of Employees .....	56,400.00
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Office Expense .....	2,000.00
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Travel .....	1,200.00
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Operations .....	4,100.00
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Repairs and Replacements .....	250.00
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Equipment .....	2,000.00
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Historic Markers .....	1,000.00
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Total .....	66,950.00
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## STATE MUSEUM

Salaries and Wages of Employees .....	21,500.00
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Office Expense .....	1,000.00
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Travel .....	200.00
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Operations .....	750.00
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Repairs and Replacements .....	500.00
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Equipment .....	3,000.00
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Total .....	26,950.00
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## JOHN DICKINSON MANSION

Salaries and Wages of Employees .....	12,700.00
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Office Expense .....	250.00
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Operations .....	600.00
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Repairs and Replacements .....	600.00
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Equipment .....	1,000.00
Permanent Improvements .....	200.00
Total .....	15,350.00
Total Public Archives Commission .....	109,250.00
PORTRAIT COMMISSION	
Office Expense .....	50.00
Travel .....	25.00
Repairs and Replacements .....	125.00
Equipment .....	300.00
Total .....	500.00
STATE PARK COMMISSION	
GENERAL OPERATIONS	
Salary of Secretary .....	1,200.00
Office Expense .....	100.00
Travel .....	300.00
Total .....	1,600.00
TRAP POND	
Salary of Superintendent .....	4,200.00
Salaries of Life Guards (3) .....	1,600.00
Salaries and Wages of Employees .....	1,600.00
Office Expense .....	1,000.00
Travel .....	500.00
Operations .....	1,500.00
Repairs and Replacements .....	1,000.00
Total .....	11,400.00
BRANDYWINE SPRINGS PARK	
Salary of Superintendent .....	6,000.00
Salaries and Wages of Employees .....	7,500.00
Office Expense .....	1,000.00
Travel .....	900.00
Operations .....	3,300.00
Repairs and Replacements .....	1,000.00
Total .....	19,700.00

## FORT DELAWARE

Salary of Superintendent .....	4,200.00
Salaries and Wages of Employees .....	1,500.00
Office Expense .....	300.00
Travel .....	500.00
Operations .....	900.00
Repairs and Replacements .....	7,500.00
Total .....	14,900.00

## DELAWARE STATE DEVELOPMENT DEPARTMENT

Salary of Director .....	5,000.00
Salaries and Wages of Employees .....	15,650.00
Office Expense .....	5,000.00
Travel .....	4,000.00
Operations .....	18,500.00
Repairs and Replacements .....	500.00
Equipment .....	150.00
Total .....	48,800.00

## LEWES MEMORIAL COMMISSION

Salaries and Wages of Employees .....	6,150.00
Office Expense .....	250.00
Travel .....	100.00
Operations .....	900.00
Repairs and Replacements .....	600.00
Total .....	8,000.00

## DELAWARE DAY COMMISSION

Operations .....	100.00
Total .....	100.00

## NEW CASTLE HISTORIC BUILDINGS COMMISSION

Salaries and Wages of Employees .....	5,550.00
Office Expense .....	500.00
Operations .....	1,400.00
Repairs and Replacements .....	1,000.00
Total .....	8,450.00

## DELAWARE GEOLOGICAL COMMISSION

Salaries and Wages of Employees .....	12,500.00
Travel .....	500.00
Operations .....	14,000.00
Brandywine Sediment Station Gaging .....	2,250.00
River Master Project and Related Operations .....	15,000.00
<b>Total .....</b>	<b>44,250.00</b>

**TOTAL MISCELLANEOUS .....** 454,120.00

## ROADS: MAINTENANCE, POLICE, ETC.

## STATE HIGHWAY DEPARTMENT

## ADMINISTRATION

Salary of Chief Engineer .....	12,500.00
Salary of Secretary .....	8,000.00
Salaries and Wages of Employees .....	42,000.00
Office Expense .....	7,800.00
Travel .....	500.00
Operations .....	5,500.00
Repairs and Replacements .....	1,500.00
Equipment .....	700.00
<b>Total .....</b>	<b>78,500.00</b>

## MOTOR VEHICLE DIVISION

Salaries and Wages of Employees .....	355,000.00
Office Expense .....	62,000.00
Travel .....	1,500.00
Operations .....	125,000.00
Repairs and Replacements .....	13,045.00
Equipment .....	1,300.00
<b>Total .....</b>	<b>557,845.00</b>

## SAFETY RESPONSIBILITY DIVISION

Salary of Director .....	5,500.00
Salaries and Wages of Employees .....	13,670.00
Office Expense .....	2,500.00
Travel .....	600.00
Repairs and Replacements .....	150.00
<b>Total .....</b>	<b>22,420.00</b>

STATE POLICE DIVISION	
Salaries and Wages of Employees .....	1,086,000.00
Office Expense .....	30,000.00
Travel .....	5,000.00
Operations .....	160,000.00
Repairs and Replacements .....	31,000.00
Equipment .....	24,000.00
Total .....	1,336,000.00
MOTOR FUEL TAX DIVISION	
Salaries and Wages of Employees .....	18,000.00
Office Expense .....	2,000.00
Travel .....	3,000.00
Operations .....	900.00
Repairs and Replacements .....	1,000.00
Equipment .....	250.00
Total .....	25,150.00
STATE COMMUNICATIONS DIVISION	
Salary of Administrator .....	7,200.00
Salaries and Wages of Employees .....	32,000.00
Office Expense .....	1,140.00
Travel .....	510.00
Operations .....	10,000.00
Repairs and Replacements .....	500.00
Equipment .....	1,500.00
Total .....	52,850.00
MAINTENANCE DIVISION	
Salaries and Wages of Employees .....	2,225,000.00
Office Expense .....	10,500.00
Operations .....	500,000.00
Repairs and Replacements .....	875,000.00
Equipment .....	100,000.00
Total .....	3,710,500.00
CONSTRUCTION DIVISION	
Salaries and Wages of Employees .....	210,000.00
Operations .....	540,000.00
Total .....	750,000.00

## MOSQUITO CONTROL DIVISION

Salaries and Wages of Employees .....	60,000.00
Office Expense .....	750.00
Operations .....	140,000.00
Repairs and Replacements .....	2,000.00
Total .....	202,750.00

TOTAL ROADS: MAINTENANCE, POLICE, ETC. ....	6,736,015.00
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## HEALTH

## STATE BOARD OF HEALTH

## ADMINISTRATION

Salary of Executive Secretary .....	15,000.00
Salaries and Wages of Employees .....	350,000.00
Office Expense .....	23,100.00
Travel .....	12,500.00
Operations .....	18,500.00
Repairs and Replacements .....	20,000.00
Equipment .....	1,000.00
Basic Plumbing Principles .....	5,000.00
School Examination Fees .....	20,000.00
Total .....	465,100.00

## CRIPPLED CHILDREN

Salaries and Wages of Employees .....	83,400.00
Travel .....	500.00
Total .....	83,900.00

## CANCER CONTROL

Salaries and Wages of Employees .....	45,000.00
Office Expense .....	400.00
Travel .....	500.00
Operations .....	140.00
Repairs and Replacements .....	1,850.00
Total .....	47,890.00

## DIVISION OF OPTOMETRY

Operations .....	1,000.00
Total .....	1,000.00

**AIR POLLUTION**

Salaries and Wages of Employees .....	11,400.00
Office Expense .....	3,000.00
Travel .....	800.00
Operations .....	1,000.00
<b>Total .....</b>	<b>16,200.00</b>

**POLIOMYELITIS IMMUNIZATION**

Operations .....	20,000.00
<b>Total .....</b>	<b>20,000.00</b>

<b>Total State Board of Health .....</b>	<b>634,090.00</b>
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**WATER POLLUTION COMMISSION**

Salaries and Wages of Employees .....	43,000.00
Office Expense .....	1,800.00
Travel .....	2,000.00
Operations .....	110.00
Repairs and Replacements .....	2,000.00
Equipment .....	150.00
<b>Total .....</b>	<b>49,060.00</b>

<b>TOTAL HEALTH .....</b>	<b>683,150.00</b>
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**AGRICULTURE, FORESTRY, ETC.****STATE BOARD OF AGRICULTURE**

Salary of Director of State Laboratory .....	7,500.00
Salaries and Wages of Employees .....	166,500.00
Office Expense .....	9,000.00
Travel .....	10,000.00
Operations .....	40,000.00
Repairs and Replacements .....	8,000.00
Equipment .....	2,500.00
News Letter .....	1,000.00
<b>Total .....</b>	<b>244,500.00</b>



## SOIL CONSERVATION COMMISSION

Salaries and Wages of Employees .....	25,000.00
Office Expense .....	1,500.00
Travel .....	5,000.00
Operations .....	200.00
Equipment .....	300.00
Total .....	32,000.00

## STATE POULTRY COMMISSION

Salary of Executive Secretary .....	2,000.00
Salaries and Wages of Employees .....	1,400.00
Office Expense .....	350.00
Travel .....	600.00
Operations .....	10,200.00
Total .....	14,550.00

TOTAL AGRICULTURE .....	291,050.00
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STATE FORESTRY DEPARTMENT  
ADMINISTRATION

Salary of State Forester .....	3,600.00
Salaries and Wages of Employees .....	41,400.00
Office Expense .....	2,000.00
Travel .....	2,500.00
Operations .....	8,000.00
Repairs and Replacements .....	2,500.00
Equipment .....	100.00
Total .....	60,100.00

## SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages of Employees .....	11,000.00
Office Expense .....	1,000.00
Travel .....	300.00
Operations .....	500.00
Repairs and Replacements .....	1,200.00
Equipment .....	1,500.00
Total .....	15,500.00

Total State Forestry Dept. ....	75,600.00
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## DELAWARE GAME AND FISH COMMISSION

Salary of Commissioners .....	900.00
Salary of Chief Warden .....	3,600.00
Salary of Game Technician .....	6,000.00
Salaries and Wages of Employees .....	35,920.00
Office Expense .....	4,500.00
Travel .....	2,000.00
Operations .....	15,000.00
Repairs and Replacements .....	3,000.00
Equipment .....	2,500.00
Moore's Lake Rearing Ponds .....	250.00
<b>Total .....</b>	<b>73,670.00</b>

## YOUTH CENTER AT PETERSBURG

Salaries and Wages of Employees .....	4,080.00
Office Expense .....	200.00
Operations .....	3,900.00
Repairs and Replacements .....	300.00
<b>Total .....</b>	<b>8,480.00</b>

<b>Total Game and Fish Commission .....</b>	<b>82,150.00</b>
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<b>TOTAL AGRICULTURE, FORESTRY, ETC. ....</b>	<b>448,800.00</b>
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## PUBLIC WELFARE

## DEPARTMENT OF PUBLIC WELFARE

Salary of Director .....	6,000.00
Salaries and Wages of Employees .....	316,000.00
Office Expense .....	37,000.00
Travel .....	8,000.00
Repairs and Replacements .....	12,000.00
Equipment .....	3,000.00
O. A. A.—Grants .....	234,000.00
Aid to Disabled—Grants .....	100,000.00
Aid to Dependent Children—Grants .....	200,000.00
Direct Care—Child Welfare Service .....	402,000.00
Reimbursement to Counties .....	400,000.00
<b>Total .....</b>	<b>1,718,000.00</b>

## DELAWARE COMMISSION FOR THE BLIND

Salary of Director .....	5,000.00
Salaries and Wages of Employees .....	52,500.00
Office Expense .....	2,000.00
Travel .....	3,000.00
Operations .....	29,000.00
Repairs and Replacements .....	6,500.00
Materials .....	10,000.00
Assistance Grants .....	95,000.00
Benefits—Education .....	49,100.00
Total .....	252,100.00

## STATE WELFARE HOME

Reimbursement to Counties .....	475,000.00
Total .....	475,000.00

## DELAWARE STATE HOSPITAL

Salary of Superintendent .....	12,500.00
Salaries and Wages of Employees .....	1,351,000.00
Office Expense .....	24,000.00
Travel .....	6,700.00
Operations .....	400,000.00
Repairs and Replacements .....	50,000.00
Equipment .....	6,500.00
Total .....	1,850,700.00

## DAYTIME CARE CENTERS

Salaries and Wages of Employees .....	47,800.00
Office Expense .....	6,600.00
Travel .....	9,600.00
Operations .....	5,000.00
Repairs and Replacements .....	2,000.00
Equipment .....	1,000.00
Total .....	72,000.00

## MENTAL HYGIENE CLINIC

Salaries and Wages of Employees .....	43,200.00
Office Expense .....	2,000.00
Travel .....	1,200.00

Operations .....	2,000.00
Repairs and Replacements .....	800.00
Equipment .....	800.00
<b>Total .....</b>	<b>50,000.00</b>
<b>GOVERNOR BACON HEALTH CENTER</b>	
Salary of Superintendent .....	5,000.00
Salaries and Wages of Employees .....	528,000.00
Salaries—Handicapped Children .....	63,000.00
Office Expense .....	11,000.00
Travel .....	4,000.00
Operations .....	160,000.00
Repairs and Replacements .....	9,000.00
Handicapped Children—Other Costs .....	2,000.00
<b>Total .....</b>	<b>782,000.00</b>
<b>HOSPITAL FOR MENTALLY RETARDED</b>	
Salaries and Wages of Employees .....	605,000.00
Salaries—Handicapped Children .....	10,000.00
Office Expense .....	11,000.00
Travel .....	5,250.00
Operations .....	196,000.00
Repairs and Replacements .....	55,000.00
Equipment .....	6,100.00
Other Costs—Handicapped Children .....	1,300.00
All Costs Trainable Children .....	25,000.00
<b>Total .....</b>	<b>914,650.00</b>
<b>Total Delaware State Hospital .....</b>	<b>3,669,350.00</b>
<b>STATE BOARD OF CORRECTIONS</b>	
Salaries of Board Members .....	840.00
Salary of Director .....	12,000.00
Salaries and Wages of Employees .....	615,000.00
Office Expense .....	15,000.00
Travel .....	11,000.00
Operations .....	240,000.00
Repairs and Replacements .....	30,000.00
Equipment .....	4,000.00
<b>Total .....</b>	<b>927,840.00</b>

## EMILY P. BISSELL SANATORIUM

Salary of Superintendent .....	12,000.00
Salaries and Wages of Employees .....	438,000.00
Office Expense .....	10,000.00
Travel .....	2,000.00
Operations .....	200,000.00
Repairs and Replacements .....	15,000.00
Equipment .....	10,000.00
Education—	
Salaries of Instructors .....	4,128.00
Equipment .....	650.00
Total .....	691,778.00

YOUTH SERVICES COMMISSION  
ADMINISTRATION

Salary of Director .....	10,500.00
Salaries and Wages of Employees .....	9,000.00
Office Expense .....	3,700.00
Travel .....	2,500.00
Operations .....	1,280.00
Repairs and Replacements .....	150.00
Equipment .....	500.00
Total .....	27,630.00

## FERRIS SCHOOL FOR BOYS

Salary of Superintendent .....	7,500.00
Salaries and Wages of Employees .....	133,899.00
Office Expense .....	3,415.00
Travel .....	4,600.00
Operations .....	75,900.00
Repairs and Replacements .....	18,600.00
Equipment .....	2,436.00
Handicapped Children—5 Units .....	3,650.00
Total .....	250,000.00

BRIDGE HOUSE (DETENTION  
HOME FOR JUVENILES)

Salary of Superintendent .....	4,000.00
Salaries and Wages of Employees .....	23,250.00
Office Expense .....	1,225.00

Travel .....	300.00
Operations .....	15,000.00
Repairs and Replacements .....	725.00
Equipment .....	500.00
<b>Total .....</b>	<b>45,000.00</b>

**KRUSE SCHOOL**

Salary of Superintendent .....	6,500.00
Salaries and Wages of Employees .....	44,125.00
Office Expense .....	2,075.00
Travel .....	2,000.00
Operations .....	29,200.00
Repairs and Replacements .....	6,000.00
Equipment .....	100.00
<b>Total .....</b>	<b>90,000.00</b>

**WOODS HAVEN SCHOOL**

Salary and Wages of Employees .....	60,700.00
Office Expense .....	1,800.00
Travel .....	2,000.00
Operations .....	25,500.00
Repairs and Replacements .....	3,000.00
<b>Total .....</b>	<b>93,000.00</b>

<b>Total Youth Services Commission .....</b>	<b>505,630.00</b>
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<b>TOTAL PUBLIC WELFARE .....</b>	<b>8,239,698.00</b>
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**GRANTS-IN-AID****PENINSULA HORTICULTURAL SOCIETY**

Office Expense .....	900.00
<b>Total .....</b>	<b>900.00</b>

**CROP IMPROVEMENT ASSOCIATION**

Operations .....	450.00
<b>Total .....</b>	<b>450.00</b>

## VARIOUS MUNICIPALITIES

Street Improvement Aid Funds .....	1,200,000.00
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Total .....	1,200,000.00
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TOTAL GRANTS-IN-AID .....	1,201,350.00
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TOTAL AGENCIES, GRANTS-IN-AID, ETC. ....	40,289,157.00
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## EDUCATION

## HIGHER EDUCATION

## UNIVERSITY OF DELAWARE

Salaries and Wages of Employees .....	2,652,745.00
Office Expense .....	50,000.00
Travel .....	19,025.00
Operations .....	293,280.00
Repairs and Replacements .....	50,000.00
Equipment .....	90,450.00
Permanent Improvements .....	7,000.00
Scholarships .....	37,500.00

Total .....	3,200,000.00
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## DELAWARE STATE COLLEGE

Salaries and Wages of Employees .....	240,000.00
Office Expense .....	10,000.00
Travel .....	2,000.00
Operations .....	80,000.00
Repairs and Replacements .....	33,000.00
Equipment .....	20,000.00
Scholarships .....	25,000.00

Total .....	410,000.00
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Total Higher Education .....	3,610,000.00
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## STATE BOARD OF EDUCATION

## Division I.—SALARIES

A. Salary of Superintendent .....	16,500.00
Salaries of State Board Members .....	2,700.00

<b>B. Assistant Superintendents (4)</b>	
1. Business Administration .....	12,980.00
2. Secondary and Adult Education ....	12,680.00
3. Elementary Education .....	12,980.00
4. Vocational Education ( $\frac{1}{2}$ Federal)	5,370.00
<b>C. Directors (3)</b>	
1. Research .....	11,540.00
2. Child Development and Guidance....	12,060.00
3. Certification .....	10,540.00
<b>D. Supervisors</b>	
<b>a. With Program (15)</b>	
1. Art .....	10,500.00
2. Music .....	10,740.00
3. Physical Education .....	10,500.00
4. Home Economics ( $\frac{1}{2}$ Federal) ..	4,520.00
5. Agriculture ( $\frac{1}{2}$ Federal) .....	5,250.00
6. Distributive Education ( $\frac{1}{2}$ Federal) .....	3,750.00
7. Lunch Program .....	9,080.00
8. Trades and Industries ( $\frac{1}{2}$ Federal) .....	3,840.00
9. Foreman Training ( $\frac{1}{2}$ Federal)	4,650.00
10. Teacher Training ( $\frac{1}{2}$ Federal)	5,370.00
11. Apprentice Training ( $\frac{1}{2}$ Federal) .....	4,890.00
12. Transportation .....	8,820.00
13. Science ( $\frac{1}{2}$ Federal) .....	4,700.00
14. Mathematics ( $\frac{1}{2}$ Federal) .....	3,950.00
15. Foreign Language ( $\frac{1}{2}$ Federal)	4,300.00
A total of \$12,950.00 is appropriated in items No. 13, 14 and 15 so as to qualify for Federal Funds under Title III National Education Defense Act.	
<b>b. Without Program (15)</b>	
1. Research .....	8,840.00
2. Home Economics ( $\frac{1}{2}$ Federal) ..	4,820.00
3. Rural New Castle Co. ....	10,070.00
4. Rural New Castle Co. ....	8,730.00
5. Rural Kent Co. ....	9,190.00



6. Rural Sussex Co. ....	8,730.00
7. Student Driver .....	9,190.00 .
8. Transportation .....	7,240.00
9. Special Classes .....	9,540.00
10. Special Classes and Physical Hdc. ....	8,580.00
11. Special Schools .....	9,060.00
12. Certification .....	7,720.00
13. Business .....	7,720.00
14. Maintenance .....	5,250.00
15. Testing .....	8,700.00
E. Principals .....	None
F. Vice-principals .....	None
G. Administrative Assistants .....	None
Total Administrative Salaries .....	315,590.00
H. Teachers	
1. Physical Education .....	6,800.00
2. Art .....	7,500.00
3. Art .....	7,500.00
4. Music .....	7,500.00
5. Music .....	6,500.00
6. Driver Education (20) .....	105,500.00
7. Visiting Teachers (4) .....	26,800.00
8. Psychologist (9) ..... 60,360.00	
9. Speech and Hearing (6) 33,505.00	
10. Coordinators (2) ..... 13,680.00	
	107,545.00
Less reimbursement un- der National Education Defense Act ..... 17,000.00	90,545.00
11. A. I. duPont Institute .....	4,625.00
12. Visiting Teachers (Wilmington—2) .....	11,800.00
13. Psychologist (Wilmington—4) .....	23,000.00
14. Speech and Hearing (Wilmington—1) .....	5,900.00

1. Clerical .....	139,450.00
J. Janitorial .....	2,825.00

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Total Division I .....	761,835.00
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## Division II.

B. 1. Office Expense .....	74,000.00
(a) State Matching Funds for Title III National Education De- fense Act .....	7,050.00
2. Fire Insurance for Schools .....	60,000.00
3. Legal Fees .....	25,000.00
4. Travel .....	32,000.00
5. Transportation .....	1,390,000.00
6. Operations, Rehabilitation Division .....	110,000.00
7. Equipment .....	12,000.00
8. Vocational Training .....	27,500.00
9. Deaf Program .....	50,000.00
10. Dover and Fairfax Schools for Trainables .....	50,000.00
11. Homebound Instruction .....	30,250.00
12. Adult Education .....	6,000.00
13. Tuition, Indian Students .....	4,500.00
14. Survey on State Board of Education to be administered by Joint Finance Committee .....	5,000.00
15. Clerical and Health Services— Small Schools .....	62,900.00
16. Substitute Teachers .....	100,000.00

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Total Division II .....	2,046,200.00
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Total State Board, Etc. ....	2,808,035.00
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Each employee of the State Board of Education shall receive the salary as appropriated above for the fiscal year ending June 30, 1961 with the further provision that no employee shall earn less salary during the fiscal year ending June 30, 1961 than such employee earned during the fiscal year ending June 30, 1960.

PUBLIC SCHOOLS  
SPECIAL SCHOOL DISTRICTS

## CAESAR RODNEY

For School Year  
1960-1961

## Division I.—SALARIES

A. Chief School Officer .....	11,040.00
E. Principals 4 .....	29,420.00
G. Administrative Assistants 1 .....	8,000.00

Total Administrative Salaries .....	48,460.00
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H. Teachers 94 .....	455,595.00
I. Clerical 5 .....	17,700.00
J. Janitorial 12 .....	40,450.00
K. Health 2½ .....	11,700.00
L. Cafeteria 2 .....	5,050.00

## Division II.—OTHER COSTS

A. 1. 98 units at \$650.00 .....	63,700.00
2. Capital Outlay:	
98 units at \$100.00 .....	9,800.00

Total .....	652,455.00
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## CLAYMONT

## Division I.—SALARIES

A. Chief School Officer .....	11,040.00
E. Principals 4 .....	33,140.00
G. Administrative Assistants 1 .....	8,960.00

Total Administrative Salaries .....	53,140.00
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H. Teachers 95 .....	482,400.00
I. Clerical 5 .....	18,300.00
J. Janitorial 21 .....	70,875.00
K. Health 2½ .....	11,800.00
L. Cafeteria 5 .....	14,950.00

## Division II.—OTHER COSTS

A. 1. 99 units at \$650.00 .....	64,350.00
2. Capital Outlay:	
99 units at \$100.00 .....	9,900.00

Total .....	725,715.00
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Teachers Salaries, 1959-60 .....	16,930.00
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Grand Total .....	742,645.00
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## DOVER

## Division I.—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals 6 .....	50,600.00
G. Administrative Assistants 1 .....	9,080.00

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Total Administrative Salaries .....	70,240.00
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H. Teachers 118 .....	637,700.00
I. Clerical 6 .....	19,000.00
J. Janitorial 21 .....	76,850.00
K. Health 3 .....	12,500.00
L. Cafeteria 5 .....	14,850.00

## Division II.—OTHER COSTS

A. 1. 124 units at \$650.00 .....	80,600.00
2. Capital Outlay:	
124 units at \$100.00 .....	12,400.00

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Total .....	924,140.00
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## ALEXIS I. duPONT

## Division I.—SALARIES

A. Chief School Officer .....	10,540.00
E. Principals 2 .....	16,210.00

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Total Administrative Salaries .....	26,750.00
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H. Teachers 57 .....	300,930.00
I. Clerical 4 .....	13,320.00
J. Janitorial 12 .....	43,700.00
K. Health 1½ .....	7,100.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 59 units at \$650.00 .....	38,350.00
2. Capital Outlay:	
59 units at \$100.00 .....	5,900.00

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Total .....	439,250.00
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Teachers Salaries, 1959-60 .....	2,374.00
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Grand Total .....	441,624.00
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## GEORGETOWN

## Division I.—SALARIES

A. Chief School Officer .....	9,580.00
E. Principals 2 .....	16,890.00

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Total Administrative Salaries .....	26,470.00
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H. Teachers 57 .....	278,995.00
I. Clerical 4 .....	14,675.00
J. Janitorial 9 .....	34,300.00
K. Health 1½ .....	8,300.00
L. Cafeteria 1 .....	3,500.00

## Division II.—OTHER COSTS

A. 1. 59 units at \$650.00 .....	38,350.00
2. Capital Outlay:	
59 units at \$100.00 .....	5,900.00

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Total .....	410,490.00
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## HARRINGTON

## Division I.—SALARIES

A. Chief School Officer .....	10,050.00
E. Principals 2 .....	14,180.00

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Total Administrative Salaries .....	24,230.00
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H. Teachers 43 .....	227,900.00
I. Clerical 3 .....	10,980.00
J. Janitorial 8 .....	27,450.00
K. Health 1½ .....	7,650.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 45 units at \$650.00 .....	29,250.00
2. Capital Outlay:	
45 units at \$100.00 .....	4,500.00

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Total .....	335,160.00
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## LAUREL

## Division I.—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals 5 .....	35,630.00
G. Administrative Assistants .....	9,160.00

Total Administrative Salaries .....	55,350.00
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H. Teachers 79 .....	410,240.00
I. Clerical 5 .....	17,100.00
J. Janitorial 15 .....	59,850.00
K. Health 2½ .....	8,600.00
L. Cafeteria 2 .....	5,500.00

## Division II.—OTHER COSTS

A. 1. 84 units at \$650.00 .....	54,600.00
2. Capital Outlay:	
84 units at \$100.00 .....	8,400.00

Total .....	619,640.00
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## LEWES

## Division I.—SALARIES

A. Chief School Officer .....	10,540.00
E. Principals 3 .....	23,520.00

Total Administrative Salaries .....	34,060.00
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H. Teachers 48 .....	249,660.00
I. Clerical 4 .....	13,260.00
J. Janitorial 10 .....	36,850.00
K. Health 1½ .....	6,700.00
L. Cafeteria 2 .....	6,250.00

## Division II.—OTHER COSTS

A. 1. 51 units at \$650.00 .....	33,150.00
2. Capital Outlay:	
51 units at \$100.00 .....	5,100.00

Total .....	385,030.00
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## MILFORD

## Division I.—SALARIES

A. Chief School Officer .....	10,080.00
E. Principals 4 .....	29,975.00
G. Administrative Assistants 1 .....	9,560.00

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Total Administrative Salaries .....	49,615.00
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H. Teachers 104 .....	532,155.00
I. Clerical 6 .....	20,160.00
J. Janitorial 18 .....	68,600.00
K. Health 3 .....	13,300.00
L. Cafeteria 3 .....	7,800.00

## Division II.—OTHER COSTS

A. 1. 108 units at \$650.00 .....	70,200.00
2. Capital Outlay:	
108 units at \$100.00 .....	10,800.00

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Total .....	772,630.00
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Teachers Salaries, 1959-60 .....	7,099.00
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Grand Total .....	779,729.00
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## MOUNT PLEASANT

## Division I.—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals 6 .....	51,940.00
G. Administrative Assistants 1 .....	9,560.00

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Total Administrative Salaries .....	72,060.00
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H. Teachers 179 .....	934,480.00
I. Clerical 8 .....	32,540.00
J. Janitorial 26 .....	91,000.00
K. Health 6 .....	26,300.00
L. Cafeteria 6 .....	17,550.00

## Division II.—OTHER COSTS

A. 1. 185 units at \$650.00 .....	120,250.00
2. Capital Outlay:	
185 units at \$100.00 .....	18,500.00

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Total .....	1,312,680.00
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Teachers Salaries, 1959-60 .....	19,382.00
Grand Total .....	1,332,062.00

## NEW CASTLE

## Division I.—SALARIES

A. Chief School Officer .....	10,080.00
E. Principals 6 .....	51,460.00
G. Administrative Assistants 1 .....	9,080.00
Total Administrative Salaries .....	70,620.00

H. Teachers 159 .....	795,730.00
I. Clerical 8 .....	28,920.00
J. Janitorial 22 .....	90,400.00
K. Health 5 .....	18,000.00
L. Cafeteria 6 .....	15,900.00

## Division II.—OTHER COSTS

A. 1. 165 units at \$650.00 .....	107,250.00
2. Capital Outlay:	
165 units at \$100.00 .....	16,500.00

Total .....	1,143,320.00
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Teachers Salaries, 1959-60 .....	24,298.00
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Grand Total .....	1,167,618.00
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## NEWARK

## Division I.—SALARIES

A. Chief School Officer .....	10,080.00
E. Principals 10 .....	81,470.00
G. Administrative Assistants 1 .....	9,560.00

Total Administrative Salaries .....	101,110.00
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H. Teachers 255 .....	1,281,720.00
I. Clerical 12 .....	35,900.00
J. Janitorial 36 .....	139,400.00
K. Health 10 .....	39,000.00
L. Cafeteria 10 .....	27,450.00



## Division II.—OTHER COSTS

A. 1. 265 units at \$650.00 .....	172,250.00
2. Capital Outlay:	
265 units at \$100.00 .....	26,500.00
<b>Total</b> .....	<b>1,823,330.00</b>
Teachers Salaries 1959-60 .....	30,600.00
<b>Grand Total</b> .....	<b>1,853,930.00</b>

## REHOBOTH

## Division I.—SALARIES

A. Chief School Officer .....	9,540.00
<b>Total Administrative Salaries</b> .....	<b>9,540.00</b>
H. Teachers 20 .....	113,010.00
I. Clerical 1 .....	5,100.00
J. Janitorial 5 .....	18,750.00
K. Health 1 .....	5,100.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 20 units at \$650.00 .....	13,000.00
2. Capital Outlay:	
20 units at \$100.00 .....	2,000.00
<b>Total</b> .....	<b>169,700.00</b>

## SEAFORD

## Division I.—SALARIES

A. Chief School Officer .....	11,040.00
E. Principals 5 .....	40,140.00
G. Administrative Assistants 1 .....	9,080.00
<b>Total Administrative Salaries</b> .....	<b>60,260.00</b>
H. Teachers 107 .....	545,530.00
I. Clerical 6 .....	20,100.00
J. Janitorial 22 .....	84,050.00
K. Health 3 .....	13,900.00
L. Cafeteria 5 .....	14,400.00

## Division II.—OTHER COSTS

A. 1. 112 units at \$650.00 .....	72,800.00
2. Capital Outlay:	
112 units at \$100.00 .....	11,200.00
Total .....	822,240.00
Teachers Salaries, 1959-60 .....	14,037.00
Grand Total .....	836,277.00

## SMYRNA

## Division I.—SALARIES

A. Chief School Officer .....	10,840.00
E. Principals 4 .....	30,410.00

Total Administrative Salaries .....	41,250.00
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H. Teachers 63 .....	331,200.00
I. Clerical 4 .....	14,400.00
J. Janitorial 11½ .....	37,125.00
K. Health 2 .....	8,500.00
L. Cafeteria 3 .....	7,950.00

## Division II.—OTHER COSTS

A. 1. 67 units at \$650.00 .....	43,550.00
2. Capital Outlay:	
67 units at \$100.00 .....	6,700.00

Totals .....	490,675.00
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TOTAL SPECIAL SCHOOL DISTRICTS .....	11,141,175.00
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## LOCAL SCHOOL DISTRICTS

## ARDEN NO. 3

## Division I.—SALARIES

H. Teachers 4 .....	20,300.00
J. Janitorial .....	2,200.00

## Division II.—OTHER COSTS

A. 1. 4 units at \$650.00 .....	2,600.00
2. Capital Outlay:	
4 units at \$100.00 .....	400.00

Total .....	25,500.00
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## GUNNING BEDFORD, JR. NO. 53

## Division I.—SALARIES

A. Chief School Officer .....	9,560.00
E. Principals 1 .....	8,560.00

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Total Administrative Salaries .....	18,120.00
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H. Teachers 35 .....	181,050.00
I. Clerical 3 .....	10,860.00
J. Janitorial 6 .....	18,280.00
K. Health 1 .....	3,200.00
L. Cafeteria 2 .....	5,200.00

## Division II.—OTHER COSTS

A. 1. 36 units at \$650.00 .....	23,400.00
2. Capital Outlay:	
36 units at \$100.00 .....	3,600.00

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Total .....	263,710.00
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## HENRY C. CONRAD NO. 131

## Division I.—SALARIES

A. Chief School Officer .....	9,880.00
E. Principals 2 .....	16,760.00

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Total Administrative Salaries .....	26,640.00
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H. Teachers 64 .....	336,870.00
I. Clerical 4 .....	11,760.00
J. Janitorial 10 .....	32,400.00
K. Health 2 .....	7,800.00
L. Cafeteria 2 .....	6,500.00

## Division II.—OTHER COSTS

A. 1. 66 units at \$650.00 .....	42,900.00
2. Capital Outlay:	
66 units at \$100.00 .....	6,600.00

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Total .....	471,470.00
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## ALFRED I. duPONT NO. 7

## Division I.—SALARIES

A. Chief School Officer .....	11,040.00
E. Principals 5 .....	44,680.00
G. Administrative Assistants 1 .....	8,480.00

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Total Administrative Salaries .....	64,200.00
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H. Teachers	152	758,730.00
I. Clerical	7	25,810.00
J. Janitorial	36	122,250.00
K. Health	5	19,700.00
L. Cafeteria	6	17,650.00
<b>Division II.—OTHER COSTS</b>		
A. 1. 157 units at \$650.00		102,050.00
2. Capital Outlay:		
157 units at \$100.00		15,700.00
Total		1,126,090.00
Teachers Salaries 1959-60		44,962.00
Grand Total		1,171,052.00

## MARSHALLTON NO. 77

## Division I.—SALARIES

A. Chief School Officer		11,040.00
E. Principals 3		25,160.00
G. Administrative Assistants 1		8,580.00
Total Administrative Salaries		44,780.00
H. Teachers	77	372,775.00
I. Clerical	4	13,620.00
J. Janitorial	12	45,800.00
K. Health	2	8,800.00
L. Cafeteria	3	10,800.00
<b>Division II.—OTHER COSTS</b>		
A. 1. 80 units at \$650.00		52,000.00
2. Capital Outlay:		
80 units at \$100.00		8,000.00
Total		556,575.00
Teachers Salaries, 1959-60		9,591.00
Grand Total		566,166.00

## MIDDLETOWN NO. 60

## Division I.—SALARIES

A. Chief School Officer .....	9,580.00
E. Principals 1 .....	7,480.00

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Total Administrative Salaries .....	17,060.00
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H. Teachers 39 .....	203,210.00
I. Clerical 3 .....	10,540.00
J. Janitorial 5 .....	18,188.00
K. Health 1 .....	5,100.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 40 units at \$650.00 .....	26,000.00
2. Capital Outlay:	
40 units at \$100.00 .....	4,000.00

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Total .....	287,298.00
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Teachers Salaries, 1959-60 .....	887.00
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Grand Total .....	288,185.00
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## NEWPORT NO. 21

## Division I.—SALARIES

A. Chief School Officer .....	9,580.00
E. Principals 2 .....	17,480.00

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Total Administrative Salaries .....	27,060.00
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H. Teachers 52 .....	249,750.00
I. Clerical 4 .....	14,105.00
J. Janitorial 8 .....	29,900.00
K. Health 1½ .....	6,900.00
L. Cafeteria 1 .....	2,600.00

## Division II.—OTHER COSTS

A. 1. 54 units at \$650.00 .....	35,100.00
2. Capital Outlay:	
54 units at \$100.00 .....	5,400.00

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Total .....	370,815.00
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## OAK GROVE NO. 130

## Division I.—SALARIES

A. Chief School Officer .....	10,560.00
E. Principals 3 .....	23,900.00

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Total Administrative Salaries ..... 34,460.00

H. Teachers 67 .....	339,650.00
I. Clerical 4 .....	13,890.00
J. Janitorial 11 .....	37,650.00
K. Health 2 .....	7,900.00
L. Cafeteria 2 .....	6,000.00

## Division II.—OTHER COSTS

A. 1. 70 units at \$650.00 .....	45,500.00
2. Capital Outlay:	
70 units at \$100.00 .....	7,000.00

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Total ..... 492,050.00

Teachers Salaries, 1959-60 ..... 5,875.00

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Grand Total ..... 497,925.00

## ODESSA NO. 61

## Division I.—SALARIES

H. Teachers 5 .....	25,000.00
J. Janitorial 1 .....	3,500.00
L. Cafeteria 1 .....	2,150.00

## Division II.—OTHER COSTS

A. 1. 5 units at \$650.00 .....	3,250.00
2. Capital Outlay:	
5 units at \$100.00 .....	500.00

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Total ..... 34,400.00

## RICHARDSON PARK NO. 20

## Division I.—SALARIES

A. Chief School Officer .....	9,580.00
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Total Administrative Salaries ..... 9,580.00

H. Teachers 40 .....	203,100.00
I. Clerical 3 .....	6,350.00
J. Janitorial 6 .....	20,600.00

K. Health	1	5,100.00
L. Cafeteria	1	3,000.00
Division II.—OTHER COSTS		
A. 1. 40 units at \$650.00		26,000.00
2. Capital Outlay:		
40 units at \$100.00		4,000.00
Total		277,730.00

## ROSE HILL-MINQUADALE NO. 47

## Division I.—SALARIES

A. Chief School Officer	11,040.00
E. Principals 4	32,900.00
G. Administrative Assistants 1	9,560.00

Total Administrative Salaries ..... 53,500.00

H. Teachers	107	533,575.00
I. Clerical	6	20,420.00
J. Janitorial	16	51,750.00
K. Health	3	11,400.00
L. Cafeteria	4	10,000.00

## Division II.—OTHER COSTS

A. 1. 111 units at \$650.00	72,150.00
2. Capital Outlay:	
111 units at \$100.00	11,100.00

Total ..... 763,895.00

Teachers Salaries, 1959-60 ..... 15,335.00

Grand Total ..... 779,230.00

## JOHN G. LEACH SCHOOL

## Division I.—SALARIES

H. Teachers	8	37,655.00
I. Clerical	1	2,450.00
J. Janitorial	1	3,550.00
K. Health	1	2,400.00
M. Attendants	3	11,100.00

## Division II.—OTHER COSTS

A. 1. 6 units at \$650.00 .....	3,900.00
2. Capital Outlay:	
6 units at \$100.00 .....	600.00
Total .....	61,655.00

## STANTON NO. 38

## Division I.—SALARIES

A. Chief School Officer .....	10,060.00
E. Principals 3 .....	23,600.00

Total Administrative Salaries .....	33,660.00
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H. Teachers 50 .....	230,750.00
I. Clerical 4 .....	11,700.00
J. Janitorial 7 .....	21,850.00
K. Health 1½ .....	5,400.00
L. Cafeteria 2 .....	5,350.00

## Division II.—OTHER COSTS

A. 1. 53 units at \$650.00 .....	34,450.00
2. Capital Outlay:	
53 units at \$100.00 .....	5,300.00

Total .....	348,460.00
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Teachers Salaries, 1959-60 .....	17,520.00
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Grand Total .....	365,980.00
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## TOWNSEND NO. 81

## Division I.—SALARIES

A. Chief School Officer .....	8,580.00
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Total Administrative Salaries .....	8,580.00
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H. Teachers 12 .....	60,100.00
I. Clerical 1 .....	2,880.00
J. Janitorial 2 .....	7,300.00
L. Cafeteria 1 .....	2,935.00



## Division II.—OTHER COSTS

A. 1. 12 units at \$650.00 .....	7,800.00
2. Capital Outlay:	
12 units at \$100.00 .....	1,200.00
Total .....	90,795.00

## YORKLYN NO. 91

## Division I.—SALARIES

H. Teachers 4 .....	23,300.00
J. Janitorial 1 .....	3,600.00

## Division II.—OTHER COSTS

A. 1. 4 units at \$650.00 .....	2,600.00
2. Capital Outlay:	
4 units at \$100.00 .....	400.00
Total .....	29,900.00

## MIDDLETOWN NO. 120

## Division I.—SALARIES

A. Chief School Officer .....	10,040.00
Total Administrative Salaries .....	10,040.00

H. Teachers 29 .....	148,030.00
I. Clerical 2 .....	7,400.00
J. Janitorial 41½ .....	17,700.00
K. Health 1 .....	5,500.00
L. Cafeteria 1 .....	3,350.00

## Division II.—OTHER COSTS

A. 1. 29 units at \$650.00 .....	18,850.00
2. Capital Outlay:	
29 units at \$100.00 .....	2,900.00
Total .....	213,770.00

## MILLSIDE NO. 132

## Division I.—SALARIES

A. Chief School Officer .....	9,080.00
E. Principals .....	8,280.00
Total Administrative Salaries .....	17,360.00

H. Teachers	33	171,400.00
I. Clerical	3	8,940.00
J. Janitorial	5½	18,650.00
K. Health	1	4,900.00
L. Cafeteria	1	2,750.00
Division II.—OTHER COSTS		
A. 1. 34 units at \$650.00		22,100.00
2. Capital Outlay:		
34 units at \$100.00		3,400.00
Total		249,500.00
Teachers Salaries, 1959-60		10,000.00
Grand Total		259,500.00

## NEWPORT NO. 106

## Division I.—SALARIES

A. Chief School Officer	8,580.00
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Total Administrative Salaries	8,580.00
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H. Teachers	17	90,400.00
I. Clerical	1	2,880.00
J. Janitorial	3	10,600.00
K. Health	1	3,600.00
L. Cafeteria	1	2,000.00

## Division II.—OTHER COSTS

A. 1. 17 units at \$650.00	11,050.00
2. Capital Outlay:	
17 units at \$100.00	1,700.00

Total	130,810.00
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## CLAYTON NO. 119

## Division I.—SALARIES

A. Chief School Officer	8,050.00
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Total Administrative Salaries	8,050.00
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H. Teachers	15	69,200.00
I. Clerical	1	2,450.00
J. Janitorial	2	7,700.00
K. Health	1	1,700.00
L. Cafeteria	1	3,050.00

## Division II.—OTHER COSTS

A. 1. 15 units at \$650.00 .....	9,750.00
2. Capital Outlay:	
15 units at \$100.00 .....	1,500.00
Total .....	103,400.00

## FELTON NO. 54

## Division I.—SALARIES

A. Chief School Officer .....	9,560.00
E. Principals 1 .....	8,160.00

Total Administrative Salaries .....	17,720.00
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H. Teachers 27 .....	134,390.00
I. Clerical 2 .....	7,905.00
J. Janitorial 4 .....	14,900.00
K. Health 1 .....	3,600.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 28 units at \$650.00 .....	18,200.00
2. Capital Outlay:	
28 units at \$100.00 .....	2,800.00

Total .....	202,715.00
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Teachers Salaries, 1959-60 .....	1,720.00
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Grand Total .....	204,435.00
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## FREDERICA NO. 32

## Division I.—SALARIES

H. Teachers 10 .....	51,800.00
J. Janitorial 2 .....	6,800.00
L. Cafeteria 1 .....	2,150.00

## Division II.—OTHER COSTS

A. 1. 10 units at \$650.00 .....	6,500.00
2. Capital Outlay:	
10 units at \$100.00 .....	1,000.00

Total .....	68,250.00
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## HARTLY NO. 96

## Division I.—SALARIES

H. Teachers	8	.....	41,850.00
J. Janitorial	1	.....	3,600.00
L. Cafeteria	1	.....	3,450.00

## Division II.—OTHER COSTS

A. 1. 9 units at \$650.00	.....	5,850.00
2. Capital Outlay:		
9 units at \$100.00	.....	900.00

Total	.....	55,650.00
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## HOUSTON NO. 125

## Division I.—SALARIES

H. Teachers	4	.....	20,300.00
J. Janitorial	1	.....	3,200.00
L. Cafeteria	1	.....	1,950.00

## Division II.—OTHER COSTS

A. 1. 4 units at \$650.00	.....	2,600.00
2. Capital Outlay:		
4 units at \$100.00	.....	400.00

Total	.....	28,450.00
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## MAGNOLIA NO. 50

## Division I.—SALARIES

H. Teachers	4	.....	20,000.00
J. Janitorial	1	.....	3,900.00

## Division II.—OTHER COSTS

A. 1. 5 units at \$650.00	.....	3,250.00
2. Capital Outlay:		
5 units at \$100.00	.....	500.00

Total	.....	27,650.00
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## WILLIAM HENRY NO. 133

## Division I.—SALARIES

A. Chief School Officer	.....	9,160.00
E. Principals 1	.....	6,860.00

Total Administrative Salaries	.....	16,020.00
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H. Teachers	29	145,000.00
I. Clerical	2	4,665.00
J. Janitorial	61½	21,780.00
K. Health	1	3,800.00
L. Cafeteria	1	5,000.00
Division II.—OTHER COSTS		
A. 1. 30 units at \$650.00		19,500.00
2. Capital Outlay:		
30 units at \$100.00		3,000.00
Total		218,765.00
Teachers Salaries, 1959-60		11,000.00
Grand Total		229,765.00

## BRIDGEVILLE NO. 90

## Division I.—SALARIES

A. Chief School Officer		9,640.00
Total Administrative Salaries		9,640.00
H. Teachers	30	163,380.00
I. Clerical	2	7,680.00
J. Janitorial	51½	20,225.00
K. Health	1	5,000.00
L. Cafeteria	1	3,200.00
Division II.—OTHER COSTS		
A. 1. 30 units at \$650.00		19,500.00
2. Capital Outlay:		
30 units at \$100.00		3,000.00
Total		231,575.00

## BLADES NO. 172

## Division I.—SALARIES

H. Teachers	4	19,750.00
J. Janitorial	1	4,100.00
L. Cafeteria	1	2,650.00
Division II.—OTHER COSTS		
A. 1. 4 units at \$650.00		2,600.00
2. Capital Outlay:		
4 units at \$100.00		400.00
Total		29,500.00

