

LAWS
OF THE
STATE OF DELAWARE

**ONE HUNDRED AND TWENTY-FIRST
SESSION OF THE GENERAL ASSEMBLY**

COMMENCED AND HELD AT DOVER

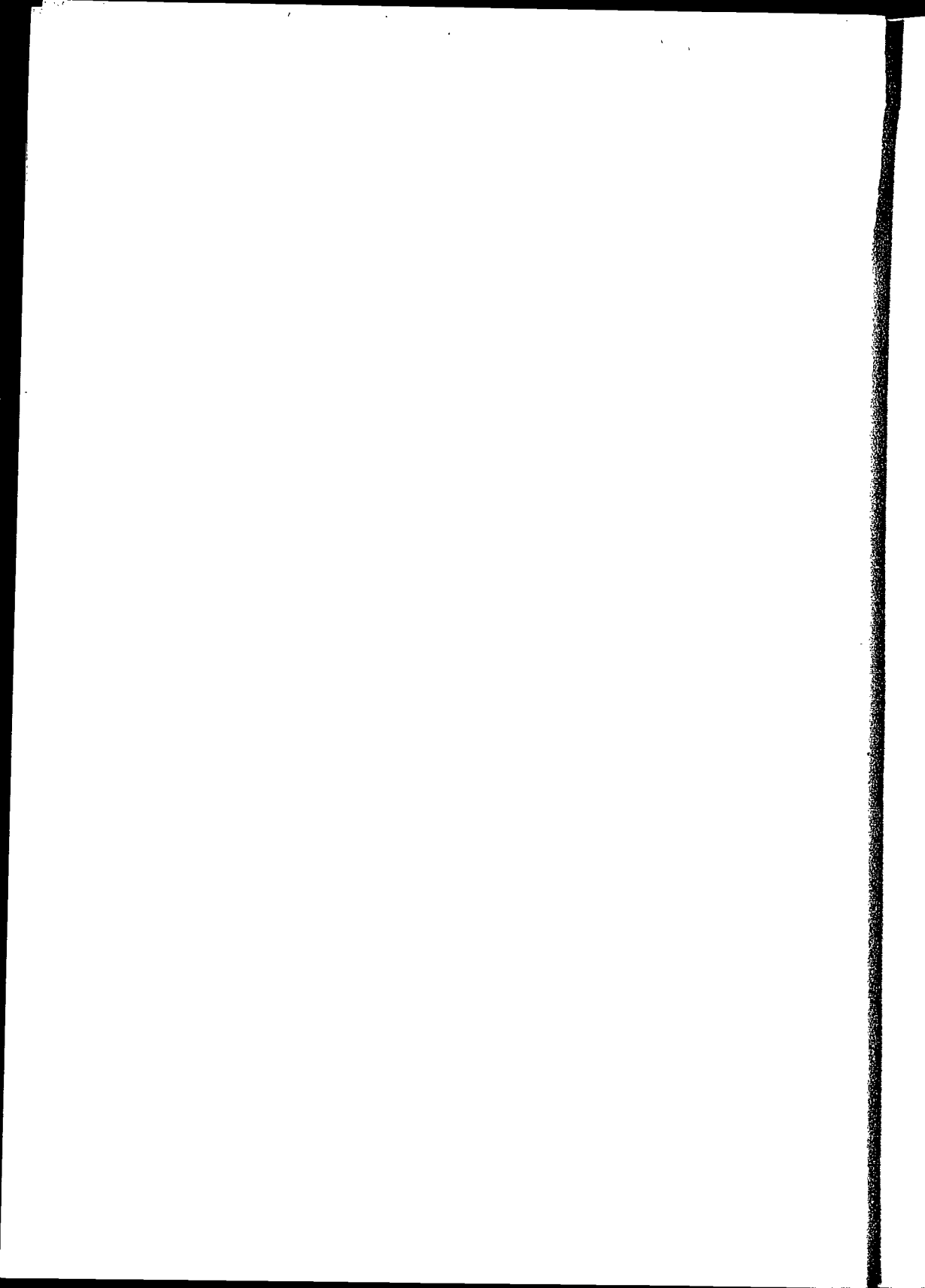
**On Tuesday, January 3, A. D.
1961**

AND

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

VOLUME LIII

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LAW OF DELAWARE

CHAPTER 1

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF FEDERAL SURPLUS FOODS TO NEEDY PERSONS IN THE STATE OF DELAWARE; EMERGENCY APPROPRIATION.

WHEREAS, rising unemployment and an unusually severe winter have caused additional hardships for needy persons in the State of Delaware, AND

WHEREAS, federal surplus foods are available for distribution to our needy citizens and increases in these surplus foods have been ordered by the President of the United States, AND

WHEREAS, the Board of Trustees of the Delaware State Hospital is the Delaware State Agency for Surplus Property in accordance with Chapter 68 of Title 29, Delaware Code, AND

WHEREAS, the State Board of Trustees of the Delaware State Hospital has administered the Surplus Commodity Program of the United States Department of Agriculture for institutions (including summer camps) in the State of Delaware for the past 13 years, AND

WHEREAS, emergency action is required to distribute such surplus federal foods, NOW, THEREFORE,

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

Section 1. Chapter 68, Title 29, Delaware Code, is hereby amended by enacting and adding thereto a new section to read as follows:

§ 6810. Distribution of surplus federal food

The State Board of Trustees of the Delaware State Hospital at Farnhurst is hereby empowered and directed to act as the responsible agency to operate the Surplus Commodity Program for needy families in the State of Delaware, in accordance with the regulations and procedures prescribed by the United States Department of Agriculture. The State Board of Trustees of the Delaware State Hospital may take such action, make such expenditures, and enter into such contracts, agreements and undertakings for the state, to provide for the distribution of available commodities to all eligible needy families in the state who make proper application therefor. The State Board of Trustees of the Delaware State Hospital, to properly operate this program, may request assistance from other State, County and City agencies; may employ personnel; fix their compensation and prescribe their duties. "Needy families" as used in this section shall mean those persons or families so certified by the State Department of Public Welfare.

Section 2. The State Board of Trustees of the Delaware State Hospital is hereby authorized to use available funds within the discretion of said Board for the implementation of this program during the fiscal year ending June 30, 1961.

Section 3. Any previous acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved February 23, 1961.

CHAPTER 2

**AN ACT TO PROVIDE FOR A TEMPORARY EXTENSION
OF UNEMPLOYMENT COMPENSATION BENEFITS TO
UNEMPLOYED WORKERS WHO HAVE EXHAUSTED
THEIR RIGHTS TO BENEFITS UNDER STATE UNEM-
PLOYMENT COMPENSATION LAWS.**

WHEREAS, unemployment and the number of workers who have exhausted their rights to Unemployment Compensation benefits is at a high level detrimental to our State's economy, and

WHEREAS, the 87th Congress of the United States is considering legislation to provide for a temporary extension of benefits to unemployed workers who have exhausted their rights to benefits under State Unemployment Compensation Laws, and

WHEREAS, it is essential, both to the many families who are in need through no fault of their own and to the economy of our State, that temporary relief from this condition be granted at the earliest possible moment during this period of winter hardship, NOW, THEREFORE,

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

Section 1. Any person who has exhausted his rights to benefits under the State Unemployment Compensation Law after October 31, 1960, is hereby entitled to an extension of his weekly benefits equal to one-half of the total number of weeks to which he had previously been entitled. Such entitlement shall begin with any week of unemployment beginning on or after the tenth day after the enactment of this Act, or the date regular benefits are exhausted, whichever is later, and ending not later than July 31, 1961.

Section 2. 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 or other appropriate officer or agency of the United States of America whereby provisions for temporary additional unemployment compensation benefits afforded by any act enacted or to be enacted by the 87th Congress of the United States of America which allows an extension of weekly benefits for eligible unemployed workers 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 any such 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.

Section 3. Section 1 of this act shall become immediately null and void upon execution of any agreement provided for in Section 2 of this act, and any benefits that may have been paid to a person pursuant to Section 1 of this act shall be considered as a part of the additional unemployment compensation benefits that may be available pursuant to Section 2 of this act.

Approved February 23, 1961.

CHAPTER 3

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, 1961", BEING CHAPTER 299, 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—New Castle County, appearing under the sub-division "Legislative and Elections" in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended as follows: (1) By transferring the sum of \$3,250.00 from the appropriation item "Salary of Board Members", to appropriation item "Salaries and Wages of Employees" under the Department of Elections—New Castle County." (2) By transferring the sum of \$2,800.00 from the appropriation item "Operations" to the appropriation item "Salaries and Wages of Employees" under "Department of Elections—New Castle County". (3) By transferring the sum of \$3,100.00 from the appropriation item "Office Expense" to the appropriation item "Registration and Election Officers" under "Department of Elections—Kent County". (4) By transferring the sum of \$2,000.00 from the appropriation item "Operations" to the appropriation item "Salaries and Wages of Employees" under "Department of Elections—Sussex 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 299, Volume 52, Laws of Delaware is amended by transferring the sum of \$2,500.00 from the appropriation item "Office Expense" to the appropriation item "Salaries and Wages" under "Department of Elections—Sussex County".

Approved March 1, 1961.

CHAPTER 4

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, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE MAINTENANCE DIVISION OF THE STATE HIGHWAY DEPARTMENT, BY MAKING CERTAIN TRANSFERS THEREIN.

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

Section 1. The appropriations to the State Highway Department appearing under "Maintenance Division" in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$150,000 from the item "Repairs and Replacements" to the item "Salaries and Wages of Employees".

Approved March 2, 1961.

CHAPTER 5

AN ACT TO AMEND TITLE 10, DELAWARE CODE, ENTITLED "COURTS AND JUDICIAL PROCEDURE" TO PROVIDE FOR AN ADDITIONAL VICE-CHANCELLOR AND TWO ADDITIONAL SUPERIOR COURT JUDGES.

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

Section 1. Chapter 3, Title 10, Delaware Code is amended by adding the following new section to Subchapter 1 thereof:

§ 307. Additional Vice-Chancellor

There shall be one Vice-Chancellor in addition to the Chancellor and Vice-Chancellor specifically required by the provisions of Article IV, Section 2 of the Constitution.

Section 2. Chapter 5, Title 10, Delaware Code is amended by adding the following new section to Subchapter 1 thereof:

§ 509. Additional Associate Judges

There shall be two Associate Judges of the Superior Court and of the Orphans' Court in addition to the President Judge and the four Associate Judges specifically required by the provisions of Article IV, Section 2 of the Constitution.

Approved March 2, 1961.

CHAPTER 6

AN ACT TO AMEND SECTION 2143, TITLE 21, DELAWARE CODE, RELATING TO THE INSPECTION OF MOTOR VEHICLES BEFORE REGISTRATION; EXCEPTION.

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

Section 1. § 2143, Title 21, Delaware Code, is amended by adding a new subsection as follows:

Upon application, subject to approval by the Commissioner, the Department may waive such inspection requirements with respect to the renewal of registration of a vehicle registered in the State of Delaware which is not in this State at the time the inspection is required provided, that an out of state inspection, certified on forms prescribed by the Commissioners, is submitted to the Department. It shall be the duty of the owner of any vehicle so inspected to submit such vehicle for inspection by the Department within ten (10) days after the date the vehicle is returned to this State.

Approved March 17, 1961.

CHAPTER 7

AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE, RELATING TO LEGISLATIVE BILLS BY PROVIDING THAT BILLS MAY BE STENCILED.

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

Section 1. Amend Section 904 (a), Title 29, Delaware Code, by deleting the words "have the bill or resolution retypewritten or reprinted" in the first sentence thereof and inserting the following words in lieu thereof "have prepared a corrected copy of the bill or resolution which may be typed, printed or stenciled."

Section 2. Amend Section 902 of Title 29, Delaware Code, by inserting the words "or stenciled" between the words "printed" and "or typewritten" as they appear therein.

Section 3. Amend Section 902 of Title 29, Delaware Code, by adding the following sentence at the end thereof:

The original of all bills and resolutions shall be produced in such a manner as approved by the State Archivist and the Director of the Legislative Reference Bureau for permanency and legibility.

Approved March 23, 1961.

CHAPTER 8

**AN ACT TO AUTHORIZE THE COMPTROLLER OF NEW
CASTLE COUNTY TO SELECT AND EMPLOY DEPUTIES
AND CLERICAL ASSISTANCE.**

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

Section 1. Chapter 93, Title 9, Delaware Code is amended by repealing § 9308 thereof and by substituting and enacting in lieu thereof a new §9308 to read as follows:

§ 9308. The Comptroller of New Castle County may select and employ two assistant chief deputies, one machine operator, one secretary (stenographic) and one chief clerk (general), in addition to the Chief Deputy Comptroller.

Any County Comptroller may select and employ such additional clerical assistance as the Levy Court of his County may approve.

Approved March 23, 1961.

CHAPTER 9

AN ACT TO AMEND SECTION 26 OF CHAPTER 191, VOLUME 45, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELAWARE CITY", AND RELATING TO THE ISSUE OF BONDS BY THE MAYOR AND COUNCIL OF DELAWARE CITY.

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 26 of Chapter 191, Volume 45, Laws of Delaware, is amended by striking out the first paragraph now appearing therein and inserting in lieu thereof a new first paragraph to read as follows:

"The Mayor and Council of Delaware City", for the purpose of carrying into effect the provisions of Section 25 of this Act, may issue bonds of such denomination as they may deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually. The principal of each issue of said bonds shall not be made payable in excess of thirty years from the date of the issue thereof, the said "The Mayor and Council of Delaware City" reserving the power and authority of redeeming said bonds or any part of them at the expiration of five, ten, or fifteen years from the date of the issue of the same, as determined by "The Mayor and Council of Delaware City" at the time of the issuance of said bonds. The said bonds shall be signed by the Mayor and countersigned by the Treasurer, and shall be sealed with the corporate seal, and be exempt from all State, County and Municipal taxation.

Approved March 28, 1961.

CHAPTER 10

**AN ACT TO PERMIT THE STATE HIGHWAY DEPARTMENT
TO USE FOR HIGHWAY REPAIR AND RECONSTRUCTION CERTAIN REIMBURSEMENT FUNDS RECEIVED
BY THE STATE OF DELAWARE FROM THE DELAWARE INTERSTATE HIGHWAY DIVISION.**

WHEREAS, Chapter 216, Volume 52, Laws of Delaware provides, in part, that the Delaware Interstate Highway Division 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 Delaware Memorial Bridge, its appurtenances and approaches, deemed necessary by the said Division, and

WHEREAS, Chapter 216, Volume 52, Laws of Delaware further provides, in part, that 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 costs 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, and

WHEREAS, the State Highway Department under agreements with the Delaware Interstate Highway Division has constructed certain approaches to the Delaware Memorial Bridge, the approaches being a portion of the National System of Interstate and Defense Highways, for which, under the provisions of Chapter 216, Volume 52, Laws of Delaware reimbursement could be made, and

WHEREAS, Chapter 205, Volume 52, Laws of Delaware provides that 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 and that in the event 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, and

WHEREAS, the past severe winter season, marked by forty-three inches of snow and prolonged sub-freezing temperatures, has required heavy expenditures for snow removal and, in addition thereto, has resulted in severe damage to the highway systems of this State, and

WHEREAS, funds currently available to the State Highway Department are not nearly adequate to meet the costs of repairs required as a result of the winter conditions,

NOW, THEREFORE,

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

Section 1. Chapter 205, Volume 52, Laws of Delaware is hereby amended by deleting the period at the end of the first sentence thereof and adding the following thereto:

"with the exception that of funds received as reimbursement for the construction, by the State Highway Department, of approaches to the Delaware Memorial Bridge, a sum not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) may be paid to the said State Highway Department for use in the repair or reconstruction of damaged highways throughout the State.

Section 2. "Funds made available to the State Highway Department by Section 1 hereof may be utilized for the reconstruction and repair of damaged highways. The funds may be used by the State Highway Department to defray the engineering, inspection and material costs, the costs of contracts, and such other costs as may be deemed necessary by the Department to properly perform this work.

Section 3. The Secretary of the State Highway Department, shall from time to time, but not less frequently than quarterly, submit to the members of the State Highway Department detailed reports documenting the expenditures made from the funds provided herein.

Approved March 28, 1961.

CHAPTER 11

AN ACT TO AMEND TITLE 30, SECTION 1171, DELAWARE CODE, RELATING TO INCOME TAX BY REPEALING THE PROVISIONS FOR INSTALLMENT PAYMENTS.

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

Section 1. Title 30, Section 1171 (a), Delaware Code, is amended by striking all the words appearing after the words "for filing return," in the third line thereof and by changing the comma at the end of the word "return" to a period.

Section 2. In the case of personal income taxes due for the calendar year ending December 31, 1960, the amount of tax payable, if more than \$5.00, may be paid in the following manner: One-fourth of the amount of tax at the time fixed for filing the return; one-half of the amount of tax on or before June 15, 1961; and one-fourth of the amount of tax on or before October 30, 1961.

Approved April 3, 1961.

CHAPTER 12

AN ACT TO AMEND CHAPTER 188, VOLUME 18, LAWS OF DELAWARE, CREATING A STREET AND SEWER DEPARTMENT, AS AN AGENCY OF THE MAYOR AND COUNCIL OF WILMINGTON, AND THE ACTS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, BY CHANGING THE NAME OF SAID DEPARTMENT TO THE DEPARTMENT OF PUBLIC WORKS.

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. That Chapter 188, Volume 18, Laws of Delaware, by which the Street and Sewer Department was created as an agency of The Mayor and Council of Wilmington be and the same is amended by striking the words "Street and Sewer Department" whenever used therein and substituting for the words so stricken the words "Department of Public Works."

Section 2. That all acts amendatory of said Chapter 188, Volume 18, Laws of Delaware, or in any wise supplemental thereto, in which the said words are used including, Volume 18, Laws of Delaware, Chapter 665; Volume 19, Laws of Delaware, Chapters 206, 207, 208, 209, 220 and 735; Volume 20, Laws of Delaware, Chapter 93, 547 and 566; Volume 22, Laws of Delaware, Chapter 405; Volume 24, Laws of Delaware, Chapter 183; Volume 26, Laws of Delaware, Chapters 196, 197, and 199; Volume 27, Laws of Delaware, Chapter 206; Volume 28, Laws of Delaware, Chapters 114 and 116; Volume 31, Laws of Delaware, Chapter 28; Volume 36, Laws of Delaware, Chapter 145; Volume 37, Laws of Delaware, Chapters 135, 136, 140 and 146; Volume 42, Laws of Delaware, Chapter 115; Volume 43, Laws of Delaware, Chapters 44 and 145; Volume 46, Laws of Delaware, Chapters 219 and 237; Volume 47, Laws of Delaware, Chapter 269; Volume 49, Laws of Delaware, Chapter 273; and Volume 51, Laws of Delaware, Chapters 58 and 352, are likewise amended in the same respect and extent as provided in Section 1 hereof.

Section 3. That it is hereby stated that the sole and exclusive purpose of this Act is to effect a change of name, as

heretofore provided and that all the powers and jurisdiction of the Street and Sewer Department shall remain and be unaffected notwithstanding the provisions hereof.

Approved April 7, 1961.

CHAPTER 13

**AN ACT TO AMEND TITLE 21, AUTHORIZING BLUE
LIGHTS ON VEHICLES USED BY FIRE POLICE.**

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

Section 1. An act to amend Title 21 by enacting a new
Section 4357 as follows:

§ 4357. Any motor vehicle used by a fire chief, assistant
fire chief, fire engineer and fire policeman may have placed
upon such motor vehicle flashing blue lights.

Such flashing blue lights shall be used by the fire chief,
assistant fire chief and fire engineers, and fire policeman, of
any regularly established fire company only in the performance
of their duties.

Approved April 7, 1961.

CHAPTER 14

**AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT
OF PUBLIC WELFARE FOR SALARIES, ASSISTANCE
GRANTS AND CHILD WELFARE SERVICE.**

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

Section 1. There is hereby appropriated to the Department of Public Welfare the sum of \$118,500 for the fiscal year ending June 30, 1961, to be allocated as follows:

Salaries and wages of employees	\$ 21,000
Aid to dependent children grants	15,000
Aid to disabled grants	6,000
Direct care—child welfare service	76,500
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	\$118,500

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

Approved April 11, 1961.

Approved April 11, 1961.

CHAPTER 15

**AN ACT AUTHORIZING THE RECORDER OF KENT
COUNTY TO PROCURE A NEW SEAL.**

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

Section 1. The Recorder of Kent County is authorized to procure a new press and seal, to be made of steel or brass of the same diameter as the present seal of his office and engraved with the same device as the present seal or such similar device as the Levy Court of Kent County shall direct, and when completed the said seal shall be taken, adjudged and deemed to be the seal of the Recorder of Kent County.

Section 2. When the new seal shall be procured as aforesaid the Recorder shall cause the present seal to be broken and destroyed in the presence of the Sheriff of Kent County.

Section 3. The Levy Court of Kent County shall pay the necessary costs and expenses of procuring the said new press and seal.

CHAPTER 16

AN ACT AUTHORIZING THE PROTHONOTARY OF KENT COUNTY TO PROCURE A NEW SEAL.

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

Section 1. The Prothonotary of Kent County is authorized to procure a new press and seal, to be made of steel or brass of the same diameter as the present seal of his office and engraved with the same device as the present seal or such similar device as the Levy Court of Kent County shall direct, and when completed the said seal shall be taken, adjudged and deemed to be the seal of the Prothonotary of Kent County.

Section 2. When the new seal shall be procured as aforesaid the Prothonotary shall cause the present seal to be broken and destroyed in the presence of the Sheriff of Kent County.

Section 3. The Levy Court of Kent County shall pay the necessary costs and expenses of procuring the said new press and seal.

Approved April 11, 1961.

CHAPTER 17

**AN ACT AUTHORIZING THE REGISTER OF WILLS OF
KENT COUNTY TO PROCURE A NEW SEAL.**

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

Section 1. The Register of Wills of Kent County is authorized to procure a new press and seal, to be made of steel or brass of the same diameter as the present seal of his office and engraved with the same device as the present seal or such similar device as the Levy Court of Kent County shall direct, and when completed the said seal shall be taken, adjudged and deemed to be the seal of the Register of Wills of Kent County.

Section 2. When the new seal shall be procured as aforesaid the Register of Wills shall cause the present seal to be broken and destroyed in the presence of the Sheriff of Kent County.

Section 3. The Levy Court of Kent County shall pay the necessary costs and expenses of procuring the said new press and seal.

Approved April 11, 1961.

CHAPTER 18

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF CORRECTIONS FOR THE
FISCAL YEAR JULY 1, 1960-JUNE 30, 1961.**

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

Section 1. The amount of \$85,000 is hereby appropriated to the Board of Corrections for the fiscal year ending June 30, 1961, to be expended as follows:

Office expense	\$ 4,000
Operations	76,000
Repairs and replacements	5,000

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 April 11, 1961.

CHAPTER 19

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS
TO THE CUSTODIAN OF THE STATE HOUSE, THE
OFFICE OF GOVERNOR, THE SECRETARY OF STATE,
AND THE LEGISLATIVE REFERENCE BUREAU.**

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

Section 1. The sum of \$43,009.20 is hereby appropriated to the Custodian of the State House for the fiscal year ending June 30, 1961, to be expended as follows:

Salaries and wages of employees	\$25,459.90
Operations	13,023.00
Repairs and replacements	4,526.30
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	\$43,009.20

Section 2. The sum of \$3,290.30 is hereby appropriated to the Office of Governor for the fiscal year ending June 30, 1961, to be expended as follows:

Office expense	\$ 300.00
Contingent expenses	2,000.00
Equipment	990.30
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	\$3,290.30

Section 3. The sum of \$2,000.00 is hereby appropriated to the Secretary of State for the fiscal year ending June 30, 1961, to be expended for "Departmental Supplies."

Section 4. The sum of \$1,300.00 is hereby appropriated to the Legislative Reference Bureau for the fiscal year ending June 30, 1961, to be expended for Office expense.

Section 5. This Act is a supplementary appropriation act and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved April 11, 1961.

CHAPTER 20

AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE STATE BOARD OF EDUCATION, 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 in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$4,070 from Division I. D. b. 3, Salaries of Supervisors with program, Physical Education, and the sum of \$1,500 from Division I. H. 5, Salaries of Teachers, Music, and the sum of \$3,430 from Division I. H. 2, Salaries of Art Teachers, to Division II. B. 9, Deaf Program.

Section 2. The appropriations made to the State Board of Education in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$6,000 from Division I. D. a. 10, Salaries, Supervisors Teacher Training (1/2 Federal), to Division II. B. 11, Homebond Instruction.

Approved April 11, 1961.

CHAPTER 21

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE STATE BOARD OF EDUCATION, CERTAIN
SCHOOL DISTRICTS AND THE WILMINGTON BOARD
OF EDUCATION FOR THE FISCAL YEAR ENDING
JUNE 30, 1961.**

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 \$1,295,811 for the fiscal year ending June 30, 1961.

**State Board of Education
1-2-3 Teacher Schools**

SALARIES

Cafeteria	\$1,000.00
Teachers	4,500.00

Total Salaries	\$5,500.00
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Total 1-2-3 Teacher Schools	\$5,500.00
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**STATE BOARD DISTRICTS
Gunning Bedford, Jr. No. 53**

SALARIES

Teachers	\$ 5,439.00
Janitorial	7,283.00
Cafeteria	1,131.00

Total Salaries	\$13,853.00
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CAPITAL OUTLAY	200.00
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ALL OTHER COSTS	1,300.00
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Total Gunning Bedford, Jr. No. 53	\$15,353.00
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H. C. Conrad No. 131

SALARIES

Teachers	\$30,157.00
Janitorial	14,221.00
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Total Salaries	\$44,378.00
CAPITAL OUTLAY	700.00
ALL OTHER COSTS	4,550.00
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Total H. C. Conrad No. 131	\$49,628.00
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Alfred I. duPont No 7

SALARIES

Teachers	\$147,363.00
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Total Salaries	\$147,363.00
CAPITAL OUTLAY	2,600.00
ALL OTHER COSTS	16,900.00
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Total Alfred I. duPont No. 7	\$166,863.00
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Marshallton No. 77

SALARIES

Clerical	\$ 2,416.00
Teachers	11,812.00
Janitorial	2,062.00
Health	1,762.00
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Total Salaries	\$18,052.00
CAPITAL OUTLAY	900.00
ALL OTHER COSTS	5,850.00
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Total Marshallton No. 77	\$24,802.00
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Middletown No. 60

SALARIES

Janitorial	\$3,292.00
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Total Salaries	\$3,292.00
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Total Middletown No. 60	\$3,292.00
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Newport No. 21

SALARIES

Teachers	\$ 7,937.00
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Total Salaries	\$ 7,937.00
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CAPITAL OUTLAY	300.00
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ALL OTHER COSTS	1,950.00
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Total Newport No. 21	\$10,187.00
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Oak Grove School No. 130

SALARIES

Adm. Asst.	\$ 2,000.00
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Principals	1,220.00
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Teachers	8,144.00
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Total Salaries	\$11,364.00
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CAPITAL OUTLAY	500.00
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ALL OTHER COSTS	3,250.00
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Total Oak Grove No. 130	\$15,114.00
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Rose Hill-Minquadale No. 47 and J. G. Leach

SALARIES

Teachers	\$51,869.00
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Janitorial	17,157.00
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Cafeteria	5,346.00
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Total Salaries	\$74,372.00
CAPITAL OUTLAY	1,500.00
ALL OTHER COSTS	9,750.00

Total Rose Hill-Minquadale No. 47 and J. G. Leach	\$85,622.00
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Stanton No. 38

SALARIES	
Teachers	\$102,502.00
Janitorial	14,322.00
Health	1,600.00
Cafeteria	1,270.00
Total Saalaries	\$119,694.00

CAPITAL OUTLAY	2,100.00
ALL OTHER COSTS	13,650.00

Total Stanton No. 38	\$135,444.00
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Townsend No. 81

CAPITAL OUTLAY	\$100.00
ALL OTHER COSTS	650.00

Total Townsend No. 81	\$750.00
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Millside No. 132

SALARIES	
Teachers	\$5,115.00

Total Salaries	\$5,115.00
CAPITAL OUTLAY	100.00
ALL OTHER COSTS	650.00

Total Millside No. 132	\$5,865.00
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Middletown No. 120

SALARIES

Teachers	\$5,737.00
Janitorial	1,070.00

Total Salaries	\$6,807.00
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CAPITAL OUTLAY	100.00
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ALL OTHER COSTS	650.00
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Total Middletown No. 120	\$7,557.00
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Magnolia No. 50

SALARIES

Teachers	\$4,902.00
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Total Salaries	\$4,902.00
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Total Magnolia No. 50	\$4,902.00
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Felton No. 54

SALARIES

Janitorial	\$1,425.00
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Total Salaries	\$1,425.00
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CAPITAL OUTLAY	100.00
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ALL OTHER COSTS	650.00
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Total Felton No. 54	\$2,175.00
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Frederica No. 32

CAPITAL OUTLAY	\$100.00
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ALL OTHER COSTS	650.00
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Total Frederica No. 32	\$750.00
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Wm. W. M. Henry No. 133

SALARIES

Principals	\$ 1,237.00
Clerical	2,097.00
Teachers	33,465.00
Janitorial	1,806.00

Total Salaries	\$38,605.00
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CAPITAL OUTLAY	600.00
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ALL OTHER COSTS	3,900.00
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Total Wm. W. M. Henry No. 133	\$43,105.00
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Bridgeville No. 90

CAPITAL OUTLAY	\$100.00
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ALL OTHER COSTS	650.00
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Total Bridgeville No. 90	\$750.00
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Delmar No. 163

SALARIES

Teachers	\$6,926.00
Janitorial	1,636.00

Total Salaries	\$8,562.00
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CAPITAL OUTLAY	100.00
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ALL OTHER COSTS	650.00
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Total Delmar No. 163	\$9,312.00
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John M. Clayton No. 97

SALARIES

Teachers	\$2,091.00
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Total Salaries	\$2,091.00
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CAPITAL OUTLAY	100.00
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ALL OTHER COSTS	650.00
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Total John M. Clayton No. 97	<u>\$2,841.00</u>
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Greenwood No. 91

SALARIES

Teachers	\$1,224.00
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Total Salaries	<u>\$1,224.00</u>
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Total Greenwood No. 91	<u>\$1,224.00</u>
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Milton No. 8

SALARIES

Clerical	\$ 1,539.00
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Teachers	14,057.00
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Janitorial	3,111.00
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Total Salaries	<u>\$18,707.00</u>
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CAPITAL OUTLAY	200.00
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ALL OTHER COSTS	1,300.00
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Total Milton No. 8	<u>\$20,207.00</u>
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Frankford No. 206

CAPITAL OUTLAY	\$ 200.00
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ALL OTHER COSTS	1,300.00
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Total Frankford No. 206	<u>\$1,500.00</u>
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Millsboro No. 204

CAPITAL OUTLAY	\$100.00
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ALL OTHER COSTS	650.00
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Total Millsboro No. 204	<u>\$750.00</u>
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William C. Jason No. 192

CAPITAL OUTLAY	\$ 200.00
ALL OTHER COSTS	1,300.00
<hr/>	
Total William C. Jason No. 192	\$1,500.00
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Selbyville No. 210

SALARIES	
Teachers	\$1,729.00
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Total Salaries..	\$1,729.00
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Total Selbyville No. 210	\$1,729.00
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Caesar Rodney

SALARIES	
Teachers	\$39,324.00
Clerical	2,367.00
Janitorial	5,468.00
Health	1,965.00
<hr/>	
Total Salaries	\$49,124.00
CAPITAL OUTLAY	1,100.00
ALL OTHER COSTS	7,150.00
<hr/>	
Total Caesar Rodney	\$57,374.00
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Claymont

SALARIES	
Clerical	\$2,621.00
Health	1,000.00
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Total Salaries	\$3,621.00
CAPITAL OUTLAY	400.00

ALL OTHER COSTS	2,600.00
Total Claymont	<u>\$6,621.00</u>

Dover

SALARIES	
Clerical	\$ 2,475.00
Teachers	15,155.00
Health	1,590.00
Total Salaries	<u>\$19,220.00</u>
CAPITAL OUTLAY	1,300.00
ALL OTHER COSTS	8,450.00
Total Dover	<u>\$28,970.00</u>

Alexis I. duPont

SALARIES	
Teachers	\$7,088.00
Total Salaries	<u>\$7,088.00</u>
CAPITAL OUTLAY	200.00
ALL OTHER COSTS	1,300.00
Total Alexis I. duPont	<u>\$8,588.00</u>

Georgetown

SALARIES	
Teachers	\$5,494.00
Total Salaries	<u>\$5,494.00</u>
Total Georgetown	<u>\$5,494.00</u>

Harrington

SALARIES	
Principals	\$3,137.00

Teachers	3,745.00
Total Salaries	<u>\$6,882.00</u>
CAPITAL OUTLAY	300.00
ALL OTHER COSTS	1,950.00
Total Harrington	<u>\$9,132.00</u>

Laurel

SALARIES	
Teachers	\$2,392.00
Total Salaries	<u>\$2,392.00</u>
Total Laurel	<u>\$2,392.00</u>

Lewes

SALARIES	
Teachers	\$5,220.00
Total Salaries	<u>\$5,220.00</u>
CAPITAL OUTLAY	100.00
ALL OTHER COSTS	650.00
Total Lewes	<u>\$5,970.00</u>

Milford

SALARIES	
Principals	\$1,145.00
Teachers	3,288.00
Total Salaries	<u>\$4,433.00</u>
CAPITAL OUTLAY	300.00
ALL OTHER COSTS	1,950.00
Total Milford	<u>\$6,683.00</u>

Mount Pleasant

SALARIES	
Teachers	\$52,442.00
Janitorial	18,049.00
Cafeteria	1,800.00
Total Salaries	\$72,291.00
CAPITAL OUTLAY	800.00
ALL OTHER COSTS	5,200.00
Total Mount Pleasant	\$78,291.00

New Castle

SALARIES	
Teachers	\$ 85,490.00
Janitorial	2,400.00
Health	3,300.00
Total Salaries	\$ 91,190.00
CAPITAL OUTLAY	1,800.00
ALL OTHER COSTS	11,700.00
Total New Castle	\$104,690.00

Newark

SALARIES	
Administrative Assistants	\$ 5,413.00
Clerical	3,840.00
Teachers	109,252.00
Total Salaries	\$118,505.00
CAPITAL OUTLAY	2,400.00
ALL OTHER COSTS	15,600.00
Total Newark	\$136,505.00

Rehoboth

SALARIES	
Clerical	\$ 2,775.00
Teachers	7,174.00
Janitorial	1,829.00
Total Salaries	<u>\$11,778.00</u>
CAPITAL OUTLAY	100.00
ALL OTHER COSTS	650.00
Total Rehoboth	<u>\$12,528.00</u>

Seaford

SALARIES	
Teachers	\$18,062.00
Total Salaries	<u>\$18,062.00</u>
CAPITAL OUTLAY	500.00
ALL OTHER COSTS	3,250.00
Total Seaford	<u>\$21,812.00</u>

Smyrna

SALARIES	
Teachers	\$21,225.00
Cafeteria	1,750.00
Total Salaries	<u>\$22,975.00</u>
CAPITAL OUTLAY	600.00
ALL OTHER COSTS	3,900.00
Total Smyrna	<u>\$27,475.00</u>

BOARD OF PUBLIC EDUCATION—
WILMINGTON

SALARIES	
Administrative Assistants	\$3,369.00

Janitorial	1,195.00
Total Salaries	<u>\$4,564.00</u>
Total Board of Public Education— Wilmington	<u>\$4,564.00</u>

STATE BOARD OF EDUCATION

Substitutes	\$ 100,000.00
Transportation	62,000.00
Total State Board of Education	<u>\$ 162,000.00</u>
TOTAL	<u>\$1,295,811.00</u>

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

Approved April 13, 1961.

CHAPTER 22

AN ACT TO MAKE FURTHER PROVISION FOR THE ISSUANCE OR BONDS WHICH THE GOVERNOR, THE STATE TREASURER AND THE SECRETARY OF STATE ARE AUTHORIZED TO ISSUE ON BEHALF OF THE STATE OF DELAWARE PURSUANT TO ACTS HERETOFORE ENACTED.

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. Notwithstanding anything to the contrary contained in any act heretofore enacted authorizing the Governor, the State Treasurer and the Secretary of State to act as Issuing Officers in issuing bonds of the State of Delaware, or in any other law, the Secretary of State may, in executing said bonds on behalf of the State of Delaware, cause a facsimile of the Great Seal of the State of Delaware to be engraved or printed thereon and, in any such case, it shall not be necessary to affix to or impress on said bonds the Great Seal of the State of Delaware.

Approved April 17, 1961.

CHAPTER 23

AN ACT RELATING TO ARBOR DAY.

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

Section 1. § 501, Title 1, Delaware Code, is amended by striking the words: "the last Friday in April, known as Arbor Day."

Section 2. Title 1, Delaware Code, is amended by adding thereto a new chapter as follows:

CHAPTER 6. SPECIAL DAYS

§ 601.

The following days shall be commemorated in this State by appropriate ceremonies: the last Friday in April, known as Arbor Day.

Approved April 17, 1961.

CHAPTER 24

AN ACT TO VALIDATE THE ESTABLISHMENT AND ORGANIZATION OF THE DOVER HOUSING AUTHORITY.

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

Section 1. The establishment and organization of the Dover Housing Authority in the State of Delaware under the provisions of Title 31, Chapter 43, Sections 4301 to 4322, inclusive, Delaware Code Annotated 1953, as amended, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto prior to March First, Nineteen Hundred and Sixty-One, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Section 2. This Act shall take effect immediately.

Approved April 17, 1961.

CHAPTER 25

**AN ACT AUTHORIZING AND DIRECTING THE DELAWARE
NATIONAL GUARD TO PAY A CLAIM OF RODNEY
WILSON, SR.**

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

Section 1. The Delaware National Guard is authorized and directed to pay the sum of Two Thousand One Hundred Ninety-five Dollars and Twenty-five cents (\$2,195.25) to Rodney Wilson, Sr., said sum being the amount of damages resulting when a military vehicle operated by a member of the National Guard on July 22, 1960 during the prescribed course of his duties collided with a motor vehicle owned by the said Rodney Wilson, Sr.

Approved April 17, 1961.

CHAPTER 26

AN ACT TO AMEND SECTION 34 OF CHAPTER 207, VOLUME 17, LAWS OF DELAWARE BY AUTHORIZING "THE MAYOR AND COUNCIL OF WILMINGTON", A MUNICIPAL CORPORATION, TO PROVIDE, BY ORDINANCE, FOR A PROCEDURE FOR THE WITHDRAWAL OF FUNDS ON DEPOSIT IN THE NAME OF "THE MAYOR AND COUNCIL OF WILMINGTON", INCLUDING THE AUTHORIZATION TO SAID "THE MAYOR AND COUNCIL OF WILMINGTON" TO AUTHORIZE THE USE OF FACSIMILE SIGNATURES ON CHECKS DRAWN AGAINST THE ACCOUNTS OF "THE MAYOR AND COUNCIL OF WILMINGTON".

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 34 of Chapter 207, of Volume 17, Laws of Delaware, be and the same is hereby amended by striking out said Section 34 and adopting the following in lieu thereof:

All moneys belonging to the city which shall come into the hands of the city treasurer shall be by him deposited every day in some incorporated banking institution or institutions to be designated by the council, in the name of "The Mayor and Council of Wilmington", generally, except in the case of money proceeds arising out of a bonded debt authorized by the general assembly for a specific purpose or use, in which case such money proceeds shall be deposited in the name of "The Mayor and Council of Wilmington" for the special purpose or use for which the debt was authorized and shall only be drawn out for such special purpose or use.

Section 2. "The Mayor and Council of Wilmington" is hereby authorized to adopt an Ordinance or Ordinances establishing and prescribing a procedure for the withdrawal of moneys deposited in the name of "The Mayor and Council of

Wilmington", including the naming of the person or persons who shall be required to sign checks, drafts, warrants, vouchers or other instruments for the payment of money.

Section 3. Any elected or appointed public official of "The Mayor and Council of Wilmington", who is permitted or required in the performance of his duties to affix his signature on any check, draft, warrant, voucher, or other instrument for the payment of money, may adopt a facsimile thereof, in lieu of such manual signature, and affix such facsimile to any such instrument. Notice of the adoption of any such facsimile signature shall be given in writing to the depository from which funds are to be withdrawn, which notice shall include a description of such facsimile signature. Prior to use of such facsimile, the written approval of such depository must be obtained.

Section 4. Any depository, bank, or other person which in good faith gives value for any check, draft, warrant, voucher, or other instrument for the payment of money bearing a duly adopted facsimile signature as authorized hereby shall be fully protected in such giving of value notwithstanding that the facsimile signature shall have been affixed without the authority or knowledge of the person whose signature it should purport to be.

Section 5. No person shall fraudulently imitate or duplicate or attempt to fraudulently imitate or duplicate the facsimile signature of any public official of "The Mayor and Council of Wilmington", who is permitted or required in the performance of his duties to affix his signature to checks, drafts, warrants, vouchers, or other instruments for the payment of money, nor shall any person cause any such genuine facsimile signatures to be printed or impressed to checks, drafts, warrants, vouchers, or other instruments for the payment of money, without the authority of said person so authorized.

Section 6. No provisions hereof shall release the liability of any public official, employee, or other person for loss of funds occasioned by any unauthorized use or misuse of a duly adopted facsimile signature. All officials may protect themselves from

loss, damage, or expense occasioned by the unauthorized use of such facsimile signature by purchasing, at public expense, a surety bond or insurance in such amount as is approved by the City Solicitor.

Section 7. Any person violating any provisions of this law shall, upon conviction, be deemed guilty of a felony and shall be imprisoned for a term not to exceed five years and/or fined not less than \$500.00 nor more than \$2,500.00 or both, in the discretion of the Court.

Approved April 20, 1961.

CHAPTER 27

AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE, RELATING TO REGISTRATION, EQUIPMENT AND OPERATION OF MOTOR BOATS.

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

Section 1. Section 2116, Title 23, Delaware Code, is amended by adding a new sentence thereto to read as follows:

In addition to the number there shall be displayed after the number a decal furnished by the Delaware Commission of Shell Fisheries, Small Boat Safety Division showing the year of issuance of said license.

Section 2. Section 2117 (a), Title 23, Delaware Code, is amended by striking out the word "\$2" in the second sentence and by inserting in lieu thereof the word "\$3".

Section 3. Section 2117 (b), Title 23, Delaware Code, is amended by adding thereto two new sentences to read as follows:

"The number may be retained by the owner in the event of a transfer by paying a fee of \$2.00 for transfer. In the event a duplicate registration card is required there shall be a fee of \$1.00".

Section 4. Section 2117 (j), Title 23, Delaware Code, is repealed and a new Section 2117 (j) enacted in lieu thereof as follows:

"(j) Livery owners shall pay the same charges as the owner of a boat not for hire. Dealers shall be issued one registration number for a fee of \$5.00 and for each additional number, the dealer shall pay a fee of \$3.00 to be used for demonstration purposes only".

Section 5. Section 2117 (k), Title 23, Delaware Code, is repealed.

Section 6. Section 2122, Title 23, Delaware Code, is amended by adding a new subsection to be known as (c) to read as follows:

“(c) It shall be unlawful for any person to operate a motor boat (1) in a reckless manner disregarding the safety of others, or (2) to overload a vessel, or (3) to operate while under the influence of intoxicating liquor or of any drug”.

Section 7. Section 2124, Title 23, Delaware Code, is amended by adding a new subsection to be known as (e) to read as follows:

“(e) Water skiing shall be prohibited in the following areas:

1. Rehoboth Canal
2. Channel through Massey's Landing
3. Fenwick Ditch
4. Any other public swimming areas unless authorized by a special permit issued by the Small Boat Safety Division of the Delaware Commission of Shell Fisheries”.

Section 8. Section 2130, Title 23, Delaware Code, is repealed and a new Section 2130 enacted in lieu thereof to read as follows:

§ 2130. Penalties

Any person who violates any provision of this title shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$25. nor more than \$100. or ten days in jail for each such violation.

Approved April 20, 1961.

CHAPTER 28

AN ACT TO DIRECT THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE \$500 ANNUALLY TO SELBYVILLE AMERICAN LEGION POST NO. 39 INC. FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. Title 9, Section 6132 (a), Delaware Code, is amended by adding the following thereto:

"Selbyville American Legion Post No. 9, Inc."

Approved April 24, 1961.

CHAPTER 29

AN ACT TO AMEND TITLE 29, SECTION 4301, DELAWARE CODE, RELATING TO NOTARIES PUBLIC BY INCREASING THE NUMBER OF NOTARIES THAT MAY BE GRANTED.

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

Section 1. Amend Title 29, § 4301 (a), Delaware Code by substituting the figure "800" for the figure "750" therein; substituting the figure "200" for the figure "175" therein and substituting the figure "225" for the figure "200" therein.

Approved April 24, 1961.

CHAPTER 30

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, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE STATE COMMUNICATIONS DIVISION OF THE STATE HIGHWAY DEPARTMENT, BY MAKING CERTAIN TRANSFERS THEREIN.

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

Section 1. The appropriations to the State Highway Department appearing under "State Communications Division" in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$3,000 from the item "Salaries and Wages of Employees" to the item "Repairs and Replacements".

Section 2. The appropriations to the State Highway Department appearing under "State Communications Division" in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$6,000 from the item "Operations" to the item "Repairs and Replacement".

Section 3. The appropriations to the State Highway Department appearing under "State Communications Division" in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$5,400 from the item "Salary of Administrator" to the item "Repairs and Replacements".

Approved April 24, 1961.

CHAPTER 31

AN ACT TO AMEND THE CHARTER OF SMYRNA, CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, BY AUTHORIZING THE TOWN COUNCIL TO FILL THE OFFICES OF TOWN TREASURER, BOARD OF ASSESSMENT, ALDERMAN AND TOWN COLLECTOR IN THE EVENT OF ANY VACANCY FOR ANY REASON.

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

Section 1. Section 10, Chapter 192, Volume 36, Laws of Delaware is hereby amended to read as follows:

Section 10. Disqualification of Elective Officers. If the Town Treasurer, or any member of the Board of Assessment or the Alderman and Town Collector shall, during his respective term of office, lose his residence in said Town, his citizenship in the State of Delaware, or be found guilty of any crime or misdemeanor, he shall forthwith be disqualified to act as such Treasurer, member of said Board of Assessment or Alderman and Town Collector, and his office shall be deemed vacant and shall be filled by appointment of Council for the residue of his term, provided that the person appointed by Council to fill such vacancy or vacancies shall have the same qualifications as are required of a candidate for the office to be so filled and provided, further, that Council shall have the same powers and limitations of appointment in case of any vacancy in the aforesaid offices for any reason.

Approved April 24, 1961.

CHAPTER 32

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION, 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, Section 3315 (1), Delaware Code, is amended to read as follows:

(1) For the period of unemployment next ensuing after he has left his work voluntarily without good cause attributable to such work. However, if an individual has left his work involuntarily because of illness, no disqualification shall prevail after he becomes able to work and available for work and meets all other requirements under this title, but the Commission shall require a doctor's certificate to establish such availability. Wage credits earned in such work, if employment under this title, shall not constitute benefit wages in connection with Sections 3349-3356 of this chapter.

Section 2. Title 19, Section 3315 (2), Delaware Code, is amended to read as follows:

(2) For the period of unemployment next ensuing after an individual has been discharged from his work for just cause in connection with his work. Wage credits earned in such work, if employment under this title, shall not constitute benefit wages in connection with Sections 3349-3356 of this chapter.

Section 3. Title 19, Section 3349, Delaware Code, is amended by striking out all of paragraph (c) thereof.

Section 4. Title 19, Section 3350 (4), Delaware Code, is amended to read as follows:

(4) For any calendar year, the "state experience factor" shall be the term used for the total benefits paid from the fund

during the most recent three completed experience years, divided by the total of the benefit wages of all employers during the same three years. In such computation, any fraction shall be adjusted to the nearest multiple of 1%.

Section 5. Title 19, Section 3350 (5), Delaware Code, is amended by inserting the word "basic" before the words "contribution rate" wherever the same appear therein.

Section 6. Title 19, Section 3350 (6), Delaware Code, is amended to read as follows:

(6) No employer's basic contribution rate for the period of 12 months commencing January first of any calendar year shall be less than 2 7/10% unless all contributions due on wages paid for employment for such employer during pay periods ending on or prior to June 30 of the preceding year have been paid on or prior to September 30 of such preceding year. If such contributions due are paid after September 30 of the preceding year but prior to or on the last day of any calendar quarter of any calendar year, such employer's basic contribution rate for contributions on wages paid for employment for such employers during pay periods in the said calendar quarter, and for wages paid for employment for such employer during pay periods in all succeeding calendar quarters in such calendar year, shall be the basic contribution rate determined for such employer under the provisions of paragraph (5) of this section.

Section 7. Title 19, Section 3350, Delaware Code, is amended by adding thereto a new paragraph (9) reading as follows:

(9) Supplemental Contribution Rate

(A) For the purpose of this section:

(i) The "solvency factor" shall be an amount equal to one-and-a-half times the ratio of benefit payments to total payrolls in covered employment in the four consecutive calendar quarter period, within the sixty consecutive calendar quarters ending on June 30 immediately preceding the computation date, in which the ratio of benefit payments to total payrolls in covered employment was highest.

(ii) The "safety balance" shall be an amount equal to the product of the solvency factor times total payrolls in covered employment in the four calendar quarter period ending on June 30 immediately preceding the computation date.