## JOHN M. CLAYTON NO. 97

## Division I.—SALARIES

A. Chief School Officer .....	9,080.00
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Total Administrative Salaries .....	9,080.00
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H. Teachers	26	136,280.00
I. Clerical	2	7,800.00
J. Janitorial	6	22,800.00
K. Health	1	4,200.00
L. Cafeteria	1	2,150.00

## Division II.—OTHER COSTS

A. 1. 26 units at \$650.00 .....	16,900.00
2. Capital Outlay:	
26 units at \$100.00 .....	2,600.00

Total .....	201,810.00
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## DELMAR NO. 163

## Division I.—SALARIES

A. Chief School Officer .....	9,060.00
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Total Administrative Salaries .....	9,060.00
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H. Teachers	25	127,750.00
I. Clerical	2	7,800.00
J. Janitorial	4½	17,200.00
K. Health	1	5,500.00
L. Cafeteria	1	2,600.00

## Division II.—OTHER COSTS

A. 1. 25 units at \$650.00 .....	16,250.00
2. Capital Outlay:	
25 units at \$100.00 .....	2,500.00

Total .....	188,660.00
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## ELLENDALE NO. 125

## Division I.—SALARIES

H. Teachers	5	26,800.00
J. Janitorial	1	3,900.00
L. Cafeteria	1	2,600.00

## Division II.—OTHER COSTS

A. 1. 6 units at \$650.00 .....	3,900.00
2. Capital Outlay:	
6 units at \$100.00 .....	600.00
Total .....	37,800.00

## GREENWOOD NO. 91

## Division I.—SALARIES

A. Chief School Officer .....	8,560.00
Total Administrative Salaries .....	8,560.00
H. Teachers 23 .....	116,350.00
I. Clerical 2 .....	7,560.00
J. Janitorial 5 .....	18,100.00
K. Health 1 .....	5,000.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 23 units at \$650.00 .....	14,950.00
2. Capital Outlay:	
23 units at \$100.00 .....	2,300.00
Total .....	176,020.00

## GUMBORO NO. 37

## Division I.—SALARIES

H. Teachers 4 .....	19,800.00
J. Janitorial 1 .....	3,100.00
L. Cafeteria 1 .....	2,450.00

## Division II.—OTHER COSTS

A. 1. 4 units at \$650.00 .....	2,600.00
2. Capital Outlay:	
4 units at \$100.00 .....	400.00
Total .....	28,350.00

## LINCOLN NO. 3

## Division I.—SALARIES

H. Teachers 6 .....	31,400.00
J. Janitorial 1 .....	3,900.00
L. Cafeteria 1 .....	2,150.00

## Division II.—OTHER COSTS

A. 1. 6 units at \$650.00 .....	3,900.00
2. Capital Outlay:	
6 units at \$100.00 .....	600.00
Total .....	41,950.00

## LORD BALTIMORE NO. 28

## Division I.—SALARIES

A. Chief School Officer .....	8,580.00
Total Administrative Salaries .....	8,580.00
H. Teachers 22 .....	120,140.00
I. Clerical 2 .....	7,960.00
J. Janitorial 5 .....	16,900.00
K. Health 1 .....	5,100.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 22 units at \$650.00 .....	14,300.00
2. Capital Outlay:	
22 units at \$100.00 .....	2,200.00
Total .....	178,380.00

## MILLSBORO NO. 23

## Division I.—SALARIES

A. Chief School Officer .....	8,680.00
E. Principals 1 .....	7,320.00
Total Administrative Salaries .....	16,000.00
H. Teachers 31 .....	150,930.00
I. Clerical 3 .....	9,620.00
J. Janitorial 6 .....	21,350.00
K. Health 1 .....	5,000.00
L. Cafeteria 1 .....	3,200.00

## Division II.—OTHER COSTS

A. 1. 32 units at \$650.00 .....	20,800.00
2. Capital Outlay:	
32 units at \$100.00 .....	3,200.00
Total .....	230,100.00



## MILTON NO. 8

## Division I.—SALARIES

A. Chief School Officer .....	8,960.00
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Total Administrative Salaries .....	8,960.00
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H. Teachers 29 .....	146,600.00
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I. Clerical 2 .....	8,300.00
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J. Janitorial 4 .....	15,650.00
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K. Health 1 .....	5,100.00
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L. Cafeteria 1 .....	2,750.00
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## Division II.—OTHER COSTS

A. 1. 29 units at \$650.00 .....	18,850.00
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2. Capital Outlay:	
29 units at \$100.00 .....	2,900.00

Total .....	209,110.00
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Teachers Salaries, 1959-60 .....	943.00
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Grand Total .....	210,053.00
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## SELBYVILLE NO. 32

## Division I.—SALARIES

A. Chief School Officer .....	8,860.00
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Total Administrative Salaries .....	8,860.00
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H. Teachers 24 .....	116,970.00
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I. Clerical 2 .....	7,520.00
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J. Janitorial 5 .....	17,175.00
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K. Health 1 .....	4,800.00
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L. Cafeteria 1 .....	3,200.00
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## Division II.—OTHER COSTS

A. 1. 24 units at \$650.00 .....	15,600.00
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2. Capital Outlay:	
24 units at \$100.00 .....	2,400.00

Total .....	176,525.00
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## BRIDGEVILLE NO. 220

## Division I.—SALARIES

A. Chief School Officer .....	8,100.00
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Total Administrative Salaries .....	8,100.00
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H. Teachers	13	61,100.00
I. Clerical	1	2,580.00
J. Janitorial	1½	5,800.00
L. Cafeteria	1	3,350.00
Division II.—OTHER COSTS		
A. 1. 13 units at \$650.00		8,450.00
2. Capital Outlay:		
13 units at \$100.00		1,300.00
Total		90,680.00

## FRANKFORD NO. 206

## Division I.—SALARIES

H. Teachers	11	53,450.00
J. Janitorial	2	7,450.00
L. Cafeteria	1	2,900.00

## Division II.—OTHER COSTS

A. 1. 11 units at \$650.00	7,150.00
2. Capital Outlay:	
11 units at \$100.00	1,100.00
Total	72,050.00

Teachers Salaries, 1959-60 1,500.00

Grand Total 73,550.00

## WILLIAM C. JASON NO. 192

## Division I.—SALARIES

A. Chief School Officer	9,580.00
E. Principals 1	8,280.00

Total Administrative Salaries 17,860.00

H. Teachers	41	192,950.00
I. Clerical	3	10,500.00
J. Janitorial	6	21,150.00
K. Health	1	4,700.00

## Division II.—OTHER COSTS

A. 1. 42 units at \$650.00	27,300.00
2. Capital Outlay:	
42 units at \$100.00	4,200.00

Total 278,660.00

## MILLSBORO NO. 204

## Division I.—SALARIES

H. Teachers	10	50,000.00
J. Janitorial	2	6,650.00
L. Cafeteria	1	2,750.00

## Division II.—OTHER COSTS

A. 1. 10 units at \$650.00	6,500.00
2. Capital Outlay:	
10 units at \$100.00	1,000.00

Total	66,900.00
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## SELBYVILLE NO. 210

## Division I.—SALARIES

H. Teachers	9	47,200.00
J. Janitorial	1½	6,000.00
L. Cafeteria	1	2,250.00

## Division II.—OTHER COSTS

A. 1. 9 units at \$650.00	5,850.00
2. Capital Outlay:	
9 units at \$100.00	900.00

Total	62,200.00
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Teachers Salaries, 1959-60	2,500.00
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Grand Total	64,700.00
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## 1-2-3 TEACHER SCHOOLS

## Division I.—SALARIES

H. Teachers	309,200.00
J. Janitorial	18,150.00
L. Cafeteria	4,200.00

## Division II.—OTHER COSTS

A. 1. 71 units at \$650.00	46,150.00
2. Capital Outlay:	
71 units at \$100.00	7,100.00

Total	384,800.00
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Total Local School Districts	9,306,206.00
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## WILMINGTON BOARD OF EDUCATION

A. Superintendent .....	11,040.00
B. Assistant Superintendents (2)	
1. Business Administration .....	11,940.00
2. Elementary Education .....	12,700.00
C. Directors (3)	
1. Research .....	11,900.00
2. Child Development and Guidance....	11,660.00
3. Personnel .....	11,660.00
D. Supervisors (11)	
1. School Lunch .....	10,260.00
2. Maintenance .....	9,300.00
3. Library .....	8,100.00
4. Art .....	9,000.00
5. Music .....	8,600.00
6. Special Classes .....	7,700.00
7. Physical Education .....	9,400.00
8. English .....	9,000.00
9. Social Studies .....	8,200.00
10. Industrial Arts .....	9,000.00
11. Home Economics .....	8,300.00
12. Science	Transferred to State Board of Education
13. Mathematics	None
14. Foreign Language	Budget and National Education Defense Act
	None
E. Principals (18) .....	160,600.00
F. Vice Principals (3) .....	24,200.00
G. Administrative Assistants (1) .....	10,040.00
Total Administrative Salaries .....	362,600.00
H. Teachers (587) .....	3,244,400.00
I. Clerical (41) .....	185,000.00
J. Janitorial (113) .....	392,281.00
K. Health (21) .....	98,900.00
L. Cafeteria (13) .....	38,900.00

## Division II.—OTHER COSTS

1. 608 Units at \$650.00 .....	395,200.00
2. 608 Units at \$100.00 .....	60,800.00

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Total Wilmington Board of Education..	4,758,081.00
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TOTAL PUBLIC SCHOOLS .....	27,718,147.00
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TOTAL EDUCATION .....	31,623,497.00
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GRAND TOTAL AGENCIES AND EDUCATION .....	71,912,654.00
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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 by the General Assembly, resulting in deficiencies of revenue for the fiscal year aforesaid, the Governor is authorized to issue revenue anticipation notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the State Treasurer and the Secretary of State, deem necessary to meet and to pay any part or all of said appropriations.

(1) The revenue anticipation notes or certificates shall be numbered consecutively in such denominations and in such form as the Commission provided for under the provisions of subsection (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 revenue anticipation 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 revenue anticipation 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 revenue anticipation notes or certificates, principal and interest thereon shall be paid by the State Treasurer. There is appropriated such sums as may be necessary to pay costs, principal and interest of such revenue anticipation notes or certificates.

Section 3. All monies received by the State Treasurer from the sale of the revenue anticipation 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.

Section 4. In the case of any school consolidation as defined in Sections 1108 and 1109, Title 14, Delaware Code, it shall be lawful for the Budget Commission to transfer the unexpended balance, or any part thereof of any appropriation 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 by the General Fund of this State for the purposes of meeting the expenses incurred in accordance with appropriations provided in Section 1 of this Act.

Section 6. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by Congress, the State Board for Vocational Education is hereby directed and empowered to prescribe to the Board of Public Education in Wilmington, 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 amount 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 for 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 the Delaware State Plan for vocational education, but rather shall be treated as a return of monies advanced by the State for vocational education and paid to the State Treasurer and by him deposited to the credit of the General Fund.

Section 7. 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.

Section 8. In the event that any school district shall have more certified units of pupils based on the enrollment for September 30, 1960, than the number of units for which appropriation is made in this act, such district is hereby authorized and empowered:

(a) To employ an additional number of teachers, on State funds, not to exceed the difference between the number of certified units of pupils as of September 30, 1960, and the number of units of pupils for which teachers are provided by Section 1 of this act, and

(b) To employ an additional number of clerical, health and custodial employees, not to exceed the difference between the number of such employees to which the district would be entitled in accordance with the rules and regulations of the State Board of Education in effect on May 1, 1960, and based on the number of certified pupil units in the district on September 30, 1960, and the number of such employees provided for the district by Section 1, of this Act.

Section 9. No transfer of any funds appropriated by this Act shall be made by any agency of this State to or from any item of account as allocated in this Act, except as permitted by Section 4 above in the case of any school consolidation.

Section 10. Any laws, acts, parts of laws, or parts of acts, inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Approved June 20, 1960.

## CHAPTER 300

**AN ACT TO AMEND CHAPTER 77, TITLE 11, DELAWARE CODE, RELATING TO PAROLE.**

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

Section 1. Section 7702, Title 11, Delaware Code is amended by repealing said section 7702, and by substituting in lieu thereof a new section 7702 to read as follows:

**§ 7702. Meetings and organization of Board; rules of procedure**

The Board of Parole shall meet for the transaction of business at the New Castle County Correctional Institution at least once a month for ten months of each year, and at such other times and places as they, of their own motion, may decide.

The Board of Parole shall establish rules of procedure for the effective enforcement of the provisions of this chapter.

The Board shall annually elect one of its members to be president and also a secretary, who may be the parole officer or a member of the Board and who shall serve without additional compensation.

Section 2. Subsection (a), Section 7703, Title 11, Delaware Code, is amended by repealing subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Each member of the Board shall receive as compensation for services \$20.00 per day for attendance at meetings of the Board not to exceed 20 meetings each year.

Section 3. Section 7704, Title 11, Delaware Code, is amended by striking out the words "The salary of the Parole Officer shall be \$3600.00 per annum," and inserting in lieu thereof the words, "The salary of the Parole Officer shall be \$4200.00 per annum."

Approved June 20, 1960.



## CHAPTER 301

**AN ACT TO AMEND CHAPTER 283, VOLUME 51, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 105, VOLUME 52, LAWS OF DELAWARE, TO PROVIDE FOR THE FINANCING OF CAPITAL IMPROVEMENTS THEREUNDER AND APPROPRIATING THE NECESSARY FUNDS.**

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

Section 1. Section 14, Chapter 283, Volume 51, Laws of Delaware, as amended by Chapter 105, Volume 52, Laws of Delaware, is hereby further amended by inserting after the words "Newark Special School District" in the first line of the second paragraph of Section 2 of Chapter 105, Volume 52, Laws of Delaware, the following words and figures:

"may be started under authority of this Act until but not later than December 31, 1961".

Section 2. Section 14, Chapter 283, Volume 51, Laws of Delaware, as amended by Chapter 105, Volume 52, Laws of Delaware, is hereby further amended by inserting after the words "Newark Special School District" in the sixth line of the second paragraph of Section 2 of Chapter 105, Volume 52, Laws of Delaware, the following words and figures:

"until but not later than December 31, 1961 to complete school construction started prior to December 31, 1960".

Approved June 20, 1960.

## CHAPTER 302

**AN ACT TO AMEND CHAPTER 283, VOLUME 51, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 332, VOLUME 51, LAWS OF DELAWARE, RELATING TO THE FINANCING OF CAPITAL IMPROVEMENTS OF MIDDLETOWN #60 SCHOOL DISTRICT APPROPRIATING THE NECESSARY FUNDS.**

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

Section 1. Section 14, Chapter 283, Volume 51, Laws of Delaware, is hereby amended by adding thereto a new paragraph to read as follows:

School construction may be started under the authority of this Act for Middletown #60 School District until but not after December 31, 1961 and to this end the provisions of paragraph two above are not applicable. Moneys may be borrowed by the State under the authority of this Act for Middletown #60 School District until but not after December 31, 1961 to complete school construction started prior to December 31, 1961 and to this end the provisions of paragraph two above are not applicable.

Approved June 20, 1960.

CHAPTER 303

**AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, BY MAKING CERTAIN TRANSFERS FROM THE APPROPRIATION TO THE DELAWARE RACING COMMISSION.**

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

Section 1. The appropriation made to the Delaware Racing Commission under Section 1, of Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$200.00 from the appropriation item Travel to the appropriation item Office Expense.

Approved June 20, 1960.

## CHAPTER 304

**AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO AMEND TITLE 29, DELAWARE CODE, ENTITLED STATE GOVERNMENT RELATIVE TO THE POWERS AND DUTIES OF THE BUDGET COMMISSION AND THE AUDITOR OF ACCOUNTS", BEING CHAPTER 131, VOLUME 52, LAWS OF DELAWARE, APPROVED JULY 2, 1959.**

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

Section 1. Chapter 131, Volume 52, Laws of Delaware, approved July 2, 1959, is hereby repealed in toto, and the powers and duties of the Budget Commission and the Auditor of Accounts shall remain and continue in effect as if said Chapter had never been enacted.

Approved June 20, 1960.

## CHAPTER 305

**AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO JUDICIAL RECORDS AND INDICES IN KENT COUNTY.**

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

Section 1. Title 10, Delaware Code is amended by adding a new subchapter to that Title as follows:

**SUBCHAPTER 7. JUDICIAL RECORDS AND INDICES;  
KENT COUNTY****§ 1966. Revision of indices of court records**

Whenever the index or indices of any record of the Superior Court in and for Kent County, or of any record of the office of the Register of Wills of such County, or of any record of the office of the Recorder of such County, or of any record of the Court of Chancery in and for such County, or of any record of the Orphans' Court in and for such County, needs renewing, revising, altering or recopying, or any of such records not being sufficiently indexed are in need of a new or better system of ascertaining its contents, or needs renewing for purposes of preservation; the Superior Court in and for such County may order that a renewed, revised, altered, recopied or sufficient index or indices be made for any of the records of the Superior Court, Register of Wills or Recorder; the Court of Chancery in and for such County may order that a renewed, revised, altered, recopied or sufficient index or indices be made for any of the records of the Court of Chancery; and the Orphans' Court in and for such County may order a renewed, revised, altered, recopied or sufficient index or indices be made for any of the records of the Orphans' Court.

**§ 1967. Omission of satisfied liens from new indices**

Whenever a new index or indices are made under this subchapter for the records of judgments, mechanics' liens, foreign or domestic attachments, mortgages or recognizances, the new

index or indices shall omit all such as have been fully and legally satisfied. No other change shall be made in the manner or system of keeping any index except by order of the Court so doing.

**§ 1968. Officer in charge; preparation**

Whenever an order is made under this subchapter for the making of any index or indices, the officer in charge of the records for which such index or indices are to be made shall make or cause the same to be made, pursuant to the provisions of this subchapter and such order. He may procure all books necessary for such purpose, the cost of which shall be paid by the Levy Court of Kent County.

**§ 1969. Appointment of Commissioners to examine new indices**

Whenever it is directed that any index or indices shall be made as provided in this subchapter, the Judges of the Superior Court of the State of Delaware shall appoint two commissioners. The commissioners shall examine such index or indices, and, if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct index or indices. After such certification, the index or indices shall become and be the index or indices of Kent County in lieu of those theretofore in use.

**§ 1970. Compensation of indexer and commissioners**

After the commissioners appointed under section 1969 of this title have certified the indices, the Levy Court of Kent County shall pay to the officer by whom the indices have been made, and to the commissioners, a just and reasonable compensation for their services, to be fixed by the Levy Court upon the application of such officer and commissioners. With each application, there shall be presented to the Levy Court, a sworn itemized account of the time spent and disbursements made, if any, by the officer or commissioners, as the case may be, in and about the preparation or examination of the records or indices so made or examined by them.

**§ 1971. Examination of judgment satisfactions by commissioners**

The Judges of the Superior Court of the State of Delaware, during the month of May in each year, shall appoint two com-

missioners who shall examine all entries of the satisfaction of judgments entered in the Superior Court in and for such County, and who shall enter in the index opposite the record of each and every judgment which they find to be legally and fully satisfied the word "Satisfied", together with the signature of one of them as commissioner. The term of office of the commissioners shall be for one year commencing on the first day of June after their appointment. Any vacancy occurring in such office by reason of death, resignation, removal from the County or otherwise, shall be filled by the Judges of the Superior Court of the State of Delaware for the unexpired term. The Commissioners shall receive for their services a reasonable compensation to be fixed and paid by the Levy Court.

**§ 1972. Examination of mortgage satisfactions by commissioner**

The Judges of the Superior Court of the State of Delaware, during the month of May in each year, shall appoint a commissioner who shall, on or before the 15th day of each and every month, examine all entries of the satisfaction of mortgages in Kent County, and enter in the index opposite the record of each and every mortgage which he finds to be legally and fully satisfied the word "Satisfied", together with his signature as commissioner. The term of office of the commissioner shall be for one year commencing on the first day of June after his appointment. Any vacancy occurring in such office, by reason of death, resignation, removal from the County or otherwise, shall be filled by the Judges of the Superior Court of the State of Delaware for the unexpired term. The commissioners shall receive for his services a reasonable compensation to be fixed and paid by the Levy Court.

Approved June 20, 1960.

## CHAPTER 306

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE YOUTH SERVICES COMMISSION OF DELAWARE, BY MAKING TRANSFERS IN CERTAIN APPROPRIATION ITEMS TO SAID AGENCY.**

WHEREAS, it is necessary for the Youth Services Commission of Delaware to make the following transfers of funds to enable the agencies under its jurisdiction to complete the 1959-1960 fiscal year without recourse to requesting supplementary appropriations, NOW, THEREFORE

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

Section 1. The following transfers are hereby authorized for the Youth Services Commission of Delaware to complete the 1959-1960 fiscal year:

**Bridge House**

From Operations .....	101-1705-30	500	
To Repairs .....	101-1705-40		500
From Operations .....	101-1705-30	1,000	
To Equipment .....	101-1705-50		1,000

**Woods Haven School for Girls**

From Travel .....	120-1720-20	325	
To Office .....	120-1720-10		325
From Operations .....	120-1720-30	1,500	
To Repairs .....	120-1720-40		1,500

**The Kruse School**

From Travel .....	101-1710-20	500	
	120-1710-20	1,000	
To Repairs .....	101-1710-40		1,500

**Ferris School for Boys**

From Repairs .....	101-1700-40	2,300	
To Office .....	101-1700-10		300
To Operations ..	101-1700-30		2,000



## Youth Services Commission Central Office

From Operations .....	101-1715-30	200	
To Office .....	101-1715-10		200
From Travel .....	101-1715-20	500	
To Equipment .....	101-1715-50		500

Approved June 20, 1960.

## CHAPTER 307

**AN ACT TRANSFERRING FUNDS FROM THE CAFETERIA  
SALARY ACCOUNT, THE JANITORIAL SALARY AC-  
COUNT AND THE CAPITAL OUTLAY ACCOUNT FOR  
THE LOUIS L. REDDING COMPREHENSIVE SCHOOL  
TO OTHER ACCOUNTS OF SAID SCHOOL.**

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

Section 1. The sum of \$950.00 is transferred to the follow-  
ing named accounts of the Louis L. Redding Comprehensive  
School; the electrical account \$600.00, water account \$100.00,  
book account \$150.00, supply account \$100.00; from the follow-  
ing accounts of the Louis L. Redding School:

Cafeteria Salary Account .....	\$600.00
Janitorial Salary Account .....	\$50.00
Capital Outlay Account .....	\$300.00

Approved June 20, 1960.

## CHAPTER 308

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO MILLSBORO SCHOOL DISTRICT NO. 204 AT MILLS-  
BORO, DELAWARE, FOR THE FISCAL YEAR ENDING  
JUNE 30, 1960.**

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

Section 1. The sum of Six Hundred Eighty-Five Dollars (\$685.00) is hereby appropriated to Millsboro School District No. 204 at Millsboro, Delaware, to take care of estimated general operational expenses for the remainder of the fiscal year ending June 30, 1960.

Section 2. This Act shall be known as a Supplementary Appropriation Bill and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the moneys hereby appropriated that remain unexpended on June 30, 1960, shall then revert to the General Fund of the State.

Approved June 20, 1960.

## CHAPTER 309

**AN ACT APPROPRIATING MONEY TO SLAUGHTER BEACH  
VOLUNTEER MEMORIAL FIRE COMPANY.**

WHEREAS, the Slaughter Beach Volunteer Memorial Fire Company was omitted from the appropriations as made by the 119th General Assembly to fire companies in the State of Delaware for the fiscal years beginning July 1, 1957 and July 1, 1958, for the prevention and extinguishment of fires and the maintenance of apparatus and equipment, and will receive no such aid for said fiscal years as enjoyed by other fire companies unless an appropriation is now supplied to correct that omission; NOW, THEREFORE

*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 the Slaughter Beach Volunteer Memorial Fire Company the sum of Seventeen Hundred and Fifty Dollars (\$1750.00) as and for its aid for the fiscal period July 1, 1959 to June 30, 1960, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment. Said sum shall be paid by the State Treasurer upon the approval of this Act.

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 22, 1960.

## CHAPTER 310

**AN ACT MAKING AN APPROPRIATION TO THE STATE  
REVENUE COLLECTOR FOR THE BIENNIUM ENDING  
JUNE 30, 1961.**

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

Section 1. The sum of \$625 is hereby appropriated to the State Revenue Collector for each fiscal year of the biennium ending June 30, 1961 to be expended as follows:

Office Expense .....	\$ 75
Travel .....	550
	<hr/>
	\$625

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 22, 1960.

## CHAPTER 311

**AN ACT APPROPRIATING MONEY TO THE HARRINGTON  
SPECIAL SCHOOL DISTRICT BOARD OF EDUCATION.**

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

Section 1. The sum of Two Thousand Eighty-five Dollars and Ninety Cents (\$2,085.90) is hereby appropriated to the Board of Education of the Harrington Special School District to reimburse extra budget expenditures for rewiring, repairs, additional safe guards (fire doors, etc.) as required and recommended by the Fire Marshal of the State of Delaware.

Section 2. This Act is a Supplementary Appropriation Act and funds herein appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 22, 1960.

## CHAPTER 312

**AN ACT TO AMEND TITLE 14, DELAWARE CODE, ENTITLED "EDUCATION", RELATING TO THE SALE OF PROPERTY BY SCHOOL DISTRICTS AND DISPOSITION OF THE PROCEEDS THEREFROM.**

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

Section 1. Section 125, Title 14, Delaware Code, is hereby repealed and the following is inserted in lieu thereof:

**§ 125. Sale of property by Board; disposition of proceeds**

(a) When any property, real or personal, of any school district other than that of a special school district, or any property, real or personal, which is under the control of the Board or the title of which has in any way passed to or is in the name of the Board, is no longer needed for school purposes, the Board may sell such property upon securing written permission from the State Board of Education and convey to the purchaser thereof a good and sufficient title thereto.

(b) The proceeds of such sale or sales shall be deposited to the account of the school district and be used by the school board for school purposes if there has been no financial participation by the State in the cost of acquiring the area of land and when no buildings have been erected thereon.

If there has been financial participation by the State in the cost of acquiring the land and there are no buildings erected on the area sold, the proceeds of the sale or sales shall be returned to the State in the same proportion to the State's share of the cost of acquiring the area of land sold, and the balance shall be deposited to the account of the school district to be used by the school board for school purposes.

The proceeds of sale or sales of school buildings shall be deposited to the account of the school district and be used by the school board for school purposes if there has been no financial participation by the State in the cost of construction of buildings and any additions or alterations thereto.

If there has been financial participation by the State in the construction of buildings or additions or alterations thereto, the proceeds of the sale or sales of school buildings shall be returned to the State in the same proportion to the State's share of the original cost of construction of said buildings or any additions or alterations thereto, and the balance shall be deposited to the account of the school district to be used by the school board for school purposes.

Proceeds of the sale or sales of any personal property shall be deposited to the account of the school district and be used by the school board for school purposes if there has been no financial participation by the State in its purchase; otherwise, the proceeds of the sale or sales shall be returned to the State in the same proportion to the State's share of the original cost of said personal property, and the balance shall be deposited to the account of the school district to be used by the school board for school purposes.

Section 2. Section 943, Title 14, Delaware Code, is hereby repealed and the following is inserted in lieu thereof:

**§ 943. Sale of property; disposition of proceeds**

(a) When any property, real or personal, of any Special School District is no longer needed for school purposes by the District, the Board of Education thereof may sell such property and convey to the purchaser thereof a good and sufficient title thereto.

(b) The proceeds of such sale or sales shall be deposited to the account of the school district and be used by the school board for school purposes if there has been no financial participation by the State in the cost of acquiring the area of land and when no buildings have been erected thereon.

If there has been financial participation by the State in the cost of acquiring the land and there are no buildings erected on the area sold, the proceeds of the sale or sales shall be returned to the State in the same proportion to the State's share of the cost of acquiring the area of land sold, and the balance shall be deposited to the account of the school district to be used by the school board for school purposes.



The proceeds of sale or sales of school buildings shall be deposited to the account of the school district and be used by the school board for school purposes if there has been no financial participation by the State in the cost of construction of buildings and any additions or alterations thereto.

If there has been financial participation by the State in the construction of buildings or additions or alterations thereto, the proceeds of the sale or sales of school buildings shall be returned to the State in the same proportion to the State's share of the original cost of construction of said buildings or any additions or alterations thereto and the balance shall be deposited to the account of the school district to be used by the school board for school purposes.

Proceeds of the sale or sales of any personal property shall be deposited to the account of the school district and be used by the school board for school purposes if there has been no financial participation by the State in its purchase; otherwise, the proceeds of the sale or sales shall be returned to the State in the same proportion to the State's share of the original cost of said personal property, and the balance shall be deposited to the account of the school district to be used by the school board for school purposes.

Approved June 22, 1960.

## CHAPTER 313

**AN ACT TRANSFERRING FUNDS FROM THE STATE BUILDING AND GROUNDS COMMISSION TO THE LIBRARY COMMISSION FOR THE STATE OF DELAWARE FOR THE IMPROVEMENT OF RAILROAD STATION LOCATED ON THE EASTERLY SIDE OF THE RAILROAD TRACKS AT DOVER, DELAWARE.**

WHEREAS, the 119th General Assembly of the State of Delaware appropriated funds to the State Building and Grounds Commission to purchase and repair the property known as the Satterfield property, as appears in Chapter 248, Volume 50, Laws of Delaware, and

WHEREAS, the total sum of \$8,243.74 balance remains to the credit of the Building and Grounds Commission, after the conclusion of the work authorized by that Act and there being no apparent present need for the said sum of money by the Building and Grounds Commission, and

WHEREAS, the Delaware Railroad Company conveyed to the State of Delaware for the use of the State Library Commission the building formerly used as a Railroad Station and located on the easterly side of the railroad track at Dover, Delaware, as it appears in Chapter 188, Volume 52, Laws of Delaware, and

WHEREAS, no monies were appropriated to renovate or in any wise repair the said Railroad Station for library purposes,

**NOW, THEREFORE**

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

Section 1. The sum of \$8,000.00 be and the same is hereby transferred from the account of the State Building and Grounds Commission to the account of the Library Commission for the State of Delaware to be only used by the Library Commission

of the State of Delaware to renovate and remodel the said former Railroad Station located on the easterly side of the railroad tracks at Dover, Delaware for a library.

Section 2. All sums of money not expended for the renovation and remodeling of said former Railroad Station before July 1, 1961 shall revert to the General Fund of the State of Delaware.

Approved June 22, 1960.

## CHAPTER 314

**AN ACT TRANSFERRING FUNDS FROM THE HEALTH SALARY ACCOUNT FOR THE SELBYVILLE SCHOOL #210 TO THE OTHER COSTS ACCOUNT AND TRANSFERRING FUNDS FROM THE HEALTH SALARY ACCOUNT TO THE OTHER COSTS ACCOUNT OF THE FRANKFORD SCHOOL DISTRICT NO. 206.**

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

Section 1. The sum of \$1400.00 is transferred to the other costs account of the Phillip C. Showell School from the Health Salaries account of the said school.

Section 2. The sum of \$800.00 is transferred to the other costs account of the Frankford School #206 from the Health Salaries account of the said school.

Approved June 22, 1960.

## CHAPTER 315

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, BY MAKING A TRANSFER IN CERTAIN APPROPRIATION ITEMS TO THE MOTOR VEHICLE DIVISION OF THE STATE HIGHWAY DEPARTMENT.**

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

Section 1. The appropriation made to the Motor Vehicle Division of the State Highway Department appearing in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$7,000 from the appropriation item "Operations" to the appropriation item "Office Expense".

Approved June 22, 1960.

## CHAPTER 316

**AN ACT TO AMEND CHAPTER 42, TITLE 9, DELAWARE CODE, RELATING TO APPROPRIATION FOR THE INDIGENT SICK IN KENT COUNTY.**

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

Section 1. Section 4204, Title 9, Delaware Code, is amended by striking out the figure "\$15,000" as it now appears in Section 4204 and inserting in lieu thereof the figure "\$25,000".

Section 2. Section 4212, Title 9, Delaware Code, is amended by striking out the figure "\$15,000" as it now appears in Section 4212 and inserting in lieu thereof the figure "\$25,000" and by striking out the figure "\$4,000" as it now appears in Section 4212 and inserting in lieu thereof the figure "\$6,250".

Section 3. Section 4210, Title 9, Delaware Code, is amended by striking out the figure "\$8" as it now appears in Section 4210 and inserting in lieu thereof the figure "\$16".

Approved June 22, 1960.

## CHAPTER 317

**AN ACT TO AMEND "AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE STATE BOARD OF EDUCATION AND CERTAIN SCHOOL DISTRICTS, BY MAKING TRANSFERS IN CERTAIN APPROPRIATION ITEMS THEREIN.**

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

Section 1. The appropriations made to the "State Board of Education, Vocational Education, and Rehabilitation", appearing under "Division I—Salaries" thereof, in Section 1, Chapter 57, Volume 52, Laws of Delaware, are amended as follows:

(a) The sum of \$5,000 is transferred from the appropriation item "C. Directors—2. Vocational Education" to the appropriation item "Transportation of Pupils".

(b) The sum of \$2,100 is transferred from the appropriation item "D. Supervisors—1. Art" to the appropriation item "Transportation of Pupils".

(c) The sum of \$2,100 is transferred from the appropriation item "D. Supervisors—2. Music" to the appropriation item "Transportation of Pupils".

(d) The sum of \$9,600 is transferred from the appropriation item "D. Supervisors—5. Adult Education and Service Bureau for Foreign Born" to the appropriation item "Transportation of Pupils".

(e) The sum of \$9,000 is transferred from the appropriation item "D. Supervisors—6. School Lunch" to the appropriation item "Transportation of Pupils".

(f) The sum of \$4,800 is transferred from the appropriation item "D. Supervisors—7. Agriculture" to the appropriation item "Transportation of Pupils".

(g) The sum of \$6,300 is transferred from the appropriation item "H. Teachers—6. Music" to the appropriation item "Transportation of Pupils".

(h) The sum of \$6,300 is transferred from the appropriation item "H. Teachers—7. Physical Education" to the appropriation item "Transportation of Pupils".

(i) The sum of \$1,800 is transferred from the appropriation item "D. Supervisors—3. Physical Education and Driver Education" to an appropriation item hereby established and designated "Tuition—Indian Students".

(j) The sum of \$6,300 is transferred from the appropriation item "H. Teachers—5. Art" to the appropriation item "Transportation of Pupils".

(k) The sum of \$1,800 is transferred from the appropriation item "D. Supervisors—4. Certification" to said appropriation item "Tuition—Indian Students".

Section 2. The appropriations made to "Public Schools" in Section 1, Chapter 57, Volume 52, Laws of Delaware, are amended as follows:

(a) The sum of \$150 is transferred from the appropriation item "L. Cafeteria" under Division I—Salaries of Laurel Special School District to the appropriation item "I. Clerical" for Millside Local School District No. 132.

(b) The appropriation made to the New Castle Special School District is amended as follows:

(1) By transferring the sum of \$300 from the appropriation item "L. Cafeteria" under "Division I—Salaries" to the appropriation item "B. Capital Outlay" under "Division II—Other Costs".

(2) By transferring the sum of \$1,950 from the appropriation item "L. Cafeteria" under "Division I—Salaries" to the appropriation item "A for units" under "Division II—Other Costs".



(c) The appropriations made to the Newark Special School District and to the Alexis I. duPont Special School District are amended by transferring the sum of \$1,800 from the appropriation item "J. Janitorial" under Division I—Salaries of the Newark Special School District to the Alexis I. duPont Special School District appropriation item "J. Janitorial" under Division I—Salaries for the latter district.

(d) The appropriation made to the Newark Special School District is further amended by transferring the sum of \$1,180 from the appropriation item "J. Janitorial" to the appropriation item "E. Principals" under Division I—Salaries.

(e) The sum of \$1,200 is transferred from the appropriation item "L. Health" under "Division I—Salaries" of Frankford Local School District to the appropriation item "I. Clerical" for Millside Local School District No. 132.

Section 3. Section 1 of Chapter 57, Volume 52, Laws of Delaware, is further amended by transferring the sum of \$5,000 from the appropriation item "H. Teachers" under "Division I—Salaries" of Bridgeville Local School District No. 220 to the State Board of Education, Vocational Education, and Rehabilitation Division for an appropriation item hereby established and designated "Reserve for School District Salary Deficits".

Section 4. Section 1 of Chapter 57, Volume 52, Laws of Delaware, is further amended by transferring the sum of \$14,371 from Wilmington Board of Education, appropriation item "K. Health", under Division I—Salaries thereof, to State Board of Education, Vocational Education, and Rehabilitation Division, appropriation item "Transportation of Pupils".

Approved June 22, 1960.

## CHAPTER 318

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, BY MAKING CERTAIN TRANSFERS IN THE APPROPRIATIONS FOR THE SUPERIOR COURT AND THE NEW CASTLE COUNTY LAW LIBRARY.**

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

Section 1. The appropriations to the Superior Court and the New Castle County Law Library appearing under the subdivision "Judicial and Legal" in Section 1, Chapter 57, Volume 52, Laws of Delaware, are hereby amended by making the following transfers:

(a) Transfer the sum of \$150.00 from Superior Court, appropriation item "Repairs and Replacements", and the sum of \$116.00 from Superior Court appropriation item "Equipment", both to Superior Court, appropriation item "Travel".

(b) Transfer the sum of \$600.00 from Superior Court, appropriation item "Salaries and Wages of Employees", and the sum of \$125.00 from Superior Court appropriation item "Repairs and Replacements", both to New Castle County Law Library appropriation item "Equipment".

Approved June 22, 1960.

## CHAPTER 319

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION  
TO THE MEDICAL COUNCIL OF DELAWARE FOR THE  
FISCAL YEAR BEGINNING JULY 1, 1959 AND ENDING  
JUNE 30, 1960.**

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

Section 1. In addition to any and all funds appropriated to the Medical Council of Delaware for the fiscal year beginning July 1, 1959 and ending June 30, 1960, there is hereby appropriated to said Medical Council of Delaware for said fiscal year the further sum of \$809.00 to be expended for the following purposes:

Salaries and wages of employees .....	\$700.00
Office expense .....	79.00
Travel .....	30.00
	<hr/>
	\$809.00

Section 2. This 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 22, 1960.

## CHAPTER 320

**AN ACT AMENDING TITLE 9, SECTION 2005, DELAWARE CODE BY AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE COUNTY MONIES TO THE PORT PENN VOL. FIRE CO., INC. FOR THE MAINTENANCE OF A RESCUE SQUAD.**

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

Section 1. Title 9, Section 2005, Delaware Code is amended by adding the words "Port Penn Vol. Fire Co. Inc.," immediately following the words "Elsmere Fire Company" where ever the words "Elsmere Fire Company" appear in said Title 9, Section 2005.

Approved June 22, 1960.

CHAPTER 321

**AN ACT MAKING AN APPROPRIATION TO THE DOVER  
HIGH SCHOOL FOR THE PURPOSE OF REWIRING SAID  
SCHOOL.**

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

Section 1. The sum of \$25,000 is hereby appropriated to the Dover High School for the purpose of rewiring said School, for the fiscal year ending June 30, 1961.

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 22, 1960.

## CHAPTER 322

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1960", BEING CHAPTER 57, VOLUME 52, LAWS OF DELAWARE, BY TRANSFERRING MONIES FROM THE HEALTH ITEMS IN DIVISION I TO DIVISION II—OTHER COSTS IN NEWPORT SCHOOL DISTRICT NO. 106.**

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

Section 1. § 1, Chapter 57, Volume 52, Laws of Delaware is hereby amended by transferring the sum of One Thousand Five Hundred Twenty-nine Dollars (\$1,529.00) from the appropriation item "Health" in Division I to Division II—Other Costs in Newport School District No. 106.

Approved June 22, 1960.

## CHAPTER 323

**AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO MEDICINE, SURGERY AND OSTEOPATHY.**

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

Section 1. Subsection (a), § 1732, Title 24, Delaware Code, is amended by striking out subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

(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 the payment of a fee of \$50, 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 1 college year of physics, 1 college year of English, 2 college years of chemistry, 1 college year of biology and a 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.

Section 2. § 1733, Title 24, Delaware Code, is amended by adding the following subsections thereto:

(c) Taken and successfully passed the examination for Foreign Medical Graduates given by the Educational Council for Foreign Medical Graduates. (ECFMG screening exam.)

(d) Citizens of the Dominion of Canada who are graduates of American or Canadian Medical Schools may be considered for license to practice medicine in the State of Delaware, by written examination or by endorsement of a license to practice medicine from any one of the United States, or by endorsement of a license to practice medicine in the Dominion of Canada, the same as any citizen of the United States of America, following the filing of his first papers with a proper Federal Tribunal, to become a citizen of the United States of America.

Section 3. § 1738, Title 24, Delaware Code, is amended by changing the period at the end thereof to a comma and adding the following:

excepting that the Secretary of the Medical Council shall certify to the Executive Secretary of the State Board of Health, only such internes and residents in hospitals or institutions who are graduates of foreign Colleges of Medicine, not including Canada, and who have taken and successfully passed the examination for foreign medical graduates as given by the Educational Council for Foreign Medical Graduates as required under Section 1733 of this chapter.

Section 4. § 1739, Title 24, Delaware Code, is amended by striking out the figure "\$10" and by substituting in lieu thereof the figure "\$25".

Section 5. § 1741, Title 24, Delaware Code, is amended to read as follows:

**§ 1741. Refusal to issue license or revocation or suspension of same; causes; hearing; probation, or otherwise censor, cause investigation hearings; appeal**

(a) The Medical Council may refuse to issue a license or may revoke or suspend a license to practice medicine or surgery or to practice osteopathy or may place the offending person on probation for such period as the Medical Council deems proper, or may censor the person for any of the causes stated below:

(1) The use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements.



(2) Conviction of a felony, including the performance of any unlawful abortion.

(3) Drug addiction or chronic and persistent addiction to intoxicants to such a degree as to render the licensee unsafe or unfit to practice medicine or surgery or osteopathy.

(4) Any dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public.

(5) Violation directly or indirectly of any provision or terms of the medical practices act.

(6) The practice of medicine or osteopathy under a false or assumed name.

(7) Any physical or mental disability which renders the further practice of medicine by the licensee dangerous.

(8) Mental incompetence or mental illness, when determined by any final order or adjudication of any court of competent jurisdiction. In such case the license shall be automatically suspended by the Council, and (anything in the act to the contrary notwithstanding) such suspension shall continue until the licensee shall be found or adjudged by such court to be restored to reason or until he shall be duly discharged from a hospital or otherwise as restored to reason.

(9) The advertising of the practice of medicine or osteopathy in any unethical or unprofessional manner.

(10) The obtaining of a fee as personal compensation or gain from a patient or from anyone by fraudulently representing that a manifestly incurable condition can be permanently cured.

(11) Knowingly performing any act which in any way assists an unlicensed or unregistered person to practice medicine.

(12) The wilful violation of any privileged communication.

(b) Creation of Medical Censor Committees and Osteopathy Censor Committee; term of office; enforcement of:

(1) There is hereby created in each County of this State a County Medical Censor Committee and there is also hereby created a State Osteopathic Censor Committee. Each of the four Committees shall consist of three members. The term of office of each member of the respective Committees shall be for three years beginning on July 1, 1960. Upon the expiration of the terms of the members future appointments shall be made for the period of three years.

The Medical Council of Delaware shall appoint the members of the respective Censor Committees from a list of seven resident members in good standing submitted by the respective County Medical Societies and the Delaware State Osteopathic Society, which lists shall be transmitted to the Medical Council of Delaware by July 1st of each year; under the seal and signed by the secretary of the respective Medical and Osteopathic Societies, aforesaid. In case of failure on the part of any Society aforesaid to submit the list as aforesaid, the Medical Council of Delaware shall appoint to any of said Committees a person or persons who are members in good standing in said Societies. The Medical Council shall designate one member of each Committee as Chairman.

Each member of the County Medical Censor Committees shall be a registered and licensed physician and/or surgeon. Each member of the State Osteopathic Censor Committee shall be a registered and licensed osteopathic physician and/or surgeon.

The Medical Council of Delaware shall fill vacancies occurring by reason of death, resignation, or otherwise, for the unexpired term of any member from the lists submitted aforesaid, and may remove any member from any of the Committees for the neglect of his or her duties or for unprofessional conduct.

(2) Powers and duties: (a) It shall be the duty of the respective Committees to investigate either upon complaint or, whenever any of the said Committees shall think proper, upon

its own motion, cases concerning the violations of any of the provisions of this section by any person who is a registered, licensed physician and/or surgeon, or osteopathic physician and/or surgeon, to formulate charges against any such person if the circumstances warrant, to proceed, upon due notice to said person of such charges and of the time and place of hearing, to hear such charges upon sworn testimony and other evidence, to determine whether or not any disciplinary action is warranted, to make findings of fact and state conclusions in a draft report. A copy of such report upon its completion shall be served upon said person, either personally or by registered mail. During a period of ten days thereafter the person may file with the Committee any statement or objections that he may desire to make. After consideration thereof, or, if none such shall have been filed, upon the expiration of the ten-day period, the Committee shall file its final report with the Medical Council of Delaware, together with proof of service of the draft report. If any change shall have been made in the draft report, a copy of the final report shall be served upon respondent and proof of service filed with the Medical Council of Delaware. Upon the filing of the final report the Secretary of the Medical Council of Delaware shall forthwith by registered mail notify the person of the date of such filing. At all hearings before the Committee upon charges, the person shall have the right to be present, to be represented by counsel, to cross-examine any witnesses, and to the exercise for his benefit the power of subpoena in the same manner as is provided by subsection (c) hereof for the use of the Committee.

(b) The Committee shall, with the approval of the Medical Council of Delaware, have power to adopt rules for the conduct of hearings and of its other business. The Committee shall appoint a secretary, who shall keep minutes of all its proceedings, including a record of the receipt and disposition of all complaints.

(c) Each Committee shall have power to compel the attendance of witnesses and the production of documents by the filing of a praecipe by the Chairman thereof for a subpoena with the Prothonotary of the County—said subpoena to be effective throughout the entire State—service of such subpoena

to be made by any Sheriff in this State. In case it is desired to take the deposition of a witness residing out of the State, the Committee may apply to any Judge of the Superior Court for an appropriate order therefor.

Failure of any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt and punished in the discretion of a Superior Court Judge, by fine or imprisonment or both.

(3) Every member of the Committee shall have the power to administer oaths or affirmations as provided for by the statutes of this State, or any other statute provision that may hereinafter be enacted.

The Committee, with the approval of the Medical Council of Delaware may employ such stenographic or other assistance as may from time to time be necessary or proper.

If no action is taken upon a complaint filed by an individual, the individual may petition the Medical Council to order the record as taken by the County Committee to be sent to Council for Council's action in the light of the provisions of this section.

**Proceedings upon Report:** Upon the filing of the Committee's report in any proceeding, it shall have the force and effect of a master's report in Chancery. The respondent may, within fifteen days from the date of the filing thereof, file exceptions thereto or to any part thereof, or to any finding, conclusion, or recommendation therein. Any exceptions so filed shall stand for hearing and argument at such time as the Medical Council of Delaware by special order may determine. The Medical Council of Delaware shall designate the Attorney General of this State to conduct the hearing. Briefs may, if desired, be filed. If no exceptions are filed to the Committee's report, it shall stand confirmed; subject, however, to the right of the Medical Council of Delaware, upon its own motion, to review any finding, conclusion or recommendation therein.

The Medical Council of Delaware shall upon an affirmed report or upon its findings on review of the Committee's report enter an order as to the accused person revoking or suspending

his or her license to practice medicine or osteopathy in this State, or to place said person on probation or otherwise censor such person or acquit said person of any violation whatsoever.

**Finality of judgment of Medical Council—appeal—limitation period:** The judgment of the Medical Council of Delaware in any case shall be final unless within 10 days after a copy thereof has been sent to the person against whom the judgment is rendered appeals to the Superior Court of the County wherein the alleged offense occurred.

The Superior Court shall have jurisdiction to hear and determine all appeals taken pursuant to this chapter. The Court may, by proper rules prescribe the procedure to be followed in the case of such appeals. The Court shall fix a time for such hearings at the pending or next term of the Court, after the filing of such appeal, and may extend the time for adequate cause shown.

In case of every appeal to the Superior Court, the cause shall be determined by the Court from the record, which shall include a typewritten copy of the evidence and the finding and award of the Medical Council of Delaware, without the aid of a jury, and the Court may reverse, affirm, or modify the award of the Medical Council of Delaware, or remand the cause to the Medical Council of Delaware for a rehearing. In case any cause shall be remanded to the Medical Council of Delaware 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 Medical Council of Delaware.

The decision of the Court shall be in writing and shall show conformity to the provisions of this chapter. It shall be filed with the Prothonotary of the Court, and such Prothonotary shall file a certified copy thereof with the Medical Council of Delaware.

Section 6. Subsection (b), § 1742, Title 24, Delaware Code, is amended to read as follows:

(b) Residents or internes upon whom the degree M. D. or D. O. has been conferred by a legally recognized medical or osteopathic college, or those residents or internes who have been

graduated by a foreign college of medicine, (not including Canadian colleges of medicine) and have taken and successfully completed the examination for foreign medical graduates as given by the Educational Council for Foreign Medical graduates, may legally engage in the practice of medicine and surgery or osteopathy in institutions and hospitals in the State of Delaware at the direction of a responsible attending staff physician of the aforementioned institutions or hospitals.

Section 7. Subsection (c), § 1742, Title 24, Delaware Code, is amended by adding the following thereto:

Hospital internes and residents subject to section 1733, who have not taken and successfully passed the Examination for Foreign Medical Graduates given by the Educational Council for Foreign Medical Graduates, shall not be certified to the Executive Secretary of the State Board of Health for the legal practice of medicine and surgery or osteopathy in hospitals or institutions of the State of Delaware as indicated in section 1738.

Section 8. § 1742, Title 24, Delaware Code, is amended by adding a new subsection (d) to read as follows:

(d) The Secretary of the Medical Council shall also notify the respective hospitals and institutions that registration has been granted to those hospital and institution residents and internes whose credentials have been approved by the Medical Council.

Section 9. § 1744, Title 24, Delaware Code, is amended by adding the following thereto:

In the event that an emergency shortage of physicians should occur in any of the counties of the State of Delaware, a committee of more than one physician of said county shall be appointed by the Medical Society of that county; this committee shall investigate thoroughly and certify to the state of emergency shortage of physicians, through the appointing County Medical Society at a regularly stated meeting to the Secretary of the Medical Council of the State of Delaware.

Section 10. Subsection (b), § 1751, Title 24, Delaware Code, is amended to read as follows:

(b) All persons proposing to practice osteopathy in the State of Delaware 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 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; and

(4) The pre-professional requirements shall be the same as section 1732 (a) (4).

Section 11. § 1761, Title 24, Delaware Code, is amended by adding the following thereto:

Any license to practice medicine and surgery or osteopathy which has been granted upon the basis of written examination or upon the basis of reciprocity or endorsement of another state or Canadian license, shall be withdrawn if the said license has not been registered, by the holder, with an appropriate Tax Bureau of the State of Delaware within a period of 12 months after it has been granted. This provision for withdrawal of license may be waived by the Medical Council of the State of Delaware upon application by the licensee.

Section 12. § 1761 is amended by striking the figures "\$100" in line six thereof and by substituting in lieu thereof the figures "\$150".

Approved June 22, 1960.

## CHAPTER 324

**AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LEWES", AS AMENDED, BY INCREASING THE AUTHORITY OF THE MAYOR OF THE TOWN OF LEWES TO IMPOSE FINES, AND AUTHORIZING THE MAYOR OF LEWES TO APPOINT AN ALDERMAN FOR THE TOWN OF LEWES AND ESTABLISHING THE AUTHORITY OF THE ALDERMAN OF THE TOWN OF LEWES.**

WHEREAS, Section 4 of said Chapter recites and establishes inter alia, the powers and authority of the Mayor of Lewes; and

WHEREAS, it is deemed to be in the best interest of the Town of Lewes to enlarge upon that power and authority; and

WHEREAS, it is further in the best interest of the Town of Lewes to create the office of Alderman and establish powers, authority and jurisdiction for that office;

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

Section 1. Section 4, Chapter 170, Volume 43, Laws of Delaware, is hereby amended by striking out the third paragraph thereof, and substituting in lieu thereof the following:

The person elected Mayor of said town shall have, within the limits of said town, and within the limits of the public lands vested in said town, all the powers, authority, jurisdiction, and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses, the power to arrest and to hold on bail, or fine and imprison all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of said Commissioners regularly passed, published and established for the government of the said town; and of and over all neglects, omissions or defaults of the town Constables or Bailiffs, Assessors, or Treasurer, or any



other person or officer whose duty it may be to collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding Five Hundred Dollars (\$500.00), nor have jurisdiction in any civil matter, unless such fine exceeding Five Hundred Dollars (\$500.00) shall be authorized, or such jurisdiction shall be conferred, by an ordinance, rule or regulation duly adopted by the persons authorized to adopt the same under this Act.

Section 2. Section 4, Chapter 170, Volume 43, Laws of Delaware, is hereby amended by adding the following three paragraphs to said Section 4:

The Mayor may on the first day of his term or as soon thereafter as convenient, appoint some suitable person as Alderman, who may or may not be a Justice of the Peace, and who shall hold office for a term of one year or until his successor shall be appointed or chosen, subject, however, to removal according to the provisions of this Act.

The Commissioners shall procure a suitable record for such Alderman which shall be known as the "Alderman's Docket" upon which his official acts and proceedings shall be entered and kept.

The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of all the members of the Commission, remove from the office, any person appointed by him or by any of his predecessors. The person against whom the Mayor or the Commission may be about to proceed shall receive five days' notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing.

Section 3. Chapter 170, Volume 43, Laws of Delaware, is hereby amended by the addition of the following paragraphs which shall be entitled as follows:

#### ALDERMAN

Before entering upon the duty of his office, he shall be sworn or affirmed by the Mayor to perform the duties of his office, honestly, faithfully and diligently. It shall be his duty

to execute all laws enacted for the government of said town and to carry into effect all orders and directions of Town Commissioners made in pursuance of any law of this State or of any ordinance that the said Town Commissioners may legally make or establish.

The person appointed Alderman of said town shall have, concurrently and coextensively with the Mayor of the Town of Lewes, within the limits of the said town, and within the limits of the public lands vested in said town, all the powers, authority, jurisdiction, and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses, the power to arrest and to hold on bail, or fine and imprison all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of said Commissioners regularly passed, published and established for the government of the said town; and of and over all neglects, omissions or defaults of the town Constables or Bailiffs, Assessors or Treasurer, or any other person or officers whose duty it may be to collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding Five Hundred Dollars (\$500.00), nor have jurisdiction in any civil matter, unless such fine exceeding Five Hundred Dollars (\$500.00) shall be authorized, or such jurisdiction shall be conferred, by an ordinance, rule or regulation duly adopted by the persons authorized to adopt the same under this Act.

Approved June 22, 1960.

## CHAPTER 325

**AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LEWES", AS AMENDED, BY INCREASING THE AUTHORITY OF THE MAYOR OF THE TOWN OF LEWES TO IMPOSE FINES.**

WHEREAS, Chapter 170, Volume 43, Laws of Delaware, reincorporates the Town of Lewes, and

WHEREAS, Section 4 of said Chapter recites and establishes, inter alia, the powers and authority of the Mayor of Lewes and

WHEREAS, it is deemed to be in the best interest of the Town of Lewes to enlarge upon that power and authority, NOW, THEREFORE,

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

Section 1. Section 4, Chapter 170, Volume 43, Laws of Delaware, is hereby amended by striking out the last paragraph thereof, and substituting in lieu thereof the following:

The person elected Mayor of said town shall have, within the limits of said town, and within the limits of the public lands vested in said town, all the powers, authority, jurisdiction, and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses, the power to arrest and to hold on bail, or fine and imprison all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of said Commissioners regularly passed, published and established for the government of the said town; and of and over all neglects, omissions or defaults of the town Constables or Bailiffs, Assessors, or Treasurer, or any other person or officer whose duty it may be to collect, receive, pay over, or account for any money belonging to said town,

or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding Five Hundred Dollars (\$500.00), nor have jurisdiction in any civil matter, unless such fine exceeding \$500.00 shall be authorized, or such jurisdiction shall be conferred, by an ordinance, rule or regulation duly adopted by the persons authorized to adopt the same under this act.

Approved June 22, 1960.

## CHAPTER 326

**AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LEWES" AS AMENDED, BY REMOVING THE LIMITATION ON THE AUTHORITY OF THE COMMISSIONERS TO IMPOSE AND ESTABLISH FINES, AND TO EXTEND THE AUTHORITY OF THE POLICE FORCE OF LEWES TO ONE MILE OUTSIDE THE TOWN LIMITS OF LEWES.**

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

Section 1. Section 12, Chapter 170, Volume 43, Laws of Delaware, as amended, is amended by striking the fourth paragraph therefrom of Section 12 of said Chapter and Act.

Section 2. Section 12, Chapter 170, Volume 43, as amended, is further amended by adding at the end thereof a new paragraph as follows:

Each member of the Town Police shall be vested within the Town limits, and within one mile outside the Town limits with all the powers and authority of a constable of Sussex County, and in the case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

Approved June 22, 1960.

## CHAPTER 327

**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 200, Volume 50, Laws of Delaware, be and it is hereby, further amended by deleting the words "One Hundred Ten Thousand Dollars" where the same appear in the fifth line of said section, and by substituting in lieu thereof the expression "One Hundred Sixty Thousand Dollars".

Approved June 22, 1960.

## CHAPTER 328

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LEWES" RELATING TO COMMISSIONERS' POWER TO ENFORCE ORDER.**

*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 12 of Chapter 170, Volume 43 of the Laws of Delaware, be, and the same is hereby amended by striking out the third paragraph of said Section 12, and inserting in lieu thereof a new paragraph as follows:

All fines and penalties which may be imposed upon any person or persons, either by this Act or by the ordinances adopted as aforesaid, may be collected before the Mayor or Alderman of said Town or any Justice of the Peace of said Town, and any person or persons defaulting in the payment of a fine or penalty, imposed as aforesaid, may be committed by the Mayor, Alderman, or Justice of the Peace to the town lock-up or the public jail of Sussex County for any time not exceeding thirty days, or until such fine and costs shall be paid.

Approved June 22, 1960.

## CHAPTER 329

**AN ACT TRANSFERRING FUNDS FROM THE SALARIES  
AND WAGES OF EMPLOYEES ACCOUNT OF THE  
STATE POLICE TO THE EQUIPMENT ACCOUNT.**

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

Section 1. The sum of \$13,000.00 is transferred from the Salaries and Wages of Employees Account, State Police, to Equipment Account, State Police.

Approved June 20, 1960.



## CHAPTER 330

**AN ACT TO AMEND CHAPTER 77, VOLUME 52, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO SCHOOL BOARD ELECTIONS," BY REQUIRING THE RECEIVER OF TAXES OF NEW CASTLE COUNTY TO SUPPLY CERTAIN DATA TO THE DEPARTMENT OF ELECTIONS OF NEW CASTLE COUNTY, BY PROVIDING OPTIONAL USE OF PAPER BALLOTS IN REFENDUM, LIMITING REFENDUM TO GENERAL ELECTION IN 1960, CLARIFYING DISTRICTS WHICH MAY PETITION FOR REF-ERENDUM, AND ASSESSING COSTS THEREFOR.**

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

Section 1. Chapter 77, Volume 52, Laws of Delaware, is hereby amended by repealing and striking out §511 as it appears in Section 5 of said Chapter 77, and by enacting and inserting in lieu thereof a new § 511 to read as follows:

**§ 511. Election: Kind of school board**

(a) Upon the petition of 500 registered voters or 30% of the registered voters within a school district, whichever is the lesser number, an election shall be held in any school district whose method of selecting school board members was changed from appointment by the resident judges of New Castle County to elective by the provisions of Chapter 77, Volume 52, Laws of Delaware, to determine if school board members for such district shall be appointed by the resident judge of New Castle County or shall be elected by the voters of the school district.

(b) In the event that such petition is filed with the Department of Elections of New Castle County at least 120 days prior to the date of the general election to be held in the year 1960, said Department of Elections shall conduct the election specified in sub-section (a) at the same time and in the same manner as the general election, except that the said Department of Elections may provide for the use of paper ballots in any election

districts it deems necessary or desirable in conducting the election, and the vote shall be by ballot on which is written or printed:

For Elected School Board.....

Against Elected School Board.....

(c) If the New Castle County Department of Elections shall notify in writing the Receiver of Taxes for New Castle County, not later than 115 days prior to the date of the general election to be held in the year 1960, of the names of the school districts that have been petitioned for an election in accordance with sub-sections (a) and (b), the said Receiver of Taxes shall, not later than 90 days prior to the date of the general election to be held in the year 1960, provide and deliver to the said Department of Elections a copy of the list of all addresses of residences in such school districts, divided by school district.

(d) In the event that a majority of the registered voters in a school district voting in an election in accordance with sub-sections (a) and (b) vote Against Elected School Board, the vacancies on the school board of such school district shall be filled by appointment by the resident judge of New Castle County in accordance with the provisions of Chapter 5, Title 14, Delaware Code, beginning with the successor to the member of said school board whose term of office expires on June 30, 1961.

(e) The New Castle County Department of Elections may assess each school district petitioning and holding an election in accordance with sub-sections (a) and (b) a prorata share of the cost of such election, and the school board of each such district shall pay such assessment to the New Castle County Department of Elections.

NOTE: This bill became a law on June 30, 1960 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

## CHAPTER 331

**AN ACT TO AMEND TITLE 10 DELAWARE CODE ENTITLED "COURTS AND JUDICIAL PROCEDURE" RELATING TO SERVICE OF PROCESS ON NON-RESIDENT OPERATORS OF MOTOR VEHICLES AND ELIMINATING THE REQUIREMENT THAT SUCH SERVICE MAY BE MADE ONLY WHERE THE NON-RESIDENT WAS THE OWNER, OPERATOR OR DRIVER OF A MOTOR VEHICLE NOT REGISTERED UNDER THE LAWS OF THIS STATE.**

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

Section 1. § 3112. (a), Title 10 Delaware Code is hereby amended by striking out and repealing the words "not registered under the laws of this State providing for the registration of motor vehicles," as they appear in lines two (2) and three (3) thereof.

Approved July 3, 1960.

## CHAPTER 332

**AN ACT TO AMEND TITLE 10, DELAWARE CODE, ENTITLED "COURTS AND JUDICIAL PROCEDURE" IN RESPECT TO CHIEF DEPUTY PROTHONOTARIES AND REGISTERS IN CHANCERY AND CLERKS OF THE ORPHANS' COURT.**

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

Section 1. § 2302, Title 10, Delaware Code, is hereby amended by repealing said § 2302 in its entirety and by enacting in lieu thereof a new § 2302 to read as follows:

§ 2302 (a) In each county the Judges of the Superior Court resident in the county shall name a chief deputy Prothonotary at an annual compensation to be set by such Judges. He shall perform such duties as shall from time to time be assigned to him by such Judges. His compensation shall not exceed the statutory compensation of the Prothonotary of that county. A chief deputy Prothonotary when appointed and qualified shall not be removed from office except for good and sufficient cause.

(b) The Prothonotaries of the respective counties may employ the deputies and clerks listed below:

(1) New Castle County—one additional chief Deputy, who shall be qualified to and shall perform the duties of bookkeeper-cashier; one deputy; twelve clerks; one caretaker.

(2) Kent and Sussex Counties—deputies and clerks as are authorized by the Levy Court of the county, at compensations fixed by such Levy Court.

Section 2. § 2503, Title 10, Delaware Code, is hereby amended by repealing said § 2503 in its entirety and by enacting in lieu thereof a new § 2503 to read as follows:

§2503 (a) In each county the Chancellor or Vice Chancellor resident in the county shall name a chief deputy Register in Chancery and Clerk of the Orphans' Court. He shall perform

such duties as shall from time to time be assigned to him by the Court of Chancery. As to any county in which no Chancellor or Vice Chancellor resides all of the Judges of the Court of Chancery shall elect a chief deputy Register in Chancery and Clerk of the Orphans' Court. The appointing Judge or Judges shall set the annual compensation of such chief deputy but such compensation shall not exceed the statutory compensation of the Register in Chancery and Clerk of the Orphans' Court in that county. A chief deputy Register in Chancery and Clerk of the Orphans' Court when appointed and qualified shall not be removed from office except for good and sufficient cause.

(b) The Register in Chancery and Clerk of the Orphans' Court in the respective counties may employ the deputies and clerks listed below:

(1) New Castle County—one deputy, six clerks at compensation fixed by the Levy Court.

(2) Kent and Sussex Counties—such deputies and clerks as are authorized by the Levy Court of the county at compensation fixed by such Levy Court.

Section 3. This Act shall become effective January 1, 1961.

Approved July 3, 1960.

## CHAPTER 333

**AN ACT BARRING CLAIMS AGAINST A DECEDENT'S ESTATE IN WHICH NO LETTERS HAVE BEEN GRANTED AFTER TWENTY-ONE YEARS FROM DEATH.**

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

Section 1. Chapter 21, Title 12, Delaware Code, is amended by adding thereto a new section to be designated § 2109 as follows:

**§ 2109. Barring of claims against estates when no letters have been granted within twenty-one years from death**

If no letters have been granted upon the estate of any person within twenty-one years from the date of his or her death, all claims of creditors and persons otherwise beneficially interested in the estate, except those evidenced by mortgage or judgment which shall be controlled by the law applicable to mortgages and judgments as heretofore, shall be thereafter barred.

Approved July 3, 1960.

## CHAPTER 334

**AN ACT TO AMEND TITLE 16, DELAWARE CODE BY ADDING A NEW CHAPTER TO THAT TITLE RELATING TO THE STORAGE OF EXPLOSIVES.**

*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. Title 16, Delaware Code is amended by adding a new chapter as follows:

**CHAPTER 70. STORAGE OF EXPLOSIVES****§ 7001. Signs, stored explosives**

(a) Upon the premises on which explosives are stored there shall be posted signs with the word "EXPLOSIVES—KEEP OFF" legibly printed thereon in letters not less than 3 inches high. Signs shall be placed so that a bullet passing through them will not strike any nearby magazine.

(b) When explosives are being processed, or are used in connection with any manufacturing process, or if explosives are stored at such manufacturing establishment, a sign no smaller than four square feet bearing the words "DANGER—EXPLOSIVES" shall be kept posted at the main plant entrance, and, in addition to this the remainder of the premises shall be posted with signs as set forth in paragraph (a).

**§ 7002. Exceptions**

This chapter shall not apply to regularly licensed commercial establishments handling the sales and distribution of firearms and ammunition.

**§ 7003. Violations and penalties**

Whoever fails to comply with or violates any of the provisions of this Chapter shall be fined not less than \$25.00, nor more than \$1000.00, or imprisoned not more than one year, or both.

Approved July 3, 1960.

## CHAPTER 335

**AN ACT TO AMEND TITLE 5, DELAWARE CODE, ENTITLED "BANKING", PROVIDING FOR THE FINANCING OF THE SALE OF MOTOR VEHICLES, THE LICENSING OF SALES FINANCE COMPANIES, THE REGULATION OF MOTOR VEHICLE RETAIL INSTALLMENT TRANSACTIONS, THE POWERS AND DUTIES OF THE STATE BANK COMMISSIONER, AND PROVIDING FOR VIOLATIONS AND PENALTIES.**

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

Section 1. Title 5, Delaware Code, is amended by adding a new chapter thereto as follows:

**CHAPTER 29. FINANCING THE SALE OF MOTOR VEHICLES**

**§ 2901. Definition of Terms**

As used in this chapter, unless the context or subject matter otherwise requires:

(a) "Motor Vehicle" means any device propelled or drawn by any power other than muscular power, in, upon, or by which any person or property is, or may be transported or drawn upon a highway.

(b) "Retail Buyer" or "Buyer" means a person who buys a motor vehicle from a retail seller and who executed a retail installment contract in connection therewith.

(c) "Retail Seller" or "Seller" means a person who sells a motor vehicle to a retail buyer under or subject to a retail installment contract.

(d) "Retail Installment Transaction" means any transaction evidenced by a retail installment contract entered into between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle from the retail seller at a time price payable in one or more deferred installments. The cash sale



price of the motor vehicle, the amount included for insurance and other benefits if a separate charge is made therefor, official fees and the finance charge shall together constitute the time price.

(e) "Retail Installment Contract" or "Contract" means an agreement, entered into in this State, pursuant to which the title to, the property in or a lien upon the motor vehicle, which is the subject matter of a retail installment transaction, is retained or taken by a retail seller from a retail buyer as security, in whole or in part, for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract.

(f) "Cash Sale Price" means the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale has been a sale for cash instead of a retail installment transaction. The cash sale price may include any taxes, registration, certificate of title, license and other fees and charges for accessories and their installation and for delivery, servicing, repairing, or improving the motor vehicle.

(g) "Official Fees" mean the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract.

(h) "Finance Charge" means the amount agreed upon between the buyer and the seller, as limited herein, to be added to the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees, in determining the time price.

(i) "Sales Finance Company" means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to a bank, trust company, private banker, industrial bank or investment company, if so engaged. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts. The term does not include the pledge of an aggregate number of such contracts to secure a bona fide loan thereon.

(j) The "holder" of a retail installment contract means the retail seller of the motor vehicle under or subject to the contract or, if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee.

(k) "Person" means an individual, partnership, corporation, association, and any other group however organized.

(l) "Commissioner" means State Bank Commissioner.

(m) Words in the singular include the plural and vice versa.

## **§ 2902. Licensing of Sales Finance Companies Required**

(a) No person shall engage in the business of a sales finance company in this State without a license therefor as provided in this chapter; provided, however, that no state bank or trust company, or any national bank, authorized to do business in this State shall be required to obtain a license under this chapter but shall comply with all of the other provisions of this chapter.

(b) The application for such license shall be in writing, under oath, and in the form prescribed by the Commissioner. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the

directors, trustees and principal officers, and such other pertinent information as the Commissioner may require.

(c) The license fee for each calendar year or part thereof shall be the sum of one hundred dollars (\$100.00) for the principal place of business of the licensee and the sum of twenty-five dollars (\$25.00) for each branch of the licensee maintained in this State.

(d) Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the Commissioner shall endorse the change of location on the license without charge.

(e) Upon the filing of such application, and the payment of said fee, the Commissioner shall issue a license to the applicant to engage in the business of sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

(f) For just cause the Commissioner may refuse to issue a license or renewal thereof. Any person aggrieved by the Commissioner's refusal to issue a license may apply for a review thereof in the same manner as under the provisions of Section 2903 (d) of this title.

### **§ 2903. Suspension or Revocation of Licenses**

(a) A license may be suspended or revoked by the Commissioner on the following grounds:

(1) Material mis-statement in application for license;

(2) Wilful failure to comply with provision of this chapter relating to retail installment contracts;

(3) Defrauding any retail buyer to the buyer's damage;

(4) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under this chapter.

(b) If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be the cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if such licensee after actual knowledge of said acts retains the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratifies said acts.

(c) No license shall be suspended or revoked except after hearing thereon. The Commissioner shall give the licensee at least ten days written notice, in the form of an order to show cause, of the time and place of such hearing by registered mail addressed to the principal place of business in this State of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the Commissioner and shall not be effective until after thirty days written notice thereof given after such entry forwarded by registered mail, to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(d) Within thirty days after any such suspension or revocation of a license the person aggrieved may apply for a review thereof by an application to the Superior Court in accordance with the practice of said court. The Superior Court shall determine de novo all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the Commissioner, and shall render such judgment as shall be lawful and just.

#### § 2904. Filing of Complaints

Any retail buyer having reason to believe that this Chapter relating to his retail installment contract has been violated may file with the Commissioner a written complaint setting forth the details of such alleged violation and the Commissioner, upon receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint.

#### § 2905. Powers of Commissioner

(a) For the purpose of administering the provisions of this Chapter, determining whether any business contemplated by this Chapter is being operated in accordance with the provisions of this Chapter, or making investigation of any complaint or alleged violation, the Commissioner and his duly authorized representatives shall have power to investigate, at any time, the business and affairs and examine the books, accounts, contracts, papers, records, documents and files of every licensee and of every person who shall be engaged in business contemplated by this Chapter, whether such person shall act, or claim to act, as principal or agent or under or without the authority of this Chapter. For this purpose the Commissioner, or his duly authorized representatives, shall have free access to the offices and places of business, books, accounts, contracts, papers, records, documents and files of all such persons.

(b) The Commissioner shall have power to issue subpoenas to compel the attendance of witnesses and the production of books, accounts, contracts, papers, records, documents and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to this Chapter. The Commissioner shall have the power to administer oaths and affirmations to any persons whose testimony is required.

(c) If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge of the Superior Court may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the Superior Court, for such witness to appear before the Commissioner and to give testimony

and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the Superior Court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed, to appear at the time and place therein designated.

(d) If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the Commissioner may apply to any judge of the Superior Court for an attachment against such person, as for a contempt. The judge, upon satisfactory proof of such refusal, shall issue an attachment directed to any sheriff, constable or police officer, for the arrest of such person, and upon his being brought before such judge, proceed to a hearing of the case. The judge shall have power to enforce obedience to such subpoena, and the answering of any question, and the production of any evidence, that may be proper, by a fine not exceeding one hundred dollars (\$100.00), or by imprisonment for not more than thirty days, or by both fine and imprisonment, and to compel such witness to pay the costs of such proceeding as taxed by the court.

(e) The Commissioner may make such rules and regulations, and such specific rulings, demands and findings as he deems necessary for the enforcement of this Chapter and the proper conduct of the business authorized and required to be licensed thereunder. Such rules and regulations, specific rulings, demands and findings shall be in addition to, and not inconsistent with, the provisions of this Chapter.

#### **§ 2906. Requirements and Prohibitions as to Retail Installment Contracts**

(a) (1) A retail installment contract shall be in writing, shall be signed by both the buyer and the seller and shall be completed as to all essential provisions prior to the signing of the contract by the buyer.

(2) The printed portion of the contract, other than instructions for completion, shall be in at least eight point type. The contract shall contain in a size equal to at least ten point bold type.

(i) A specific statement that liability insurance coverage for bodily injury and property damage caused to others is not included, if that is the case; and

(ii) The following notice: "Notice to the Buyer: 1. Do not sign this contract before you read it or if it contains any blank spaces. 2. You are entitled to an exact copy of the contract you sign."

(3) The seller shall deliver to the buyer, or mail to him at his address shown on the contract, a copy of the contract signed by the seller. Until the seller does so, a buyer who has not received delivery of the motor vehicle shall have the right to rescind his agreement and to receive a refund of all payments made and return of all goods traded-in to the seller on account of or in contemplation of the contract, or if such goods cannot be returned, the value thereof. Any acknowledgment by the buyer of delivery of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature.

(4) The contract shall contain the names of the seller and the buyer, the place of business of the seller as specified by the buyer and a description of the motor vehicle including its make, year model, model and identification numbers or marks.

(b) The contract shall contain the following items:

(1) The cash sale price of the motor vehicle;

(2) The amount of the buyer's down payment, and whether made in money or goods, or partly in money and partly in goods;

(3) The difference between items one and two;

(4) The amount, if any, included for insurance and other benefits, specifying the types of coverage and benefits;

(5) The amount of official fees;

(6) The principal balance, which is the sum of item three, item four, and item five;

(7) The amount of the finance charge;

(8) The time balance, which is the sum of items six and seven, payable in installments by the buyer to the seller, the number of installments, the amount of each installment and the due date or period thereof.

The above items need not be stated in the sequence or order set forth; additional items may be included to explain the calculations involved in determining the stated time balance to be paid by the buyer.

(c) The amount, if any, included for insurance, which may be purchased by the holder of the retail installment contract, shall not exceed the applicable premiums chargeable in accordance with the rates filed with the Insurance Commissioner of the State of Delaware. If dual interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificate of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance, the coverages and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of insurance. The buyer shall have the privilege of purchasing such insurance from an agent or broker of his own selection and of selecting an insurance company acceptable to the holder, but in such case the inclusion of the insurance premium in the retail installment contract shall be optional with the seller.

(d) If any insurance is cancelled, unearned insurance premium refunds received by the holder shall be credited to the final maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them.

(e) The holder may, if the contract so provides, collect a delinquency and collection charge on each installment in default for a period not less than ten days in an amount not in excess of five per cent of each installment or five dollars, whichever



is less. In addition to such delinquency and collection charge, the contract may provide for the payment of attorneys' fees not exceeding fifteen per cent of the amount due and payable under such contract when such contract is referred for collection to an attorney not a salaried employee of the holder of the contract plus the court costs.

(f) No retail installment contract shall be signed by any party thereto when it contains blank spaces to be filled in after it has been signed except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution. The buyer's written acknowledgment, conforming to the requirements of Section 2906 (a) (3) of this title, of delivery of a copy of a contract shall be conclusive proof of such delivery, that the contract when signed did not contain any blank spaces except as herein provided, and of compliance with Section 2906 of this title in any action or proceeding by or against the holder of the contract.

(g) Upon written request from the buyer, the holder of a retail installment contract shall give or forward to the buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A buyer shall be given a written receipt for any payment when made in cash.

(h) No provision in a retail installment contract relieving the seller from liability for any legal remedies which the buyer may have against the seller under the contract, or in any separate instrument executed in connection therewith, whether before or at the time of the making of the contract, shall be enforceable.

#### § 2907. Finance Charge Limitation

(a) Notwithstanding the provisions of any other law, the finance charge shall not exceed the following rates:

Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made—\$7 per \$100 per year.

Class 2. Any new motor vehicle not in Class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made—\$10 per \$100 per year.

Class 3. Any used motor vehicle not in Class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made—\$13 per \$100 per year.

(b) Such finance charge shall be computed on the principal balance as determined under Section 2906 (b) of this title on the contracts payable in successive monthly payments substantially equal in amount. Such finance charge may be computed on the basis of a full month for any fractional month period in excess of ten days. A minimum finance charge of twenty-five dollars (\$25.00) may be charged on any retail installment transaction.

(c) When a retail installment contract provides for unequal or irregular installment payments, the finance charge may be at the effective rates permitted in subsection (a) hereof, having due regard for the schedule of payments.

(d) Any sales finance company may purchase or acquire or agree to purchase or acquire from any seller any contract on such terms and conditions as may be agreed upon between them. Filing of the assignment, notice to the buyer of the assignment, and any requirement that the holder maintain dominion over the payments or the motor vehicle if repossessed shall not be necessary to the validity of a written assignment of a contract as against creditors, subsequent purchasers, pledgees, mortgagees and lien claimants of the seller. Unless the buyer has notice of the assignment of his contract, payment thereunder made by the buyer to the last known holder of such contract shall be binding upon all subsequent holders.

#### § 2908. Credit Upon Anticipation of Payments

Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may pay in full at any time

before maturity the debt due under any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the finance charge as the sum of the monthly time balances after the month in which prepayment is made, bears to the sum of all the monthly time balances under the schedule of payments in the contract, provided, however, that the holder shall not be required to rebate any portion of such unearned finance charge which results is a net minimum finance charge on the contract less than \$25.00; and, provided further that the holder shall not be required to rebate any unearned finance charge on the amount due computed as herein set forth, if less than \$1.00.

#### **§ 2909. Refinancing Retail Installment Contract**

If the holder of a contract, at the request of the buyer, extends the scheduled due date of all or any part of any installment or installments, the holder may re-state the amount of the installments and the time schedule therefor, and collect for such extension not more than five dollars (\$5.00) in addition to one per cent (1%) per month simple interest on the respective descending balances computed on the amount and for the period of such extension or renewal.

#### **§ 2910. Penalties**

(a) Any person who shall wilfully and intentionally violate any of the provisions of this chapter or engage in the business of a sales finance company in this state without a license therefor as provided in this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500.00).

(b) A wilful violation of Sections 2906 or 2907 of this title by the seller or holder shall bar recovery of any finance charge, delinquency or collection charge on the contract.

#### **§ 2911. Waiver**

Any waiver of the provisions of this chapter shall be unenforceable and void.

## Section 2. REPEALER PROVISION

All other laws or parts of laws now in effect inconsistent with the provisions of this Act are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full force and effect to the provisions of this Act.

## Section 3. SEVERABILITY

If any provision of this Act or the application thereof to any person or circumstances is held unconstitutional, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

## Section 4. SHORT TITLE

This Act may be cited as "The Motor Vehicle Sales Finance Act".

## Section 5. TIME OF TAKING EFFECT

This Act shall take effect June 1, 1959 or if this Act becomes law after that date then this Act shall take effect ninety days after it is approved by the Governor of the State of Delaware.

Approved July 9, 1960.

## CHAPTER 336

**AN ACT TO APPROPRIATE FUNDS TO THE SCHOOL  
BOARDS FOR THE MAINTENANCE AND REPAIR OF  
PUBLIC SCHOOL BUILDINGS OF THE STATE.**

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

Section 1. In addition to any other funds appropriated to the State Board of Education or other Boards of Education or Boards of School Trustees, there is hereby appropriated to the Boards of Education or Boards of School Trustees of the school districts listed herein the amounts listed below for the fiscal year ending June 30, 1961, for the purpose of maintaining and repairing public school buildings and grounds, and repairing, replacing, and maintaining public school equipment.

Name of District	Amount
Claymont Special .....	\$19,030
Dover Special .....	20,367
Alexis I. duPont Special .....	17,145
Georgetown Special .....	18,363
Harrington Special .....	6,431
Laurel Special .....	13,300
Lewes Special .....	11,379
Milford Special .....	13,016
Mt. Pleasant Special .....	30,519
Newark Special .....	33,593
New Castle Special .....	21,318
Rehoboth Special .....	4,887
Caesar Rodney Special .....	9,265
Seaford Special .....	22,770
Smyrna Special .....	10,257
Wilmington .....	159,484
Arden #3 .....	500
Gunning Bedford, Jr. #53 .....	14,013
H. C. Conrad #131 .....	8,311
Alfred I. duPont #7 .....	13,788
John G. Leach .....	1,656
Marshallton #77 .....	9,070

Middletown #60 .....	5,243
Newport #21 .....	6,336
Oak Grove #130 .....	11,308
Odessa #61 .....	923
Richardson Park #20 .....	9,791
Rose Hill-Minquadale #47 .....	12,341
Stanton #38 .....	2,529
Townsend #81 .....	2,673
Yorklyn #91 .....	932
Millside #132 .....	7,110
Newport #106 .....	2,916
L. L. Redding #120 .....	5,980
Clayton #119 .....	2,039
Felton #54 .....	5,202
Frederica #32 .....	2,070
Hartly #96 .....	1,251
Houston #125 .....	762
Magnolia #50 .....	1,377
William W. M. Henry #133 .....	5,661
Blades #172 .....	815
Bridgeville #90 .....	8,755
John M. Clayton #97 .....	5,083
Delmar #163 .....	5,539
Ellendale #125 .....	1,296
Greenwood #91 .....	4,523
Gumboro #37 .....	778
Lincoln #3 .....	961
Lord Baltimore #28 .....	6,414
Millsboro #23 .....	5,440
Milton #8 .....	7,596
Selbyville #32 .....	6,318
Bridgeville #220 .....	1,571
Frankford #206 .....	1,513
William C. Jason .....	5,341
Millsboro #204 .....	1,246
State Board of Education .....	10,835
(1-2-3 Teacher Schools)	

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TOTAL ..... \$618,930

Section 2. There is also appropriated to the State Board of Education the sum of \$75,000 for the purpose of maintaining a reserve fund for unforeseen emergencies, such fund to be expended in accordance with the provisions of this Act.

Section 3. The amounts appropriated shall be expended in the school districts according to the rules and regulations of the Board of Education or Board of School Trustees of the school district, except that in the case of 1, 2, and 3 teacher schools the funds shall be administered by the State Board of Education.

Section 4. The Board of Education or Board of School Trustees of the school district and the State Board of Education, in letting of contracts, shall be governed by Section 6702, Title 29, Delaware Code. All contracts, excepting those excluded from the operation of Section 6702 (a), Title 29, Delaware Code, by Section 6702 (b) thereof shall be accompanied by proof of possession of workmen's compensation and public liability insurance.

Section 5. The funds herein appropriated shall not be used for salaries of regular employees or for any other operating expenses or for new construction, but shall be used only for such purposes as listed in Section 1 of this Act.

Section 6. Any amounts of the sums hereby appropriated directly to each of the school districts and to the State Board of Education for use in 1, 2, and 3 teacher schools which are unexpended on June 30, 1962, shall on that date revert to the General Fund of the State of Delaware. The sum hereby appropriated to the State Board of Education as a reserve fund for emergency purposes, shall not revert to the General Fund of the State but shall remain available until expended for carrying out the purposes for which such reserve fund is established.

Section 7. This Act is a supplementary appropriation and the money so appropriated shall be paid from the General Fund of the State of Delaware.

Approved July 9, 1960.

## CHAPTER 337

**AN ACT TO MAKE UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN RESPECT TO EMPLOYMENT BECAUSE OF THE AGES OF THE INDIVIDUALS SEEKING OR BEING IN EMPLOYMENT, CREATING AND CONFERRING JURISDICTION UPON THE "DIVISION AGAINST DISCRIMINATION" IN THE LABOR COMMISSION OF DELAWARE, PROVIDING FOR THE PRACTICE AND PROCEDURE TO BE FOLLOWED IN THE ENFORCEMENT OF THE ACT.**

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

Section 1. It shall be unlawful employment practice or unlawful discrimination, as the case may be,

(a) for an employer or employment agency to refuse to hire, employ or license, or to bar or discharge from employment, any individual because of his race, creed, color or national origin, or because such individual is between 45 and 65 years of age;

(b) for an employer or employment agency to discriminate against any individual in compensation or in the terms, conditions or privileges of employment because of race, creed, color or national origin, or because such individual is between 45 and 65 years of age;

(c) for any employer or employment agency to print, circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or make any inquiry in connection with prospective employment which expresses directly or indirectly and\* limitation, specification or discrimination or unless based on a bona fide occupational qualification;

(d) for any labor organization to exclude or expel from its membership any person or to discriminate in any way against

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\*so enrolled



any of its members, employers or employees because of race, creed, color or national origin, or because any such person, member, employer or employee is between the ages of 45 and 65 years;

(e) for any employer, labor organization or employment agency to discharge, expel, penalize or otherwise discriminate against any person because he has opposed any practice forbidden by this act or because he has filed a complaint, testified or assisted in any proceeding respecting the employment practices and discrimination prohibited under this act;

(f) for any person, whether an employer, employee or not, to aid, abet, incite, compel or coerce the doing of any of the practices forbidden by the act, or to attempt to do so.

Section 2. The "Division Against Discrimination" in the Labor Commission of Delaware is hereby created and shall have jurisdiction over the subject of employment practices and discrimination made unlawful by this act, provided, however, that any complaint that there has been a violation of Section 1 of this Act must be filed with the Division Against Discrimination within ninety days after the alleged act of violation. The said division shall make such rules and regulations as may be necessary to effectuate the purposes of this act.

Section 3. Nothing contained in this act shall be construed to conflict with the laws relating to child and female labor, nor to prohibit the establishment and maintenance of bona fide occupational qualifications, nor to prevent the termination or change of the employment of any person who is unable to perform his duties, nor to interfere with the operation of the terms or conditions of any bona fide retirement, pension, employee benefit or insurance plan.

Section 4. Whoever shall be guilty of this act, shall, for the first offense be fined not more than \$200 and for the second offense, shall be fined not more than \$500, or imprisoned for not more than 90 days, or both.

Approved July 9, 1960.

## CHAPTER 338

**AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF DELAWARE FOR CERTAIN CAPITAL IMPROVEMENTS, AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY AND ISSUE BONDS AND NOTES THEREFOR, IN THE AMOUNT OF TWO MILLION TWO HUNDRED SEVENTY-SEVEN THOUSAND DOLLARS (\$2,277,000).**

*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. Within the appropriation under Section 2 of this Act, the Board of Trustees of the University of Delaware is hereby authorized and empowered to plan, construct and equip on the campus of the University of Delaware at Newark, Delaware, a Physics-Mathematics Building to house and provide facilities for the Physics and Mathematics Departments of said University, including therein the necessary classrooms, laboratories, lecture hall, seminar room, reading room, faculty offices, utility and service areas and ways, furniture, fixtures and other necessary equipment and facilities, as said Board of Trustees shall determine to be necessary or advisable to meet the reasonable needs of the University.

Section 2. There is hereby appropriated to the University of Delaware the sum of \$2,277,000, or so much thereof as may be necessary, to be expended by the Board of Trustees of the University of Delaware for the purposes set forth in Section 1 of this Act. The moneys so appropriated shall be paid by the State Treasurer out of the proceeds of the issue and sale of the bonds and notes hereinafter authorized by this Act. Said moneys shall be made available beginning in the fiscal year commencing July 1, 1960, and thereafter, as the progress of said project or work shall require. No portion of the moneys hereby appropriated shall revert at the end of any fiscal year, but the said appropriation shall remain available until the purposes of this Act have been fully accomplished; provided, however, that any portion of said funds which is not expended by June 30, 1963, shall then revert to the General Fund of the State Treasury.

Section 3. The Governor, the State Treasurer and the Secretary of State of the State of Delaware, hereinafter sometimes referred to as the Issuing Officers, are hereby authorized, empowered and directed to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of \$2,277,000 which shall be used for the purposes set forth in Section 1 of this Act.

The said Issuing Officers are hereby authorized and fully empowered to sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the sum of \$2,277,000. The said bonds shall be issued in such series and amounts as the Issuing Officers shall determine.

Section 4. In anticipation of the issuance of bonds, the Issuing Officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3 per cent per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than June 30, 1961. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed \$2,277,000.

Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 5. The bonds and notes issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds and notes hereby authorized to be issued and the coupons thereto attached, and the said bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 6. The said bonds and notes shall recite that they are issued for the purposes set forth in this Act, that they are issued in pursuance of this Act and the Constitution of this State, and upon the sale and delivery of any such bond or note, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds or notes and the legality and validity of such bonds or notes and of the principal debt and interest represented thereby, and the legality and validity of such bonds or notes thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bonds or notes.

Section 7. The bonds issued under the authority of this Act shall be in denominations of \$1,000, or multiple thereof, as shall be decided by the Issuing Officers, or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such dates as the Issuing Officers shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the Issuing Officers, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Said bonds shall be in such form and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said Issuing Officers.

The said bonds shall mature as the Issuing Officers may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within 20 years from the date of issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer or Deputy State Treasurer and shall have the im-

pression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer or his Deputy shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer or his Deputy which may be engraved, printed or written on such coupons. The Coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

Section 8. For the purpose of designation and identification any bond issued under the authority of this Act shall be known and styled "Capital Improvement Bond of 1960, Series I."

Section 9. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the Issuing Officers may adopt.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer or his Deputy and also by writing across the face thereof in red ink the following:

This bond paid and redeemed this.....day of  
.....A. D. 19.....

.....  
State Treasurer

As the said coupons are paid, it shall be the duty of the State Treasurer or his Deputy to mark the same in red ink across the face "Paid". All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this Act is unpaid and not redeemed.

Section 10. Whenever the bonds authorized by this Act may be issued in conformity with the provisions of this Act, the Issuing Officers are hereby directed to advertise that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Issuing Officers. Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once ten or more days before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York, and no other publication of such notice of sale shall be necessary; and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Issuing Officers at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 11. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers' Bank of the State of Delaware at Dover, and shall be used exclusively in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 12. There is appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which may become due on such bonds and notes during the biennium ending June 30, 1961, and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the biennium ending June 30, 1961. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 13. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly of the 121st Session and each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved July 9, 1960.

## CHAPTER 339

**AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE DELAWARE CODE, RELATING TO LIMITATIONS OF ACTIONS.**

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

Section 1. Chapter 81, Title 10 of the Delaware Code is amended by adding immediately after § 8106 a new section, designated section 8106A, as follows:

**§ 8106A. Actions subject to two-year limitation**

No action to recover damages for wrongful death or for injury to personal property shall be brought after the expiration of two (2) years from the accruing of the cause of such action.

Section 2. § 8118, Title 10 of the Delaware Code is amended by substituting "2 years" for "1 year".

Section 3. This Act shall not affect any cause of action which has arisen or accrued prior to the effective date hereof, and as to such causes the limitations in effect immediately prior to the effective date of this Act shall apply.

Approved July 9, 1960.



CHAPTER 340

**AN ACT TO AMEND SECTION 6108, TITLE 10, DELAWARE  
CODE, RELATING TO TRANSCRIPT OF TRIAL.**

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

Section 1. Subsection (e), Section 6108, Title 10, Delaware Code, is hereby amended by striking out the words:

“and a verbatim transcript of the trial shall be made and preserved as part of the record”.

Approved July 9, 1960.

## CHAPTER 341

### AN ACT TO AMEND CHAPTER 35, TITLE 10, DELAWARE CODE, RELATING TO ATTACHMENTS.

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

Section 1. Chapter 35, Delaware Code, is hereby amended by striking out all of said chapter (incorporating § 3501 through § 3531) and substituting in lieu thereof a new chapter 35 to read as follows:

#### CHAPTER 35. ATTACHMENTS

##### § 3501. Domestic attachment; when writ may be issued

A writ of domestic attachment may be issued against an inhabitant of this State upon proof satisfactory to the Court that the defendant cannot be found, or that the defendant is justly indebted to the plaintiff in a sum exceeding \$50, and has absconded from his usual place of abode or is about to leave the State or has gone out of the State with intent to defraud his creditors or to elude process.

##### § 3502. Corporations subject to attachment and garnishment

All corporations doing business in this State, except banks, savings institutions and loan associations, are subject to the operations of the attachment laws of this State, as provided in case of individuals. Insurance companies shall not be liable to attachment, except only as to moneys due in consequence of the happening of the risk provided for in a policy of insurance. A corporation shall be liable to be summoned as garnishee.

##### § 3503. Public officers and employees subject to attachment and garnishment

(a) The attachment laws of this State shall apply to employees of the State, or of any county, district or municipality with the same force and effect as they apply to other individuals. Any officer of the State, or of any county, district or municipi-

pality, whose duty it is to pay such employees compensation from funds of the State, county, district or municipality for any services rendered by such employees to the State, county, district or municipality may be summoned to appear and answer as other garnishees are required to do.