(B) For any year with respect to which the balance in the fund on the computation date therefor is less than the safety balance, each employer's standard or basic contribution rate, whichever shall be applicable to such employer, shall be increased by a "supplemental contribution rate."

The supplemental contribution rate shall be the percentage obtained by dividing the "solvency assessment," as defined below, by the sum of the taxable wages of all employers in the four calendar quarter period ending on June 30 immediately preceding the computation date. In such computation, any fraction shall be adjusted to the next higher multiple of one-tenth of one percent. In no case, however, shall the supplemental contribution rate exceed one and one-half percent.

The solvency assessment shall be determined as follows:

(i) For the three calendar quarters ending December 31, 1961, the solvency assessment shall be one-half the amount by which the balance in the fund on the computation date is less than the safety balance on June 30 immediately preceding such computation date.

(ii) For the calendar year 1962, the solvency assessment shall be one-half the amount by which the sum of the balances in the fund on the computation date and the preceding computation date is less than the sum of the safety balances on June 30 immediately preceding each such computation date.

(iii) For the calendar year 1963, and for each calendar year thereafter, the solvency assessment shall be one-third of the amount by which the sum of the balances in the fund on the computation date and the two consecutive computation dates immediately preceding are less than the sum of the safety balances on June 30 immediately preceding each such computation date.

Approved April 25, 1961.

CHAPTER 38

**AN ACT TO FURTHER AMEND CHAPTER 121, VOLUME 28,
LAWS OF DELAWARE, AS AMENDED BY CHAPTER
142, VOLUME 36 AND CHAPTER 4, VOLUME 51, LAWS
OF DELAWARE, AND RELATING TO THE TAKING
AND HEARING OF APPEALS FROM THE BOARD OF
ASSESSMENT FOR THE CITY OF WILMINGTON.**

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

Section 1. That Chapter 121, Volume 28, Laws of Delaware, as amended by Chapter 142, Volume 36, and Chapter 4, Volume 51, Laws of Delaware, be further amended by the addition of a new section, to be known as Section 15A and reading as follows:

§ 15A. Appeals to the Superior Court

In sitting and hearing appeals filed as provided in Section 15, the Board of Assessment for the City of Wilmington shall permit the introduction of all relevant evidence, including the testimony of witnesses, presented by the appellant or on behalf the Board of Assessment. The Board shall make and keep a record of all evidence presented at such appeal proceedings. The Board shall notify the appellant in writing, by registered mail, of the Board's decision within five days of the date of its decision. Any person who feels aggrieved by the decision of the Board may, within 30 days after receiving notice of the Board's decision, appeal therefrom to the Superior Court of the State of Delaware. The decision of the Board shall be prima facie correct and the burden of proof shall be on the appellant to show that the Board acted contrary to law, fraudulently, arbitrarily or capriciously. The appeal shall be heard on the record and proceedings of the Board which shall be certified to the Court by the Board within 15 days after service on the Board of the notice of appeal. The Court may affirm, reverse or modify the decision of the Board. Either party to the appeal may appeal such decision of the Superior Court to

the Supreme Court of the State of Delaware, provided that such appeal is taken in accordance with the Rules of Procedure of the Superior Court of the State of Delaware and the Rules of the Supreme Court of the State of Delaware.

Section 2. In any appeal which was filed with the Board of Assessment before March 31, 1961, any person who feels aggrieved by the decision of the Board may appeal to the Superior Court as herein provided, provided such appeal is taken within 30 days after receipt of notice of the Board's decision or within 30 days of the effective date of this Act, whichever date is later.

Approved April 28, 1961

CHAPTER 34

AN ACT TO AMEND CHAPTER 45, TITLE 7 OF THE DELAWARE CODE RELATING TO PUBLIC LANDS LYING BENEATH THE WATERS OF A NAVIGABLE BODY OF WATER.

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

Section 1. Chapter 45, Title 7 of the Delaware Code is amended by adding thereto the following new section:

§ 4520. Sale, lease, or easement of or in subaqueous public lands; special commission, qualifications of members, term and expenses

(a) Whenever in the opinion of the Governor, it shall be in the public interest to do so, the Governor may, for and on behalf and in the name of the State, sell a fee simple or any lesser interest in, lease, or grant an easement in or over, any part or parts of the public lands of the State lying beneath the waters of the Delaware Bay, Delaware River or any other body of navigable water in the State (including the beach or shore to the mean high water level, except Rehoboth Bay, Indian River, Assawoman Bay and Assawoman Canal) for such price, or rent, and on such other terms and conditions as shall have been fixed and recommended in writing to the Governor by at least a majority of a special commission of three members who shall be specially appointed by the Governor for each transaction for the specific purpose of fixing the purchase price, rent and other terms and conditions which are to govern such transaction.

(b) The members of such special commission shall have no interest in or connection with the prospective purchaser, lessee or grantee. At least two members of such commission shall be residents of the county in which the property involved is located. No more than two members of each such commission shall be of the same political party. A special commission so constituted shall be appointed by the Governor on each oc-

casion when an application is made to the Governor by a prospective purchaser, lessee or grantee. The terms of the members of each such commission and the life of each such commission shall terminate and expire thirty days after the commission has rendered its written recommendation and report to the Governor, unless the Governor shall extend such terms and the life of the commission until the consummation of the specific transaction with respect to which the Commission was appointed. If a vacancy shall occur in the membership of a commission for any reason, the Governor shall appoint a new member to fill the vacancy. The members of a commission shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties. Each commission is authorized to employ, engage or obtain such appraisers, surveyors and other appropriate professional or technical assistance as it deems necessary, or advisable under the particular facts and circumstances involved in the performance of its duties. The expenses of each such commission incurred in the performance of its duties, including the expenses of the commissioners, shall be paid by the person who has made application to purchase, lease or obtain an interest in the property and, on request of the Governor or the commission, the estimated expenses shall be advanced from time to time by such applicant.

(c) Before acting under this section, in any instance, the Governor may, at his option, request any State agency or agencies for a report or recommendation with respect to the pertinent facts and conditions involved in any proposed grant or lease for which an application has been made to him. The Governor shall furnish a copy of any such report or recommendation to the special commission appointed by him pursuant to paragraphs (a) and (b) of this section.

(d) Within 20 days after the appointment of a special commission, it shall fix a time (which shall not be more than 50 days after its appointment) and a place (which shall be in the county seat of the county in which the property is located) for a public hearing on the application to purchase, lease or obtain an interest in the property. The commission shall give notice of such hearing, at least 10 days before the hearing,

by publishing a notice once in a newspaper published in the county in which the property is located and by mailing a notice by registered mail to the applicant. A general description of the location of the property, which may but need not be by metes and bounds, shall be included in the notice.

(e) If any part of the subaqueous land which may be the subject of any transaction authorized by this section is covered by a lease granted by the Delaware Commission of Shell Fisheries pursuant to chapter 19 of Title 7 of this Code, then any conveyance, lease or grant of such subaqueous land made pursuant to paragraph (a) of this section shall be subject to the unexpired term of such then outstanding lease theretofore granted by the Delaware Commission of Shell Fisheries.

(f) Nothing contained in this section shall authorize the Governor to grant any title, lease, easement or other interest for oyster purposes and this section does not repeal or affect any of the powers or jurisdiction of the Delaware Commission of Shell Fisheries except so far as is necessary to give effect to the full enjoyment and use by the grantee or lessee of the title, lease, easement or other interest granted under and pursuant to this section.

(g) This section shall expire on June 30, 1964; provided, however, that any transaction or proceeding under this section that is commenced before such expiration date may be consummated and concluded after that date.

Approved May 1, 1961.

CHAPTER 35

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED BY THE BOARD OF TRUSTEES OF THE STATE WELFARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA TO BE USED TO MAKE CAPITAL IMPROVEMENTS AND TO PURCHASE EQUIPMENT FOR THE STATE WELFARE HOME AND TO ISSUE NOTES AND BONDS THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE SAID BOARD.

Be it enacted by the General Assembly of the State 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 \$1,350,000.00 which shall be used by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna for the erection of additional facilities at the State Welfare Home. The additional facilities shall include sleeping quarters, bathrooms, dining rooms, and living rooms and such other facilities as are needed. A portion of the funds appropriated may be used for the payment of architects and engineering fees and for the purchase of equipment to be used at the State Welfare Home. For the purpose of borrowing said sum, the Issuing Officers are hereby authorized to issue bonds of the State of Delaware in an aggregate principal amount not exceeding \$1,350,000.00. 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 Dela-

ware 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, 1962. The total amount of notes outstanding at any one time, shall not exceed \$25,000.00 or, if any bonds shall have been issued pursuant to this act, the amount by which \$25,000 shall exceed the amount of such bonds. If the aggregate amount of bonds or notes issued pursuant to this act shall exceed \$25,000, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

The notes may be redeemed at part 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 the notes shall be paid out of the proceeds of the sale of the 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 bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The 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 the bonds or notes and legality and validity of the bonds or notes and of the principal debt and interest represented thereby, and the legality and validity of the 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 of the bonds or notes.

Section 5. The bonds issued under the authority of this Act shall be in denominations of \$1,000 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 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 Officer, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

The 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, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said Issuing Officers.

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

The 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 or shall have a facsimile of the Great Seal thereon. The facsimile signatures of the Governor and the Secretary of State may be engraved or printed on the 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 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 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 Welfare Home Bond of 1961".

Section 7. The 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 the 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 publications of such notice of sale shall be necessary; and the 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 the 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 the 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 Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna the sum of \$1,350,000.00 or so much thereof as shall be received from the sale of the bonds and notes authorized hereby, which shall be used for the purpose 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 fiscal year ending June 30, 1962, 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 fiscal year ending June 30, 1962. 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 for the fiscal year beginning July 1, 1961 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 the bonds issued under the authority of this Act, and such of the revenue of the State of Delaware as are not prohibited by Constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved May 2, 1961.

CHAPTER 36

**AN ACT TO AMEND SECTION 2503, TITLE 10, DELAWARE
CODE TO PERMIT THE REGISTER IN CHANCERY FOR
NEW CASTLE COUNTY TO EMPLOY ADDITIONAL
CLERKS.**

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

Section 1. Subsection 2503 (b) (1) Title 10, Delaware Code, amended by striking out the word "six" appearing therein and inserting in lieu thereof the word "eight".

Approved May 2, 1961.

CHAPTER 37

AN ACT TO AMEND CHAPTER 207, VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON," AS AMENDED, BY FURTHER AMENDING SECTION 31 THEREOF SO THAT THE COUNCIL SHALL HAVE POWER TO PROVIDE, BY ORDINANCE OR RESOLUTION, FOR THE SALE AND DISPOSITION OF ABANDONED AND SURPLUS LANDS AND PROPERTIES AND THE PROCEEDS THEREFROM.

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

Section 1. That Section 31 of Chapter 207, Volume 17, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new paragraph to Section 31, as amended, to read as follows: .

"The Council shall have power and authority to adopt a procedure, either by Ordinance or Resolution, for the sale and disposal of surplus and abandoned land and property and the method of utilization and disposition of the moneys received from such sales; provided, that all such ordinances or resolutions shall, in order to become operative and effective, receive the affirmative vote of two-thirds of all members elected to The Council and be approved by the Mayor and further provided that in the event of a sale and disposal of such surplus and abandoned land and property, the City of Wilmington shall refund to the State of Delaware such sum of money received from the sale and disposal of such property as is proportionate to the sum of money contributed by the State of Delaware for the construction and/or improvement of such surplus and abandoned land and property."

Approved May 3, 1961.

CHAPTER 38

**AN ACT TO INCREASE THE COMPENSATION OF THE
COMPTROLLER FOR NEW CASTLE COUNTY AND THE
CLERK OF THE PEACE FOR NEW CASTLE COUNTY.**

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

Section 1. § 9306, Title 9, Delaware Code is amended by striking out the figures "\$5400" as they appear in the first line of said section and inserting in lieu thereof the figures "\$7000".

Section 2. § 9402, Title 9, Delaware Code is amended by striking out the figures "\$5400" as they appear after the words New Castle County therein and inserting in lieu thereof the figures of "\$7000."

Approved May 4, 1961.

CHAPTER 39

AN ACT PERTAINING TO THE STATE HIGHWAY DEPARTMENT AND PROVIDING FOR ITS REORGANIZATION, COMPOSITION, MEMBERSHIP, COMMITTEES, QUORUMS, OATHS OF MEMBERS, AND COMPENSATION TO MEMBERS; FOR LIABILITY INSURANCE FOR DEPARTMENT EMPLOYEES; FOR APPOINTMENT AND POWERS OF NOTARIES PUBLIC; FOR THE TRANSFER OF FUNDS FOR EMERGENCY MAINTENANCE; FOR RATIFICATION OF THE ACTS OF THE STATE HIGHWAY DEPARTMENT CREATED BY TITLE 17, DELAWARE CODE, SECTION 111; FOR AMENDMENT IN THE MANNER OF SELECTING A CHAIRMAN OF THE DEPARTMENT; FOR CERTAIN CHANGES IN THE DEPARTMENT'S POWERS AND DUTIES; FOR ABOLITION OF THE OFFICES OF CHIEF ENGINEER AND SECRETARY; FOR CREATION OF THE OFFICES OF DIRECTOR OF OPERATIONS AND CONTROLLER; FOR AMENDMENTS WITH RESPECT TO DETERMINATION AS TO HIGHWAY IMPROVEMENTS, IMPROVEMENT OF ROADS LEADING TO INSTITUTIONS; COMPETITIVE BIDDING, PREPARATION OF PLANS AND SPECIFICATIONS, ADVERTISEMENT FOR BIDS, OPENING OF BIDS, AND AWARDING OF CONTRACTS; AND FOR ESTABLISHMENT OF A MERIT SYSTEM OF EMPLOYMENT AS TO CERTAIN EMPLOYEES OF THE DEPARTMENT.

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

Section 1. Subchapter II of Title 17 of the Delaware Code, as amended, including all of the paragraphs and sections thereof, is hereby repealed. The State Highway Department and the offices of members of the State Highway Department created by Section 111 of Title 17 of the Delaware Code are hereby abolished, except that all of the present members of the Department shall continue in such offices until all of the members of the new department, created in Section 3 hereof, shall have been appointed and qualified.

Section 2. All acts and actions of the State Highway Department created by § 111 of Title 17 of the Delaware Code and all acts and actions of the members of such Highway Department, as recorded or reflected in the minutes or other records of the Department, are hereby ratified, confirmed, approved and declared to be valid and effective acts and actions of the Department and the members thereof, except any such acts or actions as may have been invalid prior to the effective date of this Section.

Section 3. Subchapter II of Title 17 of the Delaware Code, having been repealed by Section 1 hereof, the following new sections are substituted therefor as a new subchapter II of Title 17:

SUBCHAPTER II. ORGANIZATION AND ADMINISTRATION

§ 111. Composition; appointment; term; qualifications; vacancy

(a) The Department shall consist of eleven members.

(b) The members of the Department shall be appointed by the Governor, by and with the consent of a majority of the members elected to the Senate. When this subchapter becomes law, the Governor shall appoint three of the members for terms of one year each, three of the members for terms of two years each, and four of the members for terms of three years each. Upon the expiration of each stated term, the Governor shall thereafter appoint successors to the offices for terms of three years each, commencing, in each case, from the date of the expiration of the term of his predecessor. The eleventh member of the Department shall serve at the pleasure of the Governor and shall be the Chairman of the Department. He may be removed at any time by the Governor and shall serve until he is removed by the Governor.

(c) During their respective terms of office not less than three members shall reside in each county, and there shall be at least one member from each of the two major political parties residing in each county. No more than six members shall belong to the same political party.

(d) Each member of the Department shall be, when appointed, a citizen of the United States, a qualified voter of the State, and a resident of the State for at least three years preceding the date of his appointment. A member of the Department shall not be, while a member of the Department, a member of any state, county or district political committee.

(e) No appointment of a member to succeed a member whose term of office has expired shall be complete and effective unless or until the nominee has been confirmed by the Senate.

(f) In case of a vacancy in the Department for any reason the Governor shall, by and with the consent of a majority of the members elected to the Senate, fill such vacancy for the unexpired term by selecting a properly qualified person.

§ 112. Oath

Before entering upon the duties of the office, each member of the Department shall take and subscribe the oath or affirmation prescribed in the Constitution. Such oath or affirmation shall become one of the records of the Department.

§ 113. Quorum; Committees

(a) A majority of the members of the Department shall constitute a quorum except as otherwise provided in this title. A majority of the members present at any meeting constituting a quorum shall be sufficient for any action by the Department.

§ 114. Compensation and expenses of members

The members of the Department shall receive no compensation for their services, but shall receive their actual expenses incurred while engaged in the affairs of the Department.

§ 115. Director of Operations; appointment; qualifications; bond

(a) The Department shall employ a Director of Operations for such periods of time as the Department shall determine, which may be for terms up to five years each. The Director may be discharged by the Department for cause at any time.

(b) The Director shall be at the time of his employment not less than thirty years of age; he shall have had at least ten years experience as a managing executive or administrator in government or private industry, with major responsibilities for, and proven abilities in, the kinds of work for which the Director is responsible under the provisions hereof.

(c) The Director, before entering upon the duties of his office, shall give such bond as may be required by the Department for the faithful performance of his duties and shall take and subscribe an oath or affirmation like that required of a member of the Department.

(d) The total compensation to be paid to the Director, for services performed for the Department and for any other public agency or office, shall be determined by the Department. Where the total compensation so determined covers services to be performed for the department and for another public agency or office, the department and such other public agency or office shall each pay one-half of the total compensation.

§ 116. Director of Operations; powers and duties; Chief Engineer

(a) The Director of Operations shall be responsible to the Department for the administration of all of its affairs except the operation of the State Police and Detectives, the Motor Vehicle Division and the accounting and fiscal affairs of the Department. The Director shall carry out and cause to be performed all general and specific duties within his jurisdiction after the policy with respect thereto has been formulated by the Department.

(b) The Director shall, immediately upon assuming the duties of his office and from time to time, recommend to the Department a program for the improvement of state highways and for the inclusion of additional roads or portions of roads in the state highway system; the probable cost of the construction or reconstruction of such roads or portions of roads, and the roads or portions of roads which should first be improved and the probable amount of construction which could be undertaken.

(c) The Director shall employ, promote and discharge all persons hired by the Department, including a Chief Engineer, for the performance of work for which the Director is responsible. All such employment, promotion and discharge shall comply with the laws applicable to the Department.

Such Chief Engineer shall be not less than thirty years of age; he shall be a civil engineer registered or eligible for registration as such in Delaware and shall have been in active practice of his profession for at least ten years; he shall have had responsible charge of road engineering work for at least five years; and he shall be qualified to design as well as direct road engineering work. Graduation from a school of engineering of recognized reputation shall be considered as equivalent to two years of active practice. The total compensation to be paid to the chief engineer and the allocation thereof between the department and any other public agency or office for services performed for the department and any other public agency shall be determined by the department.

§ 117. Controller; appointment; powers and duties; qualifications; bond

(a) The Department shall employ a Controller who shall be directly responsible to the Department for all of its accounting and internal auditing and for the fiscal control of its commitments, receipts and disbursements.

(b) The Controller shall be appointed by the Department within the merit system of employment herein provided. Until such system is in effect in the Department, the Controller shall be employed by the Department for such periods of time as it shall determine. The Controller may be discharged by the Department for cause at any time.

(c) The Controller shall be at the time of his employment not less than thirty years of age and shall be a graduate of a recognized school of business administration majoring in accounting or, in lieu thereof, shall possess the equivalent through other acceptable channels. He shall have had not less than ten years experience in general accounting, obtained in

either the fields of public accounting, governmental accounting, private business accounting or a combination thereof. He shall have experience and ability in preparation and interpretation of financial statements and reports, including budgetary and fund statements and reports.

(d) The Controller, before entering upon the duties of his office, shall give such bond as may be required by the Department for the faithful performance of his duties and shall take and subscribe an oath or affirmation like that required of a member of the Department.

(e) The total compensation to be paid to the Controller for services performed for the Department and for other public agency or office shall be fixed by the Department. Where the total compensation, so determined covers services to be performed for the department and for another public agency or office the department and such other public agency or office shall each pay one-half of total compensation.

(f) The Controller shall employ, promote and discharge all persons hired by the Department for the performance of work for which the Controller is responsible. All such employment, promotion and discharge shall comply with the laws applicable to the Department.

§ 118. Liability insurance for Department employees

The Department shall enter into a contract with a reliable insurance company or companies doing business in this State, to insure the employees of the Department against injury or death incurred while performing their duties as employees of the Department. The Department shall be the sole judge of the kind of insurance and the amount thereof which will best execute such purpose.

§ 119. Appointment and powers of notaries public

In addition to the notaries public now provided by law in the several counties, the Governor shall appoint four employees of the Department, one residing in New Castle County, one residing in Kent County, and two residing in Sussex County,

notaries public, to hold office not exceeding two years. Such notaries public may not exercise their office, or take affidavits or acknowledgments except on documents and papers for the benefit of the Department, and for which they shall make no charge. Whenever any such person appointed notary public ceases to be an employee of the Department, his authority as such notary public shall cease, and thereupon the Governor may appoint another employee of the Department a notary public in his place.

Section 4. § 131 of Title 17 of the Delaware Code is hereby amended by adding thereto a new paragraph reading as follows:

The general jurisdiction conferred upon the Department by this section shall be exercised by it by the establishment and supervision of any and all policies which may be necessary or appropriate to implement such jurisdiction.

Section 5. § 132 (c) (1) of Title 17 of the Delaware Code is hereby amended to read as follows:

(1) Determine upon and lay out, within the recommendations of the Director of Operations, a system of State Highways;

Section 6. § 132 of Title 17 of the Delaware Code is hereby amended by adding thereto a new paragraph reading as follows:

(e) The general powers and duties conferred upon the Department by this section shall be exercised by it by the establishment and supervision of any and all policies pursuant to which such powers and duties shall be carried out. Such policies shall be binding upon the Director of Operations, the Controller and all other persons employed by the Department. All such policies pertaining to powers and duties concerning accounting, a system of accounting, internal audit and fiscal control of the Department's receipts and disbursements shall be carried out by the Controller. All such policies pertaining to other powers and duties shall be carried out by the Director of Operations.

Section 7. § 133 of Title 17 of the Delaware Code is hereby amended to read as follows:

§ 133. Determination as to highway improvements and additions

The Department shall consider the recommendations of the Director of Operations and from such recommendations determine what roads or portions of roads, if any, shall be improved and what roads or portions of roads shall be added to the State highway system.

Section 8. § 136 of Title 17 of the Delaware Code is hereby amended to read as follows:

§ 136. Improvements of roads leading to institutions

The Department may, upon the recommendation of the Director of Operations, widen, straighten, grade, reconstruct, otherwise improve and maintain any road, lane or entrance leading from any public road to any institution which is owned or controlled in whole or in part by the State. The Department shall have the same rights, powers and privileges for the purpose of performing and carrying out the duty hereby imposed as it has for the purpose of constructing State highways in general.

Section 9. § 151 of Title 17 of the Delaware Code is hereby amended to read as follows:

§ 151. Competitive bidding; when required; power to act without bids

(a) All highway maintenance or construction materials furnished to and all labor done for the Department in excess of the probable cost of \$500 except labor in connection with the maintenance of State highways and employees directly under the Director of Operations or the Controller, and except labor and material used in the grading and repairing of roads in the State where such grading or repairing is done solely by the regularly employed workmen of the Department, shall be supplied or done under contract made after competitive bidding as provided in this subchapter.

(b) Whenever there is an unusual emergency which in the joint opinion of the Department (at least two-thirds of the members concurring), and the Director of Operations requires immediate attention to save any State highway or other property from damage, the Department may employ labor and purchase material to prevent such damage without competitive bids.

Section 10. § 152 of Title 17 of the Delaware Code is hereby amended to read as follows:

§ 152. Preparation of plans and specifications; advertisement for bids

(a) When the Department proposes to construct or reconstruct any State highway or purchase any material in excess of the amount specified in Section 151 of this title, the Director of Operations shall prepare plans and specifications for such work, or section thereof, as may be deemed most advantageous to the State, or description of such material as the case may be.

(b) The Director of Operations shall then advertise for sealed proposals to build or construct the road or section thereof or for such material. The advertisement for such bids shall be published at least once a week for two consecutive weeks in a newspaper of general circulation throughout the State and at least once a week for two consecutive weeks in a newspaper published in each county of the State; such advertisement shall be sufficiently full to indicate with reasonable accuracy the character, quantity and location of the work to be done, or the character and quantity of material to be furnished, when work shall commence, and when it shall be completed, or the materials to be furnished, and the manner and time of payment for the work to be done, or the material to be furnished, and the time and place of the opening of proposals and the conditions to be complied with in submitting proposals.