(b) The term "employee" as used in subsection (a) of this section includes any and every person performing any and every form of labor and work for the State, county, district or municipality for compensation.

**§ 3504. Unincorporated associations subject to attachment and garnishment**

(a) A writ of attachment may be issued in any action brought against any unincorporated association of persons using a common name, ordinary partnership excepted, transacting business in this State by such common name.

(b) Any sheriff, constable or other officer, executing any writ of attachment under the provisions of this section may attach the lands and tenements, goods and chattels, rights and credits, and monies and effects of the defendant association and may also attach the lands and tenements, goods and chattels, rights and credits, and monies and effects of any or all of the individuals composing such association in the same manner as if they had been made parties defendant by their individual names.

**§ 3505. Worthless checks or unpaid settlement memoranda, issuance of**

A writ of attachment may be issued in any action brought against any person, who has issued a worthless check against an account in which there are not sufficient funds to pay such check, or where the person has issued slips or memoranda in settlements, which have not been paid.

**§ 3506. Foreign attachment against individuals**

A writ of foreign attachment may issue against any individual not an inhabitant of this State on any cause of action after

proof satisfactory to the Court that the defendant cannot be found, that the defendant resides out of the State, and that plaintiff has a good cause of action against the defendant in a sum exceeding \$50.

#### **§ 3507. Foreign attachment against foreign corporations**

A writ of foreign attachment may be issued against any corporation, aggregate or sole, not created by or existing under the laws of this State upon proof satisfactory to the Court that the defendant is a corporation not created by, or existing under the laws of this State, and that the plaintiff has a good cause of action against the defendant in an amount exceeding \$50.

#### **§ 3508. Property subject to attachment**

Goods, chattels, rights, credits, monies, effects, lands and tenements may be attached under the provisions of this chapter.

#### **§ 3509. Proceedings against garnishees**

If any garnishee, duly summoned shall not appear as required, he may be compelled, by attachment, to appear and answer or plead. The plaintiff may be compelled to pay a fee to the garnishee in such amount as may be fixed from time to time by rule of the Superior Court.

#### **§ 3510. Capias against garnishee**

If it be shown to the Court that any garnishee, summoned or to be summoned thereon, is not an inhabitant of the county where the attachment is pending, or is about to leave the county, then a capias may issue against such garnishee to hold him to bail for his appearance at court to answer or plead.

#### **§ 3511. Effect of sales**

All sales under this chapter shall be good against the defendant, his or its executors, administrators and assigns. Any transfer or assignment of the property after attachment shall be void, and after the sale of the property is made and con-

firmed the purchaser shall be entitled to and have all the right, title and interest of the defendant in and to the property so attached and sold, and such sale and confirmation shall transfer to the purchaser all the right, title and interest of the defendant in and to the property as fully as if the defendant had transferred the same to the purchaser in accordance with law. If action is brought against any officer or other person acting under the authority of this chapter, it shall be a good defense that his act was done in compliance with this chapter and in accordance with the applicable rules of court.

**§ 3512. Authority of Superior Court to make rules respecting attachments**

The Superior Court may make all necessary rules respecting the form of process, the manner of issuance and return thereof, modes of proof, manner of seizure of property, sale of perishable property, appointment and duties of auditors, the release of property from attachment and the sale of property so seized, and all other matters relating to attachment proceedings, and may require the plaintiff to give approved security to indemnify the defendant for his costs, losses and damages resulting from the attachment.

**§ 3513. Jurisdiction of Superior Court and applicability of Superior Court Rules to attachment by Justices of the Peace and other inferior courts**

Except where otherwise expressly provided, the rules of the Superior Court shall govern the procedures in all attachments issued by justices of the peace and other inferior courts. The Superior Court, upon the motion of any defendant or tenant whose property, rights or credits may be attached under any mesne process of attachment issued by a justice of the peace or other inferior court, shall investigate the proofs required by law to be made and filed before the issuing of such process. If upon such investigation the court considers that there was not sufficient grounds for the attachment, the property, rights and credits attached shall be discharged.

Section 2. This Act shall not affect any proceeding instituted prior to the effective date hereof, and as to such proceed-

ings the provisions in effect immediately prior to the effective date of this Act shall apply. Until the Superior Court promulgates rules governing the procedure on attachment, the provisions in force immediately prior to the effective date of this Act shall continue to apply.

Approved July 9, 1960.

## CHAPTER 342

**AN ACT TO AMEND TITLE 6 DELAWARE CODE ENTITLED  
"COMMERCE AND TRADE" BY PROVIDING FOR A NEW  
CHAPTER 43 RELATING TO RETAIL INSTALLMENT  
SALES.**

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

Section 1. Title 6, Delaware Code is hereby amended by adding thereto a new Chapter 43 to read as follows:

## CHAPTER 43

## RETAIL INSTALLMENT SALES

## Sub-Chapter I—General Provisions

Section 4301. Unless the context or subject matter otherwise requires, the definitions given in this article govern the construction of this chapter.

"Goods" mean tangible chattels bought for use primarily for personal, family or household purposes, as distinguished from commercial or agricultural purposes, including certificates or coupons exchangeable for such goods, and including goods which, at the time of the sale or subsequently are to be affixed to real property as to become a part of such real property whether or not severable therefrom, but does not include any motor vehicle which for the purposes of this act shall mean any device propelled or drawn by any power other than muscular power, in, upon, or by which any person or property is, or may be transported or drawn upon a highway.

"Services" mean work, labor and services, for other than a commercial or business use, including services furnished in connection with the improvement of real property but does not include the services for which the tariffs, rates, charges, costs or expenses, including in each instance the time sale price, is required by law to be filed with the approval by the Federal

Government or any official department, division, commission or agency of the United States.

"Retail seller" or "seller" means a person engaged in the business of selling goods or furnishing services to retail buyers.

"Retail buyer" or "buyer" means a person who buys goods or obtains services from a retail seller in a retail installment sale and not principally for the purpose of resale.

"Retail installment sale" or "sale" means the sale of goods or the furnishing of services by a retail seller to a retail buyer for a time sale price payable in installments.

"Retail installment contract" or "contract" means any contract for a retail installment sale between a buyer and seller, entered into or performed in this State, which provides for repayment in installments, whether or not such contract contains a title retention provision, and in which a time price differential is computed upon and added to the unpaid balance at the time of sale or where no time price differential is added but the goods or services are available at a lesser price if paid by cash. When taken or given in connection with a retail installment sale, the term includes but is not limited to a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the goods upon full compliance with the terms of the contract.

"Retail installment account" or "installment account" or "revolving account" means an account established by an agreement entered into in this State, pursuant to which the buyer promises to pay, in installments, to a retail seller, his outstanding balance incurred in retail installment sales, whether or not a security interest in the goods sold is retained by the seller, and which provides for a service charge which is expressed as a percent of the periodic balances to accrue thereafter providing such charge is not capitalized or stated as a dollar amount in such agreement.



"Cash sale price" means the cash sale price stated in a retail installment contract for which the seller would sell or furnish to the buyer and the buyer would buy or obtain from the seller the goods or services which are the subject matter of a retail installment contract if the sale were a sale for cash instead of a retail installment sale. The cash sale price may include any taxes and cash sale prices for accessories and services, if any, included in a retail installment sale.

"Time sale price" means the total of the cash sale price of the goods or services, and the amounts, if any, included for insurance, official fees and service charge.

"Time price differential" or "service charge" means the amount however denominated or expressed which the retail buyer contracts to pay or pays for the privilege of purchasing goods or services to be paid for by the buyer in installments; it does not include the amounts, if any, charged for insurance premiums, delinquency charges, attorney's fees, court costs, collection expenses or official fees. Wherever either of such terms is required to be used under the provisions of this chapter the other may be used interchangeably.

"Unpaid balance" means the cash sale price of the goods or services which are the subject matter of the retail installment sale, plus the amounts, if any, included in a retail installment sale for insurance and official fees, minus the amount of the buyer's down payment in money or goods.

"Time balance" means the total of the unpaid balance and the amount of the service charge, if any.

"Holder" means the retail seller who acquires a retail installment contract or installment account executed, incurred or entered into by a retail buyer, or if the contract or installment account is purchased by a financing agency or other assignee, the financing agency or other assignee. The term does not include the pledgee of or the holder of a security interest in an aggregate number of such contracts or installment accounts to secure a bona fide loan thereon, unless the pledgee shall have perfected his pledgee's rights after default by his pledgor.

"Official fees" means the fees required by law and actually to be paid to the appropriate public officer to perfect a lien or other security interest, on or in goods, retained or taken by a seller under a retail installment contract or installment account.

"Person" means an individual, partnership, corporation, association or other group, however organized.

"Financing agency" means a person engaged in this State in whole or in part in the business of purchasing retail installment contracts, or installment accounts from one or more retail sellers. The term includes but is not limited to a bank, trust company, private banker, or investment company, if so engaged.

Section 4302. Any waiver of the buyer of the provisions of this chapter shall be deemed contrary to public policy and shall be unenforceable and void.

If any provision of this chapter or the application thereof to any person or circumstances is held unconstitutional, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Except as provided in Section 4315, the provisions of this chapter shall not apply to any retail installment sale which is made for a cash sale price of seventy-five dollars (\$75) or less where no title, lien or other security interest is retained or taken by the seller. This section shall not apply to sales made pursuant to the provisions of Sections 4334-4343 of this chapter.

### **Sub-Chapter II—Provisions of Retail Installment Contracts**

Section 4303. A retail installment contract shall be dated and in writing; the printed portion thereof shall be in at least eight-point type.

Section 4304. Every retail installment contract shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, which

terms of payment must coincide with those stated in any promissory notes or any other evidences of indebtedness between the parties relating to the transaction.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Conditional Sale Contract" or "Lien Contract", as the case may be, shall appear in at least ten-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least ten-point bold type where security is not obtained by the seller for the goods or services purchased.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge."

Section 4305. Except as provided in Sections 4327-4332 of this chapter, a contract shall contain the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods or services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail sufficient to identify them in a separate writing.

(b) The cash sale price of the goods, services and accessories which are the subject matter of the retail installment sale.

(c) The amount of the buyer's down payment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

- (d) The difference between item (b) and item (c).
- (e) The amount, if any, included for insurance, specifying the coverages and the cost of each type of coverage.
- (f) The amount, if any, of official fees.
- (g) The unpaid balance, which is the sum of items (d), (e), and (f).
- (h) The amount of the service charge, if any.
- (i) The time balance, which is the sum of items (g) and (h), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.
- (j) The time sale price.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

Section 4306. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed.

Section 4307. If the cost of any insurance is included in the contract and a separate charge is made to the buyer for such insurance:

- (a) The contract shall state whether the insurance is to be procured by the buyer or the seller.
- (b) The amount, included for the insurance, shall not exceed the premiums chargeable in accordance with rate fixed for such insurance by the insurer.
- (c) If the insurance is to be procured by the seller or holder, he shall, within 45 days after delivery of the goods or furnishing of the services under the contract, deliver, mail or

cause to be mailed to the buyer, at his address as specified in the contract, a notice thereof or a copy of the policy or policies of insurance or a certificate or certificates of the insurance so procured.

Section 4308. A contract may provide for the payment by the buyer of a delinquency charge on each installment in default for a period of not less than 10 days in an amount not in excess of 5 percent of such installment or five dollars (\$5.00), whichever is less, but a minimum charge of one dollar (\$1.00) may be made. Only one such delinquency charge may be collected on any such installment regardless of the period during which it remains in default. The contract may also provide for payment of any actual and reasonable costs of collection occasioned by removal of the goods from the State without written permission of the holder, or by the failure of the buyer to notify the holder of any change of residence, or by the failure of the buyer to communicate with the holder for a period of 45 days after any default in making payments due under the contract.

Section 4309. The seller shall deliver to the buyer, or mail to him, at his address shown on the contract, a legible copy thereof completed, in accordance with the provisions of this chapter. Until the seller does so, the buyer shall be obligated to pay only the cash sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be printed or written in a size equal to at least ten-point bold type and, if contained in the contract shall also appear directly above the space reserved for the buyer's signature. The buyer's written acknowledgment, conforming to the requirements of this section of delivery of a copy of a contract, shall be a conclusive presumption of such delivery and of compliance with this section and Section 4306, in any action of proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the contract.

Section 4310. Retail installment sale negotiated and entered into by mail or telephone without personal solicitation by a salesman or other representative of the seller, where the seller's cash and deferred payment prices and other terms are clearly set forth in a catalog or other printed solicitation of business which is generally available to the public, may be made as

hereinafter provided. All the provisions of this chapter shall apply to such sales except that the seller shall not be required to deliver a copy of the contract to the buyer as provided in Section 4309, and if, when the proposed retail installment sale contract is received by the seller from the buyer, there are blank spaces to be filled in, the seller may insert in the appropriate blank spaces the amounts of money and other terms which are set forth in the seller's catalog which is then in effect. In lieu of the copy of the contract provided for in Section 4309, the seller shall, within 15 days from the date of shipment of goods, furnish to the buyer a written statement of the items inserted in such blank spaces.

### **Sub-Chapter III—Restrictions on Retail Installment Contracts**

Section 4311. No contract or obligation shall contain any provision by which :

(a) The buyer agrees not to assert against a seller a claim or defense arising out of the sale or agrees not to assert against an assignee such a claim or defense other than as provided in Section 4312.

(b) In the absence of the buyer's default in the performance of any of his obligations, the holder may, arbitrarily and without reasonable cause, accelerate the maturity of any part or all of the amount owing thereunder.

(c) The seller or holder of the contract or other person acting on his behalf is given authority to enter upon the buyer's premises unlawfully or to commit any breach of the peace in the repossession of goods.

(d) The buyer waives any right of action against the seller or holder of the contract or other person acting on his behalf, for any illegal act committed in the collection of payments under the contract or in the repossession of goods.

(e) The buyer executes a power of attorney appointing the seller or holder of the contract, or other person acting on his behalf, as the buyer's agent in the repossession of goods.

(f) The buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or any separate instrument executed in connection therewith.

Section 4312. No right of action or defense arising out of a retail installment sale which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment of the contract to any third party whether or not he acquires the contract in good faith and for value unless the assignee given notice of the assignment to the buyer as provided in this section and within 15 days of the mailing of such notice receives no written notice of the facts giving rise to the claim or defense of the buyer, or unless the assignee acquires the contract or evidence of indebtedness relying in good faith upon a certificate of completion or certificate of satisfaction signed by the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall identify the contract and inform the buyer that he must, within 15 days of the date of mailing of such notice, notify the assignee in writing of any facts giving rise to a claim or defense which he may have. The notice of assignment shall state the name of the seller and buyer, a description of the goods and services, the time balance and the number and amounts of the installments. If a certificate of completion or satisfaction is relied upon, the following notation must appear at the top thereof in at least 10 point bold type: "Notice to Buyer—Do Not Sign this certificate until all services have been satisfactorily performed and materials supplied or goods received and found satisfactory."

Section 4313. No contract other than one for services shall provide for a lien on any goods theretofore fully paid for or which have not been sold by the seller.

Section 4314. Any provision in a contract which is prohibited by this chapter shall be void but shall not otherwise affect the validity of the contract.

#### Sub-Chapter IV—Service Charge Limitations

Section 4315. A seller may, in a retail installment contract, contract for, and if so contracted for, the holder thereof may

charge, receive and collect a service charge which shall not exceed the following rates multiplied by the number of months, including any fraction in excess of more than 15 days as one month, elapsing between the date of such contract and the due date of the last installment:

(a) On so much of the unpaid balance as does not exceed one thousand dollars (\$1,000.00), five-sixths of 1 percent.

(b) If the unpaid balance exceeds one thousand dollars (\$1,000.00), on so much of the unpaid balance as exceeds one thousand dollars (\$1,000.00), two-thirds of 1 percent.

(c) Twelve dollars (\$12.00) if the service charge so computed is less than twelve dollars (\$12.00), but if the due date of the last installment of the contract is eight months or less after its effective date, ten dollars (\$10.00).

Section 4316. Contracts may be payable in successive monthly, semi-monthly or weekly installments.

Section 4317. When a retail installment contract provides for unequal or irregular installments, the service charge shall be at the effective rate provided for in Section 4315 having due regard for the schedule of installments.

Section 4318. The service charge shall be inclusive of all charges incident to investigating and making the contract and for the extension of the credit provided for in the contract, and no fee, expense or other charge whatsoever shall be taken, received, reserved or contracted for except as otherwise provided in this chapter.

Section 4319. No seller shall induce or permit any buyer to split up or divide any sales transaction for the purpose of contracting for or receiving a higher rate of time price differential than would otherwise be permitted by this article or to obtain the exemption permitted by Section 4302 of this chapter.

#### **Sub-Chapter V—Payments**

Section 4320. Unless the buyer has notice of actual or intended assignment of a contract or installment account, pay-



ment thereunder made by the buyer to the last known holder of such contract or installment account, shall to the extent of the payment, discharge the buyer's obligation.

Section 4321. At any time after its execution, but not later than one year after the last payment made thereunder, the holder of a contract shall, upon written request of the buyer made in good faith, promptly give or forward to the buyer a detailed written statement which will state with accuracy the total amount, if any, unpaid thereunder. Such a statement shall be supplied by the holder once each year without charge; if any additional statement is requested by the buyer, the holder shall supply such statement to the buyer at a charge not exceeding one dollar (\$1.00) for each additional statement supplied to the buyer. The provisions of this section shall not apply to those transactions wherein, instead of periodic statements of account, the buyer is provided with a passbook, payment book or coupon book in which all payment, credits, charges and the unpaid balance are indicated.

Section 4322. Notwithstanding the provisions of any contract to the contrary, any buyer may pay the contract in full at any time before maturity and in so paying it shall receive a refund credit thereon for such anticipation. The amount of any such refund credit shall be determined by the "sum of digits" method and shall represent at least as great a proportion of the service charge or, if the contract has been extended, deferred or refinanced, of the additional charge therefor, as the sum of the periodic monthly time balances not yet due bears to the sum of all the periodic monthly time balances under the schedule of installments in the contract or, if the contract has been extended, deferred or refinanced, as so extended, deferred or refinanced. Where the amount of the credit for anticipation of payment is less than one dollar (\$1.00) no refund need be made. Where the earned service charge amounts to less than the minimum service charge, there may be retained an amount equal to the minimum service charge applicable under Section 4315 (c).

Section 4323. After the payment of all sums for which the buyer is obligated under a contract and upon demand made by the buyer, the holder shall deliver, or mail to the buyer at his last known address, such one or more good and sufficient instru-

ments as may be necessary to acknowledge payment in full and to release all security in the goods under such contract.

### **Sub-Chapter VI—Refinancing and Consolidation**

Section 4324. The holder of a retail installment contract may, upon agreement with the buyer, extend the scheduled due date or defer the scheduled payment of all or of any part of any installment or installments payable thereunder. The holder may charge and contract for the payment of an extension or deferral charge by the buyer and collect and receive the same, but such charge may not exceed an amount equal to 1 percent per month simple interest on the amount of the installment or installments, or part thereof, extended or deferred for the period of extension or deferral. Such period shall not exceed the period from the date when such extended or deferred installment, or part thereof would have been payable in the absence of such extension or deferral, to the date when such installment or installments, or part thereof, are made payable under the agreement of extension or deferment; except that a minimum charge of one dollar (\$1.00) for the period of extension or deferral charge, be made in any case where the extension or deferral charge, when computed at such rate, amounts to less than one dollar (\$1.00). Such agreement may also provide for the payment by the buyer of the additional cost to the holder of the contract or premiums for continuing in force, until the end of such period of extension or deferral, any insurance coverages provided for in the contract, subject to the provisions of Section 4305.

Section 4325. The holder of a retail installment contract or contracts may, upon agreement in writing with the buyer, refinance the payment of the unpaid time balance or balances of the contract or contracts by providing for a new schedule of installment payments. The holder may charge and contract for the payment of a refinance charge by the buyer and collect and receive the same, but such refinance charge (1) shall be based upon the amount refinanced, plus any additional cost of insurance and of official fees incident to such refinancing, after the deduction of a refund credit in an amount equal to that to which the buyer would have been entitled under Section 4322 if he has prepaid in full his obligations under the contract or contracts, but in computing such refund credit there shall not

be allowed the minimum earned service charge as authorized by such section, and (2) may not exceed the rate of service charge provided under Section 4315-4319 of this chapter. Such agreement for refinancing may also provide for the payment by the buyer of the additional cost to the holder of the contract or contracts of premiums for continuing in force, until the maturity of the contract or contracts as refinanced, any insurance coverages provided for therein, subject to the provisions of Section 4305. The refinancing agreement shall set forth the amount of the unpaid time balance or balances to be refinanced, the amount of any refund credit, the amount to be refinanced after the deduction of the refund credit, the amount of the service charge under the refinancing agreement, any additional cost of insurance and of official fees to the buyer, the new unpaid time balance and the new schedule of installment payments. Where there is a consolidation of two or more contracts then the provisions of Section 4327 and 4328 shall apply.

Section 4326. In the event a contract provides for the payment of any installment which is more than double the amount of the average of the preceding installment, the buyer, upon default of this installment, shall be given an absolute right to obtain a new payment schedule. Unless agreed to by the buyer, the periodic payments under the new schedule shall not be substantially greater than the average of the preceding installments.

#### **Sub-Chapter VII—Add-On Sales**

Section 4327. A retail installment contract which otherwise conforms to the requirements of this chapter, may contain the provision that the seller may at his option add subsequent purchases made by the buyer to the contract, and that the total price of the goods or services covered by the contract shall be increased by the price of such additional goods or services, and that all service charges and installment payments may, at the seller's option, be increased proportionately, and that all terms and conditions of the contract shall apply equally to such additional goods or services. The contract may also provide that the goods purchased under the previous contract or contracts shall be security for the goods purchased under the subsequent con-

tract but only until such time as the time sale price under the previous contract or contracts is fully paid.

Section 4328. When a subsequent purchase is made, the entire amount of all payments made previous thereto shall be deemed to have been applied toward the payment of the previous time sale price or time sale prices. Each payment thereafter received shall be deemed to be allocated to all of the various time sale prices in the same proportion or ratio as the original cash sale prices of the various purchases bear to one another; where the amount of each installment payment is increased in connection with the subsequent purchase, the subsequent payments (at the seller's election) may be deemed to be allocated as follows: an amount equal to the original rate, to the previous time sale price, and an amount equal to the increase, to the subsequent time sale price. However, the amount of any initial or down payment on the subsequent purchase shall be deemed to be allocated in its entirety to such purchase.

Section 4329. When a subsequent purchase is made, the seller shall deliver to the buyer, prior to the due date of the first installment, a memorandum which shall set forth the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods and services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail in a separate writing.

(b) The cash sale price of the goods, services and accessories which are the subject matter of the new retail installment sale.

(c) The amount of the buyer's down payment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c).

(e) The amount, if any, included for insurance, specifying the coverages and the cost of each type of coverage.

- (f) The amount, if any, of official fees.
- (g) The unpaid balance, which is the sum of items (d), (e) and (f).
- (h) The unpaid time balance of the prior contract or contracts.
- (i) The new unpaid balance, which is the sum of items (g) and (h).
- (j) The amount of the service charge computed in conformity with Section 4315.
- (k) The consolidated time balance, which is the sum of items (i) and (j), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date of period thereof.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amounts to be paid by the buyer.

This memorandum shall contain the statement that the seller is adding the subsequent purchase to the buyer's existing contract in accordance with the provisions thereof.

Section 4330. Until the seller delivers to the buyer the memorandum as provided in Section 4329, the buyer shall be obligated to pay only the cash sale price of the subsequent purchase.

Section 4331. Subject to the other provisions of Section 4315-4319, the service charge to be included in a consolidated time balance shall be determined by applying the service charge at the applicable rate specified in that article to either:

- (a) The total of the unpaid balance of the subsequent contract and the unpaid balance of any previous contract included in the consolidated total determined by deducting from the then unpaid time balance thereof any then unearned service

charge in an amount not less than the refund credit for anticipation provided for in Section 4320-4323 of this chapter (computed, however, without the allowance of any minimum earned service charge), for the period from the date thereof to and including the date when the final installment of such consolidated total is payable; or

(b) The principal balance of the subsequent contract for the period from the date thereof to and including the date when the final installment of such consolidated total is payable and, if the due date of the final installment of such consolidated total is later than the due date of the final installment of any previous contract included in the consolidated total, on the time balance then unpaid on such previous contract from the date when the final installment thereof was payable to the date when the final installment of such consolidated total is payable.

Section 4332. The minimum service charge as provided in sub-section (c) of Section 4315 may be used but once in any series of add-on transactions.

### **Sub-Chapter VIII—Terms of Purchase by Financing Agency**

Section 4333. Notwithstanding any contrary provision of this title, a financing agency may purchase a retail installment contract or installment account from a seller on such terms and conditions and for such price as may be mutually agreed upon. No filing of notice or of the assignment, no notice to the buyer of the assignment, and no requirement that the seller be deprived of dominion over payments upon the contract or installment account or over the goods if repossessed by the seller, shall be necessary to the validity of a written assignment of a contract or installment account as against creditors, subsequent purchasers, pledgees, mortgagees or encumbrancers of the seller, except as may otherwise be required by law.

### **Sub-Chapter IX—Retail Installment Accounts**

Section 4334. A retail installment account may be established by the seller upon the request of a buyer or prospective buyer. The statement that "Service charges not in excess of

those permitted by law will be charged on the outstanding balances from month to month", shall be printed in type no smaller than eight-point in every application form used by the seller and shall be stated to the applicant when such installment accounts are negotiated by telephone.

Section 4335. At the time a seller accepts the credit of the buyer and establishes a retail installment account for his use, the seller shall confirm this fact to the buyer in writing. Such confirmation shall contain a clear and understandable statement of the rates of service charge, without regard to the variations contained in Section 4337, which will be collected from the buyer, but may contain the clause that such rates are subject to change if permitted by law. This confirmation shall also contain a legend that the buyer may at any time pay his entire balance.

(a) The confirmation shall be in type no smaller than elite typewriter characters.

(b) If no copy of the confirmation is retained by the seller, a notation in his permanent record showing that such confirmation was mailed, and the date of mailing, shall serve as prima facie evidence of such mailing.

Section 4336. Each retail seller, before he can avail himself of the service charges permitted by this article, shall display prominently in his main place of business and in each branch thereof, a statement outlining the service charge rates which will conform to Section 4337 of this chapter.

Section 4337. Subject to the other provisions of this article the seller or holder of a retail installment account may charge, receive and collect the service charge authorized by this chapter. The service charge shall not exceed the following rates computed on the outstanding balances from month to month:

(a) On so much of the outstanding balance as does not exceed one thousand dollars (\$1,000.00)  $1\frac{1}{2}$  percent per month.

(b) If the outstanding balance is more than one thousand dollars (\$1,000.00), 1 percent per month on the excess over one thousand dollars (\$1,000.00) of the outstanding balance.

(c) If the service charge so computed is less than one dollar (\$1.00) for any month, one dollar (\$1.00).

(d) The service charge may be computed on a schedule of fixed amounts if as so computed it is applied to all amounts of outstanding balances equal to the fixed amount minus a differential of not more than five dollars (\$5.00), provided that it is also applied to all amounts of outstanding balances equal to the fixed amount plus at least the same differential.

Section 4338. The seller or holder of a retail installment account shall promptly provide the buyer with a statement as of the end of each monthly period (which need not be a calendar month) setting forth the following:

(a) The balance due to the seller or holder from the buyer at the beginning of the monthly period.

(b) The dollar amount of each purchase by the buyer during the monthly period and, (unless a sales slip or memorandum of each purchase has previously been furnished the buyer or is attached to the statement) the purchase or posting date, a brief description and the cash price of each purchase.

(c) The payments made by the buyer to the seller or holder and any other credits to the buyer during the monthly period.

(d) The amount of the service charge.

(e) The total balance in the account at the end of the monthly period.

(f) A legend to the effect that the buyer may at any time pay his total balance.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

Section 4339. The service charge shall include all charges incident to investigating and making the retail installment ac-



count. No fee, expense, delinquency, collection or other charge whatsoever shall be taken, received, reserved or contracted by the seller or holder of a retail installment account except as provided in this section. A seller may, however, in an agreement which is signed by the buyer and of which a copy is given or furnished to the buyer provide for the payment of attorney's fees and costs in conformity with Section 4345 of this chapter.

Section 4340. If the cost of any insurance is to be separately charged to the buyer, there shall be an agreement to this effect, signed by both the buyer and the seller, a copy of which shall be given or furnished to the buyer. Such agreement shall state whether the insurance is to be procured by the buyer or the seller or holder. If the insurance is to be procured by the seller or holder, the seller or holder shall comply with the provisions of Section 4307.

Section 4341. Nothing in this article prohibits the execution of an agreement between a buyer and seller whereby the seller retains a security interest in goods sold to the buyer until full payment therefor has been made. The provisions of Section 4328 are applicable to goods sold under such an agreement.

Section 4342. No retail installment account shall require or entail the execution of any note or series of notes by the buyer which when separately negotiated will cut off as to third parties any right of action or defense which the buyer may have against the seller.

Section 4343. The provisions of Section 4320 and 4323 shall be applicable to retail installment accounts.

#### **Sub-Chapter X—Attorney's Fees and Court Costs**

Section 4344. A contract or installment account may provide for the payment of reasonable attorney's fees and actual court costs if it is referred to an attorney for collection. Reasonable attorney's fees and costs shall be awarded to the prevailing party in any action on a contract or installment account subject to the provisions of this chapter regardless of whether such action is instituted by the seller, holder, or buyer. Where the defendant alleges in his answer that he tendered to the

plaintiff the full amount to which he was entitled, and thereupon deposits in court, for the plaintiff, the amount so tendered, and the allegation is found to be true, then the defendant is deemed to be a prevailing party within the meaning of this article:

### **Sub-Chapter XI—Attachment**

Section 4345. In addition to any existing exemption under any other provisions of law, the salary or wages of a defendant are exempt from attachment for a period of 60 days from the date of default of the contract or installment account for any claim arising out of a contract or installment account subject to the provisions of this chapter.

### **Sub-Chapter XII—Repossession and Resale**

Section 4346. In the event of any default by the buyer in the performance of his obligations under a contract or installment account, the holder, pursuant to any rights granted therein, may proceed to recover judgment for the balance due without retaking the goods, or he may retake the goods and proceed as provided for in Title 6, Chapter 9, Delaware Code Annotated.

### **Sub-Chapter XIII—Penalties**

Section 4347. Any person who shall willfully violate any provision of this chapter shall be guilty of a misdemeanor.

Section 4348. In case of failure by any person to comply with the provisions of this chapter, such person or any person who acquires a contract or installment account with knowledge of such noncompliance is barred from recovery of any time price differential or service charge or of any delinquency, collection, extension, deferral or refinance charge imposed in connection with such contract or installment account and the buyer shall have the right to recover from such person an amount equal to any of such charges paid by the buyer.

Section 4349. Notwithstanding the provisions of this subchapter, any failure to comply with any provision of this chapter may be corrected within 10 days after the holder notices such failure or is notified thereof in writing by the buyer and, if so

corrected, neither the seller nor the holder shall be subject to any penalty under this article.

Section 4350. Section 4349 shall not apply to any person who willfully violates any provision of this chapter in connection with the imposition, computation or disclosures of or relating to a time price differential or service charge on a consolidated total of two or more contracts under the provisions of Section 4327-4332 of this chapter, and the buyer may recover from such person an amount equal to three times the total of the time price differentials or service charges and any delinquency, collection, extension, deferral or refinance charges imposed, contracted for or received on all contracts included in the consolidated total and the seller shall be barred from the recovery of any such charges.

Section 4351. This Act shall become effective one hundred twenty (120) days after the date of its passage and approval.

Approved July 9, 1960.

## CHAPTER 348

**AN ACT TO AMEND CHAPTER 121 VOLUME 28 LAWS OF DELAWARE ENTITLED "AN ACT CREATING A BOARD OF ASSESSMENT FOR THE CITY OF WILMINGTON AND PROVIDING THE MEANS AND METHOD BY WHICH SAID BOARD SHALL ASSESS PROPERTY THEREIN FOR THE PURPOSE OF RAISING REVENUE FOR CITY AND SCHOOL PURPOSES" RELATING TO EXEMPTION OF REAL ESTATE FROM TAXATION.**

*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. Section 7, Chapter 121, Volume 28, Laws of Delaware is hereby amended by adding thereto a new paragraph to read as follows:

The Board of Assessment shall receive all applications to have real property exempt from taxation for City and School purposes. The Board shall have exclusive power to exempt real property from taxation provided that the applicant complies with any and all Laws of the State of Delaware relative thereto.

Section 2. Any and all Laws of the State of Delaware which are inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved July 9, 1960.

## CHAPTER 344

**AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO STATE SUPPORTED SALARY SCHEDULES FOR SCHOOL EMPLOYEES.**

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

Section 1. § 1301, Title 14, Delaware Code, is amended to read as follows:

**§ 1301. Definitions**

As used in this Chapter—

“District” means a school district, a special school district, or the school district of the City of Wilmington.

“Preparation”, “no degree”, “bachelor’s degree”, “bachelor’s degree plus 30 graduate credits”, “master’s degree”, “master’s degree plus 30 graduate credits”, “doctor’s degree”, “supervisor”, “administrative assistant”, “director”, “assistant superintendent”, “chief school officer”, “principal”, and any other classification shall have meaning as defined by the certifying board.

Section 2. § 1302, Title 14, Delaware Code, is amended to read as follows:

**§ 1302. Application of chapter**

This chapter applies to every school district, special school district, the school district of the City of Wilmington, and all employees of the State Board of Education.

Section 3. § 1305, Title 14, Delaware Code, is amended to read as follows:

**§ 1305. Basic salary schedule for teachers, principals, superintendents, and other administrative employees**

(a) All employees who hold appropriate certificates and whose salaries are paid for 10 months per year, shall receive annual salaries in accordance with the following schedule:

Years of Experience	No Degree	Bachelor's Degree	Master's Degree or Bachelor's Degree Plus 30 Graduate Credits	Master's Degree Plus 30 Graduate Credits	Doctor's Degree
0	\$3800.	\$4200.	\$4600.	\$5000.	\$5400.
1	4000.	4400.	4800.	5200.	5600.
2	4200.	4600.	5000.	5400.	5800.
3	4400.	4800.	5200.	5600.	6000.
4	4600.	5000.	5400.	5800.	6200.
5	4800.	5200.	5600.	6000.	6400.
6	5000.	5400.	5800.	6200.	6600.
7	5200.	5600.	6000.	6400.	6800.
8	5400.	5800.	6200.	6600.	7000.
9	5600.	6000.	6400.	6800.	7200.
10	5800.	6200.	6600.	7000.	7400.

(b) All who are employed under Section 1305 (a) for more than 10 months per year and paid accordingly shall receive a payment of one-tenth (.10) of the amount designated in the schedule set forth in subsection 1305 (a) of this section for such employee for each additional month of employment per year.

(c) In the event the teacher's total state supported salary is derived under subparagraphs (a) and (b) of this section, ten months per year shall mean a total of 185 days. The 185 days shall all be days of actual school session except that a limited number of days, not to exceed five, may be counted toward the total of 185 days if the teacher is employed in attending workshops, institutes, or other study programs for teachers and conducted by the State Board of Education or the administrative officers of the various districts with the approval of the State Board of Education, or the Board of Public Education of the City of Wilmington.

Section 4. § 1306, Title 14, Delaware Code, is amended to read as follows:

**§ 1306. Salary schedule for chief school officers and other school district administrative officers**

(a) A superintendent, or principal of a district, who is the chief school officer of his district and who holds a certificate appropriate for his position, shall receive as a salary the amount

for which he qualifies under Section 1316 and the schedule set forth in section 1305 (a) and (b) of this chapter plus an annual amount for administrative responsibility to be determined in accordance with the following schedule:

Years of Administrative Experience	Number of State Units of Pupils					
	2-5	6-11	12-25	26-39	40-69	70 Plus
0	\$200.	\$200.	\$400.	\$600.	\$800.	\$1000.
1	300.	400.	675.	950.	1225.	1500.
2	400.	600.	950.	1300.	1650.	2000.
3	500.	800.	1225.	1650.	2075.	2500.
4	500.	1000.	1500.	2000.	2500.	3000.

(b) Administrative assistants may be employed at the rate of one for the first 75 state units of pupils and one for each additional 200 units of pupils, not to exceed a total of two per school district and who shall receive as a salary the amount for which he qualifies under section 1316 and the schedule set forth in section 1305 (a) and (b) of this chapter plus an annual amount for administrative responsibility to be determined in accordance with the following schedule:

Years of Administrative Experience	Rate
0	\$ 900.
1	1100.
2	1300.
3	1500.
4	1700.

Section 5. § 1307, Title 14, Delaware Code, is amended to read as follows:

**§ 1307. Salary schedule for principals subordinate to a chief school officer**

A principal who is subordinate to a chief school officer in a district shall receive as a salary the amount for which he qualifies under section 1316 and the schedule set forth in section 1305 (a) and (b) of this chapter plus an annual amount for

administrative responsibility to be determined in accordance with the following schedule:

(a) Full-time principals

Years of Administrative Experience	Number of teachers				
	15-19	20-29	30-39	40-59	60 plus
0	\$ 200.	\$ 400.	\$ 600.	\$ 900.	\$1200.
1	400.	600.	800.	1100.	1400.
2	600.	800.	1000.	1300.	1600.
3	800.	1000.	1200.	1500.	1800.
4	1000.	1200.	1400.	1700.	2000.

(b) Part-time principals or vice principals

Years of Administrative Experience	Number of teachers		
	2-7	8-14	15 or more
0	\$100.	\$100.	\$100.
1	125.	160.	200.
2	150.	220.	300.
3	175.	280.	400.
4	200.	350.	500.

A teacher who is counted in subdivision (a) or (b) above of this section shall not be counted in more than one calculation if his time is divided between two schools. The number of teachers shall not include the principal.

Section 6. § 1308, Title 14, Delaware Code, is amended to read as follows:

**§ 1308. Salary schedules for certified secretaries and senior secretaries**

(a) CERTIFIED SECRETARIES

The certified secretary in each school district and certified secretaries in the employ of the State Board of Education and the Board of Public Education of the City of Wilmington having the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:



Years of Experience	Rate
0	\$3200.
1	3400.
2	3600.
3	3800.
4	4000.
5	4200.
6	4400.
7	4600.
8	4800.
9	5000.
10	5200.

**(b) SENIOR SECRETARIES**

Senior secretaries having the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Rate
0	\$3100.
1	3300.
2	3500.
3	3700.
4	3900.
5	4100.
6	4300.

(c) One twelfth of the salary rate set forth under section 1308 (a) and (b) shall be deducted for each month that the employee is not employed.

Section 7. § 1309, Title 14, Delaware Code, is amended to read as follows:

**§ 1309. Salary schedule for secretaries**

(a) Secretaries having the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Rate
0	\$2800
1	3000
2	3200
3	3400
4	3600
5	3800
6	4000

(b) One twelfth of the salary rate set forth under section 1309 (a) shall be deducted for each month that the employee is not employed.

Section 8. § 1310, Title 14, Delaware Code, is amended to read as follows:

**§ 1310. Salary schedule for nurses**

(a) All nurses who hold appropriate certificates and whose salaries are paid 10 months per year shall receive annual salaries in accordance with the following schedule:

Years of Experience	Reg. Nurse with Prov. Certificate	Reg. Nurse with Regular Certificate	Certified Nurse with Bachelor Degree	Certified Nurse with Master's Degree or Bachelor's Degree Plus 30 Graduate Credits
0	\$3000.	\$3200.	\$3600.	\$4000.
1	3200.	3400.	3800.	4200.
2	3400.	3600.	4000.	4400.
3	3600.	3800.	4200.	4600.
4	3800.	4000.	4400.	4800.
5	4000.	4200.	4600.	5000.
6	4200.	4400.	4800.	5200.
7	4400.	4600.	5000.	5400.
8	4600.	4800.	5200.	5600.
9	4800.	5000.	5400.	5800.
10	5000.	5200.	5600.	6000.

(b) All who are employed under section 1310 (a) for more than 10 months per year and paid accordingly shall receive a payment of one-tenth (.10) of the amount designated in the

schedule set forth in subsection 1310 (a) for such employee for each additional month of employment per year.

Section 9. § 1311, Title 14, Delaware Code, is amended to read as follows:

**§ 1311. Salary schedule for school custodians**

(a) Custodians who have the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Custodian	Custodian-Fireman	Fireman	Chief Custodian	Bldgs. and Grounds Supervisor
0	\$3000.	\$3200.	\$3300.	\$3700.	\$4400.
1	3150.	3350.	3450.	3850.	4600.
2	3300.	3500.	3600.	4000.	4800.
3	3450.	3650.	3750.	4150.	5000.
4	3600	3800.	3900.	4300.	5200.

(b) The salaries stipulated in section 1311 (a) shall be increased for special training as defined by the certifying board by the addition of the following annual amount:

Supervisors and chief custodians .....	\$400.
Fireman and Custodian-Fireman .....	300.
Custodians .....	200.

(c) For a school district to have a Buildings and Grounds Supervisor it must have 95 or more building units, as defined by the State Board of Education.

(d) One twelfth of the salary rate set forth under section 1311 (a) shall be deducted for each month that the employee is not employed.

Section 10. § 1312, Title 14, Delaware Code, is amended to read as follows:

**§ 1312. Experience**

(a) In the case of a teacher, principal, superintendent, or other administrative employees, the term "years of experience" in

determining the salary in accordance with section 1305, means years of service in a public school in Delaware, a regularly organized private school in Delaware, or years of service in the armed forces of the United States in accordance with the rules and regulations adopted by the State Board of Education in this respect. Ninety-one days in any school year shall constitute one year of experience, but not more than one year of experience may be credited for any one calendar year. After July 1, 1960, any teacher, principal, superintendent or other administrative employees upon initial employment in Delaware shall receive credit under years of experience in Section 1305 for not more than five years experience at the rate of one year of experience for each two years of experience in a non-Delaware public or regularly organized private school.

(b) In the case of personnel whose salaries are based upon sections 1308, 1309, 1310, 1311, and 1322, experience shall be evaluated by the certifying board, taking into consideration the number of months and the nature of service rendered.

(c) In the case of personnel who receive salaries in part from section 1306, 1307, and 1321 the term "years of experience" in these sections shall mean years of experience in a public school in Delaware.

Section 11. § 1314, Title 14, Delaware Code, is amended to read as follows:

**§ 1314. Limitations on salary increases and decreases**

(a) The salary paid from State funds to any person employed on June 30, 1960, in any position covered by this chapter shall not be increased by more than \$150. during the school year 1960-61. Provided, however, for those employed under section 1305, sections 1305 and 1306, and sections 1305 and 1307 the \$150. limitation shall not include the annual increment, or any increase due to a change in professional training previously provided for the school year 1960-61 by the salary schedules in this chapter in effect prior to July 1, 1960. For any school year other than 1960-61 the salary paid from State Funds to any person shall not be increased by more than \$150. in any one

year in addition to the annual increment or any increase due to a change in professional training as provided for in this act, nor shall the amount of any salary paid from State funds exceed the amount provided in the appropriate salary schedule. Upon request of the Auditor, Budget Commission or State Board of Education, each school board shall certify that the salary schedules as authorized in this chapter and rules and regulations of the State Board of Education or the Board of Public Education in the City of Wilmington, as the case may be, are being fully complied with.

(b) The salary paid from State funds to any person covered by this chapter employed on June 30, 1960, shall not be reduced by reason of the application of any salary schedule contained in this chapter, except in the case of a change in classification.

(c) The salary paid from State funds to any person covered by this chapter employed after June 30, 1960, shall not be greater than that which he would receive had he been employed on June 14, 1960.

Section 12. § 1321, Title 14, Delaware Code, is amended to read as follows:

**§ 1321. Salary schedules for supervisors, directors, and assistant superintendents employed by the State Board of Education and the Board of Education of the City of Wilmington**

(a) Each supervisor, director, and assistant superintendent having the qualifications required by the certifying board shall receive as an annual salary the amount for which he qualifies under section 1316 and the schedule set forth in section 1305 (a) and (b) of this chapter plus an annual amount for administrative responsibility to be determined in accordance with the following schedule:

Years of Administrative Experience	Supervisor not in charge of a Program	Supervisor in charge of Program	Directors	Assistant Superintendent
0	\$ 200.	\$ 600.	\$1000.	\$2000.
1	400.	800.	1500.	2500.
2	600.	1000.	2000.	3000.
3	800.	1200.	2500.	3500.
4	1000.	1400.	3000.	4000.

(b) One twelfth of the additional amounts set forth in the schedule in subsection 1321 (a) shall be deducted for each month that the employee is not employed.

Section 13. § 1322, Title 14, Delaware Code, is amended to read as follows:

**§ 1322. Salary schedule for school lunch employees**

(a) School lunch managers who have the qualifications required by the certifying board and who work on a program of at least seven hours per day for each school day of the 10 month school year shall receive annual salaries in accordance with the following schedule:

Years of Experience	Manager	Manager with 1 year College	Manager with 2 years College	Manager with Bachelor's Degree
0	\$2100.	\$2400.	\$2700.	\$3600.
1	2250.	2550.	2850.	3750.
2	2400.	2700.	3000.	3900.
3	2550.	2850.	3150.	4050.
4	2700.	3000.	3300.	4200.
5	2850.	3150.	3450.	4350.
6	3000.	3300.	3600.	4500.
7	3150.	3450.	3750.	4650.
8	3300.	3600.	3900.	4800.
9	....	....	....	4950.
10	....	....	....	5100.

Salaries provided for in this schedule shall be paid to the lunch manager who is manager of a single lunch room or the lunch rooms in a single building.

(b) Any school district having four or more schools with lunch programs may employ in addition to the manager of each program, a supervising manager over all the programs in the district. Qualifications for supervising manager shall be set by the certifying board. The salary of such district supervising manager shall be the appropriate salary drawn from section 1322 (a) plus an amount obtained in accordance with the following schedule:

School lunch programs in 4 schools .....	\$200.
School lunch programs in 5 schools .....	250.
School lunch programs in 6 schools .....	300.
School lunch programs in 7 schools .....	350.
School lunch programs in 8 schools .....	400.
School lunch programs in 9 schools .....	450.

(c) In the case of a lunchroom manager who is employed for less than full time as defined in section 1322 (a), the salary shall be computed on the basis of the fractional part of the hourly assignment.

(d) School lunch cooks and school lunch general workers shall be paid a minimum hourly wage in accordance with the following schedule:

Years of Experience	Cook	General Worker
0	\$1.15	\$1.00
1	1.20	1.05
2	1.25	1.10
3	1.30	1.15

(e) The salaries prescribed in section 1322 (a) (b) and (c) for school lunch managers and district managers shall be paid from State funds. The wages of school lunch cooks and general workers shall be paid from funds derived from local school lunch operations and deposited by the local school district with the State Treasurer. Only those funds designated for wages are to be so deposited.

Section 14. To carry out the provisions of this Act, there is hereby appropriated to the State Board of Education the sum of \$500,000. for the year beginning July 1, 1960 and ending June 30, 1961.

Section 15. This Act is a supplementary appropriation and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Section 16. This Act shall become effective July 1, 1960.