Section 11. § 154 of Title 17 of the Delaware Code is hereby amended to read as follows:

§ 154. Opening of bids; award of contract; right to reject bids

The proposals shall be publicly opened at the time and place specified in the advertisement, and the contract shall be

awarded within 20 days by the Department to the lowest responsible bidder, unless in the opinion of all the members of the Department and the Director of Operations, the interest of the State shall be better served by the awarding of the contract to some other bidder, which may then be done, provided the Department shall set down in its minutes the reason or reasons for granting the contract to the person other than the lowest responsible bidder. If two or more responsible bidders shall bid an equal amount, and such amount shall be the lowest bid, the Department may award the contract to any one of them. The Department may reject all bids.

Section 12. § 403 (a) of Title 17 of the Delaware Code is hereby amended by deleting the last two sentences thereof and inserting in lieu thereof the following:

The Controller of the Department shall be the Secretary of the Division, provided, however, that said Controller may appoint a deputy to act in his stead. The Director of Operations of the Department shall appoint the Chief Engineer of the Department to be the Chief Engineer of the Division and the Director shall appoint such other deputies as may be necessary for the operation of the Division. The total compensation of such persons shall be determined by the Department and shall be paid by the Department and the division in such proportions as the department shall determine.

Section 13. § 132 (c) (6) of Title 17 of the Delaware Code is hereby amended to read as follows:

The Department is authorized to employ and discharge professional or technical experts, surveyors, agents, assistants, clerks, employees and laborers, skilled and unskilled, and also such advisers and consultants as may be required to accomplish the purposes of this chapter. All such persons employed to perform work for which the Director of Operations is responsible shall be employed and discharged by the Director. All such persons employed to perform work for which the Controller is responsible shall be employed and discharged by the Controller. General and special counsel for the Department shall be employed by, and shall serve at the pleasure of the Department.

Approved May 4, 1961.

CHAPTER 40

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 on December 14, 1960 adopted a resolution, drawn in form and content to meet certain objectives outlined by members of the General Assembly, defining the Capital Improvement Program for 1961, and

WHEREAS, the said resolution of December 14, 1960 directed the Chairman and Chief Engineer of the State Highway Department to transmit copies of said resolution to the Governor and to the General Assembly and to request that the General Assembly appropriate to the Department the sum of \$14,000,000 for the fiscal year beginning July 1, 1960 to enable the Department to proceed with the Capital Improvement Program as set forth in the aforementioned resolution, and

WHEREAS, The State Highway Department on March 20, 1961 adopted a resolution, drawn in the form and context of the resolution of December 14, 1960, defining the Capital Improvement Program for the fiscal year 1962, and

WHEREAS, the said resolution of March 20, 1961 directed the Chairman and Chief Engineer of the State Highway Department to transmit copies of said resolution to the Governor and to the General Assembly and to request that funds be appropriated to the Department to provide for the fulfillment of said Capital Improvement Program.

NOW, THEREFORE,

Be it enacted by the General Assembly of the State 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 re-

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 Twenty-Six Million Six Hundred Sixty Thousand Dollars (\$26,660,000) which shall be used by the State Highway Department to defray the costs of its Capital Improvements Programs during the period extending from the date of enactment of this Act through June 30, 1963; said programs to be completed as defined, and under the conditions and provisions as set forth in the pertinent resolutions adopted by the Department on December 14, 1960 and on March 20, 1961. The Capital Improvements Programs shall be composed of the following:

- A. General Highway Program
- B. Dirt Road Improvement Fund
- C. Suburban Development Improvement Fund
- D. Beach Erosion Fund
- E. Drainage and Public Improvement Projects

The cost of construction and reconstruction of the aforementioned projects and of carrying out the aforementioned programs 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 are hereby authorized to issue bonds in conformity with the provisions of this Act to an amount not to exceed the said sum of Twenty Six Million Six Hundred Sixty Thousand Dollars (\$26,660,000.00). 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, 1963. The total amount of notes outstanding at any one time, together with the total amount of said bonds theretofore issued; shall not exceed Twenty Six Million Six Hundred Sixty Thousand Dollars (\$26,660,000.00), or if any bonds shall have been issued pursuant to this act, the amount by which Twenty Six Million Six Hundred Sixty Thousand Dollars (\$26,660,000.00) shall exceed the amount of such bonds. If the aggregate amount of bonds or notes issued pursuant to this act shall exceed Twenty Six Million Six Hundred Sixty Thousand Dollars (\$26,660,000.00) the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

The 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 the notes shall be paid out of the proceeds of the sale of the 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 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 purpose 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 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.

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

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

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

Section 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 1961."

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 publications 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 the 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 Twenty Six Million Six Hundred Sixty Thousand Dollars (\$26,660,000) 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 fiscal year ending June 30, 1963, 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 fiscal year ending June 30, 1963. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the 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, 1961 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 the bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved May 4, 1961.

CHAPTER 41

**AN ACT TO AMEND TITLE 10, SECTION 2706 OF THE
DELAWARE CODE OF 1953 RELATING TO CON-
STABLES.**

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

That Title 10, Section 2706 of the Delaware Code of 1953,
is hereby amended by striking out the word "five" in line 1 of
Sub-Section (d) and substituting in lieu thereof the word
"ten".

Approved May 5, 1961.

CHAPTER 42

**AN ACT AMENDING, REVISING AND CONSOLIDATING
THE CHARTER OF THE CITY OF SEAFORD.**

WHEREAS, it is deemed desirable that the Charter of the City of Seaford, being Chapter 184, Volume 43, Laws of Delaware, entitled "An Act Changing the Name of the 'Town of Seaford' to 'The City of of Seaford' and Establishing a Charter Therefor" together with the various amendments and supplements thereto, be amended and revised in certain respects and consolidated into one complete act.

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

TERRITORY AND LIMITS.

Section 1. (A) The present territorial limits of the City of Seaford are as follows:

BEGINNING at a point (No. 1) near the center of the Seaford Milling Company's Mill Dam and near where the old waste gates formerly stood, said point being marked by a monument set in the road at a distance of 25 feet therefrom and at right-angles to the first course of this description; thence running from said point N 72° 02' W 231.0 feet to a monument (point 2); thence N 45° 32' W 276.5 feet to a monument (point 3) set on the prolongation of the South side of Poplar Street; (NOTE: The first course, including the point of beginning, and the first 60 feet of the second course are in Williams Pond; the Seaford Milling Company's Mill Dam and the road across it are no longer in existence. Due to the acquirement and construction of Poplar Street Extended, and also due to the recently constructed causeway and bridge over Williams Pond, the second course runs, in part, in the right-of-way of said Poplar Street Extended and point 3 is approximately 5 feet South of the Northerly line of said Poplar Street Extended); thence N 00° 32' W and running on a course parallel with and at a distance of 473.4 feet from the Easterly line of North

Street 2466.0 feet to a monument (point 4) set on the Southeasterly line of the State Highway leading to Bridgeville known today as "U. S. Route 13A"; thence by and with said southeasterly line of U. S. Route 13A S 35° 28' W 908.0 feet (passing over a monument set at the intersection of the Easterly line of North Street and continuing) to a monument (point 5) set at the intersection of the Westerly line of North Street; thence continuing along the Southeasterly line of said U. S. Route 13A S 43° 28' W 282.8 feet to a monument (point 6) set at the intersection of the Southerly line of the State Road known as "duPont Road", thence by and with said Southerly line of duPont Road S 74° 28' W 133.0 feet (passing over a monument set at the intersection of the Easterly line of Front Street and continuing) to a monument (point 7) set at the intersection of the Westerly line of said Front Street; thence continuing along the same bearing approximately 1165 feet to a concrete monument (point 8) set on the Easterly line of Market Street; thence in a Northerly direction by and with said Easterly line of Market Street N 16° 29' 30" W. 370.82 feet to a concrete marker (point 9); thence continuing along the said Easterly line of Market Street (which, in part, runs near and not quite parallel to an existing chain link fence on the westerly line of the Seaford School Board Property) N 17° 00" W 739.30 feet to a concrete marker (point 10) placed on the Westerly line of the lands of, now or formerly, Edward C. Davis and which marks the Northerly line of Nanticoke Avenue; thence by and with said Northerly line of Nanticoke Avenue, which is also the Southerly line of the Seaford Special School District, S 77° 18' W 368.22 feet to a concrete marker (point 11) set on the Westerly line of Arch Street, passing through an area locally known as "Hurley Heights"; thence by and with the said Westerly line of Arch Street S 16° 29' 30" E 1134.46 feet to a concrete marker (point 12) set on the Southerly line of duPont Road; thence proceeding Westerly along said Southerly line of duPont Road S 74° 28' W 741.3 feet (passing over a monument set at the Easterly line of Pine Street and continuing 35.5 feet therefrom) to a point (No. 13) in the roadway of Pine Street; thence continuing along the said Southerly line of said duPont Road S 76° 50' W 20.65 feet to a monument (point 14) set at the intersection of the Westerly line of Pine Street; thence continuing along the said Southerly line of duPont Road on the

same bearing 139.3 feet at a monument (point 15); thence continuing along the said Southerly line of duPont Road S $85^{\circ} 55'$ W 182.2 feet to a point (No. 16,) the said point being at a distance of 4.6 feet from a point on the prolongation of the back tangent of the Northbound track of the Pennsylvania Railroad; thence continuing along the said Southerly line of said duPont Road S $88^{\circ} 17'$ W approximately 37 feet to (point 17) the Westerly Right-of-Way line of the said Pennsylvania Railroad; thence in a Northerly direction by and with the said Westerly line of said Pennsylvania Railroad R/W 618.55 feet along a slight curve or arc of a circle, the radius of which is 5664.34 feet and the chord of which is N $16^{\circ} 10'$ W and 618.32 feet long to (point 18) the P. T. of said curve; thence continuing along said Westerly line of the Pennsylvania R/W N $13^{\circ} 02' 30''$ W 1895.6 feet to a point (No. 19) marking the Southerly line of the lands of, now or formerly, James T. Ross; thence by and with said Southerly line of the lands of, now or formerly, James T. Ross and with the Northerly line of the "Murrell Subdivision" S $71^{\circ} 35'$ W 2274.4 feet (to point 20); thence continuing on the same bearing with the Northerly line of the land of, now or formerly, George Houston S $71^{\circ} 35'$ W 342.8 feet to a granite stone marker (point 21) which is on the Easterly line of the lands of, now or formerly, Adrian Fleetwood and the Westerly line of the lands of, now or formerly, George Houston; thence by and with said line (which, in part, is also the center line of the proposed extension of Nylon Boulevard North of Stein Highway) S $18^{\circ} 06'$ E 712 feet to a concrete marker (point 22); thence with the division line, and its projection, between the lands of, now or formerly, Adrian Fleetwood and "Parsons Village" S $71^{\circ} 23' 30''$ W 735.0 feet to a granite marker (point 23) on the Easterly line of State Highway 30 leading from Seaford to Wesley Church; thence by and with said Easterly line of State Highway 30 S $18^{\circ} 35'$ E 1020.8 feet to the Northerly line of Stein Highway, and continuing on the same bearing 70 feet more across Stein Highway to a point (No. 24) on the Southerly line of said Stein Highway, the total distance of this course being 1090.8 feet; thence by and with said Southerly line of Stein Highway and in part with the Northerly line of the "Martin Farms Subdivision" S $77^{\circ} 04'$ W 980.8 feet to a concrete monument (point 25) on the Easterly line of Sussex Avenue; thence continuing along the South-

erly line of Stein Highway with the same bearing, crossing Sussex Avenue, and proceeding along the Northerly line of the "Westview Subdivision" approximately 1066 feet to (point 26) the Westerly line of said "Westview Subdivision" and also the Westerly line of a 10 foot alley; thence by and with the said Westerly line of the 10 foot alley of the said "Westview Subdivision", which is also the Easterly line of the lands of, now or formerly, Cecil B. Tull S 08° 40' E 1985.93 feet to (point 27) the Northerly line of the Southern States Cooperative property; thence by and with the said Northerly line of the Southern States Cooperative Property and the Southerly line of the lands of, now or formerly, Cecil B. Tull N 67° 36' W 1131.39 feet to (point 28) the Westerly line of the Southern States Cooperative Property; thence by and with said Westerly line S 22° 24' W 450.0 feet to (point 29) the Northerly line of the Pennsylvania Railroad; thence by and with said Northerly line of the Pennsylvania Railroad S 67° 36' E 1400.0 feet to (point 30) the Westerly line of the "Westview Subdivision"; thence by and with the Southerly line of said "Westview Subdivision" S 67° 40' E approximately 690 feet (to point 31); thence continuing along the same bearing, in part with the said Southerly line of the "Westview Subdivision", and crossing State Road #536 leading from Seaford to Woodland, approximately 375 feet to a point (No. 32) on the Southerly line of said State Road #536; thence by and with said Southerly line of State Road #536 along a curve, the chord of which is S 75° 20' W and approximately 210 feet long, to (point 33) the Easterly line of that portion of the State Road #536 known as Sussex Avenue; thence by and with said Easterly line of Sussex Avenue, which is also the Westerly line of the DuPont Corporation Property, N 07° 10' W 1495.0 feet to a point (No. 34); thence continuing along the said Easterly line of said Sussex Avenue and the said Westerly line of the DuPont Corporation Property N 11° 26' W 444.0 feet to (point 35) the Southerly line of Poplar Street and the Northerly line of the DuPont Corporation Property; thence by and with said Southerly line of Poplar Street on the following courses: N 84° 09' E. 88.0 feet (to point 36); 306.26 feet along the arc of a slight curve to the left, the radius of which is 2465.7 feet and the chord of which is N 80° 35' 30" E and 306.6 feet long (to point 37); N 77° 02' E 396.8 feet (to point 38); 223.89 feet

along the arc of a slight curve to the left, the radius of which is 1028.96 feet and the chord of which is N 70° 48' E and 223.44 feet long (to point 39); 36.28' along the arc of a curve to the right, the radius of which is 66.66 feet and the chord of which is N 80° 09' 30" E and 35.85 feet long (to point 40); S 84° 15' E 588.17 feet to (point 41) the Westerly line of Nylon Boulevard; thence in a Southerly direction by and with said Westerly line of Nylon Boulevard S 10° 35' E 227.15 feet to a point (No. 42); thence leaving said Westerly line of Nylon Boulevard and proceeding Southwesterly S 58° 52' 30" W 260.11 feet to a point (No. 43); thence proceeding Southerly S 33° 30' 30" E 664.28 feet (to point 44); thence S 35° 29' 30" E 306.57 feet (to point 45) returning to the Westerly line of Nylon Boulevard; thence in a Southerly direction by and with said Westerly line of Nylon Boulevard along a slight curve or arc of a circle, the radius of which is 3100 feet and the chord of which is S 29° 20' 30" E, a distance of 560.0 feet to a point (No. 46); thence continuing in a Southerly direction along a slight curve or arc of a circle, the radius of which is 3100 feet and the chord of which is S 38° 07' 30" E, a distance of 550.0 feet to a point (No. 47) of a compound curve; thence continuing in a Southerly direction along a curve or arc of a circle, the radius of which is 550 feet and the chord of which is S 50° 07' 30" E, a distance of 120.0 feet to a point No. 48) of reverse curve; thence continuing in a Southerly direction along the arc of said reverse curve, the radius of which is 60 feet and the chord of which is S 22° 37' 30" E, a distance of 85.0 feet to (point 49) the Northerly line of Harrington Street; thence in an Easterly direction by and with the said Northerly line of Harrington Street N 48° 16' 30" E 117.78 feet to a point of curve (point 50) in said Northerly line of Harrington Street; thence continuing Easterly by and with said Northerly line of Harrington Street along a curve or arc of a circle, the radius of which is 1506.42 feet and the chord of which is N 49° 19' 30" E and 62.22 feet long (to point 51); thence proceeding across said Harrington Street in a Southwesterly direction S 15° 43' W 55.6 feet to a cross cut in the center of the pavement in the center-line of said Harrington Street (point 52) thence continuing on the same bearing 530.5 feet to a stone (point 53) set for the corner

of lands, now or formerly, of Isaac Willin; thence S 60° 47' E along the said Westerly line of lands of said Isaac Willin, intersecting the center-line of track of, now or formerly, C. & S. R. R. at a distance of 165.8 feet from the last named corner and forming an angle of 122° 52' with the forward tangent as now laid down, and continuing on the same bearing an additional distance of 35.7 feet to a stone (point 54) set on the Southerly right-of-way of the said C. & S. R. R. and also a corner of the lands of, now or formerly, Mrs. T. E. Willin, the total distance of this course being 201.5 feet; thence S 65° 55' E 335.8 feet along the Easterly side of a road (same being the line of lands, now or formerly, of Mrs. T. E. Willin), to a Persimmon tree (point 55), a corner of lands of said Mrs. T. E. Willin; thence S 46° 51' E 358 feet along the line of lands of the said C. & S. R. R. Co. and along the Easterly side of above-named road to a monmument (point 56); thence S 21° 37' E 240.4 feet along the Easterly side of a road to a stone (point 57) set for a corner of the laands of, now or formerly, the Delaware Shipbuilding Company; thence S 44° 08' W 228.4 feet along the line of lands of said Delaware Shipbuilding Company to a monument (point 58) on the Southerly side of the road; thence S 10° 43' W 330 feet partly along line of lands of the said Delaware Shipbuilding Company and land of, now or formerly, John Palmer, and along the Southerly side of a road to a monument (point 59) on the Southerly side of the road; thence S 05° 58' W 275.3 feet along line of lands of, now or formerly, the said Delaware Shipbuilding Company to a monument (point 60) set for a corner of the lands of the said Delaware Shipbuilding Company; thence S 05° 53' E along the line of the lands of the said Delaware Shipbuilding Company, passing through the decayed stump of a large Sycamore tree (point 61) standing at the edge of a wharf owned, now or formerly, by the Allen Package Company (said tree and edge of wharf being at a distance of 182.5 feet from last-named monument) and continuing along the same bearing to the line of low water of the Nanticoke River; thence up the said Nanticoke River to Herring Run or Clare Creek Branch; thence up the said run or branch with the several meanderings thereof to the Seaford Milling Company's Mill Dam, to the point No. 1 of beginning.

(b) The above description, courses and distances, includes the territorial limits of the City of Seaford as set forth in Chapter 184, Volume 43, Laws of Delaware, and all annexations which have been authorized by the General Assembly subsequent to the enactment of the previous Charter and prior to the passage of this Act. The description set forth above shall be recorded in the office of the Recorder of Deeds, in and for Sussex County, in Georgetown, Sussex County, Delaware, and shall be evidence in all courts of law and equity in this State.

ANNEXATION OF TERRITORY.

Section 2. In the event that it becomes feasible or necessary in the future for the City of Seaford to enlarge its then existing limits and territory, such annexation accomplished in accordance with the following procedures shall be lawful:

(A) If five (5) or more property owners resident in a territory contiguous to the then limits and territory of the City of Seaford, by written petition with the signature of each such petitioner duly acknowledged, shall request the City Council to annex that certain territory in which they reside and own property, the Mayor of the City of Seaford shall appoint a committee composed of not less than three (3) of the elected members of the City Council to investigate the possibility of annexation. The petition presented to the City Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the City Council, by a majority vote of the elected members thereof, may, by resolution, propose that a committee, composed of not less than three (3) of the elected members of said City Council, be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the City of Seaford.

(B) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and City Council. The report so submitted shall include the advantages and disadvantages of the proposed an-

nexation both to the City and to the territory proposed to be annexed and shall contain the committee's recommendations whether or not to proceed with the proposed annexations and the reasons therefor. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the City and to the territory proposed to be annexed within thirty (30) days after receiving the report, a second resolution shall then be passed by the City Council proposing to the property owners and residents of both the City and the territory proposed to be annexed that the City proposes to annex certain territory contiguous to its then limits and territory. In the event that the committees appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the City or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the committee, the resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one year from the date that the resolution failed to receive the required affirmative vote. The second resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the City Council setting forth the above information shall be printed in a newspaper published in the City of Seaford at least one week prior to the date set for the public hearing, or, if no newspaper is published in the City, publication shall be had in a newspaper having a general circulation both in the City and in the territory proposed to be annexed, or, at the discretion of the City Council the said resolution shall be posted in one (1) public place both in the City and in the territory proposed to be annexed.

(C) Following the public hearing, but in no event later than thirty (30) days thereafter, a resolution shall then be passed by a majority of the City Council ordering a special election to be held not less than thirty (30) days nor more than

sixty (60) days after the said public hearing on the subject of the proposed annexation. The passage of this resolution shall *ipso facto* be considered the City Council's determination to proceed with the matter of the proposed annexation.

(D) The notice of the time and place of holding the said special election shall be printed within thirty (30) days immediately preceding the date of the special election in at least two (2) issues of a newspaper published in the City, or, if no newspaper is published in the City, the notice may be printed within thirty (30) days immediately preceding the date of the special election in two (2) issues of a newspaper having a general circulation in the City and in the territory proposed to be annexed, or, in the discretion of the City Council the said notice may be posted in one (1) public place both in the City and in the territory proposed to be annexed, at least fifteen (15) days prior to the date of the special election.

(E) At the special election, every property owner whether an individual, a partnership, or a corporation, both in the City and in the territory proposed to be annexed, shall have one (1) vote for each One Hundred Dollars (\$100.00) of assessment as shown by the books of the City in the case of City property owners and by the records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed. Every citizen of either the City or of the territory proposed to be annexed who is not a property owner shall have one (1) vote. In the case of property owned by a husband and wife jointly, the husband and wife shall each have one vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person owns property both in the City and in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in the City and in the territory proposed to be annexed but does not reside in either place, he may vote only in the City and not in the territory proposed to be annexed. In the event that an individual, partnership or corporation holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual, partnership, or corporation to vote at the said special election, a duly authenticated copy of the power of attorney shall be filed in the office of the City Manager of the City of

Seaford. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of said person, partnership or corporation to vote in the special election.

(F) The Council shall cause to be prepared, printed and have available a sufficient number of ballots not less than five (5) days prior to the date of the special election.

(G) The form of the ballot shall be as follows:

This ballot casts.....votes.

☐ For the proposed annexation.

☐ Against the proposed annexation.
(check one)

(H) The Mayor shall appoint three (3) persons to act as a Board of Special Election, at least one of whom must reside and own property in the City, and at least one of whom must reside and own property in the territory proposed to be annexed. One of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in the Municipal Building and the Board of Election shall have available, clearly marked, two (2) ballot boxes. All ballots cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be deposited in one such ballot box, and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents or property owners of the City shall be deposited in the other such ballot box. The polling places shall be opened from 12:00 o'clock noon prevailing time until 7:00 o'clock P. M., prevailing time on the date set for the special election.

(I) Immediately upon the closing of the polling places, the Board of Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed annexation, and the number of void votes, and shall deliver the same to the City Council. The said certificate shall be filed with the papers of the Council.

(J) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the City and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that Referendum result in an unfavorable vote for annexation, no part of the territory considered at the Referendum for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Referendum. If a favorable vote for annexation shall have been cast, the City Council of the City of Seaford shall cause a description and a plot of the territory so annexed to be recorded in the office of the Recorder of Deeds for Sussex County in Georgetown, Delaware, but in no event shall such recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of the City of Seaford from the time of recordation.

STRUCTURE OF GOVERNMENT

Section 3. The Government of the City and the exercise of all power conferred by this Charter, except as otherwise provided herein, shall be vested in a Mayor and City Council. The term of the Mayor of the City of Seaford shall be a period of two (2) years and he shall receive an annual salary of Five Hundred Dollars (\$500.00). The City Council shall be composed of five (5) members whose terms shall be a period of three (3) years. Each member of the City Council shall receive an annual salary of Two Hundred Fifty Dollars (\$250.00).

GENERAL POWERS

Section 4. (A) The inhabitants of the City of Seaford, within the limits and boundaries referred to in Section 1 of the Act, or within the limits and boundaries hereafter established shall be and they are hereby created a body politic and corporate in law and equity by the corporate name of "The City of Seaford," hereinafter called the City and under the name shall have perpetual succession, may have and use a corporate seal which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all

Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purposes of this Act, subject, however, to other sections of this Act, provided, however, that any property owned by the City, the value of which in the opinion of the City Council equals or exceeds Ten Thousand Dollars (\$10,000.00) shall not be sold or leased without the approval of a majority of the taxables of the City at a special election called for that purpose. At such special election, every owner of property whether individual, partnership, or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

As hereinafter provided in this Charter relative to power to issue bond, the City shall have all other powers and functions requisite to or appropriate for the Government of the City, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort and well being of its population, and the protection and preservation of property, public and private; and all actions, suits or proceedings shall be brought in the name of "The City of Seaford."

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof it is intended that the City of Seaford shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the City of Seaford whether expressed or implied, shall be exercised as prescribed by this Charter or; if not prescribed herein, by ordinance or resolution of the City Council.

QUALIFICATIONS FOR MAYOR AND CITY COUNCILMAN.

Section 5. The qualifications for Mayor and for City Councilman shall be as follows:

- (1) A bona fide citizen of the United States and of the State of Delaware and a resident freeholder of the City of Seaford for at least one (1) year next preceding the annual election; and
- (2) At least twenty-one (21) years of age; and
- (3) a non-delinquent taxpayer of all capitation and property taxes of the City of Seaford for at least one (1) year next preceding the annual election.

METHOD OF MAKING NOMINATIONS FOR MAYOR AND CITY COUNCILMAN.

Section 6. The candidates for Mayor and City Councilman shall be nominated as follows:

(a) Each candidate shall notify the City Manager in writing of his candidacy for the office of either Mayor or City Councilman; or five (5) or more persons qualified to vote in the annual election may file the name of the candidate for the office of Mayor or City Councilman with the City Manager provided that the candidate endorses his written consent thereon.

(b) All such notifications of candidacy must be filed with the City Manager at least twenty (20) full days prior to the date of the annual election next ensuing; and thereupon, it shall be the duty of the City Manager to have a list of names of all candidates so filed with him printed in a newspaper published in the City of Seaford at least ten (10) full days prior to the said annual election next ensuing; or in the event that no newspaper is published in the said City, publication may be had in a newspaper having a general circulation in the community; or, in the discretion of the City Council, the City Manager may post a list of names of all candidates designating the office sought by each candidate in at least five (5) public places

in the City, such public places to be designated by the Council. One of the said public places shall be in the Municipal Building of the City of Seaford.

(C) In the event that the City Manager is unable to act because of illness, absence, or for any other reason whatsoever, the names of all candidates shall be filed with the Vice-President of the City Council who shall thereupon perform the duties required of the City Manager in subsection (B) of this section.

(D) The City Council shall cause to be printed sufficient ballots in order for each citizen of the City to vote at the annual election. Said Ballot shall contain the names of all the persons nominated and shall designate the office for which each is a candidate, and such ballots shall be delivered to the City Manager at least five (5) days prior to the date of the annual election. No ballots to be used for voting at the annual election shall be available for distribution to any person prior to the time of his actually presenting himself for the purpose of voting provided; however, that the City Manager shall have available for distribution five (5) days prior to the election sample ballots marked or defaced in such a manner that they cannot be used at the election.

MANNER OF HOLDING ANNUAL ELECTIONS.

Section 7. (A) The annual municipal election shall be held on the first Monday in March of each and every year and shall be conducted by the holding-over members of the City Council, and by such other officers as the members of the City Council may designate, either from among themselves or from among the other qualified voters of the City. The polls shall be opened at 12:00 o'clock noon prevailing time and shall close at 7:00 o'clock P. M. prevailing time unless only one candidate has been nominated for each office which has expired and for which nominations have been received. In the event that there is only one candidate for each office for which nominations have been received, the polls shall be opened at 12:00 o'clock noon prevailing time and shall close at 1:00 P. M. prevailing time. All voting shall take place in the Municipal Building of the City of Seaford. In no event shall the polls be held open

after the designated time for closing and no ballots shall be accepted by the election officials after the time specified for the closing of the polls. Notice of the polling place shall be printed at least two (2) times within thirty (30) days immediately preceding the date of the annual election in a newspaper published in the City, or, in the event that no newspaper is published in the City, publication may be had in a newspaper having a general circulation in the City, or, in the discretion of the Council, notice of the polling place may be given by posting the location of the said polling place in five (5) public places within the limits of the City of Seaford at least ten (10) days prior to the date of the annual election. One of said public places where such notice shall be posted shall be in the Municipal Building of the City of Seaford.

(b) It shall be the duty of the City Council of the City at the last regular meeting of the City Council prior to the date of the annual election to designate a Presiding Officer and sufficient Judges to act as a Board of Election for the purpose of holding the said annual election either from among the holding-over members of the City Council or from among the other qualified voters of the City. If any of the officers chosen and designated to conduct such an election shall not be present at the polling place at the time designated for the holding of said election, it shall be lawful for the qualified voters present at the polling place at the time of holding said election, to elect from among themselves, a person or persons to fill the vacancy or vacancies in such Board of Election caused by the absence of such person or persons so chosen. The members of the Board of Election or the persons so chosen as aforesaid shall be the Judges of the election and shall decide upon the legality of the votes offered and shall keep a list of all voters thereat.

(c) At such annual election every person who is a resident of the City of Seaford of the age of twenty-one years or upwards to whom was assessed either a City capitation or property tax and/or both for the year preceding such election and who shall have paid all such taxes last assessed to him not less than thirty (30) days prior to the date of said annual election or who shall have become a citizen of the City of Sea-

ford since the last previous assessment of taxes of the said City and shall be a resident of the City of Seaford and who shall have resided in the said City for at least six months prior to said election or who shall have attained the age of twenty-one (21) years since the last annual election and who will be twenty-one years of age by the date of the instant annual election, shall have the right to vote for the Mayor and for the members of City Council. The City Manager shall deliver to the Vice-President of the City Council at least twenty (20) days prior to the date of said election a list of all names of persons who have paid their taxes as hereinbefore provided, alphabetically arranged, dated and duly certified. This list so certified shall be evidence as to the right of any person to vote at the said election. Those persons whose names do not appear on the list so certified must present to the Board of Election at the time that they present themselves to vote sufficient evidence that their taxes were paid prior to the date when the list was compiled by the City Manager. Those persons desiring to vote in the annual election who have become citizens of the City of Seaford since the last previous assessment of taxes and who have resided in said City for at least six months prior to the date of the said annual election and those persons who shall be residents of the City of Seaford and who shall have attained the age of twenty-one (21) years since the last annual election and desire to vote in the present annual election and to whom no capitation or property tax and/or both has been assessed may register in the Municipal Building of the City of Seaford with the City Manager at least thirty (30) days prior to the date of said annual election to be entitled to vote. The City Manager shall deliver to the Vice-President of the City Council at least twenty (20) days prior to the date of said election a list of all names of those persons who so registered and who will have been citizens for six (6) months of the City of Seaford next preceding the date of the annual election and those persons who are residents of the City of Seaford and who have attained the age of twenty-one (21) years since the last annual election alphabetically arranged, dated and duly certified. Those lists so certified shall be evidence as to the right of any person so classified to vote at said election. Any person not so registered shall not be permitted to vote.

(D) Immediately after the polls shall be closed the Board of Election shall read and count the votes cast and the candidates having a plurality of votes cast shall be declared duly elected and continue in office for the terms hereinbefore stated or until their successors are duly elected and qualified. In the event there is a tie vote for any office, the Board of Election consisting of those persons appointed by the City Council or otherwise chosen as hereinbefore provided, shall by majority secret vote, decide which of the candidates so tied shall be elected. After the results of the election shall be ascertained the election officers shall make out certificates of election and deliver one to each successful candidate which said certificate shall be delivered to the City Manager at the first regular meeting after such election and shall be inserted in the minutes kept by said City Manager.

(E) The election board shall immediately after said election enter upon the Minute Book of the City Council, the minutes of such election containing the name of the Mayor and Councilmen chosen thereat and subscribe their names upon such Minutes Book. The minutes of the election shall be preserved by the City Council and shall be evidence in any Court of Law and Equity in this State. All ballots cast and the records of the election shall be preserved in the custody of the Election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL.

Section 8. Before entering upon the duties of their respective offices, the Mayor elect, and the Councilmen elect, shall be sworn by a Notary Public to faithfully and impartially perform the duties of their respective offices with fidelity. At 7:30 o'clock P. M. on the Second Tuesday in the Month of March following the annual election, the Mayor and City Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

(B) At this annual meeting, on the Second Tuesday in the month of March in each and every year, the City Council shall organize and elect, by ballot, a Vice-President, who shall hold office for the term of one year, or until his successor shall be duly elected.

(C) There shall be twenty-four stated regular meetings of the City Council to be held on the second and fourth Tuesday of each month. The regular meeting held on the Second Tuesday of each month shall be an executive meeting not open to the public unless special permission is obtained from the Mayor of the City by an interested person submitting a written request therefor at least five (5) days prior to said meeting. The City Council shall have the power to enact ordinances, adopt resolutions, pass motions, make orders and transact all business at these executive meetings. The regular meeting held on the Fourth Tuesday of each month shall be open to the public and the City Council shall have the power to enact ordinances, adopt resolutions, pass motions, make orders and transact all necessary business at these open meetings. The date of any regular meeting of the City Council, as defined in this Act may be changed by resolution passed by a majority of the elected members of the City Council without notice to the general public.

SPECIAL MEETINGS.

Section 9. A special meeting may be called by the Mayor upon his own motion and shall be called by him upon the request of a majority of the elected members of the Council. The said date, hour, and place of such special meeting shall be designated by the Mayor, but in no event shall it be later than five (5) days after the written request is made by the members of the City Council. Failure to call such a meeting may be cause for removal of the Mayor. The City Council shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders, and transact all other business at any such special meeting, called as hereinbefore provided, as the Council has the authority and right to do at any regular meeting.

QUORUM.

Section 10. A majority of the members elected to the City Council shall constitute a quorum at any regular or special meeting; but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

RULES AND MINUTES OF COUNCIL.

Section 11. The Council shall determine its own rules and order of business, and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

VACANCIES.

Section 12. If any vacancy shall occur in the office of Mayor or Councilman, by death, resignation, loss of residence in the City of Seaford, refusal to serve, failure to elect or otherwise, the same may be filled by a majority vote of the members of the City Council, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected members and shall hold office until the next annual election, at which time said vacancy or vacancies shall be filled by an election for the remainder of the unexpired term.

DISQUALIFICATIONS.

Section 13. If any Councilman or Mayor, during his term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment for any term whatever, or shall for any reason cease to be resident of said City, he shall forthwith be disqualified to act as a member of Council or Mayor, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

CONTRACTS.

Section 14. It shall be unlawful for the City Council to make or enter into any contract in excess of Five Hundred Dollars (\$500.00) for materials, supplies, work or labor for the benefit and use of the City of Seaford with any member of the City Council or the Mayor or with any partnership in which any member of the City Council or the Mayor is a general partner or with any corporation in which any member of the City Council or the Mayor is a director or controlling stockholder or with any firm or company which any member of the City Council or the Mayor is pecuniarily interested, pro-

vided that if all the elected members of the City Council shall vote to enter into such contract, then the City may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

OFFICERS.

Section 15. (A) The City Council shall at the annual meeting held on the Second Tuesday in the month of March appoint, by a majority vote, a City Manager, Auditors, City Solicitor, Assessor, and such other officers, employees and agents of the City, which by it may be deemed proper and necessary for the proper conduct and management of the City except as hereinafter provided. Any officer elected by a vote of the Council may be removed at any time by the Council at their pleasure.

(B) The City Manager shall be neither Mayor nor a member of Council, and may or may not be a resident of the City of Seaford. The City Manager shall hold office for such term and at such compensation as the City Council shall determine. His duties shall be those of Treasurer, Secretary, Water and Utility Superintendent, Tax Collector and Receiver of all Revenue, Rents and Profits accruing to the City of Seaford, and the Council may by ordinance or resolution impose upon him any further duty or duties as they shall see fit to properly carry out the provisions of this Act.

The City Manager shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for that purpose; and shall file and keep in a safe place the Seal of the City and all papers and documents, relative to the affairs of the City, and immediately deliver the same to his successors in office. The City Manager shall attest the Seal of the City when authorized by Council.

The City Manager shall render to the City Council at the first meeting in each and every month a true, accurate and detailed account of all monies collected or received by him in the performance of his duties. The City Manager shall pay all orders drawn on him by order of said City Council by checks signed by him from any monies in his hands belonging to the

City. The Mayor shall countersign all checks for the payment of monies drawn by the City Manager upon the order of the City for any amount in excess of One Thousand Dollars (\$1,000.00).

The City Manager shall deposit the funds of the City of Seaford in a recognized banking institution located in the City of Seaford designated by the City Council or the City Council, in its discretion, may direct the City Manager to invest the funds of the City of Seaford in securities issued by the United States, the State of Delaware, or any political subdivision thereof.

(C) The Council by ordinance may fix the salaries and compensation of all its employees and cause to be kept a full and complete record of all officers appointed and employees and agents hired by the City containing the names of such officers, employees, and agents, the date and term of their appointment for employment, the salary or compensation and the date of termination of service.

All employees of the City of Seaford who are entrusted with the handling of monies of the City of Seaford shall be bonded with a corporate surety, approved and paid for by the City, for the faithful performance of their duties. The bond of the City Manager shall be not less than twenty Thousand Dollars (\$20,000.00) and the bond for each of the other employees required to be bonded by this subsection shall be not less than Ten Thousand Dollars (\$10,000.00).

DUTIES OF THE MAYOR AND PRESIDENT OF CITY COUNCIL.

Section 16. (A) The Mayor of the City of Seaford shall be President of the City Council and shall preside at all meetings thereof, but shall vote only in the event of a tie. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints of nuisances and violations of law and ordinances to the City Council at the first regular meeting thereafter. He may require the Alderman or the Assistant Alderman, as hereinafter provided

for in this Act, or the resident Justice of Peace to proceed upon such infractions or violations of law or ordinances immediately in the event that he deems such action to be required.

(B) The Mayor within thirty(30) days following his election shall appoint, by and with the advice and consent of a majority of the elected members of the City Council, two suitable persons who shall be qualified voters of the City of Seaford to act as Alderman and Assistant Alderman. The persons so selected and designated need not be Justices of the Peace. Both the Alderman and the Assistant Alderman shall hold office for a term of one (1) year or until each successor shall be appointed or chosen, provided, however, that either of the persons so chosen may be reappointed in accordance with the provisions of this Act.

(C) The Mayor shall be a Conservator of the Peace and shall have concurrent jurisdiction with the Alderman. If no Alderman or Assistant Alderman is appointed, the Mayor shall perform all the duties prescribed for that office and all fines, penalties and fees collected by him shall be paid to the City Manager. The City Council shall procure a suitable record for such Mayor which shall be known as the "Mayor's Docket" upon which his official acts as set forth in this Section shall be enforced and kept.

(D) The Mayor and Alderman shall on the first regular meeting in each month report to the City Council all fines, penalties and fees imposed by them during the preceding month and pay over to the City Manager all such fines, penalties, and fees due to the City received by them during said time, and any default of making such report and payment for a period of twenty (20) days after such report should be made, and such fines and penalties should be paid as aforesaid, they shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) The Mayor shall, on the first day of his term, or as soon thereafter as is convenient but in no event later than thirty (30) days after taking office, appoint some suitable per-

son, by and with the advice and consent of a majority of the elected members of the City Council, to act as Chief of Police. The Chief of Police, as chosen, shall serve at the pleasure of the Mayor and, shall be the head of the Police Department of the City, and shall receive such compensation as the Council shall fix. The Mayor shall also, within thirty (30) days after taking office, appoint a Police Committee to be composed of at least three (3) of the elected members of the City Council. This committee, so chosen, shall assist the Mayor and the Chief of Police in the operation of the Police Department. The Mayor, with the assistance of the Police Committee, as aforesaid, shall appoint such assistants to the Chief of Police as the Council by resolution may authorize. The assistants to the Chief of Police shall hold office at the pleasure of the Mayor and shall receive such compensation as the Council, by resolution, may fix. The Chief of Police and the assistants to the Chief of Police so chosen as aforesaid shall pay over to the City Manager all fees collected by them.

(F) The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of all the members of the Council, remove from the office, any person appointed by him or by any of his predecessors. The person against whom the Mayor of the Council may be about to proceed shall receive five day's notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing.

(G) The Mayor may appoint such other committees as he deems necessary for the proper administration of the City of Seaford or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(H) It shall be the duty of the Vice-President of the City Council, in the absence of the Mayor to preside at all of the meetings of the City Council and in the event of absence of the Mayor to perform such other duties and have such other powers of the Mayor as are prescribed by the Charter of the City of Seaford or by any ordinance of the Council.

DUTIES OF THE ALDERMAN AND ASSISTANT ALDERMAN.

Section 17. (A) Before entering upon the duties of his office, the persons appointed by the Mayor to serve as Alderman and Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of his office, honestly, faithfully, and diligently. The Assistant Alderman shall perform the functions of the Alderman if the Alderman is unavailable and at such other times as may be designated by the Mayor. During such periods of time, the Assistant Alderman shall have all the powers and duties of the Alderman. It shall be the duty of the Alderman and the Assistant Alderman to enforce all laws enacted for the government of the City and to carry into effect all orders and directions of the City Council made in pursuance of any law of this State and to carry into effect any ordinance that the City Council may legally make or establish. The City Council shall procure a suitable record for the use of the Alderman and the Assistant Alderman. Such record shall be known as the "Alderman's Docket". The Alderman and the Assistant Alderman shall each keep all official acts and proceedings in the "Aldermans' Docket".

(B) The Alderman and Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the City and within one mile of the limits and territory of the City so far as to arrest and hold for bail or to fine and imprison offenders; of all fines, penalties and forfeiture 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 of any other City officer, agent or employee; provided that he shall impose no fine or penalty in excess of Five Hundred Dollars (\$500.00) exclusive of costs and no term of imprisonment in excess of sixty (60) days, except as otherwise provided in this Charter.

(C) The fees of the Alderman and Assistant Alderman for any service shall be the same as those of a Justice of Peace for like service. For any service or duty for which no fee is provided by law for a Justice of Peace, the City Council may establish a fee by ordinance.

(D) If any Alderman or Assistant Alderman shall be removed from office as hereinbefore provided, he shall deliver to the City Manager, within two (2) days after his removal from office, all the books and papers belonging to his office, and shall pay over to the City Manager all monies in his hands within five (5) days after receiving the notice of his removal from office. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or the Assistant Alderman, the City Manager shall require the auditor of the City, appointed as hereinafter provided, to make an audit of the books and papers of the official so removed from office. Upon the neglect or failure to deliver all the books and papers to the City Manager within the time specified by this Charter, or to pay over all the monies to the City Manager within the time specified, the Alderman or Assistant Alderman, so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined no less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each day that he fails to deliver the books and papers to the City Manager or to pay over all monies to the City Manager.

DUTIES OF POLICE.

Section 18. The said Police Officers shall be Conservators of the Peace within the limits of said City and shall monthly, or as often as the Mayor shall deem desirable, submit a report to the Mayor setting forth the number of arrests made during said preceding month. The Police Officers shall see that ordinances are enforced, and they together with such assistants or other policemen as may be appointed, shall have power to arrest any person or persons for the violations of said ordinances wherein an arrest for violation is provided; and in addition thereto they shall perform such other duties as are now or may hereafter be prescribed by the laws relating to said City, and by the ordinances thereof, and shall have all of the same powers and functions that Constables of Sussex County now have, or may hereafter have as Conservators of the Peace.

Each member of the Police force shall be vested, within the City limits and within one mile outside of said limits, with

all the powers and authority of a Constable of Sussex County, and in the case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

It shall be the duty of the police to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the City, or the noisy conduct of any person in the same, and upon view of the above, or upon view of the violations of any ordinance of the City relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Alderman or Justice of the Peace for hearing.

If any Police Officer shall neglect or refuse to perform any of the duties required of him by this Act, he shall be deemed guilty of a misdemeanor, and the Mayor of said City may present him to the Grand Jury of Sussex County, and upon conviction he shall be fined in a sum not less than Ten nor more than One Hundred Dollars, and may be imprisoned in the discretion of the Court for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

DUTIES OF BOARD OF HEALTH.

Section 19. The Mayor, with the approval of Council shall appoint in the month of March of each and every year not less than three nor more than seven persons, of whom at least one shall be a physician duly authorized to practice medicine, who shall constitute a Board of Health for said City, and who shall serve for one year, and whose duty shall be to have cognizance of the interests of health and life among the people of said City and to report to the City Council in writing whatever in their judgment is injurious to the health, or that shall contribute to useful sanitary information. The said Board shall have all the powers vested by the laws of the State, now or hereafter enacted, in Boards of Health generally, and also such additional powers as may be conferred by ordinances adopted by the City Council of the City of Seaford. Said Board shall organize by the election of a President and Secretary within ten days after notice of their appointment, and said Board shall keep a record of their proceedings and acts as a Board.

DUTIES OF AUDITORS.

Section 20. The City Council shall annually appoint certified accountants as auditors, not members of the Council, who shall examine and audit the books and accounts of the Council and City Manager, Mayor and Alderman, for the fiscal year ending the 30th day of June. After having completed such examination and audit, the said auditors shall submit a full detailed report thereof to the Council, and the same shall be spread in full upon the minutes of the Council, which said report shall show the amount of taxes or other revenues remaining unpaid; the amount of monies received by the City Manager and when and from what source; and the amounts paid out by the City Manager upon orders; the amount of fines imposed by and received by said Mayor and Alderman and the amount of license fees collected by said Mayor; and the number and amounts of all orders drawn by the Council and the nature of the bills for which said orders were drawn. The auditors shall receive for their services a reasonable compensation per annum.

It shall be the duty of the City Manager to cause a full detailed statement of said examination and audit to be published in at least one newspaper printed or published in said City or posted in at least ten of the most public places in said City of Seaford prior to the annual election.

DUTY OF CITY SOLICITOR.

Section 21. At the annual meeting, the Council shall select a City Solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The City Solicitor shall be a member of the bar of Sussex County. It shall be his duty to give legal advice to the Council and other officers of the Council and to perform other legal services as may be required by the Council.

CITY BUDGET.

Section 22. Annually in each year, and not later than the first of May the Council shall prepare a budget containing the financial plan for conducting the affairs of the City for the ensuing fiscal year. The fiscal year shall be from July 1st to June 30th of the following year.

The budget shall contain the following information:

1. A detailed estimate showing the expenses of conducting each department and office of the City for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the City, together with a schedule of maturities of bond issues.
4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, and the amount required for the sinking fund.
5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the City from any source or sources.

The Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

FIRE DEPARTMENT APPROPRIATION.

Section 23. (A) The City Council may set aside or appropriate annually a sum not to exceed ten per cent (10%) of the total amount collected as taxes on real estate, to be used to provide and maintain equipment of the Seaford Volunteer Fire Department, Inc. The Mayor shall, within thirty (30) days after his taking office, appoint at least three (3) of the elected members of the City Council to act as the Fire Department Committee. It shall be the function of this Committee to cooperate with the Fire Department in the expenditures to be made by that Department for the purchase or maintenance of any equipment of the said Department and to approve any expenditure in excess of One Hundred Dollars (\$100.00) made by the Fire Department prior to the incurring of the debt by the Fire Department. The Committee shall report to the City Council, at the first regular meeting of each month, all such expenditures approved by them.

(B) The President of the said Fire Department shall, at the last regular meeting of the City Council immediately preceding the annual election or as the City Council, by resolution, might otherwise require, submit a report to the City Council setting forth the number of fire alarms answered since the last report was made to the Council, the number of miles traveled by each piece of equipment of the fire department, the average number of firemen present at each alarm, and the general condition and efficiency of the Fire Department.

CITY EMPLOYEES.

Section 24. (A) The City Manager, with the approval of a majority of the elected members of the City Council or of a majority of any committee appointed by the Mayor in accordance with the provisions of this Charter, may hire such employees, in such numbers and with such qualifications as, in his discretion, are necessary to perform properly and efficiently the functions and duties of the municipality. The salaries of such employees shall be fixed by the City Council. Such employees may be removed by the City Manager with the approval of a majority of the elected members of the City Council, or, in the event that the Mayor of the City of Seaford has appointed a committee under this section, a concurrence of a majority of that Committee shall be sufficient for removal. In no event shall a committee be appointed under this subsection for the purpose of discharging a single employee. Any employee discharged under the provisions of this subsection who feels he has been aggrieved may request a hearing before all the members of the city Council by filing an appeal with the Mayor of the City Council by registered mail with return receipt requested within five (5) days after he has been notified of his discharge. The Mayor shall set a time for such hearing, which shall be held within twenty-one (21) days after the date of receipt of the written request and the Mayor shall give the employee ten (10) days notice in writing of the time and place of such hearing. Unless the discharged employee requests a public hearing before the City Council, the hearing shall be private.

Nothing in this section relating to the hiring and discharging of employees shall prevent the hiring and discharging of employees on a temporary or probationary basis. In the event

that a person is employed on a temporary or probationary basis and is discharged within six (6) months from the date of his employment, it shall not be necessary that he be accorded a hearing. In the event that an employee is discharged within six (6) months from the date of his employment, it shall be presumed that he was employed on a temporary or probationary basis and no hearing shall be necessary.

(B) The City Council may, by ordinance duly adopted in accordance with this Charter, establish a pension plan or a Health and Welfare Plan, or both, for the employees of the City of Seaford under such terms and conditions as the City Council, in its discretion, deems most appropriate, provided however, that any annual appropriation which is made by the City of Seaford under any such pension plan or Health and Welfare Plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of the City of Seaford and provided further that the method of funding may, if deemed advisable by the City Council, be handled through a recognized insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of City Council.

ASSESSOR AND ASSESSMENT OF TAXES.