Approved July 9, 1960.

## CHAPTER 345

**AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE; APPROPRIATING MONEY FOR SAID PURPOSES, AUTHORIZING THE FINANCING OF SUCH ENLARGEMENT AND IMPROVEMENT BY THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE AND BY CONTRIBUTIONS FROM CERTAIN SCHOOL DISTRICTS, AND THE CITY OF WILMINGTON, DEFINING SCHOOL DISTRICTS; AUTHORIZING THE ISSUANCE OF BONDS OF CERTAIN SCHOOL DISTRICTS AND THE CITY OF WILMINGTON FOR THE PURPOSE OF RAISING MONEY TO MAKE SUCH CONTRIBUTIONS; AND AUTHORIZING THE ACCEPTANCE OF FEDERAL FUNDS FOR BUILDING PURPOSES AND CREATING LOCAL SCHOOL BUILDING COMMISSIONS.**

WHEREAS, there is continued and pressing need for certain construction for public school purposes in certain School Districts within the State of Delaware; and

WHEREAS, there are additional critical needs for school facilities that have been brought about by the phenomenal growth of enrollments in the public schools of the State; and

WHEREAS, certain School Districts of the State hereinafter mentioned have funds available for school construction purposes presently available by reason of state appropriation and/or from the proceeds of local school bond issues; and

WHEREAS, certain other School Districts hereinafter mentioned will provide funds for school construction purposes from local sources; and

WHEREAS, there is precedent of both partial and full state support for school construction programs as an element which places Delaware as a leader in education; NOW, THEREFORE,



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

Section 1. Whenever used in this Act, unless a different meaning is indicated or required:

"School construction" means one or more of the following things: the acquisition, construction, reconstruction, alteration, remodeling, enlargement, equipment, including purchase of machinery necessary for the maintenance of grounds and buildings and of all educational supplies necessary for the initial operation of a school so built or altered or added to, and re-equipment of buildings and the acquisition and improvement of lands for free public school purposes in any school district, or the acquisition of temporary buildings or facilities for school purposes until such time as permanent school buildings or facilities shall be constructed in any school district.

The disposition of any temporary school buildings or facilities acquired under this act shall be in accordance with rules and regulations of the State Board of Education, except that such funds resulting from the disposition of any temporary school buildings or facilities shall be deposited to the account of the school construction funds of the school district.

"Total cost" means the maximum sum or sums of money which may be spent for school construction under this Act in a particular school district, provided that nothing contained in this Act shall prevent any school district from increasing said total cost by providing a large amount from local sources than that stated as that district's local share, nor prevent the acceptance and use of any funds appropriated by the Congress of the United States for these purposes.

"State share" means that maximum sum of money which may be paid from state sources for school construction in a particular school district as provided in this Act.

"Local share" means the sum of money specified to render permissible the use of the state share for school construction within the particular school district.

"School district" means a school district, a special school district, the City of Wilmington, or any newly created school unit or area for which no board has yet been appointed or elected, or any area which the State Board of Education shall determine to be the area served by any school facility which is referred to in Section 13 of this Act and for which said section specifies no local share.

"School Building Commission" means one of the School Building Commissions created by Section 23 of this Act.

Section 2. There is hereby appropriated the sum of eighteen million two hundred thousand one hundred ninety-eight dollars (\$18,200,198) or so much thereof as shall be required to carry out the purposes of this Act, to be expended as hereinafter provided.

Section 3. For the purposes of providing funds out of which said appropriation of eighteen million two hundred thousand one hundred ninety-eight dollars (\$18,200,198) may be paid, the Governor, the State Treasurer, and the Secretary of State of the State of Delaware, herein sometimes referred to as "issuing officers", are hereby authorized and fully empowered to issue bonds of the State of Delaware in an aggregate principal amount not exceeding eighteen million two hundred thousand one hundred ninety-eight dollars (\$18,200,198).

Section 4. Said bonds shall be issued at one time or from time to time as the money is required, as the issuing officers shall determine. The bonds of each issue shall constitute a separate series. Each series of bonds shall mature in annual instalments, beginning not more than one year after the date of issue of the bonds of such series and ending not more than twenty years after such date of issue; and no such annual instalment shall be more than thirty percent greater in amount than the amount of the smallest prior instalment of the same series. Each series of bonds shall bear interest at a per annum rate approved by the issuing officers, payable semi-annually.

Section 5. Said bonds shall be sold by the issuing officers at not less than par and accrued interest, under such terms, conditions and regulations as the issuing officers may prescribe,

after notice of such sale published at least once ten days or more before the date of sale in at least one newspaper published in the state of Delaware and in a financial journal published in the City of New York.

Section 6. In anticipation of the issuance of said bonds, the issuing officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding three percent per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than June 30, 1963. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed eighteen million two hundred thousand one hundred ninety-eight dollars (\$18,200,198). Said notes may be redeemed at par and accrued interest prior to their maturity if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 7. Said bonds and notes shall be direct general obligations of the State of Delaware, and the faith and credit of the State of Delaware are hereby pledged for the payment of the principal of and the interest on said bonds and notes as such principal and interest respectively become due. The principal of and the interest on said bonds and notes shall be exempt from taxation by the State of Delaware or by any political subdivision thereof for any purpose whatsoever.

Section 8. The said bonds and notes shall be signed in the name of the State of Delaware by the State Treasurer and shall be authenticated by the signatures or facsimile signatures of the Governor and Secretary of State, and they shall have the Great Seal of the State impressed thereon. Interest coupons attached to said bonds shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds and notes may be issued notwithstanding that any of the officers signing them or whose facsimile signatures appear thereon or on the coupons of said bonds shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds or notes..

Section 9. Said bonds and notes shall recite that they are issued in pursuance of this Act and the Constitution of this State, and such recital shall be conclusive evidence of the validity of said bonds and notes. Any such bonds or notes containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith and shall be incontestable for any cause. Said bonds and notes shall be in such form and in such denominations and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said "issuing officers". The principal of and the interest on said bonds and notes shall be made payable at the Farmers Bank of the State of Delaware at Dover.

Section 10. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover and shall be used exclusively for the purpose of school construction in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 11. Any funds that shall accrue to any school district in this State from the Treasury of the United States for building purposes shall be deposited in the State Treasury and shall be allocated by the State Board of Education to the school district for which the funds are appropriated. The said funds shall be in addition to any other local share and/or state share.

Section 12. There is hereby appropriated to the State Treasurer of the State of Delaware such sums as shall be necessary during the biennium beginning July 1, 1960, and ending June 30, 1962 to pay interest on said bonds and notes and to pay the principal of said bonds. The Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Twentieth Session, and at each and every subsequent annual session thereof, shall contain under the Debt Service item provisions for the payment of the principal of and the interest on all bonds issued under this Act as such principal and

interest respectively become due; and all such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the payment of said bonds and interest thereon. For the purpose of paying the costs and expenses incident to the issuance of said bonds and notes and interest on said notes there is hereby appropriated from the General Fund of the State to the issuing officers the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary for said purpose. All payments for expenses incident to the issuance of said bonds and interest on notes shall be paid by the State Treasurer upon warrants signed by Secretary of State and approved by the Auditor of Accounts.

Section 13. The total maximum amount appropriated by Section 2 of this Act, the sum of eighteen million two hundred thousand one hundred ninety-eight dollars (\$18,200,198), or so much thereof as shall be necessary to carry out the provisions of this Act, shall be apportioned by the State Board of Education to the following named school districts according to the following tabulation of maximum totals and shares, or in the proportions represented by said maximum totals and shares.

Name..of..District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Bridgeville #90 .....	\$ 45,000	\$ 27,000	\$ 18,000
Bridgeville #220* .....	94,000	94,000	.....
John M. Clayton #97..	100,000	60,000	40,000
H. C. Conrad #131 .....	1,211,125	726,675	484,450
Delmar #163 .....	301,000	180,600	120,400
Dover Special .....	4,962,727	3,433,747	1,528,978
Alfred I. duPont #7....	1,475,000	885,000	590,000
Alfred I. duPont #7			
Facilities for			
Trainables* .....	244,000	244,000	.....
Ellendale #125 .....	87,000	52,200	34,800
Felton #54 .....	500,000	300,000	200,000
Frankford #206* .....	133,000	133,000	.....
Harrington Special—			
P. S. duPont* .....	430,000	430,000	.....
Harrington Special .....	1,200,000	720,000	480,000

Wm. W. M. Henry #133* .....	156,000	156,000	.....
Wm. C. Jason #192*....	1,383,000	1,383,000	.....
Laurel Special .....	74,000	44,400	29,600
Laurel Special— Dunbar School .....	20,000	20,000	.....
Lewes Special— duPont Ave. School*	75,000	75,000	.....
Lincoln #3 .....	25,000	15,000	10,000
Marshallton #77 .....	68,000	40,800	27,200
Middletown #120* .....	93,000	93,000	.....
Milford Special—Ben- jaminBanneker School* .....	175,000	175,000	.....
Millsboro #204* .....	44,000	44,000	.....
Millside #132* .....	38,286	38,286	.....
Milton #8 .....	360,000	216,000	144,000
Mt. Pleasant Special....	1,114,000	668,400	445,600
Newark Special .....	4,000,000	2,400,000	1,600,000
New Castle Special ....	1,586,000	951,600	634,400
Odessa #61 .....	75,000	45,000	30,000
Rehoboth Special .....	60,000	36,000	24,000
Rehoboth #200* .....	210,000	210,000	.....
Caesar Rodney Special	2,700,000	1,620,000	1,080,000
Rose Hill-Minquadale #47—Facilities for Handicapped* .....	85,000	85,000	.....
Seaford Special .....	15,950	9,570	6,380
Seaford Special— Frederick Douglass School* .....	4,000	4,000	.....
Selbyville #32 .....	16,000	9,600	6,400
Smyrna Special .....	740,700	444,420	296,280
Smyrna Special—T. D. Clayton School* .....	374,000	374,000	.....
Stanton #38 .....	1,871,500	1,122,900	748,600
Yorklyn #71 .....	150,000	90,000	60,000

## Area Elementary

School to serve Mil-

ton #196, Ellendale

#195, Lincoln #194,

Slaughter Neck

#193* .....	543,000	543,000	.....
	<hr/>	<hr/>	
	\$26,839,288	\$18,200,198	\$8,639,088

The asterisk (\*) following the name of a school in the table above indicates that a local share is not required before the state share will be expended for the construction of such school.

Section 14. Except in the case of a school district for which a local share is not shown by the foregoing table, the State share apportioned to a school district shall not be expended unless the local share for such school district shall have been deposited with the State Treasurer on or before December 31, 1962.

No school construction shall be started under authority of this Act after December 31, 1962; and no moneys shall be borrowed by the State under authority of this Act after December 31, 1962 except such moneys as are necessary to complete school construction started prior to December 31, 1962.

Section 15. No school construction shall be paid for with funds appropriated by this Act or with funds for which a state share is provided by this Act if:

(a) the cost of any classroom (which term shall not be construed to include any laboratory, shop, gymnasium, cafeteria, or other special purpose room) included in such construction exceeds thirty thousand dollars (\$30,000.00), or

(b) the cost of construction includes the cost of a swimming pool or any part thereof.

Section 16. Any school district which is entitled under the provisions of this Act to an apportionment of a state share and which is required to provide a local share is hereby author-

ized to issue its bonds for the purpose of raising money to pay its local share and raising such additional amount, if any, as such school district may desire to expend for school construction. If such bonds are issued, they shall be issued by the Board of Trustees or Board of Education of the school district pursuant to the provisions of Chapter 21, Title 14, Delaware Code, except in the case of the City of Wilmington, in which case the local share to be contributed by the Board of Public Education in Wilmington may be raised by the proper authorities of said City by issuing bonds pursuant to the provisions of Chapter 163, Volume 32, Laws of Delaware, as amended. Instead of issuing bonds as hereinbefore provided, any school district may pay its local share by using the proceeds of the sale of bonds heretobefore authorized or issued, or by using gifts or any other moneys on hand which are not required by law to be used for some other purpose.

Section 17. The State Board of Education shall determine the present necessity for any school construction program in the said several school districts and, in so doing, shall take into consideration the number of pupils, actual or potential, in the school district, the feasibility and possibility of the consolidation of school district, the present and future possibility of overcrowding of school facilities within the school district, the condition and quality of existing school facilities within the district, and all other matters and conditions pertinent to the determination of the present necessity of the school construction program, including the reasonable future development or retardation of the school district. In making a determination of necessity, the State Board of Education shall do so on a basis calculated to maintain the desired standard of education within the school district. In making such determination of necessity, the State Board of Education shall have the authority to make a determination of necessity of a school construction program for a school district which will have a lesser total cost than the maximum total cost for such school district set forth in Section 13 of this Act. Whenever a determination of necessity of a school construction program is made in an amount less than the total maximum cost for such school district as set forth in Section 13 of this Act, the state share and the local share shall be reduced in the proportions they bear to the total maximum cost set forth in that section.



Section 18. Whenever the State Board of Education shall make a determination of necessity for a school construction program within a school district, it shall certify that fact to the State Treasurer together with the amount of the total cost, the state share, and the local share, if any, and shall send a copy of such certification to the State Auditor of Accounts and the School Building Commission of such school district. Upon the receipt by the State Treasurer of the certification of said determination, the said school construction program shall be deemed to be authorized and the provisions of this Act for the issuance of state and local bonds to provide the funds for school construction programs shall be in full force and effect with respect to such school construction program, provided, however, that, except in cases where a local share is not required by Section 13 of this Act, such school construction program shall not be carried out until the local share shall have been deposited with the State Treasurer as provided in Section 13. The issuing officers may at any time after the State Treasurer receives such certificate proceed to issue bonds or notes of the State to provide the funds for the State share thereof, whether or not the requisite local share shall have been actually deposited with the State Treasurer pursuant to Section 13, but the proceeds of said bonds or notes shall not be expended until the requisite local share shall have been so deposited.

Section 19. After making the certificate required by Section 18 the said State Board of Education is hereby authorized and directed to consider the final plans, estimates of costs, and specifications of any school construction program and to approve or modify such plans, estimates and specifications, and also to amend such certificate, provided that nothing herein shall be construed to give said State Board of Education the authority to increase the total state share of such program beyond the maximum limit set forth in Section 13 of this Act. In the event that said certificate shall be amended as herein provided, the fact of such amendment shall be communicated to the State Treasurer, and copies thereof shall be sent to the State Auditor of Accounts and the School Building Commission of the School District.

Section 20. In the event that two or more existing school districts shall consolidate themselves or be consolidated into

one school district, the maximum total cost, the maximum state share, and the maximum local share of a school construction program for such consolidated district shall be the totals of said amounts appearing in Section 13 of this Act for the school districts so consolidating. Such consolidated district shall be deemed to be a school district within the meaning of this Act.

Section 21. The moneys paid to the State Treasurer by a school district as its local share pursuant to Section 13 of this Act shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover and shall be expended only for school construction in such district. Each of said local shares shall be credited with interest when and to the same extent as the said bank credits interest on deposits of other State moneys in said bank.

Section 22. The moneys hereby appropriated for use in defraying the cost of any school construction program and the moneys hereby appropriated for the costs and expenses incident to the issuance of said bonds and notes shall not revert to the State Treasury at the end of any fiscal year but shall remain available for said purposes until the school construction program has been completed.

Section 23. There is hereby created a commission for each school district to be known as the "School Building Commission". The School Building Commission of each school district shall be composed of the members of the Board of Trustees or Board of Education of such school district and two members of the State Board of Education ex-officio, the latter two to be appointed by the State Board of Education, except (1) in the City of Wilmington, where the Board of Education in Wilmington shall be the School Building Commission, and except (2) in school districts which do not have Board of Trustees or Boards of Education, where the School Building Commission shall be composed of three residents of the school district appointed by the Governor and two members of the State Board of Education appointed by the State Board of Education. No act of a School Building Commission shall be binding unless a majority of the members of such Commission shall concur therein.

Section 24. The State Board of Education shall render such assistance to School Building Commissions as they may request in the preparation of their tentative and final plans for school construction under this Act.

Section 25. The final plans, specifications and estimates of costs for school construction under this Act must be approved by the State Board of Education.

Section 26. It shall be the province and duty of the School Building Commission for any particular district to cause the school construction program authorized under this Act for such school district to be carried out. Such School Building Commission shall have power to make and enter into all contracts for school construction and for labor, materials, supplies, instrumentalities, furniture and equipment required to accomplish any such school construction program (including purchase of all educational supplies necessary for the initial operation of schools so built, altered, or added to), provided that no contract involving expenditure of five hundred dollars (\$500.00) or more shall be entered into unless the same shall be properly advertised and given to the lowest and best bidder therefor, the School Building Commission reserving the right to reject any and all bids.

Section 27. The School Building Commission in each school district shall supervise, or cause to be supervised by some one or more of its employees, the school construction program in such school district.

Section 28. The Secretary of the State Board of Education or a person designated by him shall be the Secretary of each of said School Building Commissions, except the School Building Commission in the City of Wilmington, and as such Secretary he shall be the accountant of such School Building Commission. The School Building Commission shall cause such secretary to inaugurate and maintain a system of accounting which shall show in detail the expenditures of the School Building Commission, the cost of school construction, and such other details as the State Board of Education may from time to time require. Each School Building Commission shall have power to employ an engineer or engineers, an archi-

tect or architects, and such other employees as it shall deem essential to the proper and expeditious performance of its duties under this Act, to fix their salaries and length of service, and to dismiss them for any cause which it shall deem sufficient.

Section 29. Any School Building Commission may require a bond from any of its employees and any person contracting for school construction.

Section 30. All bills for the expenses of the School Building Commission of any school district for carrying out the school construction program of such school district under this Act, except the City of Wilmington, must be marked "approved", and such approval must be signed by the chairman or vice-chairman of such School Building Commission and attested by the Secretary or acting secretary of such Commission.

Section 31. The School Building Commission of each school district, shall, when and as funds are required (and not until then) for the payment of the expenses of carrying out the school construction program in such school district contemplated by this Act, including expenses of engineers, architects and other employees of such School Building Commission, draw warrants on the State Treasurer for the moneys required, which warrants shall be signed by the chairman or vice-chairman and attested by the secretary or acting secretary of such School Building Commission; such warrants shall be delivered to the State Auditor of Accounts, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same. In paying warrants as aforesaid the State Treasurer shall be governed by the certificate of the State Board of Education made as hereinbefore provided as to the cost of the school construction program in such school district and as to what portion of such cost shall be paid out of the moneys hereby appropriated as the State's share of such costs and what portion thereof shall be paid out of the local share of the cost.

Section 32. The carrying out of school construction programs in the City of Wilmington shall be within the exclusive jurisdiction of the Board of Public Education in Wilmington.

Said Board of Public Education in Wilmington is authorized and empowered to make all contracts and to do all things necessary or proper for the purpose of carrying out such construction programs in the City of Wilmington; provided that the cost thereof to be paid under this Act shall not exceed in the aggregate the total of the State share certified by the State Board of Education pursuant to Sections 18 and 19 of this Act and the local share deposited pursuant to Section 14 of this Act by the Board of Public Education in Wilmington; and provided further that all of the provisions of Sections 17, 18, 19 and 25 of this Act relating to school construction programs shall apply to the school construction programs in the City of Wilmington.

Section 33. The Board of Public Education in Wilmington shall keep accurate detailed accounts of the cost of all school construction in the City of Wilmington under the provisions of this Act and of all moneys expended therefor. Such accounts shall be deemed to be public records.

Section 34. Whenever lands shall be required for school construction under this Act in the City of Wilmington, the Board of Public Education in Wilmington is authorized to select and acquire such land. And whenever land shall be required for the carrying out of any school construction for any special school district outside of the City of Wilmington, the School Building Commission of such special school district is authorized to select and acquire such land. And whenever land shall be required for school construction under this Act in any other school district in this State the local School Building Commission is authorized to acquire such land.

Such land may be acquired by contract with the owner or owners thereof at a fair value or by condemnation proceedings instituted by the appropriate official body, but such condemnation proceedings shall not be instituted against any land, building, franchise, easement or other property of a public utility used by it in providing its service to the public.

The cost of such lands shall be deemed to be a part of the cost of such school construction.

The title to any such lands acquired in any manner whatever shall be a fee simple title and shall be vested in the State Board of Education, except that the title to lands so acquired in the City of Wilmington or in any special school district shall be vested in the Board of Public Education in Wilmington or in the Board of Education of such special school district, as the case may be.

Section 35. Condemnation proceedings to acquire land as aforesaid in any case where such land cannot for any reason be acquired by contract with the owner or owners thereof for a fair or reasonable consideration may be instituted by the appropriate official body under the provisions of Section 2303, Title 14, Delaware Code.

Section 36. The funds appropriated and apportioned by this Act for particular school districts shall be in addition to and not in lieu of any funds which may be made available for any of the named school districts by a Supplementary School Building Program Act of 1960 or any other Act of the General Assembly.

Section 37. If any clause, sentence, section, provision or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, invalidate or affect the remainder of this Act, which shall remain in full force and effect.

Section 38. This Act shall be known as the School Building Program Act of 1960.

Approved October 10, 1960.

# Resolutions

## CHAPTER 346

### SENATE JOINT RESOLUTION

#### RELATING TO A PROCLAMATION RELATING TO OIL CENTENNIAL YEAR AND OIL CENTENNIAL WEEK.

WHEREAS, the petroleum industry of the United States has completed its first 100 years of progress and service to the American people; and

WHEREAS, the million and three-quarters men and women who represent the oil industry throughout the United States are daily engaged in still further advancing the economic and social well-being of this free nation in order to guarantee an even better century ahead; and

WHEREAS, this centennial year exemplifies its steadfast adherence to the basic principle of our democracy, liberty of the individual, equality of opportunity, and freedom of competitive enterprise; and

WHEREAS, the many residents of Delaware engaged in the refining, transporting or marketing of petroleum products play a leading role in the State's economic and civil affairs; and

WHEREAS, it is fitting and proper that Delaware set aside a certain period in which to review the progress made by the oil industry and its hopes for the future; NOW, THEREFORE

BE IT RESOLVED *by the Senate of the 120th General Assembly of the State of Delaware, the House of Representatives concurring therein* that the year 1959 shall be known as "Oil Centennial Year" and the week of August 24-31, 1959, shall be known as "Oil Centennial Week" in the State of Delaware and the Governor by appropriate proclamation shall so proclaim

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Approved April 22, 1959.

## CHAPTER 347

## SENATE JOINT RESOLUTION

RELATING TO THE FOURTH ANNIVERSARY OF THE  
BLOOD BANK OF DELAWARE, INC.

WHEREAS, the Blood Bank of Delaware, Inc., will celebrate its fourth anniversary on May 16, 1959; and

WHEREAS, the Blood Bank of Delaware, Inc., has made and is making important contributions to the health and welfare of the individual citizens of the State of Delaware through its blood replacement program, and assures the citizens of this state the maximum security and protection in time of personal, statewide or national emergency; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 120th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that the 120th General Assembly of the State of Delaware extends its best wishes and congratulations to the Blood Bank of Delaware, Inc., upon the occasion of its fourth anniversary; and

BE IT FURTHER RESOLVED that the 120th General Assembly of the State of Delaware endorses and supports the blood replacement program of the Blood Bank of Delaware, Inc., and commends to the citizenry of this State the merits, advantages and benefits of membership therein; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journals of the Senate and House of Representatives and that a copy thereof be forwarded to the members of the press.

Approved May 15, 1959.



## CHAPTER 348

## HOUSE JOINT RESOLUTION

**EXPRESSING APPRECIATION TO FRANK V. duPONT FOR  
HIS GENEROUS GIFT TO THE STATE OF DELAWARE.**

WHEREAS, Frank V. duPont, individually and as Trustee under Item 2 of the last will and testament of T. Coleman duPont, deceased, has given as a gift all of the stock in the Coleman duPont Road, Inc., a boulevard corporation of the State of Delaware, and

WHEREAS, Frank V. duPont, for many years was interested in the welfare of the people of the State of Delaware and the development of the State's highways and the construction of the Delaware Memorial Bridge, and

WHEREAS, before him, his father, the late T. Coleman duPont was instrumental in creating a great interest in the development of our highways, and

WHEREAS, the House of Representatives and the Senate of the 120th General Assembly of the State of Delaware in General Assembly met are desirous of expressing to Frank V. duPont their appreciation for this gift of stock and his continued interest in our State, NOW, THEREFORE

**BE IT RESOLVED** *by the House of Representatives of the 120th General Assembly of the State of Delaware, the Senate concurring therein* that they express their appreciation and thanks for his generous gift to the State of Delaware of all the stock in the Coleman duPont Road, Inc., a boulevard corporation of the State of Delaware and that a copy of this Resolution be sent to Mr. duPont and copies furnished to the Press.

Approved February 8, 1960.

# Proclamation

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## CHAPTER 349

### STATE OF DELAWARE

### EXECUTIVE DEPARTMENT

#### PROCLAMATION

WHEREAS, on October 24, 1945, representatives of sovereign nations formed at San Francisco an organization having as its purpose the development of greater mutual understanding among nations; and

WHEREAS, this organization known as the United Nations has, during the past thirteen years, served as a sounding board for world opinion while contributing materially to the peace, health and welfare of many people in many lands; and

WHEREAS, today the United Nations stands as a beacon of hope for peace and prosperity; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim Friday, October 24, as

#### UNITED NATIONS DAY

and call upon all Delawareans to joint in this observance. Further, I urge church, school and civic groups to offer programs calling public attention to the aims, principles and accomplishments of the United Nations.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) fourteenth day of October in the year of our Lord  
one thousand nine hundred and fifty-eight and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 350  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the State of Delaware, among its many agricultural accomplishments, is a heavy producer of mushrooms; and

WHEREAS, a portion of our state is within a 50-mile area that annually produces an estimated 65 per cent of the nation's mushroom crop; and

WHEREAS, the Agricultural Extension Division of the University of Delaware contributes greatly to research in production and marketing of this unique food, which in combination with other foods—and on its own—continues to gain in popularity; and

WHEREAS, this well-established industry contributes to the health and welfare of many of our citizens; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside and designate the period of November 6 to 16, 1958, as

DELAWARE MUSHROOM WEEK

In the interest of our Delaware broiler chicken industry, I suggest that during this period our housewives, hotel and restaurant chefs feature as an attractive and succulent dish a combination of Delmarvalous Chicken and mushrooms to further advance the interests of these two valuable food producing industries in our state.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twentieth day of October in the year of our Lord  
one thousand nine hundred and fifty-eight and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 351

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, it has long been a national custom to commemorate November 11, the anniversary of the ending of World War I, by paying tribute to the heroes of that tragic struggle and by rededicating ourselves to the causes of peace; and

WHEREAS, in the intervening years the United States has been involved in two other great military conflicts, which have added millions of veterans living and dead to the honor rolls of this Nation; and

WHEREAS, the Congress passed a concurrent resolution June 4, 1926, calling for the observance of November 11 with appropriate ceremonies, and later provided in an Act approved May 13, 1938, that the eleventh of November should be a legal holiday and should be known as Armistice Day; and

WHEREAS, in order to expand the significance of that commemoration and in order that a grateful Nation might pay appropriate homage to the veterans of all its wars who have contributed so much to the preservation of this Nation, the Congress, by an Act approved June 1, 1954, changed the name of the holiday to Veterans Day; and

WHEREAS, we should also give our heartfelt thanks to those veterans who, banded together in various associations, are leaders in proclaiming the American Way of Life and who continue to work for peace in the world; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside and proclaim November 11, 1958, as

## VETERANS DAY IN DELAWARE

On this day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on

foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.

I urge the attendance of Delawareans and our good friends from the neighboring State of New Jersey at the special exercises to be held at the Delaware Memorial Bridge Plaza the afternoon of Sunday, November 9. I also urge that schools, churches and civic associations hold proper ceremonies and observances which will point up the invaluable services of those who wore their country's uniforms, and who, today, as citizens, keep up the good fight for a strong and free United States of America.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-ninth day of October in the year of our  
Lord one thousand nine hundred and fifty-eight  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 352

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the schools of Delaware are the very life-blood of free government and the cornerstone on which we build for the future; and

WHEREAS, sound education is essential to the continuing progress and development of our state and the prosperity of our people; and

WHEREAS, true faith in education must be shown by work on its behalf in every community; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the week of November 9 through 15, 1958 as

## AMERICAN EDUCATION WEEK

and do urge all citizens and organizations to acquaint themselves with the achievements and problems of their own schools, and to encourage their neighbors to do likewise, toward the end that the school will receive the support and cooperation they require.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-ninth day of October in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 353  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, youth holds within its hands the future of our complex and ever changing world; and

WHEREAS, ninety-five per cent of the young people of our Nation are a source of family and community pride; and

WHEREAS, the citizens of Delaware wish to join with the Optimist Clubs of Delaware in this opportunity to give our young folk the recognition they so richly deserve; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week November 10-16, 1958, as

YOUTH APPRECIATION WEEK

I urge every citizen and every organization to join in the program of activities and greet youth with well deserved confidence and a pat on the back.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-ninth day of October in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 354

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is desirable to set aside a week to honor the Homemakers of our State, who try to provide a better home life for their families; and

WHEREAS, a good homemaker must be an executive, worker, part-time dietitian and nurse, companion, counselor; and, if she is a mother—a moral and spiritual leader and teacher; and

WHEREAS, she is interested in her community because it has a great influence on the lives of her family; and

WHEREAS, it is important to encourage other homemakers to emulate her example, and inspire young women to look upon homemaking as a worthwhile career; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of November 16-22 as

HOMEMAKERS WEEK IN DELAWARE

and urge all the people in the State to observe this week with recognition of Homemakers, who make a big contribution to our way of life by looking after the health, happiness and morals of their families and their communities.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this third day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 355  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, diabetes exists as a hidden ailment in approximately twelve thousand men, women and children in Delaware;

WHEREAS, diabetes in these undiagnosed cases can be detected by a simple test for the condition; and

WHEREAS, diabetes today, thanks to medical progress, is a condition that need have serious consequences only as a result of neglect; and

WHEREAS, the aim of the Delaware Diabetes Association's Diabetes Detection Program is to find the unknown diabetics in our community and to alert them to the need for immediate medical control; and

WHEREAS, Diabetes Week, which is annually nationwide, by the American Diabetes Association and, in Delaware, this year, by the newly formed Delaware Diabetes Association, provides the opportunity for everyone to make the simple test for diabetes; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim November 16 through 22, 1958, as

DIABETES WEEK IN DELAWARE

and urge all our residents to support and take part in its important activities.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this third day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 356  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Almighty Provider has seen fit to bless our land with abundance in the things we grow and make and use; and

WHEREAS, it has been customary since the days of the Plymouth Colony to set aside one day annually to join in prayer and thanksgiving for those things which have been bestowed upon us; and

WHEREAS, we should continuously strive for that unity which will join us in a common effort to establish good will among men, through our acknowledgment of Almighty God's graciousness to all of us; and

WHEREAS, our religious groups of all faiths have shown the meaning of being "our brother's keeper" by planning a Share-Our-Surplus program which is world-wide; and

WHEREAS, I urge that all of us join in this program to show our own appreciation for blessings bestowed upon us, now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that Thursday, November 27, 1958, be observed as

THANKSGIVING DAY

On this day, let us visit the churches of our choice and give thanks for the abundance with which we have been showered, and let us share our good fortune with others so that we may carry into positive action the true spirit of the brotherhood of mankind.

Also let us close our places of business, our shops and offices, display our national and state flags and in unison pray for the day when throughout the world there shall be no famine, no misery and no bloodshed—but a world united in praising the Almighty for His great goodness to us all.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of November in the year of our Lord  
one thousand nine hundred and fifty-eight and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 357

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

J. CALEB BOGGS, Governor of the said State

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and fifty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States for the Constitutional term, to commence on the third day of January in the year of our Lord one thousand nine hundred and fifty-nine.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

## NEW CASTLE COUNTY

John J. Williams .....	58,559
Elbert N. Carvel .....	50,849

## KENT COUNTY

John J. Williams .....	9,034
Elbert N. Carvel .....	8,761

## SUSSEX COUNTY

John J. Williams .....	14,687
Elbert N. Carvel .....	12,542

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for

John J. Williams ..... 82,280

Whole number of votes for

Elbert N. Carvel ..... 72,152

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that John J. Williams has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the third day of January in the year of our Lord one thousand nine hundred and fifty-nine.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the eighteenth day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the said State the one hundred and eighty-third.

By the Governor:

J. CALEB BOGGS

GEORGE J. SCHULZ, Secretary of State

CHAPTER 358  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

J. CALEB BOGGS, Governor of the said State

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and fifty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the EIGHTY-SIXTH CONGRESS OF THE UNITED STATES.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Representative were cast as follows, to wit:

NEW CASTLE COUNTY

Harris B. McDowell, Jr. ....	54,020
Harry G. Haskell, Jr. ....	54,539

KENT COUNTY

Harris B. McDowell, Jr. ....	9,200
Harry G. Haskell, Jr. ....	8,314

SUSSEX COUNTY

Harris B. McDowell, Jr. ....	13,577
Harry G. Haskell, Jr. ....	13,246

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the 86th

Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for

Harris B. McDowell, Jr. .... 76,797

Whole number of votes for

Harry G. Haskell, Jr. .... 76,099

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that Harris B. McDowell, Jr., has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the Eighty-sixth Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the eighteenth day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the said State the one hundred and eighty-third.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

GEORGE J. SCHULZ, Secretary of State

CHAPTER 359  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

J. CALEB BOGGS, Governor of the said State

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and fifty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an ATTORNEY GENERAL OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Attorney General were cast as follows, to wit:

NEW CASTLE COUNTY

Januar D. Bove, Jr. ....	56,462
Michael A. Poppiti .....	52,054

KENT COUNTY

Januar D. Bove, Jr. ....	8,307
Michael A. Poppiti .....	9,157

SUSSEX COUNTY

Januar D. Bove, Jr. ....	13,302
Michael A. Poppiti .....	13,446

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said



counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Attorney General the result appears as follows, to wit:

Whole number of votes for

Januar D. Bove, Jr. .... 78,071

Whole number of votes for

Michael A. Poppiti ..... 74,657

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that Januar D. Bove, Jr., has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Attorney General of and for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the eighteenth day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the said State the one hundred and eighty-third.

By the Governor:

J. CALEB BOGGS

GEORGE J. SCHULZ, Secretary of State

CHAPTER 360

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

J. CALEB BOGGS, Governor of the said State

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and fifty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a TREASURER OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Treasurer were cast as follows, to wit:

NEW CASTLE COUNTY

Belle Everett .....	53,691
Vera G. Davis .....	54,536

KENT COUNTY

Belle Everett .....	9,109
Vera G. Davis .....	8,440

SUSSEX COUNTY

Belle Everett .....	13,814
Vera G. Davis .....	13,068

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said

counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Treasurer the result appears as follows, to wit:

Whole number of votes for

Belle Everett ..... 76,614

Whole number of votes for

Vera G. Davis ..... 76,044

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that Belle Everett has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Treasurer of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the eighteenth day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the said State the one hundred and eighty-third.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

GEORGE J. SCHULZ, Secretary of State

CHAPTER 361  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

J. CALEB BOGGS, Governor of the said State

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and fifty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an AUDITOR OF ACCOUNT OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Auditor of Accounts were cast as follows, to wit:

NEW CASTLE COUNTY

Ernest E. Killen .....	54,286
Dale E. Wheatley .....	53,664

KENT COUNTY

Ernest E. Killen .....	9,445
Dale E. Wheatley .....	7,972

SUSSEX COUNTY

Ernest E. Killen .....	13,819
Dale E. Wheatley .....	12,937

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said

counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts the result appears as follows, to wit:

Whole number of votes for

Ernest E. Killen ..... 77,550

Whole number of votes for

Dale E. Wheatley ..... 74,573

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that Ernest E. Killen has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the eighteenth day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the said State the one hundred and eighty-third.

By the Governor:

J. CALEB BOGGS

GEORGE J. SCHULZ, Secretary of State

CHAPTER 362  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

J. CALEB BOGGS, Governor of the said State

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and fifty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an INSURANCE COMMISSIONER OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Insurance Commissioner were cast as follows, to wit:

NEW CASTLE COUNTY

Harry S. Smith .....	55,825
Arthur R. Hudson .....	52,248

KENT COUNTY

Harry S. Smith .....	9,694
Arthur R. Hudson .....	7,740

SUSSEX COUNTY

Harry S. Smith .....	15,019
Arthur R. Hudson .....	11,937

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said

counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Insurance Commissioner the result appears as follows, to wit:

Whole number of votes for

Harry S. Smith ..... 80,538

Whole number of votes for

Arthur R. Hudson ..... 71,925

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that Harry S. Smith has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Insurance Commissioner of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the eighteenth day of November in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the said State the one hundred and eighty-third.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

GEORGE J. SCHULZ, Secretary of State

CHAPTER 363  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the fourth day of November, in the year of our Lord one thousand nine hundred and fifty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf; and

WHEREAS, Subsequent to the provisions of Chapter 61, Volume 51, Laws of Delaware, Chapter 65, Volume 51, Laws of Delaware, provides that, "The Departments of Elections in each county shall cause to be printed on the ballots used in the general election of 1958 the following question for submission to the voters of each district mentioned in Article 2, Section 17A of the Constitution:

'Do you favor the licensing of the playing of the game of bingo within the limits of

(insert the words, "City of Wilmington", "Sussex County", "Kent County", or "New Castle County outside of the City of Wilmington", as the case may be)?" "

WHEREAS, The official certificates or returns, of the referendum, held in the several counties and the City of Wilmington of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the City of Wilmington; New Castle County outside of the City of Wil-



mington; Kent County and Sussex County respectively on the referendum on bingo were cast as follows, to wit:

### CITY OF WILMINGTON

Votes cast in favor of licensing the playing of the game of  
Bingo within the limits of the City of Wilmington..... 20,966

Votes cast opposing the licensing of the playing of the  
game of Bingo within the limits of the City of Wilming-  
ton ..... 7,374

### NEW CASTLE COUNTY OUTSIDE OF THE CITY OF WILMINGTON

Votes cast in favor of licensing the playing of the game of  
Bingo within the limits of New Castle County outside  
of the City of Wilmington ..... 31,003.

Votes cast opposing the licensing of the playing of the  
game of Bingo within the limits of New Castle County  
outside of the City of Wilmington ..... 22,339

### KENT COUNTY

Votes cast in favor of licensing the playing of the game of  
Bingo within the limits of Kent County ..... 6,166

Votes cast opposing the licensing of the playing of the  
game of Bingo within the limits of Kent County..... 3,009

### SUSSEX COUNTY

Votes cast in favor of licensing the playing of the game of  
Bingo within the limits of Sussex County ..... 7,062

Votes cast opposing the licensing of the playing of the  
game of Bingo within the limits of Sussex County..... 5,864

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that a majority vote was cast in favor of licensing the playing of the game of Bingo in the City of Wilmington; New Castle County outside of the City of Wilmington; Kent County and Sussex County, respectively in the above mentioned referendum, and that conduct of the game of Bingo may proceed pursuant to the provisions of the Constitution and Laws of the State of Delaware in that behalf.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) eighteenth day of November in the year of our  
Lord one thousand nine hundred and fifty-eight  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 364

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Delawareans are proud of their heritage and the part their forefathers played in setting the cornerstone for this great Republic on December 7, 1787; and

WHEREAS, the thirty members of a special constitutional convention meeting in Dover, after thoroughly studying this document, adopted in Philadelphia on September 15, 1787, did not hesitate to vote unanimously to ratify these rules for law and order which have proved the most workable and democratic anywhere in the world; and

WHEREAS, we have so many newcomers in the state that it is incumbent for us to impress upon them the historic role which our people played 171 years ago, so we make sure they understand the full significance of our proud title of "First State"; and

WHEREAS, under the unity of this document our nation has always been able to ward off those who would try to impose their will upon us through aggressive action or otherwise, now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside and declare Sunday, December 7, 1958 as

DELAWARE DAY

On this day I urge that we take new interest, not only in our historic background, but give serious thought to the part we must play to insure a healthy and progressive future for our beloved Delaware.

Let us on this occasion display our national and state emblems; have prayers said in our Houses of Worship; recall our

glorious past in schools and civic meetings and finally pledge to work together toward that goal for which we all strive—a happy home—a happy community—and a nation, under God, at peace with the rest of the world.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) eighteenth day of November in the year of our  
Lord one thousand nine hundred and fifty-eight  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 365  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, December 15, 1958, marks the 167th anniversary of the adoption of the first ten amendments of the Constitution of the United States—the Bill of Rights; and

WHEREAS, the guarantees contained in the Bill of Rights protect and preserve the civil liberties and personal freedom of all Americans; and

WHEREAS, it is our traditional American dedication to the freedom of all citizens, a concept enshrined in our Bill of Rights, which chiefly distinguishes us from the tyranny of totalitarian governments; and

WHEREAS, the right of freedom of speech, press, assembly, association and religious worship; the right of due process under law, and equal treatment under law are a priceless heritage which must constantly be safeguarded; and

WHEREAS, it is our right and duty to strive toward the fullest application of these freedoms for our neighbors as well as for ourselves; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Monday, December 15, 1958, as

BILL OF RIGHTS DAY

and urge all Delawareans to observe this day, and, by their daily lives and activities, foster maintenance and reinforcement of the Bill of Rights upon which our democratic system and our national prestige and strength are based.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) third day of December in the year of our Lord  
one thousand nine hundred and fifty-eight and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 366  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, The State of Alaska has just become the 49th State of the United States of America, an event of importance to every American; and

WHEREAS, this is the more significant because of Alaska's being the first State admitted to the Union since 1912; and

WHEREAS, the new State of Alaska, with its great endowment of unsurpassed scenery, enterprising citizenry and vast natural resources, is a shining jewel added to the diadem of states, and

WHEREAS, little Delaware, "First State" by virtue of having been first to adopt the Federal Constitution, December 7, 1787, rightfully feels a spiritual kinship to Alaska, largest and newest of the forty-nine states; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do, on behalf of the people of our state, heartily welcome Alaska to the honorable status of full statehood.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fourteenth day of January in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, despite great advances in all fields of endeavor, there is still distrust and misunderstanding—and even strife—among nations; and

WHEREAS, the greatness, the progress of this Nation and this state have stemmed from the ability of our people to understand one another and to work together for the common good; and

WHEREAS, the continued progress and advancement of this Nation and of all Nations will be measured in terms of the fruitful efforts of men of good will to advance the principles of brotherhood, liberty and justice; and

WHEREAS, dedicated members of our society, working through the National Conference of Christians and Jews and its affiliated regional units, annually invite all citizens to join with them in the month of February in observing Brotherhood Month and in practicing the principles of brotherhood; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of February 15-22, 1959, as

BROTHERHOOD WEEK IN DELAWARE

and urge all Delawareans, in their daily lives, to observe the principles of brotherhood and "Good Will to all Men".

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL)      sixteenth day of January in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



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PROCLAMATION

WHEREAS, the welfare of the State of Delaware and the Nation is dependent, to a great extent, on engineering advancement and development in all fields; and

WHEREAS, our state of prosperity is indicative of the success in engineering endeavor; and

WHEREAS, our high standard of living has been provided in large part through engineering application to the basic laws of science; and

WHEREAS, each year, on the anniversary of the birthday of George Washington, an Engineer and Surveyor, it is particularly appropriate that the engineering profession receive recognition; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, in order that our citizens recognize the part engineering plays in our daily life, do hereby proclaim that the week beginning on February 22, 1959 and ending February 28, 1959 shall be designated as

ENGINEERS' WEEK IN DELAWARE

I hereby urge that our civic organizations, clubs, schools and municipal bodies accord special recognition to the engineering profession during that week.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL)      sixteenth day of January in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 369

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the citizens of the State of Delaware being fully aware of the need for American defense, both ideologically and materially, and being aware that it is urgently necessary that a united stand be taken against any enemy which seeks to destroy us; and

WHEREAS, among the citizens of Delaware there are many Americans of Ukrainian heritage to whom January 22, 1918, is a memorable day in that the first Democratic Congress of the independent Ukrainian Government elected delegates who assembled in Kiev, capital city of Ukraine, at which time a free and independent Ukraine was proclaimed; and

WHEREAS, the subsequent invasion and penetration of the Ukraine by the Communist Army resulted in a short-lived chapter in the annals of democratic government; and

WHEREAS, January 22, 1959, commemorates the Forty-First Anniversary of the establishment of the free Ukraine nation; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim January 22, 1959, as

UKRAINIAN INDEPENDENCE DAY IN THE  
STATE OF DELAWARE

and the State of Delaware does hereby join with all Americans of Ukrainian heritage in commemorating this cherished day as a milestone in the observance of free and democratic government.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of January in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 370

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, during the period January 18 through 24, members of the Delaware Junior Chambers of Commerce will be observing several significant anniversaries—the 38th birthday of the United States Junior Chamber of Commerce, the 20th Anniversary of the founding of Delaware's first JayCee unit and the 10th Anniversary of the organizing of a State Junior Chamber of Commerce in Delaware; and

WHEREAS, Junior Chambers of Commerce, consisting of young men interested in advancement and betterment of Nation, State and community, have rendered outstanding public service; and

WHEREAS, these services are—and should be—widely recognized; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of January 18 through 24, 1959, as

## JAYCEE WEEK IN DELAWARE

and urge all citizens to join in giving appropriate recognition during this period to the services of the young men comprising our Junior Chambers of Commerce.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-second day of January in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, during the month of February, we traditionally observe the birthdays of two great presidents and national heroes; and

WHEREAS, the lives and accomplishments of these great men—George Washington, the “Father of our country”, and Abraham Lincoln, who did so much to preserve our Union, have served and should continue to serve as a source of inspiration for all Americans; and

WHEREAS, it is most fitting that during this month we review the accomplishments of these and other great Americans to whom we owe so much; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that the month of February, 1959, shall be observed, throughout the “First State” as

AMERICAN HISTORY MONTH

and call on all our schools—public, parochial and private—our patriotic organizations and all others willing to do so to arrange appropriate programs emphasizing our great heritage and recognizing the accomplishments, sacrifices and great faith of those who helped build and those who helped preserve this great Nation of ours.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of January in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 372

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the inventive genius of Thomas Alva Edison has immeasurably advanced the frontiers of American science and the welfare of all mankind, and, by creating industries employing millions of people, has added greatly to the technology upon which America's pre-eminence largely rests; and

WHEREAS, recent events have shown that this strong scientific position is being seriously challenged; and

WHEREAS, in this age of limitless scientific horizons, our Country's need for men like Edison has never been more urgent; and

WHEREAS, a long-range approach to meeting this need for scientific manpower is the motivation of more young Americans toward careers in science, and the removal of artificial barriers to preparation for these fields; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, urge the people of this State, and its schools, teachers, parents, industries and civic organizations to encourage youth to take advantage of the great opportunities of modern science and technology; and

I DO HEREBY PROCLAIM February 11, 1959, the occasion of Thomas Alva Edison's 112th birthday, as

## SCIENCE YOUTH DAY

A day on which the citizens of this State will do honor to the inspiring heritage of America's great inventive genius, Thomas Alva Edison, and will lend full support to activities which dramatize to youth the unique challenges of science and invention in today's expanding universe.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-eighth day of January in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the National Federation of Music Clubs, with which our own Delaware Federation of Music Clubs is affiliated, annually sponsors observance of American Music Month during the month of February; and

WHEREAS, during American Music Month, special emphasis is placed on the music of American composers with programs particularly directed toward making the public better acquainted with the musical accomplishments of Americans; and

WHEREAS, the influence of music has long been recognized as a harmonizing force and a means of emphasizing people's common interests; and

WHEREAS, music strengthens friendly ties of individuals, groups and nations; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the month of February, 1959, as

AMERICAN MUSIC MONTH IN DELAWARE

and call upon the citizens of the "First State" to take part and enjoy the special programs offered during this period and to more fully appreciate music as a means of promoting good will and understanding among all peoples.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this second day of February in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



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STATE OF DELAWARE  
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PROCLAMATION

WHEREAS, World Day of Prayer will be observed this year in many places throughout the world where humble peoples, living against a background of universal tension and uncertainty, will bow their heads and lift up their hearts to Almighty God in prayer; and

WHEREAS, the church women of the State of Delaware will join on this occasion with church women in communities throughout the State and Nation to form an articulate and inspiring chain of human prayer; and

WHEREAS, the troubled peoples in less fortunate nations than ours, and indeed, even in our own beloved country, need Divine Guidance as never before, especially as this is stimulated through prayerful communion; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Friday, February 13, 1959, as

WORLD DAY OF PRAYER

in Delaware, and I urge our citizens to observe this day by attending, wherever possible, World Day of Prayer services, or pausing for a minute of prayer at high noon to ask God to give us, in all our humility, the wisdom and courage to meet and successfully solve the profound problems of our times.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) sixth day of February in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 375

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the youth of our State constitutes one of the most important and treasured assets; and

WHEREAS, the development and the ever-increasing use of modern conveniences have lessened the opportunity for physical activity necessary for our youth to achieve and maintain a high level of physical condition and health; and

WHEREAS, the Delaware Association for Health, Physical Education and Recreation has established a State Physical Fitness Committee to encourage the continuation and expansion of existing programs and to initiate suitable measures tending to enhance the fitness of all Delaware youth, does hereby recommend that the month of March 1959 be designated as Delaware Youth Fitness Month; and

WHEREAS, the fitness of our youth can be promoted through the concentrated efforts of all our citizens;

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that the month of March, 1959, be designated as:

DELAWARE YOUTH FITNESS MONTH

I earnestly request all state officials, schools, parent-teacher associations, and all other organizations to use all appropriate means during this period to promote programs and activities which will improve the physical fitness of the youth of our state to the end that we may assure the continuing strength and well-being of our State and Nation.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) ninth day of February in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 376

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, Early in 1942—at a time when the future security and life of our Republic were in critical danger—the United States Navy formed its now world famous Construction Battalions, officially and popularly designed as the Seabees; and

WHEREAS, Throughout the long months of World War II, nearly a quarter of a million Seabees worked night and day to provide roadways, airstrips and shore installations, which enabled the armed might of our nation and its allies to prevail over the tremendous force of our enemies. In the Korean War as well, Seabees were actively engaged in amphibious landings and important in stemming the rising tide of communist aggression in that part of the world; and

WHEREAS, Today, wherever the interests of our nation require them, the knowledge and ability of the Seabees are being used for the protection of the American people. Back of those on full time active duty is a strong and vitally energetic Seabee Reserve of construction men, trained and ready for further service to the country at any time the need arises; and

WHEREAS, On this 17th Anniversary of their formation, it is fitting that we all pay tribute to the gallantry and accomplishments of the Seabees; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim March 5, 1959, as

## SEABEE DAY

in the State of Delaware and call the attention of our citizens to the proud record of the Seabees in supporting our Armed Forces.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of February in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, this is, perhaps, the most critical time in American history because of the threat of international Communism to our basic freedom and that of the Free World; and

WHEREAS, it is necessary for Americans to appreciate fully their heritage of freedom and to re-examine the position of their Armed Forces, which are indispensable to the preservation of that freedom; and

WHEREAS for the past 36 years, the Reserve Officers Association of the United States has observed National Defense Week, in which it has been joined by civic, patriotic and veterans groups, and many other groups; and

WHEREAS, the purpose of National Defense Week is to re-emphasize the vital need of public knowledge and appreciation of our defense structure, especially at this dangerous time; and

WHEREAS, we recognize that the obligation of American citizenship carries with it the corresponding duty of service in the Armed Forces, Regular or Reserve, in time of war, emergency or peace, as the priceless heritage of every American; and.