Section 25. (A) At the annual meeting held on the Second Tuesday in March of each year and in no event later than the first regular meeting, the Mayor shall appoint a qualified person to serve as Tax Assessor. The Tax Assessor shall serve at the pleasure of the Mayor and may be removed from office by the giving of four (4) days written notice in advance by registered mail with return receipt requested accompanied by a statement of the cause for removal. The Tax Assessor shall be accorded a fair and impartial hearing by the City Council if the Mayor receives a written request therefor within ten (10) days following the mailing of notice of removal. The request for a hearing shall be made by registered mail with return receipt requested, and unless a public hearing is requested, any hearing upon the reasons for removal shall be private.

(B) The City Council shall, by resolution, fix the salary or compensation of the Assessor. Before entering upon the performance of his duties, the Tax Assessor shall be sworn or affirmed before a Notary Public to perform faithfully the duties of his office.

(C) It shall be the duty of the Tax Assessor of the City of Seaford duly appointed to assess a capitation tax upon each citizen above the age of twenty-one years, resident within the limits and territory of the City, said rate to be fixed by resolution of the City Council. It shall also be the duty of the Tax Assessor to make a true and impartial assessment of the real and personal property of each citizen resident within the limits and territory of the City and also non-residents who own property within the limits and territory of the City. The said real and personal property shall be assessed at its actual and true value provided that any real estate within the corporate limits of the City neither laid out in building lots nor plotted as such and containing in excess of five acres and used exclusively as farm land shall be exempt from taxation for City purposes. If, however, the real estate meets the criteria described above but has a building or other improvement on it, said building or other improvement shall not be exempt from taxation but shall be taxed as all other real estate lying within the territory and limits of the City of Seaford.

(D) The said Tax Assessor shall make a fair and impartial assessment as required by this Act and by any ordinance adopted by the City Council pursuant to this Act and shall return the assessment with the property owners alphabetically arranged as made by him within thirty (30) days after having been appointed. The Tax Assessor may adopt the fair market valuation as made by the Board of Assessment of Sussex County for such real estate if the said Tax Assessor, in his judgment, considers such assessment to be proper and fair. The Tax Assessor shall be present in an advisory capacity, but without voting power, at the time the City Council sits at a Board of Revision and Appeal.

(E) The City Council shall cause a full and complete transcript of the assessment list alphabetically arranged, to be posted in the Municipal Building and in one (1) other public

place within thirty (30) days following its completion by the Tax Assessor. The said transcript shall remain posted for at least ten (10) days.

(F) On the first Monday following the expiration of the ten days required for posting, the entire City Council, between the hours of Eight o'clock P. M., prevailing time, and ten o'clock P. M. prevailing time, on said day, shall hear and determine any appeals from the assessment as determined by the Tax Assessor and shall make any corrections, alterations or additions in and to any assessment so made. The said Council, sitting as a Board of Revision and Appeal, shall have full authority to alter, revise, reduce, or increase the assessment of property of any person or persons, partnership or corporation whose property has been assessed by the Tax Assessor. Any person appearing before the City Council sitting as a Board of Revision and Appeal may appear in person or may be represented by any third party who has written authorization to so appear. In the event that the Council finds it necessary, or for any reason, whatsoever, to increase the assessment of property of any person or person, partnership or corporation at the time of its sitting as a Board of Revision and Appeal, it shall give notice by registered mail with return receipt requested to such person or persons, partnership or corporation that the assessment on the real or personal property as made by the Assessor has been increased and, in addition, it shall set a time and date not later than twenty (20) days from the date of the mailing of said notice when such person or persons, partnership or corporation may appear before the Council sitting as a Board of Revision and Appeal for the purpose of introducing any evidence why the assessment should not be so increased. In the event that said person or persons, partnership, or corporation does not notify the Council in writing by registered mail at least five (5) days prior to the date set by the Council sitting as a Board of Revision and Appeal for the hearing on the increased assessment of an intent to appeal the decision to increase his assessment, the increased assessment shall be final and no appeal therefrom shall be taken thereafter.

(G) The assessment, as revised and adjusted by the City Council sitting as a Board of Revision and Appeal, shall be the

basis for the levy of the taxes of the City, subject however, to the addition of any interest and penalties as hereinafter provided.

(H) No member of the City Council shall sit as a member of the Board of Revision and Appeal upon his own appeal, but the appeal by any member of the City Council shall be heard and determined by the other members of the Board of Revision and Appeal in the same manner as hereinbefore provided.

(I) After the valuation, assessment and any revision thereof, all taxes so assessed shall be levied and raised in equal proportions and rates.

(J) The assessment and valuation of real estate in the City of Seaford as made by said Assessor, and as corrected, altered or added to by the City Council at its sitting as a Board of Revision and Appeal hereinbefore mentioned, shall stand and be acted upon for one year.

(K) After the said Tax Assessor shall have completed the assessment of persons and property in the City and shall have made his report to the City Council, and shall have sat in an advisory capacity with the City Council sitting as a Board of Revision and Appeal, he shall have such further duties in respect to the assessment of persons and property as the City Council shall prescribe by resolution.

(L) The Assessor shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the City Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector of Taxes as in the case of other taxes and the Council shall have the authority to cause the same to be removed.

(M) The Council shall determine and fix a rate of taxation which will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

TRAFFIC VIOLATIONS.

Section 26. All driving and vehicular traffic and coaches, as well as pedestrians on the public streets within the limits and territory of the City of Seaford shall be governed by the provisions of Section 4111 and 4181, inclusive, Title 21, Del. C. of 1953, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions have been altered or supplemented by ordinance duly passed by the City Council, as authorized by Title 21, Chapter 41, Del. C. of 1953, as amended. The Alderman and the Assistant Alderman of the City of Seaford, duly appointed by the Mayor of the said City, shall have the power to impose the maximum penalty authorized by the provisions above referred to.

TAXATION AND COLLECTION THEREOF.

Section 27. (A) The City Council, after having ascertained the sum necessary to be raised as taxes for the purpose of this Act, which sum shall not in any one year exceed the total sum of \$175,000.00, in excess of all delinquencies and expenses of collection, and after having apportioned the sum on the assessment and valuation as hereinbefore set forth, shall annually in the month of May or as soon thereafter as practicable but in no event later than the 30th day of June in any year, cause to be delivered to the City Manager, a list containing the names of the taxables, as well as the owners of real and personal property and opposite the name of each taxable, the amount of assessment on his real and personal property, and his City per capital assessment, and the rate of tax on the real property and on the personal property per hundred dollars of assessment. The list as delivered to the City Manager shall be signed by the Mayor.

(B) The City Manager, upon receipt of said list, shall, as soon as possible, but in no event later than ten (10) days thereafter, mail to each taxable a statement showing the amount of assessment on his real and personal property, the per capita tax, the rate per hundred dollars of assessment on his real and personal property and the total tax due and owing.

(C) In the collection of said taxes, the City Manager shall make an abatement of five percent (5%) of all taxes paid prior to the thirty-first day of July next following the mailing of tax statement to each taxable as provided in subsection (B) above. On all taxes paid after the thirty-first day of July as aforesaid and before the first day of September next, there shall be no abatement from nor any interest or penalty added to the amount of tax assessed by the City Council. On all taxes paid after the first day of September as aforesaid, interest at the rate of one-half of one percent (.5%) per month and an additional sum of one percent (1%) per month as a penalty shall be added until the same shall have been paid. The Council shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid after the first day of September shall be considered delinquent.

(D) All taxes assessed upon any real estate and unpaid after the first day of September shall constitute a first lien against all real estates and personal property of the delinquent taxpayer situated within the limits of the City of Seaford. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so assessed. All capitation or taxes assessed and laid against any resident of the City shall also become a first lien against all real estate and all personal property of the delinquent taxpayer situated within the City. Whenever the personal property of the taxable is sufficient to pay the delinquent taxes, the City Manager, in the name of the City of Seaford, may institute suit before any Justice of the Peace within the said City, or before the Alderman of the said City, or in the Court of Common Pleas in and for Sussex County, or in the Superior Court of the State of Delaware, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of Peace or in the Court of Common Pleas or in the Superior Court as the case may be.

(E) However, should the City Manager so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer, or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure: The City Manager shall present in the name of the City of Seaford to the Superior Court of the State of Delaware in and for Sussex County a petition in which shall be stated: (1) the name of the taxable; (2) the year for which the tax was levied; (3) the rate of tax; (4) the total amount due; (5) the date from which interest and the penalty for non-payment shall commence and the rate of such interest and penalty; (6) a reasonable precise description of the lands and tenements proposed to be sold; (7) a statement that a bill of said tax has been mailed to the taxable at his last known post office address with return receipt requested by registered mail; (8) that it has been found impracticable to attempt to collect the said tax by any other remedy hereinbefore provided. The petition shall be signed by the City Manager and shall be verified before a Notary Public.

(F) At least ten (10) days prior to the filing of any such petition as described above, the City Manager shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable at his last known address requiring a registered receipt returnable, an itemized statement of the tax due, together with all interest, penalties and costs then due thereon, together with a notice to the delinquent taxpayer that he shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The City Manager shall exhibit the return registry receipt to the Court by filing the same with the petition; provided that if the taxpayer cannot be found, it shall be sufficient for the City Manager to file with said petition the evidence that such statement has been mailed in accordance with this paragraph and has been returned.

(G) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court in and for Sussex County and shall endorse upon the said record of said petition the following: "This petition filed the.....day of....., A. D. The City Manager of the City of Seaford is hereby authorized to proceed to sell the lands and tenements herein mentioned

or a sufficient part thereof as may be necessary for the payment of the amount due." The endorsement shall be signed by the Prothonotary.

(H) Any sales of lands and tenements of a delinquent taxpayer shall be advertised in five (5) public places in the City of Seaford, one of said public places shall be the Municipal Building, and by printing the notice of said sale at least one (1) time in a newspaper published in the City; if, however, there is no newspaper published in the City of Seaford, such notice may be printed in a newspaper having a general circulation in the City. The notice shall contain the day, hour, place of sale, and a short description of the premises sufficient to identify the same. The handbills shall be posted at least ten (10) days before the date fixed for sale and the newspaper advertisement shall be published at least one (1) week before the day of the sale.

(I) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware in and for Sussex County at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be approved, the City Manager making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or of his alienee; if the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

(J) No sale shall be approved by the Superior Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one (1) year from the date of the sale, within which time the owner, his heirs, executors or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns, of the costs, the amount of the purchase money and twenty per cent (20%) interest thereon and the expense of having the deed prepared.

(K) After satisfying the tax due and the costs of expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of

said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Seaford, either to the credit of the owner, or in a manner by which the fund may be identified.

(L) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner as the case may be:

To the Prothonotary for filing and recording Petition	\$1.00
For filing and recording return of sale	1.50
To the City Manager for preparing certificate .....	.25
For making sale of lands	2.00
For preparing and filing return	1.50
For posting sale bills	1.00

In addition, the costs of printing hand bills and publication of the advertisement of sale in a newspaper shall be chargeable as costs. The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer.

(M) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(N) If any person is assessed for several parcels of land and tenements in the same assessment in the City of Seaford, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that land alienated by the delinquent taxpayer shall not be sold until other property of the taxpayer shall have been disposed of and there still remains a delinquency.

(O) In the event of the death, resignation or removal from office of the City Manager of the City of Seaford, before the proceedings for the sale of land shall have been completed, his successor in office shall succeed to all of his powers, rights

and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment, or otherwise right under him by consent, devise, assignment, or otherwise may refer to the Superior Court of the State of Delaware in and for Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to execute and acknowledge a deed conveying to the petitioner the premises so sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(P) The City Manager shall have the same right to require the aid or assistance of any person or persons, in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.

(Q) The City Manager may, at any time after any tax becomes delinquent, notify the person or corporation by whom any delinquent taxpayer liable for a property or capitation tax, or both, is employed that the tax of such employee is due and unpaid and it shall be the duty of such employer to deduct from the wages of such employee the amount of tax due from such employee and charge the same against him, and if such employer neglects or refuses to comply with such notice within three (3) months from the time of receiving said notice, he shall be personally liable for the taxes of said person so employed by him and the same may be recovered as provided in this section for the recovery from a delinquent taxpayer. When the said taxes are held by such employer he shall pay the same to the City Manager within thirty (30) days thereafter. In no event shall an amount exceeding forty per centum (40%) of the total net wages received by the delinquent taxpayer employee be deducted from the wages of such employee during any particular month.

(R) At the annual meeting in March of each year, the City Manager shall account to the City Council for all taxes and sewer rentals collected during the year by him and shall be liable on his bond for failure to account for any uncollected taxes or sewer rentals unless he can show to the satisfaction

of the Council that all remedies hereinbefore set forth for the collection of such taxes were pursued without result, or, if not pursued, the remedies would have been without avail.

STREETS.

Section 28. (A) The City Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the City.

(B) The procedure to be used to do any of those things heretofore listed shall be as follows:

(1) Whenever five (5) or more property owners in a portion of the City directly affected or abutting on the proposed street to be opened, laid out, changed, altered, or closed, shall, by written petition with each signature duly acknowledged, request the City Council to lay out, locate, or open a new street or to widen or alter an existing street or any part thereof or to vacate or abandon a street or any part thereof, the Mayor of the City of Seaford shall appoint a committee composed of not less than three (3) of the elected members of the City Council to investigate the possibility of changing the structure of said street in the City. The petition presented to the Council by the property owners shall include a description of property through which the proposed street shall be laid out or a description of the street on which any other of the actions hereinbefore described shall take place and the reasons why the change in the structure of the streets of the City should be undertaken; or the City Council by a majority vote of the elected members thereof may by Resolution propose that a committee of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the City for any of the reasons hereinbefore set forth.

(C) Not later than ninety (90) days following its appointment the committee shall submit a report concerning its findings to the Mayor and the City Council. The report shall contain the advantages and disadvantages to the City caused

by the changing of the street structure and shall contain the conclusion of said committee either recommending or disapproving the changing of such street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of the City of Seaford and a majority of the elected members of the City Council concur therein, the Council by resolution shall propose to the property owners and citizens of the City that the Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the City. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of the City of Seaford, the resolution proposing the change in the street structure to the property owners and citizens of the City of Seaford shall be passed by a majority of three-fourths of the elected members of the City Council. The resolution shall contain a description of the proposed change and shall fix a time and place for a public hearing on the matter of changing the street structure. The resolution adopted by the City Council shall be printed in a newspaper published in the City of Seaford, or, if no newspaper is published in the City of Seaford, publication may be had in a newspaper having a general circulation in the City, or in the discretion of the City Council, the resolution shall be posted in five (5) public places in the City for at least one week before the time set for the public hearing. The resolution shall also state the hour and place where and when the City Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the City.

(D) Whenever the City Council shall have determined to locate or lay-out or widen any street, lane or alley, and shall have affixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, lane or alley, to notify by registered letter with return receipt requested, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof; also the amount of the compensation or damages allowed to each such property owner, and if such owner be not a resident within the City, to notify

the holder or tenant of said real estate and the owner of such property if his address be known; but if there be no holder or tenant resident in said City and the address of the owner be unknown, or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the City as aforesaid, said property owner may, within ten (10) days after such notice as aforesaid was posted or mailed, appeal from the written notice of assessment or compensation or damages by serving written notice by registered mail with return receipt requested upon the Mayor of the City to the effect that he or she is dissatisfied with the amount of said compensation or damages, and it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware in and for Sussex County for the appointment of a Commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of this State who is that time resident in Sussex County for the appointment of such a Commission; and thereupon the said Judge shall issue and appoint a Commission directed to five (5) freeholders of the said County, three (3) of whom shall be residents of the City of Seaford, and two of whom shall be non-residents of said City, demanding them to assess the damages which the owner of the real estate through or over which the said street, lane or alley shall pass, and who shall have notified the said City Council of their intention to appeal, may incur by reason thereof, and to make return of their proceeding to the said Judge at the time therein appointed.

(E) The freeholders named in such Commission, being first duly sworn or affirmed, shall view the premises and may, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing of their proceedings to the said Judge who shall deliver and return to the City Council, which shall be final and conclusive. The said Judge shall have the power to fill any vacancy in the Commission. The amount of damages being so ascertained, the City Council may pay or tender the same to the person or persons entitled thereto within

thirty (30) days after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from the City during the said period of thirty (30) days, then same shall be deposited to his or her credit in the Farmers Bank of the State of Delaware with offices in Georgetown, Sussex County, Delaware, within said time, and thereupon the said property or lands may be taken or occupied for the uses aforesaid.

(F) If the ascertainment and assessment of damages by the freeholders appointed by the Judge as aforesaid shall be increased, the cost of the appeal shall be paid by the City out of any money in the hands of the City Manager belonging to the City; but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the Commission shall receive and be allowed for each day's actual service or of any part of a day the sum of Five Dollars (\$5.00). After the damages shall be fixed and ascertained by the freeholders, the City Council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

(G) In the event that the City Council feels that the damages assessed are not just as being excessive, it may then appeal to the Supreme Court of the State of Delaware. If the owner of the property feels that the damages awarded are inadequate, such owner may appeal to the Supreme Court of the State of Delaware.

CURBING AND PAVING.

Section 29. (A) Whenever the said City Council shall have determined that any paving, graveling, curbing or any or either or all of them shall be done, they shall notify the owner or owners of the land along or in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner or owners to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner or owners neglecting to comply with said notice for the space

of thirty days, the said Council may proceed to have the same done, and when done the City Manager, shall as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in the City of Seaford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said City of Seaford, such bill may be sent by mail to such owner or owners directed to him, her or them at the post office nearest his, her or their residences. If such bill be not paid by the owner or owners of such lands within sixty days after the presentation thereof as aforesaid, then it shall be the duty of the said City Council to issue a warrant in the name of the City of Seaford, under the hand of the Mayor of the City and seal of said City, directed to the City Manager of the City of Seaford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the City Manager of the City of Seaford, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the City of Seaford, at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said City sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said City Manager of the said City of Seaford, after ten days notice to such owner or owners as aforesaid, and after posting five or more notices of sale in at least five public places in the City of Seaford, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said City of Seaford, or if there be no newspaper printed in the said City of Seaford, then in a newspaper printed anywhere in Sussex County, to sell the lands and tenements of such owner or owners along or in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with costs, and a deed from the City

Manager of said City of Seaford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises along or in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid; provided that within thirty days after the completion of said improvements a certificate under the corporate seal of the City of Seaford, signed by the Mayor, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien with the name or names of the owner or owners shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate or duly certified copy hereof shall be evidence in all Courts of law and equity in this State. Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said office of the Recorder of Deeds within ninety days after the approval of this Act. It shall be the duty of the City Manager of the City from the Purchase money of the said goods and chattels of lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of said sale to the parties entitled thereto, and to retain for the use of said City the amount of said bills as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers Bank of the State of Delaware at Georgetown, to the credit of the said owner or owners. The City Manager of the said City shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice, required by this Section, to one co-owner shall be notice to all, and in case no owner shall reside in said City, notice served upon the occupier or tenant shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the City, it shall be sufficient to send notice by mail to any owner

or owners of said premises, directed to him, her or them at the post office nearest his, her or their place or places of residence; the provisions hereinbefore contained in this Section shall apply to any order made by the City Council in respect to any pavement, sidewalk or curb heretofore made or done, which the said Council may deem insufficient or to need repairing. The said Council, in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce by ordinance, all the requirements of this Section, by imposing such fines and penalties as shall, in the judgment of said Council, be necessary and proper.

(B) In addition to the remedies herein provided for the collection of bills relative to the curbing and paving of properties, or for the collection of taxes or any other debt or demand due the City of Seaford, it shall be lawful for the City Council in the name of the City of Seaford, to institute an action before any Justice of the Peace of the County of Sussex if the amount of the demand be Five Hundred Dollars or less, or before the Superior Court of the State of Delaware, if the amount of the demand be more than Five Hundred Dollars, and thereupon to obtain judgment for the amount of such demand or debt, and to collect the same in the manner now or hereafter provided for the collection of judgments in the State of Delaware.

CONDEMNATIONS FOR PUBLIC PURPOSES.

Section 30. The City shall have the power to acquire lands, tenements, property or interests therein, by condemnation for the purpose of providing sites, for public buildings, parks, sewers and for all municipal purposes, whether within or without the limits of the City, the procedure for which shall be substantially the same as herein provided in the case of condemning land for streets and highways, with the necessary changes as to detail.

SEWER AND SEWER SERVICE CHARGES.

Section 31. The Council of the City of Seaford shall have the power to impose upon property owners having property connected to and using the City sewer system an annual service charge for such use, and the said City Council is hereby vested with full authority to collect the said sewer charges in any or

all of the ways from time to time provided by law for the collection of municipal taxes. The said service charge shall be collected by City and deposited in a special fund to be used for the payment of interest upon and retirement of sewer bonds and for any maintenance of capital improvements. The said charge to any property owner shall not exceed twice the amount charged to that property owner by the City for water rent.

GOOD GOVERNMENT.

Section 32. That the said Council of the City of Seaford for the good government and welfare of said City, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

to prevent vice, drunkenness and immorality, to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses and houses of ill fame; all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural and artificial curiosities, moving pictures, merry-go-rounds, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the City; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said City, and prevent and remove all encroachments on said streets, avenues, highways, lanes or alleys; to regulate, clean and keep in repair the streets, highways, avenues, parks, lanes and alleys, wharves and docks in said City; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, lane or alley in said City, or in digging up any street, avenue, highway, lane or alley for the purpose of laying down pipes, or for any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving or ornamental shade trees in the streets, avenues, parks and grounds of said City and to authorize or prohibit the removal or destruction of such shade trees, and to enforce

the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to level, grade, flag or reflag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel, or shell the streets, avenues, highways, lanes and alleys of said City, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said City, which shall be by said City Council deemed dangerous or unwholesome, or when such digging down, draining, filling up or fencing shall be deemed necessary, to carry out any improvement authorized by this Act, to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any porch, step, platform, or bay window, cellar door, gate, aerie, descent into a cellar or basement sign or any post or erection, or any projection or otherwise, in, over or upon any street, sidewalk, lane, alley or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to regulate, protect and improve the public grounds of said City; to provide lamps and to light the streets and public places of every description in said City; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to restrain the running at large of horses, cattle, swine, goats, and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prescribe and regulate the places of vending and exposing for sale wood, hay, straw and other articles from wagons or other vehicles, to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said City; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all con-

tracts for performing work or furnishing materials for the City shall be made and executed; to abate or remove nuisances of every kind, at the expense of those maintaining the same, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business, or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental in the opinion of the Council or local Board of Health to the health of the inhabitants of the City, to cleanse, remove or abate the same, under the directions of the Council. To regulate and control the manner of building or materials used there in or removal of dwelling houses or other buildings, and to provide for granting permits for the same; to establish a building line for buildings hereafter to be erected; provided that such building line for buildings shall not be established more than twenty feet back from the front line of the lots. To exempt from taxation for municipal purposes for a period not to exceed ten years any manufacturing industries which may hereafter be located in said City of Seaford. To prohibit within certain limits to be from time to time prescribed by ordinances, the building or erection of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous, to prohibit the deposit of ashes in unsafe places, to authorize any City Officer or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to compel the erection or maintenance of proper and adequate fire-escapes on all public buildings; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fire-works, and the use of fire-arms in said City; to regulate or prohibit the use of candles and lights in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage system for said City; to regulate or prohibit swimming or bathing in the river in front of or contiguous to said City; or in the water within the limits of said City; to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases; for which pur-

pose their jurisdiction shall extend to any distance within one mile of the limits of said City. The City Council shall have power to enact ordinances not in conflict with the laws of the State of Delaware, as it may deem necessary and beneficial for the safety, regulation and control of pedestrians, automobiles and animal driven traffic over the streets, to define, prevent and abate nuisances within the City and the use of the streets in connection with the operation of public utilities outside of the City, to levy and collect taxes on gas and water mains, underground conduits, telephone, telegraph, electric current or other poles or erections of like character in the said City, together with the wires thereon strung and to this end may at any time direct the same to be included in or added to the City Assessment with the authority of Council to cause such mains, conduits, poles and wires to be removed and suit to be instituted to collect the taxes so levied, in the event the owner or lessees thereof refuse or neglect to pay such taxes; Council may enact ordinances to prevent, abate or regulate electrical or other interferences with radio reception in said City. Council shall have power upon inspection to condemn any existing building or structure that it deems to be a fire menace and to cause same to be torn down or removed. To contract with or to grant franchises, concessions or rights of any person, persons, firm, partnership or corporation who may apply for the privilege of erecting wharves or piers, or for the use of any street, highway, avenue, lane, alley or other City property, for the construction and operation of steam, motor or electric railways, electric light power and water plants and distribution system. To make and establish ordinances pertaining to the manufacture and sale of electric current in said City, such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said Council, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said City and its inhabitants.