WHEREAS, in celebration of National Defense Week, we wish to honor those who have fought to defend this country in the past and those whose strength and very readiness to fight again if they must, is our best insurance against another war; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period of February 12 through February 22, 1959, as

NATIONAL DEFENSE WEEK

and urge that the official flag of the United States be displayed on all public buildings and at other appropriate places on State property, on business, civic, patriotic, veterans and other organizations demonstrate by other means their support of National Defense Week and that every citizen fully cooperate with this observance and give prayerful consideration to the duties facing all of us in these critical times.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
(GREAT SEAL) State to be hereunto affixed at Dover this  
tenth day of February in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 378

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Sixteenth Rifle Company, United States Marine Corps Reserve, the only organized Marine Corps Reserve unit in Delaware, will observe its sixth anniversary on April 1st; and

WHEREAS, because this unit has been ever conscientious and faithful in the performance of its duty to the state and nation, it merits the approbation of all the citizens of Delaware for extreme devotion to the continued preparation for defense; and

WHEREAS, its members faithfully give of their time in order that they may be fully prepared for any emergency, for which we owe them a debt of gratitude; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby reserve and proclaim the week beginning March 30, 1959, as

MARINE CORPS RESERVE WEEK IN DELAWARE

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twentieth day of February in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Girl Scouts of the United States of America have rendered continuous service to their country and communities since their founding on March 12, 1912; and

WHEREAS, we the People of Delaware are aware of the important contribution to community welfare being made by Girl Scout leaders through their work with the youth of the nation; and

WHEREAS, the Girl Scout organization has grown to more than 2½ million girl members and more than 700,000 adult leaders, who are each day living up to their Promise to Do Their Duty to God and Country, to Help Other People at All Times, and to Live by the Girl Scout Laws of loyalty, honesty, courtesy, cheerfulness, kindness, and helpfulness to others; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim March 8 to 14, 1959, as

GIRL SCOUT WEEK IN DELAWARE

and I call upon all citizens to give the Girl Scouts now and in the coming years the fullest cooperation and support so that increasing numbers of girls may benefit from the splendid program of training in citizenship which the Girl Scout organization offers.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this

(GREAT SEAL)

twenty-third day of February in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, there are more than 2,000 boys and girls enrolled in the 4-H Club movement in the State of Delaware; and

WHEREAS, the 4-H organization has for its purpose the demonstration of improved methods of agriculture and home economics and the instillation of the principles of better citizenship in the lives of our young people; and

WHEREAS, in this changing world of agricultural concepts and practices, 4-H Club members will continue to constitute an important group, capable and willing to show the way to improved practices and methods; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period February 28 to March 7, 1959, as

NATIONAL 4-H CLUB WEEK IN DELAWARE

for the purpose of paying tribute to our rural youth who are enrolled in this important and patriotic endeavor.

Further, on behalf of all our citizens, I'd like to extend congratulations to 4-H Club members upon their accomplishments of past years and best wishes for attainment of the greater goals they have set for themselves—on their farms, in their homes and in their communities.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-third day of February in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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PROCLAMATION

WHEREAS, traffic accidents accounted for the deaths of more than 38,000 Americans in 1958, as well as countless personal injuries and tremendous losses in property damage; and

WHEREAS, too many accidents were the result of motorists who later complained they failed to see the other car or the pedestrian; and

WHEREAS, science and common sense indicates a positive causative relationship between this terrifying toll and inadequate driver vision; and

WHEREAS, adequate vision is a primary requirement for motorists on our highways; and

WHEREAS, it behooves all government officials and citizens to cooperate strongly with every effort to improve traffic safety on our streets and highways; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, proclaim the period March 1 to 7, 1959, as

SAVE YOUR VISION WEEK

and urge all Delawareans to cooperate with optometrists of this state in their efforts to encourage traffic safety through their activities conducted under the theme, "Driving Takes Seeing".

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-third day of February in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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PROCLAMATION

WHEREAS, the future of our state and nation lies in the hands of the youth of today, and, therefore, one of our greatest obligations is to help to develop in today's young people the qualities that will enable them to make the most of that future; and

WHEREAS, qualities of temperance, respect for law, and a high sense of responsibility for the common welfare are essential qualities for the maintenance and development of healthy, happy and successful human lives and a high degree of social progress; and

WHEREAS, civic, educational, religious, social and other organizations can and do make a substantial contribution to the development of high moral, spiritual and social standards by progress of temperance education for youth; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period April 12-18, 1959, as

YOUTH TEMPERANCE EDUCATION WEEK

and urge that all citizens give particular attention and support to the strengthening in youth of those moral qualities of temperance and responsibility which are so important to the future of our civilization.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this third day of March in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the wise use of our natural resources—our soils, waters, forests, grasslands, minerals and wildlife—is essential to the welfare and security of the individual, community, state, and nation; and

WHEREAS, proper care and protection for our natural resources cannot be provided without the support of an informed and interested public; and

WHEREAS, the week of March 15 through 21 will be observed across the nation as National Wildlife Week, a time set aside for people to give special attention to the pressing problem of providing proper care for the lands and waters upon which all of us depend, and on the need for teaching young people how they can meet the responsibilities of this stewardship; and

WHEREAS, we recognize that concern for our lands must be partially instilled in our young people through their training in school, making it appropriate, therefore, that 1959 National Wildlife Week should demonstrate the importance of making conservation—as it affects our day to day living and the present and future welfare of our nation—a part of the learning experience of our young people; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the week of March 15 through 21 as

NATIONAL WILDLIFE WEEK

in this state. All citizens are urged to acquaint themselves with natural resource problems and, in keeping with the national objective, "Conservation in the School", to give particular support to program providing for the education of our young people in wise use, care and protection of our natural resources.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) ninth day of March in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, The American Legion, dedicated to service for God and Country, has become one of the great bulwarks of the American Way of Life through its leadership in movements designed to promote a dynamic conviction of Americanism for the preservation of our free institutions and way of life; and

WHEREAS, The American Legion, with millions of members who have served in three wars, will celebrate the 40th anniversary of its birth, March 15 to 17, 1959, marking the completion of four decades of patriotic labors which have had a great and beneficial impact on the welfare and security of America; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of March 15 to 21, 1959 as

AMERICAN LEGION BIRTHDAY WEEK

and do call upon all citizens and all organizations to join in paying tribute to the good works of this great veteran organization.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL)      thirteenth day of March in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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PROCLAMATION

WHEREAS, in November, 1637, an expedition of the New Sweden Company consisting of two ships, "Kalmar Nyckel" and the "Fogel Grip" left Gothenburg, Sweden, to establish a colony in the Delaware River Valley, and during the latter part of March, 1638, the two ships anchored off the so-called "Rocks" on the Christina River; and

WHEREAS, this land, having been purchased from five Indian chiefs by Peter Minuit, became Swedish property on March 29, 1638; and

WHEREAS, Fort Christina was the first settlement of the Colony of New Sweden, and the first permanent settlement in the Delaware River Valley, and was also the first permanent settlement in the State of Delaware, and this and successive settlements of the Colony of New Sweden marked the beginnings of government, religion, education, agriculture, commerce and industry in the state; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, by authority of the General Assembly, proclaim Sunday, March 29, 1959, as

DELAWARE SWEDISH COLONIAL DAY

and request citizens of our state in schools, churches, patriotic and historical societies and other organizations to join in appropriate observance of this historic day and to display the national and state flags on our public buildings.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-sixth day of March in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor  
GEORGE J. SCHULZ, Secretary of State



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EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is fitting and proper that we honor our mothers on every appropriate occasion; and

WHEREAS, during the month of April, a citizen of Delaware will be signally honored by being designated as the 1959 Delaware Mother of the Year; and

WHEREAS, the 1959 Delaware Mother will be the symbol of all mothers in the First State; and

WHEREAS, as Delaware's representative, this mother will vie with other mothers from each of the forty-nine states, the District of Columbia, Hawaii and Puerto Rico for the honor of being chosen American Mother of the Year; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the month of April, 1959, as

DELAWARE MOTHERS' MONTH

and urge all Delawareans to join in honoring all mothers during this period.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-sixth day of March in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 387  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the building and maintaining of adequate highways is an important function of government; and

WHEREAS, it is desirable that the public be fully informed of all plans for construction of roadways within this state; and

WHEREAS, during the past three years, a week has annually been set aside for the chief purpose of providing public information concerning our highway facilities, with one day devoted to conferences and discussions under the sponsorship of the Associated General Contractors of Delaware; and

WHEREAS, these conferences and attending events have been most successful, justifying the continuance and expansion of this program; and

WHEREAS, by the authority vested in the office of the Governor, I have once again invited the Associated General Contractors to give leadership to this observance and have named Mr. James Julian as General Chairman; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the week of April 6 through 11, 1959, as

DELAWARE HIGHWAY WEEK

and have caused to be set aside Monday, April 6, 1959, as

DELAWARE HIGHWAY DAY

I urge all Delawareans to avail themselves of the opportunity to visit and inspect those installations open during Highway Week and to participate, wherever possible, in the various special activities scheduled for this observance.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) first day of April in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Governor of Delaware is authorized by its statutes to set aside one day annually as Arbor and Bird Day; and

WHEREAS, he may request on that observance that all public schools, private schools, colleges and other institutions plant trees and adorn the school and public grounds, and hold suitable exercises to stress the advancement of the study of arbor culture and promotion of the spirit of protecting birds; and

WHEREAS, this is the eighty-seventh year that Arbor Day will have been observed in the United States, having been founded in Nebraska in 1872 by J. Sterling Morton, who was born just 127 years ago on April 22, 1832; and

WHEREAS, Arbor Day is important to all of us who want to see our natural resources preserved and have the added beauty of trees and flowers on our premises and in our parks, now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Friday, April 10, 1959, as

ARBOR DAY IN DELAWARE

I urge that our schools do make such plans to plant trees and to hold such exercises which will recognize the need for mass consciousness of the aesthetic, physical and economic value of tree and bird life.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this first day of April in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 389

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, hand in hand with the fight to cure any illness goes the positive attitude of prevention. This is true of mental illness, whose correlate is mental health; and

WHEREAS, as progress is made in the attack upon mental illness, the people of Delaware are becoming constantly more aware of their own mental health and the ways in which they may best maintain it. Because this is a vital part of the full achievement of the complete and happy life which is our bright heritage; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the week of April 26 to May 2, 1959, as

## MENTAL HEALTH WEEK IN DELAWARE

I urge the citizens of our state to be sharply aware of the information made available to them through Mental Health Week programs, in order that they may insure better mental health for themselves, their families, their home communities and their state.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of April in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 390

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the family is an integral part of the foundation of the community and the nation; and wholesome family living is reflected in the community in the form of interested, capable, well informed citizens and leaders; and

WHEREAS, it is the quality of family living that influences the quality of citizenship and leadership; and

WHEREAS, it is the purpose of home demonstration work to help improve the quality of family living through an educational program designed to encourage family members to

1. live and work congenially with others in the family and in the community;
2. better manage personal resources of time, money and energy to reach family goals;
3. choose from the market, food, clothing, home furnishings, household equipment and other things essential in attaining a satisfying way of life;
4. keep the household running smoothly and provide a comfortable, convenient and attractive home; and
5. understand the relationship of nutritious food, suitable clothing, and adequate housing to the health and well-being of each family member; and

WHEREAS, more than 2400 members of the home demonstration clubs in Delaware, under the leadership of more than 100 volunteer local leaders and the professional home economics extension staff of the University of Delaware, participate in this significant adult educational work; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the week of May 3 through May 9, 1959, as

### HOME DEMONSTRATION WEEK

in Delaware for the purpose of paying tribute to our home-makers who are enrolled in this program which contributes so much to the quality of citizenship and the strengthening of our communities through capable local leadership.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twentieth day of April in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J, SCHULZ, Secretary of State

## CHAPTER 391

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, an opportunity is provided annually for every citizen to reaffirm his faith in the United States of America through a program sponsored by the Veterans of Foreign Wars of the United States; and

WHEREAS, this day has now been made an official day of observance through the action of Congress and the President of the United States; and

WHEREAS, there have been periodical attempts over the last two centuries to stifle and destroy those hard-won rights of free speech, freedom of the press and the right to worship as one chooses; and

WHEREAS, each of us should make a personal pledge to uphold these God-given rights as they are outlined in the Declaration of Independence and the Constitution of the United States, in the defense of which thousands of our fighting forces have died on battlefields all over the world; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, following the example set by President Dwight D. Eisenhower in Washington, hereby designate Friday, May 1, 1959, as

## LOYALTY DAY

I also call attention to the fact that this day climaxes the annual V. F. W. Week which will be observed throughout the First State beginning Sunday, April 26, 1959.

I urge that every man, woman and child in Delaware join in a demonstration of his or her undivided allegiance to the government of the United States and the ideals which it defends and preserves.



I further hope that all civic groups will join on that day, or other days designated, to give expression to that Loyalty through public demonstrations of all kinds; through the display of our National and State emblems and through cooperation with overseas veterans whose devotion and courage continue in peace as sponsors of this observance.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of April in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

• J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 392  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, this State and Nation owe their present prosperity and the bright promise of their future to the lifelong efforts and sacrifices of those whom we respect and honor as Senior Citizens; and

WHEREAS, we now widely recognize the injustice of depriving human beings of opportunities to enjoy a happy and useful life beyond middle age, especially in those cases where men and women possess trained skills and valuable experience which can benefit the community; and

WHEREAS, while widespread undertakings have been launched at national, state and local levels to solve the problems of the aging, we cannot hope to succeed in these projects without the full understanding, sympathy and cooperation of all our people; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware do designate and set aside the month of May, 1959, as

SENIOR CITIZENS MONTH

in Delaware and urge all citizens of our state to observe this month by showing personal concern for the health, well being and happiness of our Senior Citizens at home, at work and at leisure, and especially by visiting those who are confined by illness or incapacity in hospitals, nursing homes and other establishments.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-seventh day of April in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J, SCHULZ, Secretary of State

CHAPTER 393  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the crippling disorder known as Cerebral Palsy has handicapped thousands of children and adults in our nation, causing them untold pain and bringing anguish to those close to them; and

WHEREAS, no general preventative or cure for this condition has been found, although great strides have been made in the field of research, education and training; and

WHEREAS, it is clear that existing facilities for the care, treatment and guidance of the cerebral palsied must be continually expanded in order to give the best possible attention and service to those afflicted; and

WHEREAS, United Cerebral Palsy of Delaware, Inc., has been making a great contribution in this field, enabling the establishment of therapy units and summer camps, and providing other material resources in order to give all possible assistance to these victims; and

WHEREAS, a concerted effort will be made during the month of May, 1959, through education and by conducting a financial campaign in behalf of this work; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the month of May, 1959, as

CEREBRAL PALSY MONTH

in Delaware. During this period, I hope that all of our citizens will try to learn of the fine work which has been accomplished by United Cerebral Palsy, and that every assistance will be forthcoming to assist them in carrying on in this important field.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-seventh day of April in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J, SCHULZ, Secretary of State

CHAPTER 394  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is only proper and fitting that a specific day be set aside for the purpose of honoring our Mothers; and

WHEREAS, due in large measure to the indefatigable efforts of Miss Anna Jarvis, Mother's Day was officially observed for the first time on May 10, 1908, and subsequently proclaimed by the President of the United States for nationwide observance, in 1914; and

WHEREAS, the unselfish devotion, tenderness, understanding, patience and loving discipline, bestowed upon us by our Mothers, creates a benevolent influence that can—and should—guide us throughout our lives; and

WHEREAS, we can best discharge our great debt to our Mothers by living such lives as to reflect only credit upon those who brought us into the world and carefully guided and nurtured us to maturity; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, May 10, 1959, as

MOTHER'S DAY

in Delaware, and urge all of our citizens, regardless of age, to take this opportunity to honor their Mothers, both living and deceased, by attending at least one service in the church of his choice for solemn recognition of the sacrifices, love and inspiration given so freely by Mothers.

Further, I invite Delawareans to join with me in saluting, on this occasion, Mrs. E. Edward Thompson, of Rehoboth Beach, who, as our 1959 Delaware Mother of the Year, is a symbol of all Delaware Mothers.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-seventh day of April in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J, SCHULZ, Secretary of State

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STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, on May 1, American citizens will join in an especially meaningful national observance of the indispensable roles of laws and courts in American life; and

WHEREAS, this date, designated as "Law Day U. S. A." by Presidential proclamation, will be a time for renewing our faith in the rule of law as the surest safeguard of the welfare of men and women living together in organized society, and the brightest hope for achieving peace in a troubled and anxious world; and

WHEREAS, its purpose is to foster an abiding respect for law which is essential in a free society, and to remind us that in all of our private and public affairs we are safeguarded by laws of our own making, administered by courts in which the rights of citizens are equal; and

WHEREAS, "Law Day U. S." also is a day on which the people of the United States may demonstrate to the world their faith in the supremacy of law as contrasted with the oppression of the individual citizen in communist lands where the same day is an occasion for demonstrations of armed might; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Friday, May 1, 1959, as

LAW DAY U. S. A.

throughout this State, and call upon public bodies, schools and colleges, and organizations of all kinds to join in its observance with appropriate programs and ceremonies.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of May in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J, SCHULZ, Secretary of State



CHAPTER 396  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the armed forces of the United States represent that arm upon which we rely for national security, in order that we may continue to enjoy the free way of life proposed for us in our initial documents of government; and

WHEREAS, it is important that citizens everywhere understand fully the duties, preparations and advancements in providing a strong military establishment so that Freedom may be more fully ensured; and

WHEREAS, it is in the public interest that a day be set aside annually when our citizens have an opportunity to inspect those military establishments within our state, along with our armories, headquarters for reserve units and all other activities that support a military program; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, at the invitation of the President of the United States of America, do hereby proclaim Saturday, May 16, 1959, as

ARMED FORCES DAY

I further direct the Adjutant General of the State and all others who may have official positions in our military establishments, to arrange such programs and events that will give our citizens an opportunity to see for themselves, the manner in which we are assisting in building a defense system for our state and nation. I also call for the display of the Flag of the United States and the Delaware State Flag at all appropriate places on this day, so that our fellow citizens may fully recognize the sacrifices and devotion to duty of the armed forces. I also urge all citizens to avail themselves of opportunities to see our defense establishment in action on this day and express

the great hope that all will join in conducting proper observance to mark the occasion.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twelfth day of May in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J, SCHULZ, Secretary of State

CHAPTER 397  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, pursuant to a Joint Resolution of Congress dated May 20, 1933, each year the President of the United States issues a proclamation declaring May 22 as National Maritime Day; and

WHEREAS, the date of May 22 commemorates the sailing of the American steamship "Savannah" from Savannah, Georgia, in 1819, on the first successful crossing of the Atlantic Ocean under steam propulsion; and

WHEREAS, the Merchant Marine has assumed an indispensable role in the conflicts in which our nation has been engaged, and the transportation of our people and the world-wide flow of our goods in both peace and war depend upon an adequate and efficient merchant fleet; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Friday, May 22, 1959, as

NATIONAL MARITIME DAY IN DELAWARE

and urge all citizens to join in this nation-wide observance in honor and recognition of the accomplishments of our Merchant Marine.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twentieth day of May in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J, SCHULZ, Secretary of State

CHAPTER 398

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the oyster industry within the waters of the Delaware Bay, Indian River and Rehoboth Bay and within various rivers is a valuable, important and food producing industry of this State; and

WHEREAS, the State in recognition of its importance has appropriated funds for the production of seed oysters, and to encourage the growth of this industry; and

WHEREAS, this industry in the planting, production and processing of oysters has been a source of employment and revenue to this State and its people; and

WHEREAS, within the past nine months the mortality of oysters has practically destroyed the oysters in the waters of the Delaware Bay and in recent months spread to Rehoboth Bay and adjacent waters; and

WHEREAS, this important industry as a result of the mortality of oysters has been practically destroyed; and

WHEREAS, the decline of this important industry is a source of unemployment and great financial loss; and

WHEREAS, it is hoped and believed that the mortality of oysters may be checked and the industry sustained and revived; and

WHEREAS, the widespread nature of the disease causing the mortality of the oysters has proven difficult to determine and to control:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware do proclaim and declare the Delaware Bay, within the limits of the State of Delaware, the rivers emptying

from our State, and the Rehoboth Bay, the Indian River and such other areas in which oysters are produced within this State and the appropriate adjacent land areas concerned with this industry, a disaster area and direct all appropriate State Agencies and request interested private concerns and the Federal Government to combine their efforts to prevent the further spreading of the mortality of oysters and to develop a program of sustaining and revitalizing the oyster industry, and to render such further assistance as is permissible under the law.

IN WITNESS, WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-first day of May in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 399

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, it is only fitting and proper that grateful Americans everywhere should, on a designated "Memorial Day," pause to pay tribute to the hallowed memory of our heroic war dead, and to honor those who served their nation's cause and have since gone to their reward; and

WHEREAS, it is our solemn duty to perpetuate this custom, established in 1868, by gathering in public places, before memorials and in cemeteries to pay our respect to the bravery, valor and sacrifices of those who fought and died that America might remain free; and

WHEREAS, the President of the United States of America, by the authority of the Congress, has set aside May 30, 1959, as a day on which we should pay tribute to the memory and deeds of our honored war dead; now.

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that we follow the example set in the proclamation by the President of the United States of America and that we observe Saturday, May 30, 1959, as

## MEMORIAL DAY

I urge all Delawareans to participate in exercises, graveside ceremonies and other proper memorials so as to insure grateful remembrance of the sacrifices made by our war dead. I further urge that the Flag of the United States of America and of the State of Delaware be properly displayed from all state buildings and institutions on this day, with the national colors to be flown at half-mast until noon and then raised high for the remainder of the day as evidence that we, as good Americans, remember the pain, suffering and death of those who preserved our freedom and the American Way of Life.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-sixth day of May in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 400

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Flag of the United States of America is regarded as the emblem of liberty and freedom throughout the free world; and

WHEREAS, display of the flag should serve to remind us of the sacrifices and stresses that accompanied the birth of our nation; and

WHEREAS, we, as Americans, should display the flag with feeling and pride; and

WHEREAS, tradition has it that the American flag designed by Betsy Ross was first unfurled in battle at Cooch's Bridge, here, in the State of Delaware; and

WHEREAS, hundreds of Delaware's sons through succeeding generations have followed this emblem of our unity, strength and ideals, and many have perished in the effort to keep it aloft; and

WHEREAS, Sunday, June 14, 1959, has been designated by the President of the United States as Flag Day; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim June 14, 1859, as

FLAG DAY IN DELAWARE

and further, I urge that our national and state emblems be displayed on public buildings on this day, and that appropriate patriotic exercises be arranged by our civic, veteran and fraternal groups so that all may be reminded of the significance of the occasion.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) ninth day of June in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State.

CHAPTER 401  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is only fitting and proper that we should set aside a specific day to honor our fathers; and

WHEREAS, it is the fathers of our land who primarily have built this great democracy through their teachings and sturdy devotion to liberty and love of freedom; and

WHEREAS, we look to the father in the home as the moulder of tomorrow's citizens, the builder of good family life and the foundation of our future, and teacher of our young in the importance of good ethics, fair play, peace and brotherhood throughout the world; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, June 21st, 1959, as

FATHER'S DAY

and I call upon all the citizens of this state to observe it in worship and in displaying the American Flag and otherwise commemorating the Father in the home so that every day in the year we may have the blessings that flow from good fatherhood, good citizenship, and a strong family life.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of June in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State.

CHAPTER 402  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, Little League Baseball has—in a period of just twenty years—grown into an international program involving play by 23,000 teams competing in 5,000 leagues; and

WHEREAS, Little League Baseball continues to grow in popularity in Delaware with more than 3,000 boys in the 8-to-12 year age bracket currently participating in this fine program; and

WHEREAS, the benefits of Little League Baseball are far reaching providing youngsters at an early age with knowledge of the fundamentals of our national pastime and, more important, teaching good sportsmanship; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the period June 14-20, 1959, as

LITTLE LEAGUE FOUNDATION WEEK IN DELAWARE

and urge all citizens of our state to join in this observance and to support our Little Leagues.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this tenth day of June in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State.

CHAPTER 403  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, on June 27, 1959, the citizens of Hawaii will, by exercise of democratic process, vote for statehood in the great American Union of States; and

WHEREAS, the citizens of Delaware, "oldest" of the American States by virtue of having been first to join the Union through adoption of the Federal Constitution, December 7, 1787, right-fully feel a spiritual kinship to the citizens of Hawaii, newest of the fifty states; and

WHEREAS, it is only fitting and proper that Delawareans should be the first to welcome the new State of Hawaii, which, with its great endowment of unsurpassed scenery, enterprising citizenry and vast natural resources, shall be a shining jewel added to the diadem of states; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do, on behalf of the people of our state, heartily welcome Hawaii to the honorable status of statehood, and, in order that proper recognition may be given to this memorable occasion, do proclaim Saturday, June 27, 1959, as

HAWAII STATEHOOD DAY IN DELAWARE

FURTHER, I invite all the citizens of "The First State" to join those of "The Fiftieth State" in celebrating and otherwise commemorating this milestone in the progress and growth of our great Republic.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this

(GREAT SEAL)

sixteenth day of June in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State.

CHAPTER 404  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the U. S. Coast Guard and the Coast Guard Auxiliary have declared the week of June 27 through July 5 as National Safe Boating Week; and

WHEREAS, this week is being set aside to call the attention of pleasure boatmen to the need for knowing and observing the basic rules of safe boating and for maintaining their craft in good mechanical condition; and

WHEREAS, the growing popularity of boating as one of America's favorite forms of family recreation makes it necessary for every boatman to use common sense and courtesy afloat to make boating one of the safest of all outdoor activities; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim June 27 through July 5, 1959, as

SAFE BOATING WEEK IN DELAWARE

and urge all boat owners to cooperate in making this week, and every week of the boating season, remembered for its pleasure and not its tragedy. Further, I hope that boatmen, realizing their responsibilities to themselves, their families and fellow boat owners, will accept the assistance and guidance that is available from the U. S. Coast Guard and its Auxiltry.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this seventeenth day of June in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-third.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State.

CHAPTER 405  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on July 4, 1776, the Declaration of Independence proclaimed to all the world that this new nation, conceived in the Spirit of Freedom under God, guaranteed to all men their inherent right to life, liberty and the pursuit of happiness; and

WHEREAS, Caesar Rodney and other Delaware patriots played important roles in bringing about the adoption of this significant document and in ultimately paving the way for Delaware to become the First State in the young union; and

WHEREAS, this declaration and the now great Nation to which it gave birth stand as a mount of hope and promises not only to Americans but also to the peoples of all the world; and

WHEREAS, on July 4, 1959, patriotic Americans everywhere will—and should—observe, in the form and intent of the founding fathers, the 183rd anniversary of the signing of the Declaration of Independence; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that Saturday, July 4, 1959, shall be observed in this state as

INDEPENDENCE DAY

Further, I order that the flag of the United States of America, and the Delaware State Flag, be properly displayed from all state and public buildings on that day, and urge that all our citizens join in the showing of our national colors in commemoration of this great event in our history.

It is my further hope that, while our citizens are enjoying this holiday, they will give proper thought to the reason for the observance and pause long enough to give thanks to Almighty God that this nation has been preserved and has kept true to the principles upon which it was founded.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) nineteenth day of June in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-third.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State.

CHAPTER 406  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, since the settlement of this state by our forefathers, agriculture has continued to be one of our most important industries; and

WHEREAS, the Kent and Sussex Fair at Harrington annually affords opportunities for our farmers and farm families, and members of 4-H Clubs, F. F. A. Clubs, Granges, and similar organizations to exhibit the fruits of their labor; and

WHEREAS, this event likewise affords an opportunity for our urban populations to view these fine displays and recognize the essential roles of our agricultural citizens in raising the standards of living in both our state and nation; and

WHEREAS, this Fair, in addition, serves as an attraction to our neighbors in other states and as an excellent means of publicizing the Diamond State's importance in supplying food-stuffs to eastern metropolitan areas; and

WHEREAS, the 40th consecutive year in the Kent and Sussex County Fair's history finds the grounds, buildings and equipment improved in such manner as to make this the greatest fair ever held in our state; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside the week of July 27 through August 1, 1959, as

FAIR WEEK IN DELAWARE

and strongly urge our citizens to avail themselves of the educational and entertainment facilities provided by the Kent and Sussex Fair, which in effect serves as the state fair of Delaware.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-third day of July in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 407  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, a group of interested citizens, led by Chief of Police J. J. Walling and James F. Godsey, both of New Castle, organized, in 1958, Delaware's first statewide Junior Fishing Rodeo; and

WHEREAS, the object of this organization is to provide healthful recreation for boys and girls and to bring them closer to the wonders of nature; and

WHEREAS, it is an established fact that boys and girls who make good use of their time strengthen the moral fibre of the community in which they live and build happier and more productive lives; and

WHEREAS, this year's Junior Fishing Rodeo promises to be even more widespread and more successful than the highly satisfactory initial Junior Fishing Rodeo held a year ago; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware do hereby declare Saturday, August 22, 1959, as

DELAWARE FISHING RODEO DAY

and I urge other organizations to follow the example of our Rod and Gun, Recreation Clubs and other groups by sponsoring boys and girls in this outstanding civic undertaking. In furthering the welfare and recreation of our young people we make a direct contribution to better future citizenship.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twentieth day of August in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 408  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, an emergency exists in the State of Delaware because of the sudden increases in fatal accidents on our highways; and

WHEREAS, this increase of about 15 percent in highway fatalities has come about in recent weeks, reversing a downward trend in the Delaware highway accident statistics for the first half of this year; and

WHEREAS, highway accidents have increased the hazards of public travel on Delaware roads and have become a pressing danger to the health and well-being of our population, and with the reopening of schools our children will be subjected to increased hazards; and

WHEREAS, highway accidents result from misuse of the public highways by a minority of the motorists using these highways, and such accidents are avoidable; and

WHEREAS, last September an extremely high total—19—highway deaths occurred; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that an emergency exists, and that the public safety is gravely endangered by the recent high level of highway accidents, and that it is essential that all citizens of Delaware and all operators of motor vehicles traversing this state shall exercise extreme caution, and because of this situation, I proclaim the month of September as:

SAFETY MONTH IN DELAWARE

The Delaware Safety Council, the Governor's Highway Safety Committee, and all official agencies are hereby called upon to launch a campaign to inform the public fully on the

causes and remedies for the current highway death toll, and take other desirable steps to stop the slaughter on the roads of Delaware.

The Delaware State Police and other enforcement agencies within the State are called upon to cooperate in that campaign.

Every citizen is called upon to make it his individual responsibility to take part in the statewide effort to make Delaware roads safe again, and to hold the line against highway accidents.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-first day of August in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 409  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the annual Pushmobile Derby, sponsored by the Delaware Association of Police, is one of the finest organized efforts for the benefit of the youth of our state and provides valuable training in sportsmanship; and

WHEREAS, these competitive races for the youth of Delaware reflect the interest of our police authorities in providing better understanding and good fellowship between themselves and the younger generation; and

WHEREAS, this annual event is statewide in scope, attracting boys and girls from all sections of Delaware; and

WHEREAS, the civic minded organizers of Pushmobile Track, Inc., have shown extreme interest in our youth by building a safe, attractive racing strip and have continued to expand and improve facilities for this annual event for which the public owes them a vote of thanks; and

WHEREAS, the Thirteenth Annual Pushmobile Derby will be held at the Derby Track at Milford Cross Roads, near Newark, Delaware, on Saturday, August 29; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Saturday, August 29, 1959, as

PUSHMOBILE DERBY DAY IN DELAWARE

Further, I urge Delawareans of all ages to attend the races at Milford Crossroads; to lend encouragement to our youth who compete there; and to let those sponsoring and operating the Pushmobile Derby know how pleased we all are with their efforts in behalf of our young people.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-fourth day of August in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 410  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, here, in Delaware, we are signally blessed with a virtually complete recovery in our economy and with employment approaching a new all-time high; and

WHEREAS, due to a generally good labor-management relationship, a pattern of labor peace prevails, assuring continuation of our economic growth and eventual attainment of new highs in employment and personal income; and

WHEREAS, the skill, ingenuity and courage of our workers are serving to raise the standard of living for all our citizens; and

WHEREAS, it fitting that the contributions of working men and women to the economy and welfare of our state should be suitably recognized; and

WHEREAS, the first Monday in September is traditionally set aside to honor the workers of America; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Monday, September 7, 1959, as

LABOR DAY

and urge the observance of this day by all our citizens with appropriate ceremonies and the display, on all state and public buildings of the flags of the United States and the State of Delaware.

Further, I invite everyone to join me in saluting those whose daily work makes possible the abundant life we all enjoy.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-sixth day of August in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 411

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the advancements in design and technology employed by the architectural profession have provided our State's buildings with high standards of structural soundness and aesthetic beauty; and

WHEREAS, the splendid architecture of new buildings in our area significantly reflects the spirit of progressiveness inherent in the people of Delaware; and

WHEREAS, the exemplary ethics of the architectural profession are perpetuated by the members of the Delaware Chapter, American Institute of Architects; and

WHEREAS, great civic, social and cultural responsibility has been demonstrated by many members of the Delaware Chapter and the Chapter as a whole; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of September 27 through October 3, 1959, as

## ARCHITECTS WEEK IN DELAWARE

and I urge all citizens of our state to visit the exhibition sponsored by the Delaware Chapter, American Institute of Architects, which will be open to the public September 25 through November 1, at the Delaware Art Center in Wilmington.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said

(GREAT SEAL)

State to be hereunto affixed at Dover this second day of September in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 412

### STATE OF DELAWARE EXECUTIVE DEPARTMENT

#### PROCLAMATION

WHEREAS, our freedom as individuals and our growth as a Nation have their beginnings in the Constitution of the United States, signed at Philadelphia on September 17, 1787; and

WHEREAS, this document not only formed the foundation for our own nation but provided a pattern for many other nations that later sought liberty and justice under law; and

WHEREAS, we, as Delawareans, take special pride in the fact that our state was the first to ratify the Federal Constitution; and

WHEREAS, it is most fitting that all our citizens, both native-born and naturalized, observe the birthday of the Constitution and reaffirm their determination to protect and make fullest possible use of the rights guaranteed by the Constitution of the United States; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Thursday, September 17, 1959, be observed in the First State as

#### CITIZENSHIP DAY

FURTHER, in order that ample opportunity may be provided to give solemn and grateful thought to that eventful week in September, 1787, when our Constitution was signed, laying the foundation for the birth of a new nation, I designate the period beginning September 17 and ending September 23, 1959, as

#### CONSTITUTION WEEK

and urge that our schools, colleges, churches, veteran and other patriotic organizations mark Citizenship Day and Constitution

Week with appropriate ceremonies and activities stressing the full significance of American citizenship.

I also order that the national and state flags be flown from public buildings as visual reminders to all of us to protect and practice the rights and privileges granted by the Constitution and sustained and defended by generations of dedicated Americans.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) second day of September in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 413  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the men and women who comprise the organized labor movement in this State contribute in a substantial degree to our economic stability; and

WHEREAS, the purchasing power of a preponderant majority of our people in all walks of life has been increased by labor's program for economical and social advancement; and

WHEREAS, as the direct result of labor's endeavors to obtain for the wage earners a more suitable share of the fruits of their labor, business everywhere has benefited through increased productivity, an expanded market and greater purchasing power among all segments of our people; and

WHEREAS, the purchase of Union Label goods and the patronage of services designated by Shop Cards and Service Buttons by an ever-increasing number of our people are conducive to the maintenance and improvement of our high standard of living and of desirable working conditions; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period of September 7 through 13, 1959, as

UNION LABEL WEEK IN DELAWARE

and call on citizens to observe the week as further recognition of the contributions of organized labor to the economic stability, increased productivity, and constantly improving living and working conditions of our people.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fourth day of September in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 414  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, of all the elements of danger to which humanity is exposed, fire annually inflicts one of the costliest tolls in lives and property damages; and

WHEREAS, much of this death and destruction can often be traced to hasty action or plain carelessness on the part of individuals; and

WHEREAS, many citizens are affected annually either through personal grief, financial loss or increased insurance rates in areas where hazards prevail or inadequate fire fighting facilities exist; and

WHEREAS, it is only through cooperation of all of our citizens that hazards can be eliminated and future losses in lives and property reduced; and

WHEREAS, such cooperation and participation in a year-round preventative program will make easier the task assumed by our volunteer and professional firemen, who have consistently rendered heroic service in our behalf; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 4 through 10, 1959, as

FIRE PREVENTION WEEK.

and I urge that every man, woman and child in Delaware accept as a personal responsibility the protection of property and the exercising of caution when dealing with fire, either in the home, out-of-doors or in public places or industrial buildings. Furthermore, I urge all organizations—religious, patriotic, educational, civic, fraternal and professional—to give consideration to sponsorship of fire prevention programs in their respective communities.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) fourteenth day of September in the year of our  
Lord one thousand nine hundred and fifty-  
nine and of the Independence of the United  
States of America, the one hundred and eighty-  
fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 415  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is necessary to employ every possible man and woman to meet the needs of our ever-expanding economy; and

WHEREAS, it has been proven that specially trained and equipped handicapped persons are real assets when placed on jobs for which they have been rehabilitated and educated; and

WHEREAS, it is the purpose of the Governor's Committee for Employment of the Handicapped to find specific jobs for those ready to assume self-reliance through employment; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, set aside the week of October 4 through 10, 1959, as

NATIONAL EMPLOY THE HANDICAPPED WEEK

During this week I call upon all our citizens, organizations, newspapers and radio stations to continue the program of education which will eventually lead to more employment for handicapped person.

I further hope that the slogan "Hiring the Handicapped is Good Business" will become more meaningful for our employers throughout the state and that special effort will be made to place handicapped persons on-the-job to assist in greater productivity for our economy.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-third day of September in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 416

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the National Football Foundation and Hall of Fame is concerning itself in the best sense with the public understanding of amateur football and is directing the unified power of men devoted to the creation and furtherance of greater recognition of the game's vital roles and responsibilities as an integral part of our Nation's educational structure, and,

WHEREAS, amateur football is a training ground where our youth are taught and encouraged to develop through participation in competitive sport the essential qualities of leadership, integrity, self-discipline and an awareness of the ability to stretch resources so that they may face successfully the challenges in our competitive economy and aid toward making a better life for all mankind, and,

WHEREAS, the purpose of the National Football Foundation in honoring the heroes of the past in the Hall of Fame is to remind our youth and all of our people through great historical exhibits and through print and over the air that there shall be no softening of our fibre as we face the task of world leadership;

NOW, THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim and designate the period between October the tenth and October the seventeenth, nineteen hundred and fifty-nine, as NATIONAL FOOTBALL FOUNDATION AND HALL OF FAME WEEK and do earnestly recommend that throughout the State of Delaware all of the people take cognizance of the significant services rendered to our youth, our State and our Nation by the National Football Foundation and Hall of Fame, and I do further recommend that the noble cause of amateur football be aided through the support of this organization's fine principles and continuing programs by all people of this State.

IN WITNESS THEREOF, I have hereunto set my hand  
and caused to be affixed the Seal of the State of  
Delaware.

(GREAT SEAL)

Done at the City of Dover this 24th day of  
September in the year of our Lord, nineteen  
hundred and fifty-nine.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 417  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, each year a week is set aside to pay tribute to women in business and professions, and to show appreciation of the contribution they make to the improvement and progress of our business, civic and social life; and

WHEREAS, Delaware is most fortunate in having many qualified women, who take advantage of the opportunities provided by our diversified industries or assume leading roles in the professions; and

WHEREAS, our own Delaware Federation of Business and Professional Women's Clubs joins with similar state bodies throughout the nation in annually sponsoring this tribute to our working women; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 4 through October 10, 1959, as

NATIONAL BUSINESS WOMEN'S WEEK

FURTHER, I invite all Delawareans—and particularly those engaged in business and industry—to take note during this special week of the many accomplishments of our business and professional women who continuously try to improve their knowledge and prowess in their particular fields. From this interest in their work and advanced training the state and its citizens prove to be the great beneficiaries.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-ninth day of September in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 418  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, we, as Americans—and particularly as citizens of one of the original thirteen colonies—owe a great debt of gratitude to those who voluntarily crossed the Atlantic Ocean to stand by the side of our forefathers in their fight for freedom; and

WHEREAS, General Casimir Pulaski served with distinction in the battles and skirmishes that helped preserve the newly established independence of our state, participating in the Battle of the Brandywine prior to leading his troops to Savannah, Georgia, where he was to pay the supreme sacrifice in the cause of freedom; and

WHEREAS, Delawareans of Polish descent properly plan to honor the memory of this great soldier October 11 with appropriate commemorative exercises; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, October 11, 1959 as

PULASKI DAY IN DELAWARE

and I urge all citizens of Delaware to join with those whose forebears were of the same origin as General Pulaski and pay tribute to the memory of this valiant soldier and lover of Liberty whose deeds are indelibly inscribed on the pages of American history.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this thirtieth day of September in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 419  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Congress of the United States is planning further consideration in 1960 of adoption of an official national flower; and

WHEREAS, members of the Florists' Telegraph Delivery Association are sponsoring, during the month of October, a National Flower Election to sample the opinions of our citizens, and plan to present the results of this public opinion poll to the Congress as a basis for the selection of a national floral emblem; and

WHEREAS, it is believed that a national flower should be representative of our American heritage and a symbol of the strength, dignity and historic freedom of the United States of America; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware do hereby proclaim the month of October, 1959, as

NATIONAL FLOWER ELECTION MONTH

in Delaware, and urge our citizens to participate in this unique poll by casting ballots during this month for the flowers of their choice.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this thirtieth day of September in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 420  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the pharmacists of the State of Delaware are indispensable members of the health professions which safeguard the well being of our citizens; and

WHEREAS, the pharmacists of our State give of their time and talents in this specialized professional service to the public, making the finest medication available; and

WHEREAS, National Pharmacy Week is observed annually as a means of focusing public attention on the importance of pharmacy in our lives; and

WHEREAS, the pharmacists of our State are participating in this annual observance, employing the meaningful slogan "Your Pharmacist Works for Better Community Health"; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 4 to 10, 1959, as

PHARMACY WEEK IN DELAWARE

and urge our citizens to visit neighborhood drug stores during this period for the purpose of observing the vital role of the pharmacist upon whose skill and training our health and well being depends.

Further, I recommend that during this same period, we also observe "EMERGENCIES DON'T WAIT WEEK" by obtaining at our neighborhood drug stores all first-aid supplies needed to cope with the many accidents that can—and often do—occur in the home.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) first day of October in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 421  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, on October 12, citizens of South American countries and our neighbors to the north and south will join Americans everywhere in honoring the memory and accomplishments of the courageous men, led by Christopher Columbus, who sailed previously uncharted seas to discover a "new world"; and

WHEREAS, the discovery of America on October 12, 1492, opened a new and brighter era in the history of mankind; and

WHEREAS, even today, new discoveries—on land, under the seas and in outer space—are being made by courageous men and women following the example set 467 years ago by Christopher Columbus; and

WHEREAS, this annual observance serves to remind us not only of the courage and contributions of Christopher Columbus and other great explorers, but also of the many blessings that are ours by virtue of living in this great Nation; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware do proclaim Monday, October 12, 1959, as

COLUMBUS DAY

and I urge all Delawareans—and particularly those who are teachers or students—to mark with appropriate ceremonies this 467th anniversary of the discovery of America.