The City Council shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said City at any regular

or special meeting. The Council shall have and it is hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this Act, or of the ordinances which they may enact in pursuance hereof, such fines and penalties which may be imposed, either by this Act or the Ordinances enacted as aforesaid, may be collected before the Mayor, Alderman or any Justice of the Peace of said City, and in default of payment, said Mayor, Alderman, or Justice of the Peace may commit to the City lock-up or to the public jail in Sussex County for any time not exceeding sixty days, or until such fines and costs shall be paid; and all ordinances so made, established and published shall be in full force and effect immediately upon the publication of them by said Council.

All prosecutions for the violation of ordinances shall be before the Mayor, Alderman or before any Justice of the Peace of the State of Delaware, resident in the City of Seaford, and shall be in the name of the State of Delaware.

It shall be the duty of the warden of said Sussex County jail to receive and lock-up in said jail any person committed to his custody under the provisions of this Act, or under the provisions of any ordinance of City Council. The City of Seaford shall pay for the board of all persons committed to jail for violations of the Charter or Ordinances of the City of Seaford.

The fees for the arresting officers and the appropriate officer before whom the trial is conducted shall be the same as are at present allowed to Constables and Justices of the Peace of Sussex County.

USE OF TOWN MONEY.

Section 33. The City Council shall have the power and authority to use the money in the treasury of said City, or of any portion thereof, for the improvement, benefit, protection, ornament, and the best interest of the said City as it may deem advisable and to use the City money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Constitution, Laws of Delaware, this Act and all lawful ordinances and resolutions of Council. In the general performance of their duties the acts,

doings and determination of a majority of the Council of said City shall be as good and binding as the acts, doings and determination of the whole. In case of vacancy or vacancies in the City Council, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole. A majority of the Council shall constitute a quorum for the transaction of business.

(A) The City Council of Seaford is hereby enjoined to set aside twenty-five per cent, (25%) of the gross receipts of the municipal light and power plant as a reserve fund to be held in trust to be used solely for the erection of a new plant or some addition to the existing plant, or for the replacement, expansion, rebuilding, or improvement of the municipal light and power plant at Seaford; provided, however, that after the said reserve fund shall have reached the amount or value of Two Hundred Thousand Dollars (\$200,000.00) in hand, it will no longer be mandatory to continue to add to the reserve until the reserve again falls below the figure.

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

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

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

OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS.

Section 34. The City Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated by any property owner or tenant or any property owner thereof whether in the street, square, lane or alleys, or on the sidewalks or any other public or private place within the limits of said City either on its own inspection, or upon written complaint of any citizen of the City, stating the character and location of the obstruction, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of the elected members of the City Council either upon inspection or upon such information, or both, shall determine that such obstruction, nuisance or unsanitary condition exists and ought to be removed or abated, as the case may be, the City Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing commission and the City Council shall thereupon give notice in writing by registered mail with return receipt requested, signed by the Mayor to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, to remove or abate the same and if such person or persons refuse or neglect for the space of two (2) days to take steps to abate or remove the stated condition after such notice is received, Council shall have the power and authority to cause such obstruction, nuisance or unsanitary condition to be removed or abated; and for this purpose Council may issue a warrant in the name of the City of Seaford, under the hand of its Mayor, and the Seal of the City, and directed to any Constable of Sussex County, commanding him forthwith to abate such obstruction, nuisance or unsanitary condition, whereupon the

Constable to whom said warrant may be delivered shall forthwith proceed to remove or abate the same and for such purpose he shall have full power and authority to enter into and upon any lands and premises in said City, and to take with him such assistance, implements, horses, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper, and to do and perform all matters and things right, proper and necessary to be done for the removal or abatement of such obstruction, nuisance or unsanitary condition. The costs of all the necessary work, labor and proceedings of the City in the removal or abatement of such obstruction, nuisance or unsanitary condition shall be determined by Council upon the completion of the work, and if such amount be not paid to the City Manager, for the use of the City, by the person or persons causing or responsible for such obstructions, nuisance or unsanitary condition, within ten days after a bill stating the amount of such costs is presented or mailed to such person or persons, at their last and best known post office address, then Council may proceed to collect the same out of the goods and chattels, lands and tenements, of such person or persons, and it shall be the duty of Council to issue a warrant in the name of the City of Seaford under the hand of the Mayor, and the Seal of the City, directed to the Alderman or any Justice of the Peace of the City, commanding him that of the goods and chattels, land and tenements of such person or persons he shall cause to be levied and make the amount of said bill, together with all costs. It shall be the duty of the Alderman or a Justice of the Peace as soon as convenient thereafter, and after ten days written notice to such person or persons, deposited in the mails and directed to such person or persons at his or their last and best known post office address, and after posting five or more notices of sale in at least five of the most public places in said City at least ten days before the day of sale, to first sell the goods and chattels of such person or persons at public auction in said City, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods or chattels of such person or persons can be found in said City, or the goods and chattels found and sold as aforesaid be not sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said Alderman or Justice of the Peace, after further notice of ten days, given to said person or persons in

the same manner as aforesaid, for the sale of goods and chattels, and after posting five or more notices of sale in at least five of the most public places in said City, for at least ten days before the day of sale, and after causing such notice of sale to be published once, in a newspaper published in Sussex County, to sell the land and tenements of such person or persons, or so much thereof as may be sufficient to satisfy the amount of said bill and all costs, and a deed from the Alderman or Justice of the Peace of said City shall be made and shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or lesser estate, as if same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expenses of the City in removing or abating such obstruction, nuisance or unsanitary condition, and all costs, shall be a lien on the premises where such obstruction, nuisance or unsanitary condition exists, and said lien shall relate back to the time when the first notice to remove or abate shall have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance suffered or made by such person or persons after the mailing of said notice. It shall be the duty of the Alderman or Justice of the Peace, out of the purchase money from the sale of said goods and chattels, or lands and tenements, to pay all costs arising from said proceedings and sale to the parties entitled to such costs, to retain and pay to the City Manager, for the use of the City, the amount of the said bill to the City, and the residue of said purchase money, if any, shall be at once deposited in some bank in the City of Seaford to the credit of the owner or owners of said goods and chattels, or lands and tenements. The Alderman or Justice of the Peace shall be entitled to receive ten dollars for every sale of personalty under this Section and twenty dollars for every sale of real estate under this Section, together with such additional sum as may be allowed by Council for the keeping and care of such personal property, for selling the same, and for said advertising, all of which shall be a part of the costs aforesaid to be paid out of the purchase money. Any notice required by this Section to one co-owner shall be notice to all, and in case of no owner shall reside in said City, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her last best known post office address

shall be deemed proper notice. Council in addition to the provisions of this Section by imposing such fines and penalties as shall be, in the judgment of Council, necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purposes of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said City, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

POWER TO BORROW MONEY AND ISSUE BONDS.

Section 35. The City Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the City of Seaford, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvements of highways, streets or lanes, or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost or the share of the City of the cost of any permanent municipal improvements; provided, however, that the borrowing of the money therefor shall have been authorized by the City Council and shall have been approved by the electors in the manner and at the time following:

(A) Council by resolution shall propose to the electors of the City by resolution that the state amount of the money shall be borrowed for any of the above purposes. The resolution shall state the amount of the money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the City Council and in their possession, and shall fix a time and place for hearing on the said resolution.

(B) Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper published in the City and or distributed in circular form at least one week before the time set for said hearing.

(C) A second resolution shall then be passed by Council ordering a special election to be held not less than thirty days and not more than sixty days after said hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second resolution calling the special election shall ipso facto be considered Council's determination to proceed in the matter in issue.

(D) The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper in the City within thirty days prior to the election, and or distributed in circular form at least fifteen days prior to the election or both at the discretion of the Council.

(E) At the special election, every owner of property whether individual, partnership, or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

(F) The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots at not less than five days prior to the date of the special election.

(G) The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificates shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

The form of bond or certificate of indebtedness, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council after said special election. The bonds

shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be prescribed by the Council for at least one month before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the City of Seaford shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

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

In the event the City of Seaford should construct or acquire any plant, machinery, appliances or equipment for the supply of electricity or gas for light, heat or power purposes, authority is hereby granted the City of Seaford to furnish electricity or gas for light, heat or power purposes to the outlying communities provided that this authority shall not exceed a distance of One-half Mile beyond the limits of said City and provided that such extension will not incur indebtedness in excess of the bonded limit of said City and to do all things necessary to carry out this authority.

MUNICIPAL ZONING REGULATIONS.

Section 36. (A) For the purpose of protection against fire, promoting health, safety, morals or the general welfare of the community, the City Council is hereby empowered to adopt ordinances to regulate and restrict the height, number of stores, size of buildings and other structures, the density of population, and the location and use of buildings, structures and lands for trade, industry, residence or other purposes, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down,

removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of any building and the kind and grade of materials used in the construction thereof.

(B) The City Council in order to avail itself of the powers conferred by this section, shall appoint a commission of not less than three members to be known as the Zoning Commission in accordance with Section 306, Title 22, Del. C. of 1953, as amended. The City Council shall further provide for the appointment of a Board of Adjustment which shall consist of the City Manager, the Mayor and the City Solicitor. The Board shall have all the powers and shall be bound by the same procedure as set forth in Sections 321 through 330 inclusive, Title 22, Del. C. of 1953, as amended. Should any amendment be made to 22 Del. C. 306 or 22 Del. C. Sections 321 through 330 inclusive by the General Assembly, the Charter of the City of Seaford shall be deemed amended in order to comply with such amendments.

Upon the passage of this act, before any building or structure of any kind, or alteration or additions to any building constructed in the City of Seaford be made, a permit must be secured from the City Manager. The City Council is hereby empowered to enact ordinances establishing fees in relation thereto sufficient only to defray the costs in all actions taken pursuant to this Section.

FLOATING DEBT.

Section 37. The City Council shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Seaford, the sum or sums of money, not exceeding Ten Thousand Dollars (\$10,000.00), in any one fiscal year, when in the opinion of the majority of Council the needs of said City demand it. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the City of Seaford, duly authorized by resolution of Council, and signed by the Mayor and attested by the City Manager, either with or without the corporate seal of the City affixed as is requested by the bank or person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of

such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum of money borrowed on the faith and credit of the City of Seaford as aforesaid in any fiscal year shall be paid out of the general funds of the City, at the minimum rate of twenty-five per centum per fiscal year and shall be paid at the end of four fiscal years following the first fiscal year which said money was borrowed with interest thereon.

SURVIVAL OF POWER AND VALIDATING SECTION.

Section 38. This Act shall operate to amend, revise and consolidate, "An Act Changing the Name of the Town of Seaford to the City of Seaford, and Establishing a Charter Therefor", being Chapter 184, Volume 43, Laws of Delaware, and the various amendments and supplements thereto and to repeal all such parts of said Act and its amendments and supplements as are manifestly inconsistent with the provisions of this Act. All powers conferred upon or vested in the City of Seaford and/or the City Council of the City of Seaford by any Act of Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon, and vested in the City of Seaford and/or the City Council of the City of Seaford, precisely as if each of the said powers was expressly repeated in this Charter. All ordinances and resolutions heretofore lawfully enacted or adopted by the City Council of the City of Seaford and in force at the time of the approval of this Charter shall continue in full force and effect until the same or any of them shall be repealed, modified or altered by the City Council of the City of Seaford under the provisions of this Charter; all the acts and doings of the Council of said City or of any officer of said City, lawfully done or performed under the provisions of any law of this State, or of any ordinance of said City, prior to the approval of this Act, are hereby ratified and confirmed; all taxes, debt, fine or penalties and forfeitures due the City of Seaford shall be deemed to be due the City of Seaford, and all debts due from the City of Seaford shall be deemed to be due from the City of Seaford, and the same shall remain unimpaired until paid; and the power, right and authority to collect taxes and rentals imposed under the provisions of this Act, and the processes which may

be employed hereunder, shall be deemed to apply and to extend to all unpaid taxes and rentals imposed under the Charter of the City of Seaford; the bonds given by or on account of any official of the City of Seaford shall not be impaired by or affected by the provisions of this Act, but the City of Seaford shall succeed to all the benefits of said bonds; all valid laws heretofore passed relating to or concerning the City of Seaford or authorizing the borrowing of money and the issuing of bonds on the credit of said City shall be and remain valid and good as heretofore, and be unaffected and unimpaired by this Act.

If any part of this Act shall be held unconstitutional, such holding shall not in any wise invalidate the remaining provisions of this Act. This Act shall be deemed and known to be a public act.

Approved May 5, 1961.

CHAPTER 43

AN ACT TO AMEND CHAPTER 537, VOLUME 20, LAWS OF DELAWARE (AS AMENDED) ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF SMYRNA".

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

Section 1. Chapter 537, Volume 20, Laws of Delaware, is hereby amended by adding to Section 1 thereof the following:

The limits and boundaries of the Town of Smyrna are hereby extended to include the following lands and premises owned by the State of Delaware and adjacent to the present limits and boundaries of the Town of Smyrna, to wit:

ALL that certain piece, parcel or trace of land now situated in Duck Creek Hundred, Kent County, State of Delaware, lying southeast of the existing southeast limit of the Town of Smyrna, being bounded on the northwest by the existing limit of the Town of Smyrna, on the northeast by the northwesterly right of way of the duPont Parkway, U. S. Route #13, by lands of Elmer P. Corrie, and by lands of Edward W. Bartlett, on the southeast by the southeasterly line of Sunnyside Road, and on the southwest by a sprout of Lake Como and by lands of Mrs. John J. Sheridan, and being more particularly described as follows to wit:

BEGINNING at the intersection of the existing southeast limit of the Town of Smyrna with the northwest right of way line of the duPont Parkway; thence running with the northwest right of way line of the duPont Parkway South 22 deg. 09 min. East 179.91 ft. to a corner for this parcel and for lands of Elmer P. Corrie; thence leaving said duPont Parkway and running with lands of Elmer P. Corrie on the four following courses, (1) south 37 deg. 04 min. West 528.56 ft. to a point in line of lands of the State Welfare Home Property; thence (2) with the State Welfare Home Property South 56 deg. 42

min. East 73.46 ft.; thence (3) with the State Welfare Home property South 57 deg. 27 min. East 246.84 ft.; thence (4) with the State Welfare Home Property North 67 deg. 51 min. East 105.65 ft. to a corner for Corrie, for the State Welfare Home Property, and for lands of Edward W. Bartlett; thence running with the division line between the State Welfare Home Property and Edward W. Bartlett on the two following courses, (1) South 22 deg. 09 min. East 150.00 ft.; thence (2) North 67 deg. 51 min. East 163.31 ft. to a point in the northwest right of way line of the duPont Parkway; thence, running with the northwest right of way line of the duPont Parkway South 22 deg. 09 min. East 108.50 ft. to the beginning of a curve; thence running with the northwest right of way line of the duPont Parkway in a southerly direction with a 3779.8 ft. radius curve to the right an arc distance of 166.65 ft. to the intersection of the northwest right of way line of the duPont Parkway with the southeast right of way line of Sunnyside Road; thence running with the southeast right of way line of Sunnyside Road South 24 deg. 16 min. West 2570.81 ft. to a point in the southeast right of way line of Sunnyside Road and in the center of a small stream which is a sprout of Lake Como; thence crossing said Sunnyside Road and running with said sprout of Lake Como and with the southeasterly bank of Lake Como on the following ten courses, (1) North 63 deg. 22 min. West 305.79 ft.; thence (2) North 74 deg. 14 min. West 257.57 ft.; thence (3) North 14 deg. 12 min. East 335.98 ft.; thence, (4) North 38 deg. 47 min. West 136.02 ft.; thence (5) North 13 deg. 43 min. West 144.39 ft.; thence (6) North 49 deg. 50 min. West 235.06 ft.; thence (7) North 4 deg. 09 min. West 79.95 ft.; thence (8) North 36 deg. 19 min. East 129.18 ft.; thence (9) North 6 deg. 47 min. East 265.09 ft.; thence (10) North 44 deg. 32 min. East 85.09 ft. to a point on the southeasterly bank of Lake Como; thence crossing Lake Como and running North 45 deg. West 531.85 ft. to a point in the existing southeast limit of the Town of Smyrna (this point bears North 45 deg. East of and 395.00 ft. from a granite boulder set at the existing most southerly corner of the limits of the Town of Smyrna); thence running with the existing southeast limit of the Town of Smyrna North 45 deg. East 2240.97 ft. to the place of beginning, and containing a part of Lake Como, lands of the Presbyterian Cemetery, lands of the Town of Smyrna

(bathing beach site), all the lands of the State of Delaware Welfare Home Property, and all of Sunnyside Road that abuts lands of the State of Delaware Welfare Home Property, and containing a total area of high lands and land under the waters of Lake Como of 74.848 acres be the same more or less.

Approved May 5, 1961.

CHAPTER 44

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SMYRNA, CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, BY AUTHORIZING THE COUNCIL TO EXTEND THE BOUNDARIES OF SAID TOWN AFTER A SPECIAL ELECTION OF THE QUALIFIED VOTERS AND REAL ESTATE OWNERS OF THEIR 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 192, Volume 36, Laws of Delaware, be and the same is hereby amended by adding thereto a new section as follows:

Section 2. The Town of Smyrna is hereby authorized and empowered to extend its boundaries in the method as hereinafter provided.

(1) In order to extend the boundaries of the Town of Smyrna, the Council shall adopt a resolution proposing the inclusion of territory or territories within the limits of the Town of Smyrna and calling for a special election to be held in said territory or territories in accordance with Chapter 537, Volume 20, Laws of Delaware. 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 published in the Town of Smyrna at least two weeks prior to the day of said election.

(2) Elections may be held in more than one of said territories on the same day, but the 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.

(3) Any such election shall be held by the election officers of the Election District or Districts of Kent County or New Castle 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 Town of Smyrna, 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 or New Castle 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.

(4) The Council of the Town of Smyrna 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 beside which shall appear the words "FOR inclusion within the Town of Smyrna", and "AGAINST inclusion within the Town of Smyrna". Each voter shall indicate his preference by making a mark in pencil within the box beside the words expressing his preference. The election of 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.

(5) At any such election the polls shall be open from two 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 Secretary of the Council the number of votes cast for and against inclusion within the town 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.

(6) If a majority of the votes cast in an election held in a territory proposed to be annxed shall be in favor of the inclusion of that territory, the Council shall thereupon adopt a resolution annexing said territory and including same within the limits of the Town of Smyrna. Upon the adoption of a resolution of annexation a copy thereof certified by the Secretary of Council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County or New Castle County and the area so annexed shall for all purposes thenceforth be part of the Town of Smyrna.

(7) 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 Smyrna, 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 May 5, 1961.

CHAPTER 45

AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961." BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE STATE BOARD OF EDUCATION BY MAKING TRANSFERS IN CERTAIN APPROPRIATION ITEMS THEREIN AND BY REPEALING CHAPTER 20, VOLUME 53, LAWS OF DELAWARE, WHICH AMENDED CHAPTER 299, VOLUME 52, LAWS OF DELAWARE.

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

Section 1. Chapter 20, Volume 53, Laws of Delaware (Senate Bill No. 112, 121st General Assembly) is hereby repealed.

Section 2. The appropriations to the State Board of Education in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$4,070 from Division I. D. b. 3, Salaries of Supervisors without a program, Rural New Castle County; and the sum of \$1,500 from Division I. H. 5, Salaries of Teachers, Music; and the sum of \$1,000 from Division I. H. 2, Salaries of Teachers, Art; and the sum of \$2,900 from Division I. D. a. 10, Salaries of Supervisors, Teacher Training (1/2 Federal) to Divisions II. B. 9, Deaf Program.

Section 3. The appropriations made to the State Board of Education in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$6,000 from Division I. D. b. 3, Salaries of Supervisors without a program, Rural New Castle County to Division II. B. 11, Homebound Instruction.

Approved May 5, 1961.

CHAPTER 46

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO SCHOOL BOARD ELECTIONS AND APPOINTMENTS.

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

Section 1. § 305, Title 14, Delaware Code, is amended by adding thereto a new subparagraph to read as follows:

No person shall serve as a member of any School Board who holds a position which is subject to the rules and regulations of such School Board.

Section 2. § 505, Title 14, Delaware Code, is amended by adding thereto a new subparagraph to read as follows:

No person shall serve as a member of any School Board who holds a position which is subject to the rules and regulations of such School Board.

Approved May 12, 1961.

CHAPTER 47

**AN ACT TO AMEND TITLE 14, SECTIONS 311 AND 1904,
DELAWARE CODE, RELATING TO NOTICES OF
SCHOOL ELECTIONS.**

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

Section 1. Title 14, § 311 (a) (2) Delaware Code is amended to read:

(2) By notices published in two newspapers at least once a week for three weeks before the election, the last such publication to be not less than five days before the day of the election. The two newspapers in which the advertisements shall appear shall be the two newspapers which are published nearest to the main office of the district in which the election is to be held.

Section 2. Title 14, § 1904 (a) (2) Delaware Code, is amended to read:

(2) By notices published in two newspapers at least once a week for three weeks before the election, the last such publication to be not less than five days before the day of the election. The two newspapers in which the advertisements shall appear shall be the two newspapers which are published nearest to the main office of the district in which the election is to be held.

Approved May 12, 1961.

CHAPTER 48

**AN ACT MAKING AN APPROPRIATION TO THE STATE
FIRE PREVENTION COMMISSION 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 Fire Prevention Commission the sum of Five Thousand Dollars to be expended by the said Commission to pay the expenses of the training school for volunteer firemen to be conducted during April 1961 in Camden, Delaware by the State Fire Prevention Commission.

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 12, 1961.

CHAPTER 49

**AN ACT TO AMEND SECTION 8422, TITLE 9, DELAWARE
CODE, RELATING TO THE COLLECTION OF SCHOOL
AND PARK DISTRICT TAXES.**

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

Title 9, Section 8422, Delaware Code is hereby amended to
read as follows:

§ 8422. Collection of school and park district taxes

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

Approved May 12, 1961.

CHAPTER 50

AN ACT TO AMEND SUBCHAPTER IV OF CHAPTER 7, TITLE 9, DELAWARE CODE, RELATING TO TAXING POWERS OF PARK DISTRICTS.

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

Section 1. Section 750, Title 9, Delaware Code is amended by striking out the word "extend" appearing therein and substituting in lieu thereof the word "collect".

Section 2. Chapter 7, Subchapter IV, Title 9, Delaware Code is amended by enacting and adding new sections to read as follows:

§ 751. Assessment list

The Park Board of the park district in which a park district tax is to be levied shall use the assessment list of the county or counties in which that district is located as a basis for any park district tax.

§ 752. Tax collection warrant and assessment list

The Board shall execute and deliver its warrant with a duplicate of the assessment list not later than the second Tuesday in May of each year, to the Receiver of Taxes and County Treasurer of the County or Counties wherein the district is situated.

§ 753. Collection and deposit of park district taxes

(a) The Receiver of Taxes and County Treasurer shall collect such taxes in the same manner and at the same time as provided by law for the collection of taxes for other purposes, provided, however, that in New Castle County the Receiver of Taxes and County Treasurer shall allow no abatement or discount upon any taxes levied by park district purposes required to be delivered by them; and shall after the thirtieth day of September in the year in which the tax rolls shall be delivered

to them, add to the taxes to be paid a penalty of one-half of one per cent per month until the same shall be paid.

(b) All money so collected shall be paid to the Treasurer of the park district and shall be deposited by said Treasurer in accordance with the provisions of Section 771, Title 9, Delaware Code.

§ 754. Report of park district tax collections and payment of collected taxes

(a) Each Receiver of Taxes and County Treasurer shall on the first day of each month make a report to the Park Board of the park district for which he is collecting taxes of all taxes collected in the previous month. The report shall show a complete breakdown of taxes collected, such as debt service and such other information as may be required.

(b) Each Receiver of Taxes and County Treasurer shall, not less than once each calendar month, pay over to the Treasurer of said park district all funds collected by him for the park district.

Approved May 12, 1961.

CHAPTER 51

AN ACT TO DIRECT THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE \$500 ANNUALLY TO GUMBORO VOLUNTEER FIRE COMPANY FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. Title 9, Section 6132 (a), Delaware Code, is amended by adding the following thereto:

"Gumboro Volunteer Fire Company."

Approved May 12, 1961.

CHAPTER 52

AN ACT TO AMEND TITLE 9, DELAWARE CODE, WITH REGARD TO POWERS OF THE LEVY COURT OF NEW CASTLE COUNTY.

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

Section 1. § 1521, Title 9, Delaware Code, is amended by adding new subsections thereto to read as follows:

(e) The Levy Court of New Castle County, after a determination that lands held by the said County are no longer needed for County use, may sell any such lands to the highest and best bidder therefore, provided that publication of the intent to sell said lands is published in a newspaper of general circulation in said County once a week for three consecutive weeks prior to a stated sale date, said publication specifying further that sealed bids, accompanied by certified check in the amount of ten per cent (10%) of said bids, will be received by said Levy Court at a stated place and will be publicly opened at a stated time and place.

(f) The determination that lands are surplus to the needs of the County shall be made after a public hearing not less than thirty days prior to the first published advertisement for bids. Notice of said hearing shall be given at least ten days before said hearing by publication in a newspaper of general circulation in New Castle County.