Further, I request the display of the American Flag and the Flag of the State of Delaware on all public buildings on this most significant occasion.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of October in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 422

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the health of our citizens is of vital concern to the community, nation, and world; and

WHEREAS, November will mark the 1959 annual campaign by Muscular Dystrophy Associations of America, Inc., to combat the fear inspiring disease of unknown cause or cure which has stricken more than 200,000 Americans—a majority of them children; and

WHEREAS, this campaign offers almost the only source of hope that innocent youngsters, most of whom are doomed to complete crippling and death before reaching maturity, may yet be spared by virtue of the extensive medical research program now being conducted through contributions to the "March for Muscular Dystrophy"; and

WHEREAS, Success of this year's fund appeal will create increased opportunity for important advances in the research fight against this relentlesscrippler; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period November 16 through 20 as

## MARCH FOR MUSCULAR DYSTROPHY WEEK

in this State, and I urge Delawareans, where possible, to volunteer as Marchers in the 1959 March for Muscular Dystrophy and all citizens to contribute to this worthy cause to the best of their means.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) fourteenth day of October in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 423  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, Patriotic Education Week is an annual nationwide observance sponsored by The Society of the Children of the American Revolution, an organization which, for many years, has been interested in the dissemination of patriotic, historical and educational material pertaining to the founding and growth of our glorious Nation; and

WHEREAS, this society is organized in all the fifty states of the Union and all our territorial possessions and now, in its 65th year, contains over twenty thousand members throughout the Nation; and

WHEREAS, here, in Delaware—first state to adopt the Federal Constitution—we are fortunate in having over one hundred and fifty of our young people affiliated with the C. A. R. and actively engaged in carrying out the organization's many faceted patriotic programs; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 19-25, 1959 as

PATRIOTIC EDUCATION WEEK

in Delaware and I urge all our citizens to join with the members of the C. A. R. in making this a truly significant observance.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this fourteenth day of October in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 424  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Credit Union Movement is now in its second century of service; and

WHEREAS, credit unions encourage thrift and regular savings by providing means whereby people may pool their savings, and mutually assist one another; and

WHEREAS, these credit unions not only promote the economic security of their members, but also strengthen democracy, encourage individual responsibility and the practice of true brotherhood; and

WHEREAS, the third Thursday of each October is internationally observed as Credit Union Day, in recognition of the outstanding service being rendered by credit unions; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Thursday, October 15, 1959, as

CREDIT UNION DAY

in Delaware and urge our people to give fitting recognition at this time to the many benefits brought to them through credit unions.

Further, I extend to the leaders and members of the 40 credit unions of Delaware my greetings, congratulations, and sincere wishes for continued success in serving their fellowmen.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fourteenth day of October in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 425  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the future of our country and all of the world depends upon youth; and

WHEREAS, young people ought to develop a strong moral character, a spirit of patriotism and a sense of responsibility in order to carry out this trust; and

WHEREAS, seven million young Americans who take part in the Catholic Youth Organization work together to insure these goals; and

WHEREAS, spirituality is a source of vitality and this is aptly summarized in the theme "Spiritualize Youth—Vitalize Nations"; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 25 to November 1, 1959, as

CATHOLIC YOUTH WEEK

and urge all to acknowledge the outstanding contributions made by the Catholic Youth Organization and to assist in every way possible the promotion of this worthwhile endeavor.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-third day of October in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 426  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the State of Delaware, among its many agricultural accomplishments, produces large quantities of cultivated mushrooms; and

WHEREAS, a portion of our state is within a 50-mile area that annually produces an estimated 65 per cent of the nation's mushroom crop; and

WHEREAS, the Agricultural Extension Division of the University of Delaware, in co-operation with the American Mushroom Institute, contributes greatly to research in production and marketing of this unique food, which in combination with other foods—and on its own—continues to gain in popularity; and

WHEREAS, this well-established industry contributes to the health and welfare of many of our citizens; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside and designate the period of November 5 to 15, 1959, as

DELAWARE MUSHROOM WEEK

FURTHER, in the interest of our Delaware broiler chicken industry, I suggest that during this period our housewives, hotel and restaurant chefs feature as an attractive and succulent dish a combination of Delmarvalous Chicken and mushrooms to further advance the interests of these two valuable food producing industries in our state.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-ninth day of October in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



## CHAPTER 427

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, it is most fitting and proper for Americans everywhere to commemorate November 11, the anniversary of the ending of World War I, by paying tribute to the heroes of that tragic struggle and by rededicating ourselves to the causes of peace; and

WHEREAS, in the intervening years the United States has been involved in two other great military conflicts, which have added millions of veterans living and dead to the honor rolls of this Nation; and

WHEREAS, the Congress passed a concurrent resolution on June 4, 1926, calling for the observance of November 11 with appropriate ceremonies, and later provided in an Act approved May 13, 1938, that the eleventh of November should be a legal holiday and should be known as Armistice Day; and

WHEREAS, in order to expand the significance of that commemoration and in order that a grateful Nation might pay appropriate homage to the veterans of all its wars who have contributed so much to the preservation of this Nation, the Congress, by an Act approved June 1, 1954, changed the name of the holiday to Veterans Day; and

WHEREAS, we should also give our heartfelt thanks to those veterans who, banded together in various associations, are leaders in proclaiming the American Way of Life and who continue to work for peace in the world; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside and proclaim November 11, 1959, as

## VETERANS DAY IN DELAWARE

On this day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on

foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.

I urge that schools, churches and civic associations hold proper ceremonies and observances which will point up the invaluable services of those who wore their country's uniforms, and who, today, as citizens, keep up the good fight for a strong and free United States of America.

FURTHER, I also urge the attendance of Delawareans and our good friends from the neighboring State of New Jersey at the special exercises to be held at the Delaware Memorial Bridge Plaza the afternoon of Sunday, November 8.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) third day of November in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 428  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is desirable to set aside a week to honor the homemakers of our state, who try to provide a better home life for their families; and

WHEREAS, a good homemaker must be an executive, worker, part-time dietitian and nurse, companion, counselor; and, if she is a mother—a moral and spiritual leader and teacher; and

WHEREAS, the homemaker is interested in her community because it has a great influence on the lives of her family; and

WHEREAS, it is important to encourage other homemakers to emulate this example, and inspire young women to look upon homemaking as a worthwhile career; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of November 15-21, as

HOMEMAKERS WEEK

in the State of Delaware, and urge all our people to observe this week with recognition of homemakers, who make a big contribution to our way of life by looking after the health, happiness and morals of their families and their communities.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fourth day of November in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 429

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, our democracy functions around the principles that every child's birthright is that of a sound, well-rounded education, and our progress and existence depend on this education; and

WHEREAS, the teachers and educators of this nation are entrusted with the greatest and most important job in the world—that of molding our future scientists and leaders in all fields; and

WHEREAS, American Education Week will be observed nationally on November 8-14; and

WHEREAS, a State Education Association for the State of Delaware came into existence at a conference of educators held at Dover, Delaware on November 21 and 22, 1919; and

WHEREAS, the year 1959 marks the fortieth year of service to the boys and girls of the State of Delaware; and

WHEREAS, the 4,500 residents of Delaware who are engaged in the educational profession throughout the State are still furthering the aims of public education; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the month of November, 1959, as

DELAWARE EDUCATION MONTH

for the purpose of giving recognition to our school employees whose contributions have kept the State of Delaware in the front ranks of the American educational system.

FURTHER, I urge all our citizens—and particularly those who are parents—during the period November 8-14 to join in the nationwide observance of

#### AMERICAN EDUCATION WEEK

by visiting our schools and becoming better acquainted with the progress, facilities and needs of our schools.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) fifth day of November in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 430  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the physically and mentally handicapped citizens of our state want to be self-supporting, self-respecting members of our community; and

WHEREAS, the training of handicapped people for normal employment and the providing of employment to them serves the state as well as the handicapped people; and

WHEREAS, the Goodwill Industries of Wilmington is an institution of the state which provides training needed by handicapped people to become employable and offers sheltered employment to those with severe handicaps; and

WHEREAS, the Boy Scouts of Northern Delaware will on November 21 collect useable clothing, shoes and other items for Goodwill Industries to provide training and employment; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Saturday, November 21, 1959, as

GOOD TURN DAY

in and for this state, and I urge all citizens to cooperate with the Boy Scouts in helping Goodwill Industries of Wilmington provide more training and more employment for more handicapped people.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) ninth day of November in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 431  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Almighty Provider has seen fit to bless our land with abundance in the things we grow and make and use; and

WHEREAS, it has been customary since the days of the Plymouth Colony to set aside one day annually to join in prayer and thanksgiving for those things which have been bestowed upon us; and

WHEREAS, we should continuously strive for that unity which will join us in a common effort to establish good will among men, through our acknowledgment of Almighty God's graciousness to all of us; and

WHEREAS, there are in other lands those less fortunate who can barely earn their daily bread, and need the assistance of individuals who have more than their actual needs demands; and

WHEREAS, our religious groups of all faiths have shown the meaning of being "our brother's keeper" by planning a Share-Our-Surplus program which is world-wide; and

WHEREAS, I urge that all of us join in this program to show our own appreciation for blessings bestowed upon us, now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that Thursday, November 26, 1959, be observed as

THANKSGIVING DAY

On this day, let us visit the churches of our choice and give thanks for the abundance with which we have been showered,

and let us share our good fortune with others so that we may carry into positive action the true spirit of brotherhood.

Also let us close our places of business, our shops and offices, display our national and state flags and in unison pray for the day when throughout the world there shall be no famine, no misery and no bloodshed—but a world united in praising the Almighty for His great goodness to us all.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) sixteenth day of November in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 432  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, travel is an important element in the development of greater understanding and thus tends to promote peace; and

WHEREAS, throughout the Nation, special preparations are now being made to encourage and facilitate travel to and within the United States of America during the year 1960, which has been designated by our President as "Visit the U. S. A. Year"; and

WHEREAS, visitors to Delaware have traditionally found here a friendly welcome from a people whose primary concern is for peaceful accomplishments in their economic, social, and cultural life; and

WHEREAS, the citizens of this State are desirous of sharing with our neighbors, both foreign and domestic, the pleasure and adventure of visiting our state and of viewing its natural beauty and many historic shrines, and enjoying its many fine recreational facilities; and

WHEREAS, tourism has, in recent years, developed into one of our most important industries, favorably affecting the economy of our state; and

WHEREAS, our State Development Department, the Delaware Travel Council and our Chambers of Commerce, with the co-operation and encouragement of other organizations and individuals, are planning an accelerated statewide campaign aimed at bringing more tourists to Delaware in 1960; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the year 1960, as

SEE THE FIRST STATE—FIRST—YEAR

and I request the appropriate officials of the Government and of the municipalities of our state to cooperate in the preparation for, and observance of, same.

Further, I invite all Delawareans interested in helping implement this program to attend and participate in a meeting to be held in Dover on Monday, November 23, 1959, and in other later meetings and functions related to this campaign.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventeenth day of November in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 433  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, this land of peace and plenty which we enjoy today and in which each individual is endowed with a type of freedom that has been heralded throughout the world is our precious heritage; and

WHEREAS, all of these benefits are possible because of the Republic which was established for us by our forefathers after years of careful planning to make sure that there would be liberty and justice for all; and

WHEREAS, following the adoption of the Federal Constitution in Philadelphia on September 17, 1787, each of the thirteen colonies were called upon as individual units to express their desires regarding this document; and

WHEREAS, a special convention of ten delegates from each of Delaware's three counties met in the Old State House, Dover, on December 7, 1787, and unanimously ratified the aforesaid constitution; and

WHEREAS, in recognition of the importance of this occasion, which later brought us the title of "First State", the General Assembly of the State of Delaware by resolution on November 29, 1933, authorized and directed the Governor to issue a proclamation annually calling attention of its citizens to this historic occasion; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate and proclaim Monday, December 7, 1959, as

DELAWARE DAY

It is my express hope that our schools, both public and private; our churches, civic and fraternal organizations will take

note of this 172nd anniversary of the ratification and make every effort to impress upon our citizens the significance it bears.

By this act on the part of early Delaware citizens, the initial steps were taken to create a government whose first responsibility would be its citizens, thus assuring that the age of tyranny in America had passed.

On this day, I urge and direct that our national and state flags be flown from all public buildings and that our citizens generally join in a display of the colors.

It is also fitting that this same day marks the eighteenth anniversary of the Pearl Harbor attack in 1941, after which the First State's citizens were again called upon to preserve and protect that form of government which continues to stand as a symbol of hope and enlightenment for people throughout the world.

Attention may likewise be given to the fact that this year is the 350th anniversary of the discovery of the Delaware Bay by Henry Hudson, the real beginning of Delaware's history.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) eighteenth day of November in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 434  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, The National Foundation has opened a new offensive against the nation's major crippling diseases of birth defects, arthritis and polio; and

WHEREAS, more than a quarter of a million infants are born each year with serious birth defects; and

WHEREAS, arthritis cripples more persons than any other disease; and

WHEREAS, polio in 1959 continued to be a major health problem in the United States with twice as many paralytic cases during the year as in 1958; and

WHEREAS, millions of Americans are still unprotected by Salk vaccine against this virulent crippler; and

WHEREAS, The National Foundation has pioneered in attacking these cripplers by way of research, patient aid and training of disease fighters; and

WHEREAS, thousands of children are especially the defenseless victims of these vicious cripplers; and

WHEREAS, The National Foundation's expanded program, developed through years of experience as a voluntary health organization, provides a real hope for a solution to the causes of the three disease areas; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim January, 1960, as

NEW MARCH OF DIMES MONTH

and I urge all citizens to give their services and support to this urgent need to PREVENT CRIPPLING DISEASES.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) eighteenth day of November in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 435

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, total non-military defense coupled with military defense preparedness is a deterrent to war because no aggressor is likely to attack a nation it cannot defeat; and

WHEREAS, an effective Civil Defense offers the best hope for our citizens to survive an enemy attack so that they can contribute to the support of our military efforts; and

WHEREAS, a vigorous Civil Defense depends on the continued strengthening of all local units; and

WHEREAS, our Department of Civil Defense, as well as each County and City Civil Defense organization in the State, needs the interest and support of every citizen; and

WHEREAS, Monday, December 7, 1959, which already has special significance for all Delawareans, has been designated National Civil Defense Day, to be set aside as a time for renewed determination that this country must never again be unprepared for enemy attack; and

WHEREAS, every Civil Defense organization should use the opportunity to publicize, exhibit, and demonstrate its progress, its present and future plans, and to continue the education training of the people for whom it is held responsible; and

WHEREAS, this great State of Delaware is fully in accord with the principles of Civil Defense, and desires to participate with the Federal Government and with all other sovereign States of the Union in this national observance; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Monday, December 7, 1959, as

NATIONAL CIVIL DEFENSE DAY

in this state, and urge my fellow citizens to plan appropriate observance of this day, to give proper recognition to the contributions made to our safety by the staffs and volunteers of all the Civil Defense organizations of our state, and to strengthen their resolve that they will continue to participate in the non-military defense program of our Nation in order that we may keep peace through preparedness.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) thirtieth day of November in the year of our  
Lord one thousand nine hundred and fifty-nine  
and of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 436  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the State of Delaware is facing a severe financial crisis; and

WHEREAS, the estimated deficit of the State forecast by the Joint Revenue Committee at about \$100,000,000 by 1965 demands that definite and specific economies be effected through reorganization of the governmental operations of the State; and

WHEREAS, legislative action on this basic problem of financial and governmental reforms should be accomplished before consideration of the next budget of the State of Delaware; and

WHEREAS, certain phases of governmental reorganization should be put into operation before the start of the next fiscal year; and

WHEREAS, only the General Assembly can pass upon legislation to meet this serious situation; and

WHEREAS, a provision of Section 16, Article III of the Constitution of the State of Delaware, authorizes and empowers the Governor of the State of Delaware by proclamation to convene the General Assembly on extraordinary occasions; and

WHEREAS, I find by reason of the foregoing that there does exist an extraordinary occasion; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware by virtue of the authority vested in me do hereby proclaim the following: That the 120th General Assembly of the State of Delaware shall convene at Legislative Hall in the City of Dover, Capital of the State of Delaware, on Thursday the tenth day of December, A. D., 1959 at 11:00 a. m. Eastern

Standard Time, for the purpose of meeting in joint session to hear a message of the Governor at 12:00 noon; and to then consider and act upon such legislation as recommended by the Governor to bring about basic governmental reforms and specific economies which would provide new protection for the taxpayers.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of December in the year of our Lord  
one thousand nine hundred and fifty-nine and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 437  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the State of Delaware, "First State" by virtue of being first to ratify the Constitution of the United States, was also among the early supporters of the first ten amendments to this historic document; and

WHEREAS, these ten amendments, since known as the "Bill of Rights", serve to guarantee, protect and preserve the civil liberties and personal freedom of all Americans, thereby distinguishing our form of government from the tyranny of totalitarian governments; and

WHEREAS, the right of freedom of speech, press, assembly, association and religious worship; the right of due process under law, and equal treatment under law are a priceless heritage which must constantly be safeguarded; and

WHEREAS, December 15, 1959, marks the 168th anniversary of the adoption of the "Bill of Rights"; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Tuesday, December 15, 1959, as

BILL OF RIGHTS DAY

in this state; and

FURTHER, I urge all Delawareans to pause on this significant occasion and give thanks to the Almighty for the foresight of those who drafted and adopted our Constitution and Bill of Rights, and for the courage and sacrifice of those who have fought to protect and preserve this document and our Nation. Also, let us ever strive to prove equal to the great responsibility that we, as loyal Americans, have acquired as part of our birthright.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) eighth day of December in the year of our  
Lord one thousand nine hundred and fifty-  
nine and of the Independence of the United  
States of America, the one hundred and eighty-  
fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 438  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, traffic accidents generally occur with greater frequency during Holiday Seasons than at other times of the year; and

WHEREAS, during December, 1958, as a result of a special statewide Holiday Safety Campaign, there was a marked reduction in traffic deaths and injuries, although 4 persons lost their lives and 148 were injured in needless traffic accidents during the period; and

WHEREAS, the present Holiday Season can be blessed with an ever-diminishing number of traffic accidents and their attendant casualties through the proper understanding and cooperation of drivers and pedestrians; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period from December 18, 1959, through January 3, 1960, as

HOLIDAY SAFETY TIME

in Delaware, and call upon everyone to participate by using more than usual care in observing traffic regulations, while driving or on foot, and by setting an example for other highway users in courtesy and consideration in the true spirit of this festive season; and

FURTHER, I call upon the people of Delaware to support and cooperate fully with all state, county and local safety officials in their accident-prevention efforts; and

FURTHER, I call upon all county and municipal officials to join forces with State agencies in an all-out traffic law enforcement program to be particularly applicable to minority of care-

less and indifferent persons who fail to comply voluntarily with the safety regulations designed for the protection of all; and

FURTHER, I call upon all public information media; and upon all organizations—religious, educational, civic, patriotic and business groups—to participate in every possible way to insure safety on our streets and highways during this Holiday Season.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) sixteenth day of December in the year of our  
Lord one thousand nine hundred and fifty-  
nine and of the Independence of the United  
States of America, the one hundred and eighty-  
fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 439  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the United States Committee for Refugees accomplishes a work of compassion which appeals to the hearts of Americans and merits public recognition; and

WHEREAS, it is shocking to realize that today the world still feels the dislocation of the greatest war in history; and

WHEREAS, despite efforts to ameliorate this condition by numerous benevolent agencies, there are still more than 2½ million displaced people; and

WHEREAS, effective participation in the work of the U. S. Committee for Refugees must be based on the full support of the American people; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby join President Eisenhower in proclaiming the period July 1, 1959 to June 30, 1960, as

WORLD REFUGEE YEAR

and I commend its observance to the people of this state.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-eighth day of December in the year of our Lord one thousand nine hundred and fifty-nine and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 440

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, for more than one hundred years, one of the greatest influences for good among the youth of our Nation has been the Young Men's Christian Association; and

WHEREAS, since their founding in 1851, the Young Men's Christian Associations of North America have consistently offered recreational and cultural programs that have benefitted thousands and thousands of men and boys; and

WHEREAS, the Y. M. C. A., as it is more generally known, adds greatly to the moral fibre of our young men, instilling in them a love of God and Country, and encouraging them to become healthy citizens through physical fitness programs; and

WHEREAS, one of the reasons for the notable and heart-warming record of the Y. M. C. A. is that succeeding generations of Y. M. C. A. officials have maintained its ideals on the highest level and never compromised in its high purpose; and

WHEREAS, it is most fitting that each year special attention be called to the services rendered and the gains made by an organization so vitally interested in the well being of our young people; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period of January 17-24, 1960, as

Y. M. C. A. WEEK

in the State of Delaware, and I urge all the people of our State to take part in the many special activities planned for this period.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of January in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 441  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, during the month of February, Americans everywhere traditionally observe the birthdays of two great presidents and national heroes; and

WHEREAS, the lives and accomplishments of these great men—George Washington, the “Father of our Country”, and Abraham Lincoln, who did so much to preserve our Union, have served and should continue to serve as a source of inspiration for all Americans; and

WHEREAS, it is becoming more and more important that all our citizens have full appreciation of the accomplishments and contributions of these and other great Americans to whom we, as a free people, owe so much; and

WHEREAS, during 1960, Delawareans are extending an invitation to others to “See the First State—First” and share our appreciation of Delaware’s traditions, heritage and many significant historic sites and shrines; and

WHEREAS, the National Society Daughters of the American Revolution is again sponsoring a nationwide observance of February as American History Month; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the month of February 1960, as

AMERICAN HISTORY MONTH

in Delaware and call upon all our schools—public, parochial and private—and our patriotic organizations to sponsor special and appropriate programs during this period to emphasize our great heritage and recognize the accomplishments, sacrifices and great

faith of those who helped build and those who helped preserve this great Nation of ours.

FURTHER, I urge that, during February, we re-visit Delaware's museums and historic shrines and also invite others to do so thereby making possible greater appreciation of the history and traditions of our own state.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) nineteenth day of January in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 442

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, for Delawareans of Ukrainian heritage the date, January 22, 1918, has special significance in that it was on this memorable occasion that the first Democratic Congress of an independent Ukrainian Government assembled in Kiev, capital city of Ukraine, and proclaimed Ukraine free and independent; and

WHEREAS, while the subsequent invasion of the Ukraine by a Communist Army resulted in a short-lived chapter in the annals of democratic government, the desire for freedom and independence still lives in the hearts and minds of the Ukrainian people; and

WHEREAS, this January 22 commemorates the Forty-second Anniversary of the establishment of a free Ukraine nation; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim January 22, 1960, as

UKRAINIAN INDEPENDENCE DAY

in the State of Delaware, and I urge Delawareans to join with their fellow Americans of Ukrainian extraction in commemorating the anniversary of the founding of a free democratic government in the Ukraine.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-first day of January in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 443  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Sunday, February 3, 1960, will mark the seventeenth anniversary of the sinking of the troopship *Dorchester*, which carried to their deaths four chaplains of three faiths who stood united in prayer as the ship went down; and

WHEREAS, it is fitting at a time when the freedom of the world is imperiled that the State of Delaware should give special recognition to the memory of those who sacrificed their lives for the cause of freedom; and

WHEREAS, the heroic deed of the four Chaplains and their combined act of supreme devotion and sacrifice for American liberty and human freedom will be an inspiration and ever-shining example of real Brotherhood for all time to the people of the world; and

WHEREAS, we must all see to it that their supreme sacrifice and that of their brave comrades to the common cause of human freedom and justice for all shall not have been made in vain; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate February 3, 1960, to be observed as

DORCHESTER DAY

and call upon all our citizens to commemorate the day through appropriate patriotic observance in public places and by prayers in their homes and houses of worship.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of January in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 444  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Boys Scouts of America will celebrate its golden anniversary during 1960, marking fifty years of service to the boys of the nation; and

WHEREAS, the program of Scouting has steadily grown until it now reaches five million boys and leaders, and since 1910 more than thirty-three and a half million people have been affiliated with the Boy Scouts of America; and

WHEREAS, its program of character development, citizenship training, and physical fitness is recognized by the American people as being a distinct asset in the training of youth, and that it is organized in every part of the United States; and

WHEREAS, the Boy Scouts of America has given fifty continuous years of vital service to the communities of the nation, in floods, tornadoes, hurricanes, and other times of public emergencies, and has rendered service to America in the Get-Out-the-Vote campaigns incident to the national elections of 1952 and 1956; and

WHEREAS, the Del-Mar-Va Council, Boy Scouts of America, in cooperation with community institutions throughout the entire State of Delaware has currently registered over ten thousand boy members in the State and is a powerful force in the strengthening of community and home relationships; and

WHEREAS, the people of the State of Delaware recognize the important contribution to the nation being made by the hundreds of thousands of volunteer adult leaders of Scouting who give of their time and resources to the leadership of Cub Scout packs, Boy Scout troops, Explorer units, assuring the community a high grade and dedicated leadership of the various Scouting units; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that the year 1960 be known as

**BOY SCOUT GOLDEN ANNIVERSARY YEAR  
IN DELAWARE**

and I call upon all citizens of Delaware to give the Boy Scouts of America their fullest cooperation and support so that more and more boys and young men between eight and eighteen years of age may be enrolled in the Boy Scouts of America.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-ninth day of January in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 445  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the inventive genius of Thomas Alva Edison has immeasurably advanced the frontiers of American science and the welfare of all mankind, and, by creating industries employing millions of people, had added greatly to the technology upon which America's pre-eminence largely rests; and

WHEREAS, recent events have shown that this strong scientific position is being seriously challenged; and

WHEREAS, in this age of limitless scientific horizons, our Country's need for men like Edison has never been more urgent; and

WHEREAS, the only long-range approach to meeting this need for scientific manpower is the motivation of more young Americans toward careers in science, and the removal of artificial barriers to preparation for these fields; now

THEREFORE, I, J. CALEB BOGGS, urge the people of this State, and its schools, teachers, parents, industries and civic organizations to encourage science and technology; and

I DO HEREBY PROCLAIM February 11, 1960, the 113th anniversary of Thomas Alva Edison's birth as

SCIENCE YOUTH DAY

A day on which the citizens of this State will do honor to the inspiring heritage of America's great inventive genius, Thomas Alva Edison, and will lend full support to all activities which dramatize to youth the unique challenges of science and invention in today's expanding universe.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) second day of February in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 446  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the rate of crime has continued to rise throughout the country; and

WHEREAS, the Federal Bureau of Investigation estimates the number of major crimes to be more than two million a year; and

WHEREAS, the dollar cost of crime has been reliably estimated at twenty billion dollars per year; and

WHEREAS, an estimated million adults are confined in penal institutions and an estimated million and half children and adults are under probation or parole supervision each year; and

WHEREAS, in Delaware alone, each year, approximately 7,000 men and women are committed to the State Correctional Institutions; and

WHEREAS, the need for reform in the State's Correctional System as part of the overall reorganization of our State Government has been previously demonstrated; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of February 7-13, 1960, to be

CRIME PREVENTION WEEK

in this state, and I urge all our citizens to cooperate to the fullest extent—not only this week—but throughout the year, with police and other authorities in their efforts to curb the rise in crime and to protect the lives and property of our people.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) fifth day of February in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 447  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the great religions of the world have taught the brotherhood of man since the dawn of history; and

WHEREAS, understanding and cooperation between men of all faiths were the foundations upon which our Nation's founding fathers built the structure of our liberty; and

WHEREAS, we in the State of Delaware, descendants of a great heritage, have daily cause to thank God for the blessings of religious and civil liberties, which have allowed us to prosper as free men; and

WHEREAS, our conviction in the need for understanding one another as men of different faiths is deep and abiding, and our rejection of bigotry and intolerance is firm and unyielding; and

WHEREAS, practicing brotherhood, on all our parts, is our best insurance that none of our traditional freedoms will be menaced or lessened; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the period February 21-28, 1960, as

BROTHERHOOD WEEK IN DELAWARE

and request all my fellow citizens to reaffirm their belief in brotherhood and their conviction that it must be constantly practiced; furthermore, I urge all Delawareans to cooperate with the National Conference of Christians and Jews, sponsors of Brotherhood Week, in arranging programs appropriate to this observance.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of February in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 448  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the public spirited women of Delaware joined together in 1898 to form the Delaware State Federation of Women's Clubs; and

WHEREAS, for 61 years the Delaware State Federation of Women's Clubs has had as its purpose the improvement of the educational, industrial, philanthropic, literary, artistic and cultural development of its citizenry; and

WHEREAS, The Delaware State Federation of Women's Clubs continues in its study and promotion of the needs of the State; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of May 22-28, 1960, as

DELAWARE FEDERATION WEEK

and urge all citizens to join in saluting the dedicated ladies who comprise our women's clubs and in giving proper recognition to their many worthy accomplishments.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of February in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 449

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, an appreciation of and participation in music is an important aspect of and a reflection of the high level of a community's culture; and

WHEREAS, our community's need for fine music is fulfilled in part by the Wilmington Symphony Orchestra which supplies symphonic music through the efforts and talents of our musicians, both amateur and professional; and

WHEREAS, the Wilmintgon Symphony Orchestra has as one of its major objectives the rendering of encouragement and assistance to young talented musicians through its scholarship plan; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of February 14 through February 20, 1960, as

## WILMINGTON SYMPHONY WEEK

and urge all citizens to give their utmost support to the Wilmington Symphony Orchestra, so that it may continue to enrich and elevate the musical life of our community.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this tenth day of February in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 450  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Girl Scouts of the United States of America have rendered continuous service to their country and communities since their founding on March 12, 1912; and

WHEREAS, the people of the State of Delaware are aware of the important contribution to community welfare being made by Girl Scout leaders through their work with the youth of the nation; and

WHEREAS, the Girl Scout organization has grown to more than 2½ million girl members and more than 700,000 adult leaders, who are each day living up to their Promise to Do Their Duty to God and Country, to Help Other People at All Times, and to Live By the Girl Scout Laws of loyalty, honesty, courtesy, cheerfulness, usefulness, kindness, and helpfulness to others; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim March 6-12, 1960, as

GIRL SCOUT WEEK

and March 12 as the 48th Anniversary of the founding of Girl Scouting in the United States of America. I, therefore, call upon all citizens to give the Girl Scouts now and in the coming years the fullest cooperation and support so that increasing numbers of girls may benefit from the splendid program of training in citizenship which the Girl Scout organization offers.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fifteenth day of February in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 451  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the American Red Cross, operating under a charter granted by the Congress of the United States, is dedicated to carrying out humanitarian ideals and the pioneer-day practice of neighbor helping neighbor both in our Nation and in our State; and

WHEREAS, this great organization for more than 75 years has helped to restore the battered lives of disaster victims; to safety-proof our nation and our state through training in first aid, water safety, and home nursing; to alleviate the personal and family problems of servicemen, veterans and their dependents, and to prepare young people, through Junior Red Cross, to become the responsible family, community, and national leaders of tomorrow; and

WHEREAS, the Red Cross, exemplifying the true spirit of humanity in action, is holding its annual fund-raising campaign in Delaware March 1 to 31st to finance its state and national services; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the entire month of March, 1960, to be

RED CROSS MONTH IN DELAWARE

and I urge all Delawareans to extend a generous hand in support of the great work of this world-wide humanitarian agency.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) sixteenth day of February in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 452  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, early in 1942—at a time when the future security and life of our Republic were in critical danger—the United States Navy formed its now world famous Construction Battalions, officially and popularly designated as the Seabees; and

WHEREAS, throughout the long months of World War II, nearly a quarter of a million Seabees worked night and day to provide the roadways, airstrips and shore installations, which enabled the armed might of our nation and its allies to prevail over the tremendous force of our enemies. In the Korean Conflict as well, Seabees were actively engaged in amphibious landings and had important roles in stemming the rising tide of communist aggression in that part of the world; and

WHEREAS, today, wherever the interests of our nation require them, the knowledge and ability of the Seabees are being used for the protection of the American people. Back of those on full time active duty is a strong and vitally energetic Seabee Reserve of construction men, trained and ready for further service to the country at any time the need arises; and

WHEREAS, on this 18th Anniversary of their formation, it is fitting that we all pay tribute to the gallantry and accomplishments of the Seabees; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim March 5, 1960, as

SEABEE DAY

in the State of Delaware and call the attention of our citizens to the proud record of the Seabees in supporting our Armed Forces.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-fourth day of February in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 453  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, World Day of Prayer will be observed this year in many places throughout the world where humble peoples, living against a background of universal tension and uncertainty, will bow their heads and lift up their hearts to Almighty God in prayer; and

WHEREAS, the church women of the State of Delaware will join on this occasion with church women in communities throughout the Nation to form an articulate and inspiring chain of human prayer; and

WHEREAS, the troubled peoples in less fortunate nations than ours, and indeed, even in our own beloved country, need Divine Guidance as never before, especially as this is stimulated through prayerful communion; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Friday, March 4, 1960, as

WORLD DAY OF PRAYER

in Delaware, and I urge our citizens to observe this day by attending, wherever possible, World Day of Prayer services, or pausing for a minute of prayer at high noon to ask God to give us, in all our humility, the wisdom and courage to meet and successfully solve the profound problems of our times.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-fifth day of February in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 454

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the Order of DeMolay is composed of young men ranging in age from fourteen to twenty-one years, who are seeking to become tomorrow's better citizens by developing character with boys of their own age; and

WHEREAS, the organization was founded by Frank S. Land, during the year 1919, at Kansas City, Missouri, and is now International; and

WHEREAS, all DeMolay members in the State of Delaware, will observe the period of March 13-20, 1960, as "DeMolay Week" in celebration of their 41st Anniversary so as to exemplify their many community and national activities, and in some way show recognition to all former DeMolays, now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of March 13 to March 20, 1960, as

## DEMOLAY WEEK

and call upon all our citizens to join in saluting the young men of the Order of DeMolay and in expressing our grateful appreciation for the fine example set by these young leaders in contributing to the welfare and character of other young men of this State thus aiding in the development and leadership of tomorrow.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-sixth day of February in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 455  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, last year ten workers in the State of Delaware were killed, and a much larger number were injured in accidents at their work places; and

WHEREAS, the loss to Delaware in dollars, in wasted skills, and in human bereavement is beyond calculation; and

WHEREAS, it has been demonstrated that none of those tragedies was inevitable; that methods exist or can be devised to eliminate almost all occupational accidents; and

WHEREAS, the President's Conference on Occupational Safety is meeting in Washington March 1-3, where three thousand leaders from all walks of life and all parts of the Nation will seek in concert to discover and devise means to reduce that toll; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby join with the President of these United States in establishing the week of February 28 to March 5 as

JOB SAFETY WEEK

and call on all the citizens of this State to join in making "Job Safety Week" a success and job safety a reality during all the weeks to come.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-sixth day of February in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 456

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the people of our state are dependent for their livelihoods upon our natural resources—soils, waters, forests, grasslands, minerals and wildlife which contribute in hundreds of ways to the growth and development of our industry, commerce and agriculture; and

WHEREAS, we should recognize the need for open spaces—the wilderness and scenic areas, fields, forests, grasslands, waters and shorelines—that are so vitally important to the physical and mental well-being of the ever-increasing numbers of citizens who find pleasure and relaxation in the out-of-doors; and

WHEREAS, the week of March 20 through 26 will be observed across the Nation as National Wildlife Week, a time set aside for people to give special attention to the problems of providing care for the lands and waters upon which all of us depend; and

WHEREAS, the 1960 Wildlife Week program focuses attention on the growing need for protecting our depleted water supplies that play such an essential role in almost every phase of our daily lives—in our homes, businesses, industries, and in providing us with wholesome recreation, now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the period March 20 through 26, 1960, as

NATIONAL WILDLIFE WEEK

in this state. I urge all citizens to acquaint themselves with natural resource problems and to study and support those programs that will provide protection of all our natural resources and particularly dwindling water supplies.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-first day of March in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 457  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Realtor Week is being celebrated across the nation from April 3 to April 9, by Realtors through their local boards, state associations and the National Association of Real Estate Boards in an effort to concentrate attention on the fundamental importance of widespread home ownership to the American way of life; and

WHEREAS, in this first vital year of an exciting new decade Realtors will play a significant role in creating the patterns of residential, commercial and industrial development that will become the hallmark of the sixties; and

WHEREAS, Realtors are dedicated to professional service in keeping with their rigid Code of Ethics and marked by a constant seeking for improved techniques; and

WHEREAS, Realtors are engaged throughout Delaware in many beneficial civic endeavors aimed at the general welfare, including the drive for efficiency and economy in government and the non-partisan program to encourage citizens to take a more active part in the affairs of their local, state and national government; and

WHEREAS, Realtors are ever alert to real estate problems and have taken the lead in their solution through such activities as the Build America Better program under which expert advice is made available to communities for urban renewal; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of April 3 to 9, 1960, as

REALTOR WEEK

in Delaware, and urge all citizens to take due notice of the informative programs planned by Realtors during the week.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of March in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 458  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, in November, 1637, an expedition of the New Sweden Company consisting of two ships, the "Kalmar Nyckel" and the "Fogel Grip", left Gothenburg, Sweden, to establish a colony in the Delaware River Valley, and during the latter part of March 1638, the two ships anchored off the so-called "Rocks" on the Christina River; and

WHEREAS, this land, having been purchased from five Indian chiefs by Peter Minuit, became Swedish property on March 29, 1638; and

WHEREAS, Fort Christina was the first settlement of the Colony of New Sweden, and the first permanent settlement in the State of Delaware, and this and successive settlements of the Colony of New Sweden marked the beginnings of government, religion, education, agriculture, commerce and industry in the state; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, by authority of the General Assembly, proclaim Tuesday, March 29, 1960, as

DELAWARE SWEDISH COLONIAL DAY

and request citizens of our state in schools, churches, patriotic and historical societies and other organizations to join in appropriate observance of this historic day and to display the national and state flags on our public buildings.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-third day of March in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 459

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we live in a world which demands a re-dedication to the enduring intellectual and spiritual values essential to the progress of a free people in a free society; and

WHEREAS, our libraries make accessible the accumulated experience of all mankind, from which present and future generations may derive the wisdom and understanding vital to our national survival; and

WHEREAS, the development of life-time reading habits are necessary for individual fulfillment and for achieving the highest qualities of citizen-capability; and

WHEREAS, the freedom to read is the responsibility and privilege of all people in a democracy; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of April 3 to 9, 1960, as

LIBRARY WEEK

and urge all citizens to unite in this national effort to achieve a better-read, better-informed America, to stimulate interest in libraries of all kinds—to the end that we realize the full potential of our national purpose.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this

(GREAT SEAL) twenty-fourth day of March in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 460  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Sixteenth Rifle Company, United States Marine Corps Reserve, the only organized Marine Corps Reserve unit in Delaware, will observe its seventh anniversary on April 1; and

WHEREAS, because this unit has been ever conscientious and faithful in the performance of its duty to the state and nation; it merits the approbation of all the citizens of Delaware for extreme devotion to the continued preparation for defense; and

WHEREAS, its members faithfully give of their time in order that they may be fully prepared for any emergency, for which we owe them a debt of gratitude; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby reserve and proclaim the first day of April, 1960, as

MARINE CORPS RESERVE DAY IN DELAWARE

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-eighth day of March in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 461  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the future of our state and nation lies in the hands of the youth of today, and, therefore, one of our greatest obligations is to help to develop in today's young people the qualities that will enable them to make the most of that future; and

WHEREAS, qualities of temperance, respect for law, and a high sense of responsibility for the common welfare are essential qualities for the maintenance and development of healthy, happy and successful human lives and a high degree of social progress; and

WHEREAS, civic, educational, religious, social and other organizations can and do make a substantial contribution to the development of high moral, spiritual and social standards by progress of temperance education for youth; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period April 24-30, 1960, as

YOUTH TEMPERANCE EDUCATION WEEK

and urge that all citizens give particular attention and support to the strengthening in youth of those moral qualities of temperance and responsibility which are so important to the future of our civilization.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this fourteenth day of April in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 462

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, since the beginning of the Republic our citizens have relied upon laws and independent courts to protect their rights and property, to resolve private controversies and to foster the nation's spiritual, social and economic development; and

WHEREAS, this voluntary acceptance of the rule of law is a vital element in American life; its preservation and strengthening are essential to the national welfare, and the extension of the principle of the supremacy of law can become a tremendous force for world peace; and

WHEREAS, the first day of May has, by Presidential proclamation, come to be observed annually as LAW DAY USA, for the purpose of fostering increased respect for law and a deeper understanding of the place of law in our daily lives, as well as focusing public attention on the potential of law as an instrument for resolving disputes between nations; and

WHEREAS, since May 1 in 1960 falls on Sunday the observance will serve to symbolize the freedom of religious worship which is a basic American right established by the Constitution and protected by our laws, in contrast with the lack of religious liberty in Communist lands where this date is traditionally a time for display of military power; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, May 1, 1960, as

LAW DAY IN DELAWARE

and I urge the people of this state to join in its observance in the churches, in the schools, the courts, and before private organizations of all kinds.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twentieth day of April in the year of our Lord  
one thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 463

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, this State and Nation owe their present prosperity and the bright promise of their future to the lifelong efforts and sacrifices of those we respect and honor as SENIOR CITIZENS; and

WHEREAS, we now widely recognize the injustice of depriving our people of opportunities to enjoy a happy and useful life beyond middle age, especially in those cases where men and women possess trained skills and valuable experience which can benefit their respective communities; and

WHEREAS, the number of Senior Citizens (65 years of age and over) in Delaware in the eight years from 1950 to 1958 increased more than 20% and is now over 32,000, in an estimated population of 454,000 thus emphasizing the size and importance of this group; and

WHEREAS, while widespread undertakings have been launched at National, State and local levels to solve the problems of the aging, we cannot hope to succeed in these projects without the full understanding, sympathy and co-operation of all our people; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do designate and set aside the month of May, 1960, as

SENIOR CITIZENS MONTH

in Delaware and urge all citizens of our state to observe this month by showing personal concern for the health, well being and happiness of our Senior Citizens at home, at work and at leisure, and especially by visiting those who are confined by illness or incapacity in hospitals, nursing homes and other establishments.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-first day of April in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 464  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, this is a period of constant change, and these changes affect each family member in each home and each community; and

WHEREAS, the wife and mother has much responsibility for managing the home and influencing the character of each family member; and

WHEREAS, family living in Delaware has been strengthened through the home demonstration program under the leadership of the professional home economics extension staff of the University of Delaware; and

WHEREAS, this program offers Delaware homemakers educational services

in planning and managing family resources,  
in good health, human relations and safety.  
in consumer information on foods, clothing,  
equipment and furnishings; and

WHEREAS, more than 2400 members of the home demonstration clubs and many other homemakers in Delaware participate in this significant educational program for adults; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the week of May 1 through May 7, 1960 as

HOME DEMONSTRATION WEEK

in Delaware for the purpose of paying tribute to the homemakers who participate in this program which contributes so much to the adjustment of families to changing conditions.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-sixth day of April in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 465  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the handicapped citizens of our city need the help of the community in order to help themselves; and

WHEREAS, many handicapped people are willing and able to work but are denied the opportunity to do so because they lack training or work experience; and

WHEREAS, the Goodwill Industries of Wilmington is an organization providing training for normal employment and sheltered employment for handicapped people; and

WHEREAS, the Goodwill Industries of Wilmington depends upon the support of all citizens of the community, primarily through contributions of usable clothing and household articles, to make possible its program of training and employment; and

WHEREAS, the period of May 1-7, 1960 has been set aside nationally as a time of official recognition for the expression of good will toward handicapped people through the Goodwill Industries program; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim May 1-7, 1960 as

GOODWILL WEEK

in and for this state and urge all our citizens to extend their good will toward handicapped people through Goodwill Industries and other agencies assisting in this important program.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-sixth day of April in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 466  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, By Public Law #85-529 of the 85th Congress, H. J. Res. 479, in joint resolution, July 18, 1958, the House of Representatives and the Senate of the United States, May 1st of every year, has henceforth been designated as National Loyalty Day and approved by President Eisenhower on July 18, 1958; and

WHEREAS, an opportunity has been provided annually for every citizen to reaffirm his faith in the United States of America through a program sponsored by the Veterans of Foreign Wars of the United States; and now and in the future National Loyalty Day will provide even greater inspiration for citizens of these United States to rededicate themselves to the principle that brought us freedom; and

WHEREAS, there have been periodical attempts over the last two centuries to stifle and destroy those hard-won rights of free speech, freedom of the press and the right to worship as one chooses; and

WHEREAS, each of us should make a personal pledge to uphold these God-given rights in the defense of which thousands of our fighting forces have died on battlefields all over the world; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, pursuant to the joint resolution of the Congress assembled do hereby proclaim May 1, 1960, as

LOYALTY DAY

I urge that every man, woman and child in this state join in a demonstration of his or her undivided allegiance to the government of the United States and the ideals which it defends and

preserves. I further hope that all civic groups will join on that day, to give expression to that loyalty through public demonstrations of all kinds; through the display of our National Emblem and through cooperation with our overseas veterans whose devotion and courage continue in peace as sponsors of this observance.

I especially urge our citizens to join the Veterans of Foreign Wars at the annual observance to be held at 2:00 p. m., Sunday, May 1, 1960, at Cooch's Bridge, the spot where our national emblem was first unfurled in a ground skirmish.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-sixth day of April in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 467

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Veterans of Foreign Wars of the United States, a patriotic organization comprising some 10,000 individual posts with a million two hundred thousand members, will observe its 61st anniversary during 1960; and

WHEREAS, this organization was Congressionally chartered by, and remains as a group of America's finest fighting men who have undergone unusual hardships in every war or expedition in which the Nation has participated since the Spanish-American War; and

WHEREAS, this overseas veteran fraternity is today serving its country in peace as it did in war, by sponsoring and successfully concluding more than 600,000 different community service projects annually, all aimed at improving communities, states and Nation; and

WHEREAS, the V. F. W. has in recent years won ten consecutive Freedoms Foundation Awards for its untiring and diligent Loyalty Day and similar Americanism programs, seeking to rid this country of all Communists and other un-American groups and philosophies; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim and designate the week of May 1-7, 1960, as

NATIONAL V. F. W. WEEK

in Delaware, and urge all of our citizens to take this opportunity to further acquaint themselves with the outstanding accomplishments and programs of this great organization.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-ninth day of April in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 468  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the radio stations in the State of Delaware have and are rendering invaluable services by providing fine entertainment and essential information; and

WHEREAS, our radio stations, often called the heartbeat of Main Street, have consistently volunteered their assistance in the promotion of civic projects and placed their facilities at public disposal in time of crisis; and

WHEREAS, the radio industry, sensitive to community needs and objectives, has contributed much to the economic, technological and cultural development of the United States and occupies a significant position in the maintenance of its welfare and national security; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the month of May, 1960, as

RADIO MONTH

in the "First State", and call upon all citizens to take note of the achievements of the radio broadcastings industry and the men and women associated with it. I would further urge that the many institutions, civic organizations, governmental departments, churches, and schools which have benefited through the promotion of their efforts by our radio stations take this time to show their appreciation of the excellent support which this media has always willingly offered every worthy enterprise.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fourth day of May in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 469

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is only fitting and proper that a specific day be set aside for the purpose of honoring our Mothers; and

WHEREAS, due in large measure to the indefatigable efforts of Miss Anna Jarvis, more than a half century ago, the Congress of these United States and the General Assembly of the State of Delaware, established the second Sunday in May as Mother's Day; and

WHEREAS, the unselfish devotion, tenderness, understanding, patience and loving discipline, bestowed upon us by our Mothers, creates a benevolent influence that can—and should—guide us throughout our lives; and

WHEREAS, we can best discharge our great debt to our Mothers by living such lives as to reflect only credit upon those who brought us into the world and carefully guided and nurtured us to maturity; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, May 8, 1960, as

MOTHER'S DAY

in Delaware and urge all our citizens, regardless of age, to take this opportunity to honor their Mothers, both living and deceased, by attending at least one service in the church of their choice for solemn recognition of the sacrifice, love and inspiration given so freely by Mothers.

Further, I invite all Delawareans to join with me in saluting, on this occasion, Mrs. Harry Mayer, Sr., Dover, who, as our 1960 Delaware Mother of the Year, is a symbol of all Delaware Mothers.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) fourth day of May in the year of our Lord  
one thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 470  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Girls Clubs of America, Inc., since their founding fifteen years ago, have rendered continuous service to their communities; and

WHEREAS, we, the People of DELAWARE, are aware of the important contribution to community welfare being made by the Wilmington Girls Club and by the volunteer leaders at the club; and

WHEREAS, the Girls Club organization has grown to 92 Girls Club operations in 21 states and Canada, all providing a daily after-school program of activities in homemaking, citizenship, physical education, recreation and culture; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of May 8 through May 14, 1960 as

NATIONAL GIRLS CLUB WEEK

in Delaware, and call upon all citizens to give their fullest cooperation and support so that increasing numbers of girls may benefit from the training and guidance given within the Girls Club.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) ninth day of May in the year of our Lord one  
thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 471  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is a custom in the United States to choose a Miss America on the basis of talent, charm and beauty; and

WHEREAS, a scholarship for the furtherance of Miss America's education is provided; and

WHEREAS, in preparation for this event a Miss Delaware Pageant will be held in Wilmington on May 14 in order to select Delaware's representative in the National Contest in Atlantic City, New Jersey; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate May 14, 1960 as

MISS DELAWARE DAY

and do bring to the attention of our citizens the fact that on this day one of the outstanding daughters of Delaware will be selected as Miss Delaware for 1960 on the basis of her talent, charm and beauty.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this tenth day of May in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 472  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the armed forces of the United States represent that arm upon which we rely for national security, in order that we may continue to enjoy the free way of life proposed for us in our initial documents of government; and

WHEREAS, it is important that citizens everywhere understand fully the duties, preparations and advancements in providing a strong defense establishment so that Freedom may be more fully ensured; and

WHEREAS, it is in the public interest that a day be set aside annually when our citizens have an opportunity to inspect those establishments within our state, along with our armories, headquarters for reserve units and all other activities that support a military program; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Saturday, May 21, 1960, as

ARMED FORCES DAY

in Delaware, and I direct the Adjutant General of the State and all others who may have official positions in our military establishments, to arrange such programs and events necessary to afford our citizens an opportunity to see for themselves the manner in which all branches of our Armed Forces—active and reserve—are working, in unity, in building and maintaining an adequate defense system for the State and Nation. I also urge all citizens to see our defense establishments on this day and where possible help provide programs appropriately marking the occasion.

FURTHER, I request display of the Flag of the United States and Delaware State Flag at all appropriate places on that day.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) thirteenth day of May in the year of our Lord  
one thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 473  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, pursuant to a Joint Resolution of Congress dated May 20, 1933, each year the President of the United States issues a proclamation declaring May 22 as National Maritime Day; and

WHEREAS, the date of May 22 commemorates the sailing of the American Steamship "Savannah" from Savannah, Georgia, in 1819, on the first successful crossing of the Atlantic Ocean under steam propulsion; and

WHEREAS, the Merchant Marine has assumed an indispensable role in the conflicts in which our nation has been engaged, and the transportation of our people and the world-wide flow of our goods both in peace and war depend upon an adequate and efficient merchant fleet; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, May 22, 1960, as

NATIONAL MARITIME DAY IN DELAWARE

and urge all citizens to join in this nation-wide observance in honor and recognition of the accomplishments of our Merchant Marine.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this thirteenth day of May in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 474

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, it is only fitting and proper that grateful Americans everywhere should, on a designated "Memorial Day", pause to pay tribute to the hallowed memory of our heroic war dead, and to honor those who served their nation's cause and have since gone to their reward; and

WHEREAS, it is our solemn duty to perpetuate this custom, established in 1868, by gathering in public places, before memorials and in cemeteries to pay our respect to the bravery, valor and sacrifices of those who fought and died that America might remain free; and

WHEREAS, the President of the United States of America, by the authority of the Congress, has set aside May 30, 1960 as a day on which we should pay tribute to the memory and deeds of our honored war dead; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare that we follow the example set in the proclamation by the President of the United States of America and that we observe Monday, May 30, 1960 as

## MEMORIAL DAY

FURTHER, I urge all Delawareans to participate in exercises, graveside ceremonies and other memorials so as to insure grateful remembrance of the sacrifice made by our war dead. I also urge that the Flag of the United States of America and of the State of Delaware be properly displayed from all state buildings and institutions on this day, with the national and state colors to be flown at half-mast until noon and then raised high for the remainder of the day as evidence that we, as good Americans, remember the pain, suffering and death of those who preserved our freedom and the American Way of Life.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) thirteenth day of May in the year of our Lord  
one thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 475

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we have entered a decade which will give the citizens of our State—and our country—more leisure time than has ever before been enjoyed by so many people; and

WHEREAS, the National Recreation Association points out that such leisure, used wisely, can make every citizen more valuable to himself as well as to his community because as he expands his horizon of interests he expands his usefulness to society; and

WHEREAS, the State of Delaware, with its many and varied recreation facilities, offers vitrually unexcelled opportunities for cultural and spiritual refreshment as well as relaxation; and

WHEREAS, Delawareans are currently extending an invitation to our friends in other areas to "See the First State—First—in '60" and to share the enjoyment of seeing historic, scenic Delaware; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the month of June, 1960 as

NATIONAL RECREATION MONTH

and urge the citizens of Delaware and the many guests who visit our hospitable state to make the wisest possible use of their leisure time by visiting and enjoying the varied recreation facilities available here, and to support our many recreation programs so that all of us may truly "find new worlds through recreation".

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-fourth day of May in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 476  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the agricultural economy and the welfare of thousands of people on the Delmarva Peninsula is greatly dependent on the broiler chicken industry; and

WHEREAS, the production and distribution of poultry under the name of "Delmarvalous Chicken" has caused this product to be widely accepted by discriminating purchasers for use as fryers, broilers, roasters, barbecues and other tastily prepared dishes; and

WHEREAS, chicken is a food with health-giving qualities for young and old and is especially adaptable in dietary feeding because of its high protein content; and

WHEREAS, it is fitting that each year during the annual Delmarva Chicken Festival, we call special attention to those growers, feed producers and marketers of this delectable food product who do so much to enhance the economy of our area; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside and proclaim the week of June 13 through June 18, 1960, as

DELMARVALOUS CHICKEN WEEK

in Delaware and I urge the citizens of Delaware to participate fully in the 13th Annual Delmarva Chicken Festival at Selbyville, Delaware, June 17-18, and especially the afternoon and evening of Friday, June 17 for the major festivities including a colorful parade, crowning of Miss Delmarva XIII and many other attractions, in order to become better acquainted with this great industry.

FURTHER, on behalf of the citizens of Delaware, I congratulate all those who are making this festival possible and through whose enterprise the Delmarvalous Chicken is becoming world-famous.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) third day of June in the year of our Lord one  
thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 477

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the people of the United States of America since the days of George Washington have rallied to the defense of this nation and its banner—the Stars and Stripes; and

WHEREAS, tradition has it that the American flag designed by Betsy Ross was first unfurled in battle at Cooch's Bridge, here, in the State of Delaware; and

WHEREAS, hundreds of Delaware's sons through succeeding generations have followed this emblem of our unity, strength and ideals, and many have perished in the effort to keep it aloft; and

WHEREAS, it is particularly important today for all of us to not only display our loyalty to our nation and flag, but to express the unity of purpose with which we follow all our endeavors; and

WHEREAS, National Flag week will be observed this year from June 12 through 18 with particular emphasis on Flag Day—June 14—the anniversary of the adoption by the Continental Congress in 1771 of the Stars and Stripes; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of June 12 through 18, 1960, as

NATIONAL FLAG WEEK IN DELAWARE

and I urge that our national emblem be flown daily during the week from all public, industrial and commercial buildings, and that it be displayed at the homes of our citizens as an expression of our sincere faith in and love for United States of America.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) ninth day of June in the year of our Lord one  
thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 478

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is only fitting and proper that we should set aside a specific day to honor our fathers; and

WHEREAS, it was the fathers of our land who built this great democracy through their sturdy devotion to liberty and love of freedom; and

WHEREAS, we look to our fathers as the moulders of tomorrow's citizens, the builders of good family life and the foundation of our future, and the teachers of our young in the importance of good ethics, fair play, peace and brotherhood throughout the world; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, June 19, 1960, as

FATHER'S DAY

and call upon all the citizens of this State to observe it in worship and in displaying the American Flag and otherwise commemorating the occasion so that we may properly express our appreciation of the blessings that result from good fatherhood and a strong family life.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fourteenth day of June in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 479  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on July 4, 1776, the Declaration of Independence proclaimed to all the world that this new nation, conceived in the Spirit of Freedom under God, guaranteed to all men their inherent right to life, liberty and the pursuit of happiness; and

WHEREAS, Delaware patriots played important roles in bringing about the adoption of this significant document and in ultimately paving the way for Delaware to become the First State in the young union; and

WHEREAS, this declaration and the new great Nation to which it gave birth stands as a fount of hope and promise not only to Americans but also to the people of all the world; and

WHEREAS, on July 4, 1960, patriotic Americans everywhere will—and should—observe, in the form and intent of the founding fathers, the 184th anniversary of the signing of the Declaration of Independence; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that Monday, July 4, 1960, shall be observed in this state as

INDEPENDENCE DAY

FURTHER, I order that the flag of the United States of America, and the Delaware State Flag, be properly displayed from all state and public buildings on this day, and urge that all our citizens join in the showing of our national colors in commemoration of this great event in our history.

It is my further hope that, while our citizens are enjoying this holiday, they will give proper thought to the reason for the

observation and pause long enough during the holiday period to give thanks to Almighty God for the blessings we enjoy as citizens of this Great Republic.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of June in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 480

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, pleasure boating has become one of America's leading family participating recreational sports, with an increase of 600% in the number of craft afloat since 1946; and

WHEREAS, the public is becoming increasingly aware that pleasure boating is an activity which benefits the entire community by being a wholesome family recreation, an asset to the appearance of waterfront areas, and a vital tool of civil defense in times of emergency; and

WHEREAS, the Congress of the United States, by a joint resolution approved June 4, 1858, has authorized and requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week; and

WHEREAS, this week is being set aside to call the attention of pleasure boatmen to the need for knowing and observing the basic rules of safe boating and for maintaining their craft in good mechanical condition; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the week beginning July 3, 1960, as

SAFE BOATING WEEK

in Delaware, and I invite all the people of this state who are interested in boating, including boating organizations, the boating industry, state agencies and other groups to join in this observance. I urge them during this week and throughout the entire year to follow safe boating practices and to exercise courtesy on the waterways.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-fourth day of June in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fourth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 481  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Fourteenth Annual All-Women Transcontinental Air Race will cover a nine-state course from Torrance, California to New Castle County Airport in Delaware; and

WHEREAS, this will be the first time that this race will terminate in the First State; and

WHEREAS, the contestants are all members of the "Ninety-Nines, Inc." a thirty-year old organization of licensed women pilots whose membership exceeds 1500; and

WHEREAS, the purpose of the race is to stimulate interest in private aviation; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period July 9 through 15 as

"WOMEN IN AVIATION WEEK"

in the State of Delaware. I invite all citizens of The First State to join in welcoming the "Ninety-Nines" to our state.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this seventh day of July in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 482

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and

WHEREAS, the peoples of these Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

WHEREAS, the citizens of this State and Nation are linked by bonds of family and principle to those who love freedom and justice; and

WHEREAS, by a joint resolution approved July 17, 1959, the Congress authorized and requested the President of the United States of America to issue a proclamation designating the third week in July, 1960, as "Captive Nations Week", and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the week beginning July 17, 1960, as

CAPTIVE NATIONS WEEK

in Delaware.

FURTHER, I urge all citizens of this State to join with other freedom-loving Americans in observance of this week, with appropriate ceremonies and activities and to recommit themselves to the support of the just aspirations of all captive peoples.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of July in the year of our Lord one  
thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 483  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, since the settlement of this state by our forefathers, agriculture has continued to be one of our most important industries; and

WHEREAS, the Kent and Sussex Fair at Harrington annually affords opportunities for our farmers and farm families, and members of 4-H Clubs, F. F. A. Clubs, Granges, and similar organizations to exhibit the fruits of their labor; and

WHEREAS, this event likewise affords an opportunity for our urban populations to view these fine displays and recognize the essential roles of our agricultural citizens in raising the standards of living in both our state and nation; and

WHEREAS, this fair, in addition, serves as an attraction to our neighbors in other states and as an excellent means of publicizing the Diamond State's importance in supplying foodstuffs to eastern metropolitan areas; and

WHEREAS, the 41st consecutive year in the Kent and Sussex County Fair's history finds the grounds, buildings and equipment improved in such manner as to make this the greatest fair ever held in our state; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside the week of July 25 through 30, 1960, as

FAIR WEEK IN DELAWARE

and strongly urge our citizens to avail themselves of the educational and entertainment facilities provided by the Kent and Sussex Fair, which in effect serves as the state fair of Delaware.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) eleventh day of July in the year of our Lord  
one thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 484

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Delaware, as one of the Nation's leading states in fishing, agriculture, chemical and synthetic manufacturing, food packaging and culture, requires and deserves an effective and dependable defense against air attack by hostile peoples; and

WHEREAS, Since 1954 Nike surface-to-air guided missiles of the United States Army Air Defense Command have provided and will continue to provide Delaware with this constant, dedicated, effective protection; and

WHEREAS, It behooves all citizens to understand more clearly the organization, equipment, fundamentals, mission and capabilities of Army Air Defense; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do designate July 26, 1960, as

ARMY AIR DEFENSE DAY

in Delaware and urge all citizens of this state to avail themselves of the opportunity to witness the demonstrations of Air Defense equipment which will be presented at the State Armory at Dover, the afternoons and evenings of July 26-27, as part of the observance of Army Air Defense Day.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-fifth day of July in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 485  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, a group of interested citizens, led by Chief of Police J. J. Walling and James F. Godsey, both of New Castle, organized, in 1958, Delaware's first statewide Junior Fishing Rodeo; and

WHEREAS, the object of this organization is to provide healthful recreation for boys and girls and to bring them closer to the wonders of nature; and

WHEREAS, it is an established fact that boys and girls who make good use of their time strengthen the moral fibre of the community in which they live and build happier and more productive lives; and

WHEREAS, this year's Junior Fishing Rodeo promises to be even more widespread and more successful than the highly satisfactory Junior Fishing Rodeos held the past two years; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby declare Saturday, August 20, 1960, as

DELAWARE FISHING RODEO DAY

and urge all Delawareans—and particularly those under 16 years of age, for whose benefit the Delaware Junior Fishing Rodeo is staged—to fully support this most worthy civic undertaking.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) fifth day of August in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 486  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the common good and economic stability of our Nation and of this State have been enhanced by the continued existence of a Comprehensive Social Security system; and

WHEREAS, the well-being of the people of this State is foremost in importance not only to the government but to all citizens; and

WHEREAS, the accomplishments of the old-age and survivors insurance, the public assistance, the child health and welfare, and the unemployment insurance programs have done much to promote this purpose; and

WHEREAS, the Social Security system has now been recognized as vital to the economy of our society; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, on the occasion of the twenty-fifth anniversary of the signing of the original Social Security Act, do hereby designate the week beginning August 15, 1960, as

SOCIAL SECURITY WEEK

and I ask that all citizens take cognizance of this event.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twelfth day of August in the year of our Lord  
one thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 487  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, here, in Delaware, we are signally blessed with the Nation's highest per capita income, indicative of a thriving economy, and with employment that is approaching a new all-time high; and

WHEREAS, due to a generally good labor-management relationship, a pattern of labor peace prevails in our State, assuring continuation of our economic growth and eventual attainment of new highs in employment and personal income; and

WHEREAS, the skill, ingenuity and courage of our workers are serving to raise the standard of living for all our citizens; and

WHEREAS, it is fitting that the contributions of working men and women to the economy and welfare of our State should be suitably recognized; and

WHEREAS, the first Monday in September is traditionally set aside to honor the workers of America; and now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Monday, September 5, 1960, as

LABOR DAY

and urge the observance of this day by all our citizens with appropriate ceremonies and the display, on all state and public buildings, of the flags of the United States and the State of Delaware.

FURTHER, I invite everyone to join me in saluting those whose daily work makes possible the abundant life we all enjoy.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) second day of September in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 488

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the annual Pushmobile Derby, sponsored by the Delaware Association of Police, is one of the finest organized efforts for the benefit of the youth of our state and provides valuable training in sportsmanship; and

WHEREAS, these competitive races for the youth of Delaware reflect the interest of our police authorities in providing better understanding and good fellowship between themselves and the younger generation; and

WHEREAS, this annual event is statewide in scope, attracting boys and girls from all sections of Delaware; and

WHEREAS, the civic minded organizers of Pushmobile Track, Inc., have shown extreme interest in our youth by building a safe, attractive racing strip and have continued to expand and improve facilities for this annual event for which the public owes them a vote of thanks; and

WHEREAS, the Fourteenth Annual Pushmobile Derby will be held at the Derby Track at Milford Cross Roads, near Newark, Delaware, on Saturday, September 10; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Saturday, September 10, 1960, as

PUSHMOBILE DERBY DAY IN DELAWARE

FURTHER, I urge Delawareans of all ages to attend the races at Milford Cross Roads; to lend encouragement to our youth who compete there; and to let those sponsoring and operating the Pushmobile Derby know how pleased we all are with their efforts in behalf of our young people.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of September in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 489

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, our freedom as individuals and our growth as a Nation have their beginnings in the Constitution of the United States, signed at Philadelphia on September 17, 1787; and

WHEREAS, this document not only formed the foundation for our own nation but provided a pattern for many other nations that later sought liberty and justice under law; and

WHEREAS, we, as Delawareans take special pride in the fact that our state was the first to ratify the Federal Constitution; and

WHEREAS, it is most fitting that all our citizens, both native-born and naturalized, observe the birthday of the Constitution and reaffirm their determination to protect and make fullest possible use of the rights guaranteed by the Constitution of the United States; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that Saturday, September 17, 1960, shall be observed in "The First State" as

CITIZENSHIP DAY

FURTHER, in order that ample opportunity may be provided to give solemn and grateful thought to that eventful week in September, 1787, when our Constitution was signed, laying the foundation for the birth of a new nation, I designate the period beginning September 17 and ending September 23, 1960, as

CONSTITUTION WEEK

and urge that our schools, colleges, churches, veteran and other patriotic organizations mark Citizenship Day and Constitution Week with appropriate ceremonies and activities stressing the full significance of American citizenship.

I also order that the national and state flags be flown from public and other buildings as visual reminders to all of us to protect and practice the rights and privileges granted by the Constitution and sustained and defended by generations of dedicated Americans.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of September in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 490  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the men and women who comprise the organized labor movement in this State contribute in a substantial degree to our economic stability; and

WHEREAS, the purchasing power of a preponderant majority of our people in all walks of life has been increased by labor's program for economical and social advancement; and

WHEREAS, as the direct result of labor's endeavors to obtain for the wage earners a more suitable share of the fruits of their labor, business has benefitted through increased productivity, an expanded market and greater purchasing power among our people; and

WHEREAS, the purchase of Union Label goods and the patronage of services designated by Shop Cards and Service Buttons by an ever-increasing number of our people are conducive to the maintenance and improvement of our high standard of living and of desirable working conditions; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period of September 5 through 11, 1960, as

UNION LABEL WEEK IN DELAWARE

and call on citizens to observe the week as further recognition of the contributions of organized labor to the economic stability, increased productivity, and constantly improving living and working conditions of our people.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) seventh day of September in the year of our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 491  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, good eyesight is one of the most wonderful gifts a benevolent Providence has bestowed upon mankind; and

WHEREAS, our eyes enable us to see and know and understand each other and the world in which we live; and

WHEREAS, at least one-half of blindness, foe of human vision, can be prevented and thus need not occur; and

WHEREAS, as citizens we owe it to ourselves and those we love to guard our eyesight as we would guard a precious treasure; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, in cooperation with the Delaware Commission for the Blind, do hereby designate September, 1960, as

SIGHT-SAVING MONTH

and call upon the citizens of the State of Delaware to learn and follow the habits of good eye care, to prevent future blindness for themselves and for their children, and to make it possible for all to enjoy the full benefits of one of their most precious possessions—their eyes.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this eighth day of September in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 492  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the health of our citizens is of vital concern to the community, nation, and world; and

WHEREAS, November will mark the 1960 annual campaign by Muscular Dystrophy Associations of America, Inc., to combat the fear inspiring disease of unknown cause or cure which has stricken more than 200,000 Americans—a majority of them children; and

WHEREAS, this campaign offers almost the only source of hope that innocent youngsters, most of whom are doomed to complete crippling and death before reaching maturity, may yet be spared by virtue of the extensive medical research program now being conducted through contributions to the "March for Muscular Dystrophy"; and

WHEREAS, success of this year's fund appeal, to be conducted November 14 through 25 will create increased opportunity for important advances in the research fight against this relentlesscrippler; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate the month of November, 1960, as

MUSCULAR DYSTROPHY MONTH

in Delaware, and proclaim the period, November 14 through 25, 1960, as

MARCH FOR MUSCULAR DYSTROPHY WEEK

in this state. FURTHER, I urge Delawareans, where possible, to volunteer as Marchers in the 1960 March for Muscular Dystrophy and all citizens to support this worthy cause to the best of their means.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-fourth day of October in the Year of  
our Lord one thousand nine hundred and sixty  
and of the Independence of the United States  
of America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 493

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is fitting to pay tribute on October 27, traditionally observed as Navy Day, to our great Navy and to the "Father of our Modern Navy"—the twenty-sixth President of the United States, Theodore Roosevelt; and

WHEREAS, the seven-day period beginning October 23 will be observed by U. S. Navy ships and stations around the globe as Navy Week; and

WHEREAS, it is particularly appropriate in these times that we know and appreciate the strength of our Navy—a "Flexible Force for Freedom"; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim the period, October 23 through October 29, 1960, as

NAVY WEEK

in this state, and urge all our citizens, during this special week, to become better acquainted with and to more fully appreciate our great naval traditions, and the men and women, ships and installations comprising our modern Navy.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-fourth day of October in the Year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 494  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the future of our country and that of the world depends upon our youth; and

WHEREAS, a strong moral character, a spirit of patriotism, and a sense of responsibility permeating our young people are essential to the overall strength and progress of our Nation; and

WHEREAS, the millions of young Americans who take part in National Catholic Youth Week recognize their obligations before God and Country to prepare themselves spiritually, mentally and physically for leadership by deed and example in the years ahead; and

WHEREAS, Catholic Youth work together to insure these goals; and

WHEREAS, spiritual motivation is a powerful force of vitality and of that responsibility which is the key to the mature development of our youth—on which both Church and State must depend in the future; and

WHEREAS, this is amply summarized in the theme "Responsible Youth, America's Strength"; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 30 to November 6, 1960, as

CATHOLIC YOUTH WEEK

I urge all of our citizens of all faiths to join in recognizing the responsibility and essential program which the Catholic Youth Organization annually provides in Delaware. All of us join them in the hope for a successful observance.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-eighth day of October in the year of  
our Lord one thousand nine hundred and sixty  
and of the Independence of the United States  
of America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 495

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, our American Business Woman has gained universal recognition for her valuable contribution to our national business economy; and

WHEREAS, business women dedicate themselves to maintaining the highest levels of business and professional practices and, through conscientious devotion to their vocations, have contributed significantly to the economic and social welfare of this state; and

WHEREAS, it is fitting that these women be recognized for their years of service in the business world and to our state by having a week set aside in special acknowledgment; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 2 through 8, 1960, as

NATIONAL BUSINESS WOMEN'S WEEK IN DELAWARE

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of September in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 496  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, each year more than 4,000,000 Americans of all ages are killed or severely injured by accidents in the home; and

WHEREAS, these fatalities may frequently be prevented with prompt attention and proper First-Aid treatment; and

WHEREAS, effective First-Aid can only be administered if the essential equipment is available; and

WHEREAS, it is the duty of every citizen to contribute to his own and family's safety, by being fully prepared to deal with these home accidents; and

WHEREAS, these emergencies do not wait for the home to be prepared to meet them; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the period October 8 to 14, 1960, as

EMERGENCIES DON'T WAIT WEEK

and respectfully urge all citizens of Delaware not only to take note of the importance of First-Aid practices, but to replenish their supplies with essential items commonly used in First-Aid emergencies, since recognizing and being able to administer First-Aid promptly can contribute to the well-being of every citizen of our State.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-second day of September in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 497  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, we, as Americans—and particularly as citizens of one of the original thirteen colonies—owe a great debt of gratitude to those who voluntarily crossed the Atlantic Ocean to stand by the side of our forefathers in their fight for freedom; and

WHEREAS, General Casimir Pulaski served with distinction in the battles and skirmishes that helped preserve the newly established independence of our state, participating in the Battle of the Brandywine prior to leading his troops to Savannah, Georgia, where he was to pay the supreme sacrifice in the cause of freedom; and

WHEREAS, Delawareans of Polish descent properly plan to honor the memory of this great soldier October 11 with appropriate exercises; now,

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Sunday, October 9, 1960, as

PULASKI DAY IN DELAWARE

and I urge all citizens of Delaware to join with those whose forebears were of the same origin as General Pulaski and pay tribute to the memory of this valiant soldier and lover of Liberty whose deeds are indelibly described on the page of American history.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this twenty-sixth day of September in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State



CHAPTER 498  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, of all the elements of danger to which humanity is exposed, fire annually inflicts one of the costliest tolls in lives and property damages; and

WHEREAS, preventable, destructive fires continue to be a major cause of human suffering and economic waste in communities throughout our state; and

WHEREAS, intelligent and determined individual and co-operative action can reduce in great measure this needless waste of our state's resources; and

WHEREAS, public co-operation and participation in a year-round preventive program will make easier the task assumed by our volunteer and professional firemen, who have consistently rendered heroic service in our behalf; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 9 through 15, 1960 a

FIRE PREVENTION WEEK

I call upon the citizens of the great State of Delaware to participate in programs for the prevention and control of fires; and I urge all local governments and business, labor and farm organizations, as well as schools, civic groups, and public-information agencies, to co-operate with our volunteer and professional firemen in the observance of Fire Prevention Week. During such observance, I urge special emphasis be placed upon prevention of fire in the home, this being a leading cause of great personal tragedy and property loss. I also direct the appropriate agencies of the State Government to co-operate with the Office of the State Fire Marshal in this effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-seventh day of September in the year of  
our Lord one thousand nine hundred and sixty  
and of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 499

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, October 13, 1960, is the One Hundred and seventeenth anniversary of the founding of B'nai B'rith, the world's largest and oldest Jewish service organization; and

WHEREAS, through their enlistment of the best efforts of the Jewish community, B'nai B'rith has provided active support of all civic affairs and community drives; continued service to our Veterans' Hospital; service to college students through the B'nai B'rith Hillel Counselorship at the University of Delaware; the sponsorship of youth groups based upon the precepts of the senior order; vocational counseling and career guidance for youth; and

WHEREAS, the organization has fostered a program of action and education through its Anti-Defamation League, aimed toward the continual expansion of the democratic way of life, based on the realization that bigotry directed against any single group hurts all Americans; and

WHEREAS, these valued and beneficial services have been extended through many years on a national and local level through Wilmington Lodge No. 470, B'nai B'rith and the B'nai B'rith Women, Delaware Valley Council; now

THEREFORE, I, J. CALEB BOGGS, Governor of the Sstate of Delaware, do hereby set aside the week of October 13 through October 20, 1960, and declare it to be

B'NAI B'RITH WEEK

in the First State. I further urge that the week be commemorated with appropriate ceremonies and by all citizens joining in extending felicitations to this worthy cause.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) fifth day of October in the year of our Lord  
one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 500  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, on October 12, citizens of South American countries and our neighbors to the north and south will join Americans everywhere in honoring the memory and accomplishments of the courageous man, led by Christopher Columbus, who sailed previously uncharted seas to discover a "new world"; and

WHEREAS, the discovery of America on October 12, 1492, opened a new and brighter era in the history of mankind; and

WHEREAS, even today, new discoveries—on land, under the seas and in outer space—are being made by courageous men and women following the example set 468 years ago by Christopher Columbus; and

WHEREAS, this annual observance serves to remind us not only of the courage and contributions of Christopher Columbus and other great explorers, but also of the many blessings that are ours by virtue of living in this great Nation; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do proclaim Wednesday, October 12, 1960, as

COLUMBUS DAY

and I urge all Delawareans—and particularly those who are teachers or students—to mark with appropriate ceremonies this 468th anniversary of the discovery of America.

Further I request the display of the American Flag and the Flag of the State of Delaware on all public buildings on this most significant occasion.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) sixth day of October in the year of our Lord  
one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

## CHAPTER 501

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim and make known in accordance with the provisions of Section 4302, Title 15, Delaware Code, that on the eighth day of November, being the Tuesday next after the first Monday of said month, an election will be held in the several counties of this State, at the places in the several election districts respectively, at which the General Election in the said State is held, for the purpose of choosing by the citizens of this State having the right to vote for representatives in the General Assembly, three electors for the election of a President and a Vice President of the United States of America.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of October in the year of Our Lord  
one thousand nine hundred and sixty and of the  
Independence of the United States of America,  
the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 502

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, thousands of families in the State of Delaware depend on automatic oil heating systems to provide warmth and comfort to their homes for many months out of the year; and

WHEREAS, thousands of men and women in the State of Delaware depend, directly or indirectly, on the oil heating industry to provide them with gainful employment; and

WHEREAS, the oil heating industry contributes greatly to the revenue of the State of Delaware and to its various geographical and political subdivisions; and

WHEREAS, this respected and progressive industry is vitally important to our state; and

WHEREAS, 1960, is the Diamond Jubilee Year for Oil Heating in America and represents three-quarters of a century of progress in carefree home comfort through oil heat; and

WHEREAS, the Oil Heat Institute of America has announced that the period October 9 through October 15 will be observed throughout America as National Oil Heat Diamond Jubilee Week; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of October 9 through October 15, 1960 as

OIL HEAT'S DIAMOND JUBILEE WEEK

throughout the State of Delaware, and to the Oil Heat Institute of Delaware, the Oil Heat Institute of America and to all other organizations, individuals and companies associated with this industry, offer congratulations;



And I do further take this opportunity to commend the petroleum refiners, the oil heat distributors, jobbers and dealers and the manufacturers of oil burning equipment for their acumen, industry and integrity in providing the people of this State and of our Nation with a system of automatic comfort heating which is second to none in the entire world.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) thirteenth day of October in the year of our  
Lord one thousand nine hundred and sixty  
and of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 503

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it has long been a national custom to commemorate November 11, the anniversary of the ending of World War I, by paying tribute to the heroes of that tragic struggle and by rededicating ourselves to the causes of peace; and

WHEREAS, the Congress passed a concurrent resolution June 4, 1926, calling for the observance of November 11 with appropriate ceremonies, and later provided in an Act approved May 13, 1938, that the eleventh of November should be a legal holiday and should be known as Armistice Day; and

WHEREAS, in the intervening years the United States has been involved in two other great military conflicts, which have added millions of veterans living and dead to the honor rolls of this Nation; and

WHEREAS, in order to expand the significance of the November 11 observance so that a grateful Nation might pay appropriate homage to all those veterans who have contributed so much to the preservation of this Nation, the Congress by an Act approved June 1, 1954, changed the name of the holiday to Veterans Day; and

WHEREAS, we should also give our heartfelt thanks to those veterans who, banded together in various associations, are leaders in proclaiming the American Way of Life and who continue to work for peace in the world; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby set aside and proclaim November 11, 1960, as

VETERANS..DAY..IN..DELAWARE

an occasion for remembering the sacrifices of all those who have fought so valiantly, on the seas, in the air, and on foreign

shores, to preserve our heritage of freedom, and for reconsecrating ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.

I call upon all state officials to provide for proper display of the national and state flags upon all state buildings and institutions on this day, and urge all patriotic groups, schools, veterans and civic associations to participate in ceremonies and observances which will point up the invaluable services of those who wore their country's uniforms, and who, today, as citizens, keep up the good fight for a strong and free United States of America.

FURTHER, I urge the attendance of Delawareans and our good friends from the neighboring State of New Jersey at the special exercises to be held at the Delaware Memorial Bridge Plaza the afternoon of Sunday, November 13.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) thirty-first day of October in the year of our  
and of the Independence of the United States of  
Lord one thousand nine hundred and sixty  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 504

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, our democracy functions around the principle that every child's birthright is that of a sound, well-rounded education; and our progress and existence depend on this education; and

WHEREAS, the teachers and educators of this nation are entrusted with the greatest and most important job in the world—that of molding our future citizens and leaders in all fields; and

WHEREAS, American Education Week will be observed on November 6-12; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim November 6-12, 1960, as

AMERICAN EDUCATION WEEK

in the state of Delaware and urge all citizens to take this opportunity to visit our schools and become familiar with their administration, and to pay tribute and extend special recognition to all our teachers and educators.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this thirty-first day of October in the year of our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 505  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it has long been the custom in the "First State" to designate the week beginning with the third Sunday in November as "Homemakers Week", an occasion for honoring the homemakers of our state; and

WHEREAS, it is most fitting that we recognize, in such manner, the outstanding contributions to our well-being and progress made by those who create and maintain our homes; and

WHEREAS, a good homemaker is many things—an executive, worker, part-time dietitian and nurse, companion, counselor; and, if she is a mother—a moral and spiritual leader and teacher; and

WHEREAS, it is important to encourage our young women to emulate this example and look upon homemaking as a worthwhile career; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim the week of November 20-26, 1960, as

HOMEMAKERS WEEK

in the State of Delaware, and urge all our people to observe this week with recognition of homemakers, who make a big contribution to our way of life by ever striving to improve the health, happiness and morals of their families and their communities.

FURTHER, on this occasion, I salute, on behalf of the citizens of Delaware, Mrs. Charles R. Wilson, of Dover, who pioneered this movement for observance of a special week

honoring our homemakers and who has consistently worked for the expansion and perpetuation of this observance.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) third day of November in the year of Our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 506  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the physically and mentally handicapped citizens of our state want to be self-supporting, self-respecting members of our community; and

WHEREAS, the training of handicapped people for normal employment and the providing of unemployment to them serves the state as well as the handicapped people; and

WHEREAS, the Goodwill Industries of Wilmington is a leading institution in the state which provides the training needed by handicapped people to become employable and offers sheltered employment to those with severe handicaps; and

WHEREAS, the Boy Scouts of Northern Delaware will on November 19 observe Good Turn Day by collecting useable clothing, shoes and other items for the Goodwill Industries; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim Saturday, November 19, 1960. as

GOOD TURN DAY

in and for this state, and I urge all citizens to cooperate with the Boy Scouts in helping Goodwill Industries of Wilmington provide more training and more employment for more handicapped people.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this tenth day of November in the year of Our Lord one thousand nine hundred and sixty and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 507  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Almighty Provider has seen fit to bless our land with abundance in the things we grow and make and use; and

WHEREAS, it has been customary since the days of the Plymouth Colony to set aside one day annually to join in prayer and thanksgiving for those things which have been bestowed upon us; and

WHEREAS, we should continuously strive for that unity which will join us in a common effort to establish good will among men, through our acknowledgment of Almighty God's graciousness to all of us; and

WHEREAS, there are in other lands those less fortunate who can barely earn their daily bread, and need the assistance of individuals who have more than their actual needs demand; and

WHEREAS, our religious groups of all faiths are presently showing the meaning of being "our brother's keeper" by sponsoring Share-Our Surplus programs; and

WHEREAS, we all should joint in these programs to show our own appreciation for blessings bestowed upon us; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby proclaim that Thursday, November 24, 1960, be observed as

THANKSGIVING DAY

On this day, let us visit the churches of our choice and give thanks for the abundance with which we have been showered, and let us share our good fortune with others so that we may carry into positive action the true spirit of brotherhood.



Also let us close our places of business, our shops and offices, display our national and state flags and in unison pray for the day when throughout the world there shall be no famine, no misery and no bloodshed but a world united in praising the Almighty for His great Goodness to us all.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) tenth day of November in the year of Our  
Lord one thousand nine hundred and sixty and  
of the Independence of the United States of  
America, the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 508  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the freedom that we enjoy is a precious heritage created by our forefathers, the founders of this great Nation, and defended and preserved by succeeding generations of liberty-loving Americans; and

WHEREAS, the pattern for our form of government was established by a Federal Constitution adopted in Philadelphia on September 17, 1787, and subsequently submitted to the thirteen former colonies for individual ratification or rejection; and

WHEREAS, a special convention of ten delegates from each of Delaware's three counties met in the Old State House, Dover, on December 7, 1787, and unanimously ratified the aforesaid constitution, such action being the first taken by any state; and

WHEREAS, in recognition of the importance of this action, which served to give us the title of "First State", the General Assembly of the State of Delaware, by resolution on November 29, 1933, authorized and directed the Governor to issue annually a proclamation calling for observance of the anniversary of this historic event; now

THEREFORE, I, J. CALEB BOGGS, Governor of the State of Delaware, do hereby designate and proclaim Wednesday, December 7, 1960, as

DELAWARE DAY

and urge our schools, churches, civic and fraternal organizations to provide appropriate observance of this significant event.

FURTHER, I direct that, on this day, our national and state flags be flown from all public buildings and I urge all our citizens to join in this display of the colors.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this  
(GREAT SEAL) twenty-third day of November in the year of  
our Lord one thousand none hundred and sixty  
and of the Independence of the United States  
of America the one hundred and eighty-fifth.

J. CALEB BOGGS, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 509  
 PROCLAMATION  
 STATE OF DELAWARE  
 EXECUTIVE DEPARTMENT  
 J. CALEB BOGGS  
 GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and sixty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the purpose of choosing by ballot three Electors for the election of a

PRESIDENT AND VICE PRESIDENT OF THE  
 UNITED STATES

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Electors, were cast as follows, to wit:

NEW CASTLE COUNTY

John M. Conway .....	73,364
J. Harry Latchum.....	73,364
Walter J. Hoey .....	73,364
Georgeanna Theobald .....	69,284
Walton Simpson .....	68,284
Chester V. Townsend .....	69,284
Herbert B. Wood .....	128
Margaret J. Norris .....	128
Raymond R. Green .....	128
Joseph Hollon .....	46

Edward Breining .....	46
George A. LaForest .....	46
John W. Marshall .....	152
Harvey C. Kimmey .....	152
Everett E. James .....	152

## KENT COUNTY

John M. Conway .....	10,754
J. Harry Latchum .....	10,754
Walter J. Hoey .....	10,754
Georgeanna Theobald .....	10,697
Walton Simpson .....	10,697
Chester V. Townsend .....	10,697
Herbert B. Wood .....	57
Margaret J. Norris .....	57
Raymond R. Green .....	57
Joseph Hollon .....	26
Edward Breining .....	26
George A. LaForest .....	26
John W. Marshall .....	82
Harvey G. Kimmey .....	82
Everett E. James .....	82

## SUSSEX COUNTY

John M. Conway .....	15,472
J. Harry Latchum .....	15,472
Walter J. Hoey .....	15,472
Georgeanna Theobald .....	16,392
Walton Simpson .....	16,392
Chester V. Townsend, Jr. ....	16,392
Herbert B. Wood .....	99
Margaret J. Morris .....	99
Raymond R. Green .....	99
Joseph Hollon .....	10
Edward Breining .....	10
George A. LaForest .....	10
John W. Marshall .....	120
Harvey C. Kimmey .....	120
Everett E. James .....	120

AND WHEREAS, The said returns of the election as afore-said, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as afore-said, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Electors, the result appears as follows, to wit:

Whole number of votes for	
John M. Conway .....	99,590
Whole number of votes for	
J. Harry Latchum .....	99,590
Whole number of votes for	
Walter J. Hoey .....	99,590
Whole number of votes for	
Georgeanna Theobald .....	96,373
Whole number of votes for	
Walton Simpson .....	96,373
Whole number of votes for	
Chester V. Townsend, Jr. ....	96,373
Whole number of votes for	
Herbert B. Wood .....	284
Whole number of votes for	
Margaret J. Norris .....	284
Whole number of votes for	
Raymond R. Green .....	284
Whole number of votes for	
Joseph Hollon .....	82
Whole number of votes for	
Edward Breining .....	82
Whole number of votes for	
George A. LaForest .....	82
Whole number of votes for	
John W. Marshall .....	354
Whole number of votes for	
Harvey C. Kimmey .....	354
Whole number of votes for	
Everett E. James .....	354

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that John M. Conway, J. Harry Latchum and Walter J. Hoey have received the highest

vote at the election aforesaid, and therefore have been and are duly and legally elected Electors for the election of a President and Vice President of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifth day of December in the year of our Lord one thousand nine hundred and sixty and of the Independence of the said State the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS

By the Governor:

GEORGE J. SCHULZ, Secretary of State

CHAPTER 510  
 PROCLAMATION  
 STATE OF DELAWARE  
 EXECUTIVE DEPARTMENT  
 J. CALEB BOGGS  
 GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November in the year of our Lord one thousand nine hundred and sixty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States for the Constitutional term, to commence on the third day of January in the year of our Lord one thousand nine hundred and sixty-one.

AND WHEREAS, The official certificates or returns of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

NEW CASTLE COUNTY

J. Caleb Boggs .....	74,974
J. Allen Frear, Jr. ....	66,546

KENT COUNTY

J. Coieb Boggs .....	9,179
J. Allen Frear, Jr. ....	12,208

SUSSEX COUNTY

J. Calcb Boggs .....	14,721
J. Allen Frear, Jr. ....	17,336



AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for

J. Caleb Boggs ..... 98,874

Whole number of votes for

J. Allen Frear, Jr. .... 96,090

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that J. Caleb Boggs has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the third day of January in the year of our Lord one thousand nine hundred and sixty-one.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifth day of December in the year of our Lord one thousand nine hundred and sixty and of the Independence of the said State the one hundred and eighty-fifth.

J. CALEB BOGGS

By the Governor:

GEORGE J. SCHULZ, Secretary of State

CHAPTER 511  
PROCLAMATION  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

J. CALEB BOGGS  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and sixty, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the 87th CONGRESS OF THE UNITED STATES.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Representative were case as follows, to wit:

NEW CASTLE COUNTY

Harris B. McDowell, Jr. ....	70,883
James T. McKinstry .....	70,542

KENT COUNTY

Harris B. McDowell, Jr. ....	11,112
James T. McKinstry .....	10,020

SUSSEX COUNTY

Harris B. McDowell, Jr. ....	16,232
James T. McKinstry .....	15,775

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the 87th Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for

Harris B. McDowell, Jr. .... 98,227

Whole number of votes for

James T. McKinstry ..... 96,337

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that Harris B. McDowell, Jr., has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the 87th Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifth day of December in the year of our Lord one thousand nine hundred and sixty and of the Independence of the said State the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS

By the Governor:

GEORGE J. SCHULZ, Secretary of State

CHAPTER 512  
 PROCLAMATION  
 STATE OF DELAWARE  
 EXECUTIVE DEPARTMENT

J. CALEB BOGGS  
 GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and sixty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a STATE TREASURER OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from that the the votes in said county respectively for such State Treasurer were cast as follows, to wit:

NEW CASTLE COUNTY

Belle Everett .....	71,482
James Somerville .....	69,644

KENT COUNTY

Belle Everett .....	11,122
James Somerville .....	10,091

SUSSEX COUNTY

Belle Everett .....	16,376
James Somerville .....	15,546

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every person voted for, for such State Treasurer the result appears as follows, to wit:

Whole number of votes for	
Belle Everett .....	98,980
Whole number of votes for	
James Somerville .....	95,281

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that Belle Everett has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the State Treasurer of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifth day of December in the year of our Lord one thousand nine hundred and sixty and of the Independence of the said State the one hundred and eighty-fifth.

(GREAT SEAL)

J. CALEB BOGGS

By the Governor:

GEORGE J. SCHULZ, Secretary of State

CHAPTER 513  
 PROCLAMATION  
 STATE OF DELAWARE  
 EXECUTIVE DEPARTMENT  
 J. CALEB BOGGS  
 GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 8th day of November, in the year of our Lord one thousand nine hundred and sixty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a AUDITOR OF ACCOUNTS OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the total votes in said county respectively for such Auditor of Accounts were cast as follows, to wit:

NEW CASTLE COUNTY

Ernest E. Killen .....	71,362
William W. Shaw .....	69,663

KENT COUNTY

Ernest E. Killen .....	10,894
William W. Shaw .....	10,263

SUSSEX COUNTY

Ernest E. Killen .....	16,339
William W. Shaw .....	15,573

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts the result appears as follows, to wit:

Whole number of votes for

Ernest E. Killen ..... 98,595

Whole number of votes for

William W. Shaw ..... 95,499

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that Ernest E. Killen has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifth day of December in the year of our Lord one thousand nine hundred and sixty and of the Independence of the said State the one hundred and eighty-fifth.

J. CALEB BOGGS

By the Governor:

GEORGE J. SCHULZ, Secretary of State

STATE OF DELAWARE  
DEPARTMENT OF STATE  
DOVER

November 10, 1960

In compliance with the provisions of Title 29, §907 of the Delaware Code, I have collated with and corrected by the original rolls now in the office of the Secretary of State, and caused to be published this edition of the Laws of Delaware, passed by the General Assembly, at the regular biennial session commenced on Tuesday, the sixth day of January, A. D. 1959 and terminated without formal adjournment with the election of the members of the 121st General Assembly.

GEORGE J. SCHULZ  
Secretary of State





## CHANGES IN THE DELAWARE CODE

Listed below are the sections of the Delaware Code which have been amended, repealed or added by the 120th General Assembly.

Where a general amendment has been made which involves a change in many sections of the Delaware Code such change has been listed in this table under the sections most directly affected. In a few cases the session law cited purports to amend a different section of the Code than that later assigned by the Delaware Code Revision Commission. In such cases the session law is cited under both the Code section it purports to amend and under the Code section later assigned. When a law did not purport to amend a Code section but has been assigned a section number by the Commission such law is listed herein under the section assigned it.

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