Approved May 12, 1961.

CHAPTER 53

AN ACT AUTHORIZING THE DISINTERMENT AND REINTERMENT OF BODIES IN THE CEMETERY BELONGING TO AND ON THE PROPERTY OF THE MT. OLIVET METHODIST CHURCH IN SEAFORD, DELAWARE, AND PROVIDING THAT THE PROPERTY OF MT. OLIVET METHODIST CHURCH WILL BE USED FOR BETTER RELIGIOUS ADVANTAGE.

WHEREAS, in the City of Seaford in Sussex County, Delaware, there is a small and very old cemetery on the property of and belonging to Mt. Olivet Methodist Church of said City; and

WHEREAS, the said cemetery has not been used for burial purposes for a great many years; and

WHEREAS, the said cemetery is located apart from other cemeteries in the City of Seaford and is not under perpetual care; and

WHEREAS, it is the desire of the Trustees of the said church that the bodies in the old cemetery hereinafter described should be removed and reinterred in an organized cemetery controlled by a cemetery corporation and under perpetual care so that proper attention can be given to the lot where reinterments are made; and

WHEREAS, it is the desire of the Trustees of the Mt. Olivet Methodist Church that, with the consent of relatives of persons buried in said cemetery, if any such can be located, to disinter and reinter the bodies of persons buried in said cemetery in order that the plot of ground from which the bodies are proposed to be removed will be put to better religious advantage,

NOW, THEREFORE,

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

Section 1. That the Trustees of Mt. Olivet Methodist Church of Seaford, Sussex County, Delaware, be and they are hereby authorized and fully empowered to carefully and properly disinter and remove all of the bodies from the cemetery located on the property of the Mt. Olivet Methodist Church in the City of Seaford, Sussex County, Delaware, and to carefully and properly reinter the said bodies in another cemetery in the City of Seaford that is under the control of an organized cemetery company where perpetual care is proposed to be arranged and where the plot of grounds where the bodies are proposed to be reinterred can be properly kept.

Section 2. That before removing the said bodies from the said cemetery as aforesaid, the said Trustees shall first make reasonable effort to obtain the consent in writing of the relatives of the said deceased persons whose bodies are therein buried and which bodies they propose to remove; and if said Trustees are unable to find such relatives or any of them, they shall advertise in at least one weekly newspaper published in Sussex County, for three successive weeks, that they propose removing said bodies in accordance with this Act; and if, after ten days following such advertising, or as a result of such advertising, said Trustees are unable to find such relatives or any of them, and no objection is made by any known relative, then and in that event, the said Trustees shall be presumed to have secured the consent of any and all of such relatives as provided for in this Act. All expenses for disinterring, removing and reintering the bodies now buried in that part of the cemetery hereinbefore described shall be borne by the Mt Olivet Methodist Church.

Section 3. That, after the removal of the bodies from the cemetery hereinbefore described, the Trustees of Mt. Olivet Methodist Church are authorized and empowered to use the plot of ground where the bodies in question are now interred for better religious advantage.

Section 4. That all acts or parts of acts inconsistent with the provisions of the Act be and the same are hereby repealed to the extent and only to the extent of such inconsistency.

Approved May 12, 1961.

CHAPTER 54

**AN ACT TO AUTHORIZE THE TRANSFER OF CERTAIN
ENCUMBERED FUNDS TO THE SALARIES AND WAGES
ACCOUNT OF THE MAINTENANCE DIVISION OF THE
STATE HIGHWAY DEPARTMENT APPROPRIATIONS.**

WHEREAS, as a result of heavy expenditures imposed by extraordinary weather conditions the past winter, a deficit is anticipated at the end of the fiscal year ending June 30, 1961 in the funds appropriated to the State Highway Department for Salaries and Wages in the Maintenance Division, and

WHEREAS, as a result of procedures in charging funds at the end of the fiscal year ending June 30, 1960 a balance of sixty-three thousand four hundred fifteen dollars and forty-eight cents (\$63,415.48) remains from funds encumbered from the appropriation to the State Highway Department for the Salaries and Wages Account of the Maintenance Division for the fiscal year ending June 30, 1960, and

WHEREAS, the aforementioned balance, if available for use by the State Highway Department during the fiscal year ending June 30, 1961 would offset a substantial portion of the anticipated deficit in the Salaries and Wages Account of the Maintenance Division.

NOW THEREFORE,

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

Section 1. The sum of sixty-three thousand four hundred and fifteen dollars (\$63,415.00) of funds encumbered by the State Highway Department from appropriations for the fiscal year ending June 30, 1960 for Salaries and Wages in the Maintenance Division is hereby authorized to be transferred to the Salaries and Wages Account of the Maintenance Division of the State Highway Department for the fiscal year ending June 30, 1961.

Section 2. The funds transferred hereby are to be utilized solely for the purpose of fulfilling obligations for the payment of salaries and wages of employees of the State Highway Department incurred prior to and including June 30, 1961.

Approved May 15, 1961.

CHAPTER 55

AN ACT TO AMEND SECTION 109, TITLE 24, DELAWARE CODE, RELATING TO FEES.

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

Section 1. § 109, Title 24, Delaware Code, is amended by striking out § 109 thereof and by substituting in lieu thereof a new § 109 to read as follows:

§ 109. Fees; re-examination fees

The Board shall charge for the examination and certificate provided for in this chapter a fee of \$50. This fee shall be payable by the applicant at the time of making his initial application. The Board shall charge a like fee of \$50 for each re-examination of any applicant. However, in the event the applicant passes all subjects except two, he shall be allowed to apply for a re-examination on such two subjects at either or both of the next two succeeding examinations conducted by the Board and shall be charged a fee of \$25 for each such re-examination.

Approved May 16, 1961.

CHAPTER 56

**AN ACT TO PERMIT THE STATE TAX DEPARTMENT TO
VOID CERTAIN UNCLAIMED CHECKS.**

WHEREAS, there are now in the State Tax Department certain checks representing refunds due to taxpayers which are unclaimed, and

WHEREAS, every effort has been made to locate the taxpayers entitled to the refunds without success, and

WHEREAS, the total amount of said checks is \$40,488.60, now then

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

Section 1. The State Tax Department is hereby authorized and directed to void all unclaimed refund checks issued pursuant to Title 30, § 1183, Delaware Code, dated prior to January 2, 1959 and to revert the sums represented by the checks to the General Fund.

Approved May 16, 1961.

CHAPTER 57

AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS FOR THE YOUTH SERVICES COMMISSION, 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 Youth Services Commission, Ferris School for Boys in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$500.00 from the item "Travel" (Code 1700-20), \$12,000.00 from the item "Operations" (Code 1700-30), \$2,900.00 from the item "Handicapped Children" (Code 1700-31), and \$9,000.00 from the item "Repairs and Replacements" (Code 1700-40) to the item "Salaries and Wages of Employees" (Code 1700-02).

Section 2. The appropriations made to the Youth Services Commission in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$12,100.00 from the item "Operations" under Kruse School (Code 1710-30), to the item "Salaries and Wages of Employees", under Woods Haven School, (Code 1720-02) and by transferring the sum of \$1,000.00 from the item "Repairs and Replacements", under Kruse School (Code 1710-40) to the item "Repairs and Replacements", under Woods Haven School, (Code 1720-40).

Section 3. The appropriations made to the Youth Services Commission, Bridge House, in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$2,000.00 from the item "Operations" (Code 1705-30) to the item "Salaries and Wages of Employees" (Code 1705-02).

Section 4. The appropriations made for the Youth Services Commission in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$5,000.00 from the item "Operations" under Kruse School (Code 1710-30) to the item "Repairs and Replacements" under Ferris School (Code 1700-40).

Approved May 17, 1961.

CHAPTER 58

AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS FOR THE DEBT SERVICE OF THE STATE OF DELAWARE, BY MAKING TRANSFERS IN CERTAIN ITEMS THEREIN, AND BY MAKING A TRANSFER FROM DEBT SERVICE TO SALARIES AND WAGES OF THE STATE TREASURER.

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

Section 1. The appropriations made for Debt Service of the State of Delaware in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring \$13,120.00 from DEBT SERVICE, Redemptions-State Bonds, Authorized, Unissued to DEBT SERVICE, Purchase of County Highway Bonds and Coupons, Redemption and Interest; and the sum of \$9,500.00 from DEBT SERVICE Redemption-State Bonds, Authorized Unissued to State Treasurer Salaries and Wages of Employees.

Approved May 18, 1961.

CHAPTER 59

AN ACT MAKING AN EMERGENCY SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF ACCOUNTANCY FOR THE FISCAL YEAR ENDING JUNE 30, 1961.

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

Section 1. The sum of \$1,400 is hereby appropriated to the State Board of Accountancy for the fiscal year ending June 30, 1961 to be expended as follows:

Salaries and wages of employees	\$ 100
Office Expense	1,050
Travel	100
Equipment	150
	<hr/>
	\$1,400

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 22, 1961.

CHAPTER 60

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE COURT OF CHANCERY FOR THE FISCAL
YEAR ENDING JUNE 30, 1961.**

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

Section 1. There is hereby appropriated to the Court of Chancery the sum of \$2,315.00 for the following items:

Secretary's Salary	\$1,125.00
Travel and related expenses	400.00
New Equipment	490.00
Office Expenses	300.00
	<hr/>
	\$2,315.00

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

Approved May 22, 1961.

CHAPTER 61

**AN ACT AUTHORIZING THE STATE TREASURER TO
TRANSFER CERTAIN BALANCES IN THE ACCOUNTS
OF FORMER STATE TREASURER HOWARD H. DICK-
ERSON TO THE GENERAL FUND OF THE STATE OF
DELAWARE.**

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

Section 1. The incumbent State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Nine Thousand Nine Hundred Nineteen Dollars and Forty-one Cents (\$9,919.41) made up of certain balances for which the date for honoring any check or order drawn thereupon has expired by statute (Title 29, Section 2707), such amount being the total of balances on deposit to the credit of the State of Delaware in the Farmers Bank of the State of Delaware, Dover, Delaware in the name and in the accounts as follows:

Treasurer of the State of Delaware:

Howard H. Dickerson	\$2,213.81
Special IBM Payroll Account	5,877.64
Motor Vehicle Licenses and Fees Refund	
Account	227.96
Motor Fuel Refund Account	200.05
Pension Account	262.70
Welfare Account	1,137.25
	<hr/>
Total	\$9,919.41

Approved May 22, 1961.

CHAPTER 62

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

WHEREAS, a sum of One Thousand Nine Hundred Thirty-three Dollars and Five Cents (\$1,933.05) was paid into the General Fund of the State of Delaware from the Unemployment Compensation Fund on April 18, 1958, as if such sum were State Funds subject to reversion, AND

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

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

Section 1. There is hereby appropriated to the Unemployment Compensation Fund the sum of One Thousand Nine Hundred Thirty-three Dollars and Five Cents (\$1,933.05) from the General Fund of the State of Delaware not otherwise appropriated.

Approved May 22, 1961.

CHAPTER 63

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKFORD, CHAPTER 144, VOLUME 41, LAWS OF DELAWARE, BY EXTENDING THE LIMITS AND BOUNDARIES OF THE TOWN OF FRANKFORD.

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 1, Chapter 144, Volume 36, Laws of Delaware is amended by striking the third paragraph relating to the town boundaries, as it nows appears and inserting in lieu thereof the following boundary description:

Beginning at a point on the east right-of-way of the County Road leading from Frankford to Selbyville, center of a ditch at a tile crossing said County Road, and corner for land of Francis M. Gum; thence with east side of said Road S. $21\frac{1}{2}^{\circ}$ W. 40 ft. to a cement boulder settled on south side of 40 foot outlet Road, thence with south side of said outlet Road, Seven Courses S. $68\frac{1}{2}^{\circ}$ W. 116 feet; S. $78\frac{3}{4}^{\circ}$ W. 150 ft.; S. $74^{\circ} 50'$ E. 69 $\frac{1}{2}$ ft., S. 81° E. 255 ft., S. $67\frac{3}{4}^{\circ}$ E. 162 ft., S. $19\frac{1}{2}^{\circ}$ W. 116 ft., S. 10° W. 252 $\frac{1}{2}$ ft., to a cement boulder settled at corner of the two acres cleared land; thence with same with other land of Harry D. Hudson and Florence Hudson, his wife, Five Courses, N. $70^{\circ} 40'$ W. 314 $\frac{1}{2}$ ft. to a cement boulder; thence S. 14° W. 205 ft. to center of a ditch, with cement boulder settled on North Bank; thence down said ditch S. $31\frac{1}{2}^{\circ}$ E. 130 feet; S. $73^{\circ} 40'$ E. 222 feet to cement boulder, corner for the two acre cleared land, and the forty foot road; thence S. $77\frac{1}{2}^{\circ}$ E. 248 feet to center of Vines Branch Canal, with a marked white gum on west bank; thence with the meanderings of said canal northerly, to center of an intersecting ditch and corner for land of Francis M. Gum, thence with land of said Gum down a ditch six courses: N. $68\frac{1}{2}^{\circ}$ W. 200 ft.; N. $63\frac{3}{4}^{\circ}$ W. 162' N. 81° W. 255'; N. $74^{\circ} 50'$ W. 69 $\frac{1}{2}$ ft.; N. $78\frac{3}{4}^{\circ}$ E. 150 ft.; N. $68\frac{1}{2}^{\circ}$ E. 100 feet to place of beginning.

The above description being in accordance with a survey by Isaac L. Bennett dated March 13, 1961.

Approved May 22, 1961.

CHAPTER 64

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO PENSIONS OF STATE EMPLOYEES.

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

Section 1. Chapter 55, Title 29, Delaware Code, is amended by adding a new section 5529 as follows:

§ 5529. Benefits payable to surviving spouse of employee not disabled

The surviving spouse of any employee who has died after having served in covered employment for at least 15 years and who was in covered employment at the time of his death, shall, until the death or remarriage of such surviving spouse, receive a pension equal to one-half the amount which the employee was or shall be entitled to receive if he had retired on the day of his death.

Section 2. This act shall become effective July 1, 1961.

Section 3. § 5528, Title 29, Delaware Code, is repealed and a new Section 5528 enacted in lieu thereof as follows:

§ 5528. Effect of amendments

Any amendment to this Chapter shall apply to State employees who had retired prior to the effective date of the amendment, or the surviving spouse of a State employee so retired and also to State employees retiring after the effective date of the amendment, or the surviving spouse of a State employee so retiring, unless the bill containing the amendment specifically provides otherwise, but nothing contained in this section shall be construed so as to reduce the pension payments already properly awarded a former State employee, or the surviving spouse of a former State employee.

Approved May 24, 1961.

CHAPTER 65

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 Member elected to each Branch concurring therein):

Section 1. Section 984 (a) (4), Title 10, Delaware Code, is repealed and a new Section 984 (a) (4) enacted in lieu thereof to read as follows:

(4) Adjudge a child, dependent, neglected or delinquent, if the facts warrant, and may order, assess and impose fees, costs, fines and cash bail or may place such delinquent child on probation to keep such reasonable terms and conditions thereof as to the court may seem proper.

Approved May 24, 1961.

CHAPTER 66

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE KNOWN AS THE FAMILY COURT ACT BY CLARIFYING THE POWER OF THE COURT RELATING TO THE CUSTODIAL CARE OF A CHILD PENDING FINAL DETERMINATION, AND IN THE MATTER OF EXAMINATIONS AND TREATMENTS.

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

Section 1. § 978, Title 10, Delaware Code, is repealed and a new section 978 enacted in lieu thereof to read as follows:

§ 978. Custodial care of children pending final determination

(a) During a continuance for study, a Judge, Master or the Director may release a child on his own, or the recognizance of the person charged with his care, to appear before the Court when required.

(b) Following a finding of Delinquency, a Judge or Master may cause a child to be detained by the Youth Services Commission until final determination of his case, unless sooner released by a Judge or Master or the Director; 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 study and until final determination of his case in any manner ordered by a Judge or Master.

(c) Following a finding of probable cause for the arrest, a Judge or Master may cause a child who has attained his 16th birthday and who is alleged to have thereafter violated a penal law, to be detained in any manner ordered by the Judge or Master, pending a study to determine whether he should be referred to the Superior Court.

Section 2. § 985, Title 10, Delaware Code, is repealed and a new section 985 enacted in lieu thereof to read as follows:

§ 985. Examinations; treatment; payment

(a) The Court may order any person within its jurisdiction examined by a licensed practitioner in the appropriate field and may order the costs thereof paid under §923 hereof.

(b) If the Examiner shall certify that treatment would be in the interest of the examined person and the State, the Court may order such treatment, and may order the costs thereof paid as aforesaid.

(c) The Court may, after reasonable opportunity to be heard, order the examined person, or the person legally liable for his support, to repay the Court for its outlay on his behalf, such sum, in such manner, within his ability, as the Court determines.

(d) Failure without just cause to obey any proper order authorized herein may be processed as contempt.

Approved May 24, 1961.

CHAPTER 67

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 a period no longer than the time provided under the Federal Social Security Act each 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 each 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 May 24, 1961.

CHAPTER 68

AN ACT TO AMEND SECTION 1502, TITLE 10, DELAWARE CODE, RELATING TO THE TERM AND SALARY OF THE JUDGE OF THE COURT OF COMMON PLEAS OF KENT COUNTY.

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

Section 1. § 1502 (a), Title 10, Delaware Code is amended by striking the words "four years" and substituting therefore, the words "twelve years".

Section 2. § 1502 (c), Title 10, Delaware Code is amended by striking the words "\$5,000 per year" and substituting therefore the words "\$12,500 per year".

Section 3. § 1502, Title 10, Delaware Code is amended by adding a new sub-section (d) as follows: (d) The judge upon assuming his duties, shall not practice law during his term of office.

Section 4. The provisions of this act shall take effect upon the commencement of the term of the next judge appointed to the Court of Common Pleas of Kent County.

Approved May 24, 1961.

CHAPTER 69

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE TAX DEPARTMENT.

WHEREAS, the State Tax Department has requested the Legislature to permit it to void certain checks in the total amount of \$40,488.60, and

WHEREAS, the State Tax Department needs additional funds to assist it in collecting taxes due the state, and

WHEREAS, the sums needed will be available as a result of the voiding said checks, now then therefore

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

Section 1. There is hereby appropriated to the State Tax Department the sum of \$15,380.39 to be used as follows:

Salaries and Wages of Employees	\$ 1,400.00
Office Expense	9,192.99
Travel	815.38
Repairs and Replacements	1,150.00
Equipment	2,822.02
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Total	\$15,380.39

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

Approved May 24, 1961.

CHAPTER 70

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF
MILLVILLE.**

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

Section 1. Chapter 217, Volume 24, Laws of Delaware, as amended, entitled "An act to incorporate the town of Millville" is amended by adding the following at the end of Section 4 thereof:

The Justice of the Peace residing nearest said town shall have all the powers vested in the alderman herein.

Approved May 24, 1961.

CHAPTER 71

AN ACT TO CREATE A REGIONAL AGENCY BY INTER-GOVERNMENTAL COMPACT FOR THE PLANNING, CONSERVATION, UTILIZATION, DEVELOPMENT, MANAGEMENT AND CONTROL OF THE WATER AND RELATED NATURAL RESOURCES OF THE DELAWARE RIVER BASIN, FOR THE IMPROVEMENT OF NAVIGATION, REDUCTION OF FLOOD DAMAGE, REGULATION OF WATER QUALITY, CONTROL OF POLLUTION, DEVELOPMENT OF WATER SUPPLY, HYDROELECTRIC ENERGY, FISH AND WILDLIFE HABITAT AND PUBLIC RECREATIONAL FACILITIES AND OTHER PURPOSES, AND DEFINING THE FUNCTIONS, POWERS AND DUTIES OF SUCH AGENCY.

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

Title 23, Delaware Code, is amended by adding thereto a new chapter to read as follows:

CHAPTER 10. DELAWARE RIVER BASIN COMPACT**SUBCHAPTER I. DELAWARE RIVER BASIN COMPACT****§ 1001. Delaware River Basin Compact**

The Delaware River Basin Compact is hereby entered into and enacted into law; subject to the execution by the Governor as provided in the compact and in accordance with its terms. The compact is as follows:

DELAWARE RIVER BASIN COMPACT

WHEREAS, the signatory parties recognize the water and related sources of the Delaware basin as regional assets vested with local, state and national interests, for which they have a joint responsibility; and

WHEREAS, the conservation, utilization, development, management and control of the water and related resources of

the Delaware River Basin under a comprehensive multi-purpose plan will bring the greatest benefits and produce the most efficient service in the public welfare; and

WHEREAS, such a comprehensive plan administered by a basin-wide agency will provide effective flood damage reduction; conservation and development of ground and surface water supply for municipal, industrial and agricultural uses; development of recreational facilities in relation to reservoirs, lakes and streams; propagation of fish and game; promotion of related forestry, soil conservation and watershed projects; protection and aid to fisheries dependent upon water resources, development of hydroelectric power potentialities; improved navigation; control of the movement of salt water; abatement and control of stream pollution; and regulation of stream flows toward the attainment of these goals; and

WHEREAS, decisions of the United States Supreme Court relating to the waters of the basin have confirmed the interstate regional character of the water resources of the Delaware River Basin, and the United States Corps of Engineers has in a prior report on the Delaware River Basin (House Document 179, 73d Cong. 2nd Sess.) officially recognized the need for an interstate agency and the economies that can result from unified development and control of the water resources of the basin; and

WHEREAS, the water resources of the basin are presently subject to the duplicating, overlapping and uncoordinated administration of some 43 state agencies, 14 interstate agencies and 19 federal agencies which exercise a multiplicity of powers and duties resulting in a splintering of authority and responsibilities; and

WHEREAS, the joint advisory body known as the Interstate Commission on the Delaware River Basin (INCODEL), created by the respective commissions or committee on Interstate Cooperation of the States of Delaware, New Jersey, New York and Pennsylvania, has on the basis of its extensive investigations; surveys and studies concluded that regional development of the Delaware River Basin is feasible, advisable

and urgently needed; and has recommended that an interstate compact with federal participation be consummated to this end; and

WHEREAS, the Congress of the United States and the executive branch of the government have recognized the national interest in the Delaware River Basin by authorizing and directing the Corps of Engineers, U. S. Department of the Army, to make a comprehensive survey and report on the water and related resources of the Delaware River Basin, enlisting the technical aid and planning participation of many federal, state and municipal agencies dealing with the waters of the basin, and in particular the federal departments of Agriculture, Commerce, Health, Education and Welfare, Interior, and Federal Power Commission; and

WHEREAS, some 22,000,000 people of the United States at present live and work in the region of the Delaware River Basin and its environs, and the government, employment, industry and economic development of the entire region and the health, safety and general welfare of its population are and will continue to be vitally affected by the use, conservation, management and control of the water and related resources of the Delaware River Basin; and

WHEREAS, demands upon the waters and related resources of the basin are expected to mount rapidly because of the anticipated increase in the population of the region projected to reach 30,000,000 by 1980 and 40,000,000 by 2010, and because of the anticipated increase in industrial growth projected to double by 1980; and

WHEREAS, water resources planning and development is technical, complex and expensive, and has often required fifteen to twenty years from the conception to the completion of a large dam and reservoir; and

WHEREAS, the public interest requires that facilities must be ready and operative when needed, to avoid the catastrophe of unexpected floods or prolonged drought, and for other purposes; and

WHEREAS, the Delaware River Basin Advisory Committee, a temporary body constituted by the governors of the four basin states and the mayors of the cities of New York and Philadelphia, has prepared a draft of an interstate-federal compact for the creation of a basin agency, and the signatory parties desire to effectuate the purposes thereof; now therefore

The states of Delaware, New Jersey and New York and the Commonwealth of Pennsylvania, and the United States of America hereby solemnly covenant and agree with each other, upon the enactment of concurrent legislation by the Congress of the United States and by the respective state legislatures, having the same effect as this Part to the following Compact:

ARTICLE 1

SHORT TITLE, DEFINITIONS, PURPOSE AND LIMITATIONS

Section 1.1 SHORT TITLE. This act shall be known and may be cited as the Delaware River Basin Compact.

1.2 DEFINITIONS. For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

(a) "Basin" shall mean the area of drainage into the Delaware River and its tributaries, including Delaware Bay;

(b) "Commission" shall mean the Delaware River Basin Commission created and constituted by this compact;

(c) "Compact" shall mean Part 1 of this act;

(d) "Cost" shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance and operation of a project;

(e) "Facility" shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants,

structures, machinery and equipment, acquired, constructed, operated or maintained for the beneficial use of water resources or related land uses including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them;

(f) "Federal government" shall mean the government of the United States of America, and any appropriate branch, department, bureau or division thereof, as the case may be;

(g) "Project" shall mean any work, service or activity which is separately planned, financed, or identified by the commission, or any separate facility undertaken or to be undertaken within a specified area, for the conservation, utilization, control, development or management of water resources which can be established and utilized independently or as an addition to an existing facility, and can be considered as a separate entity for purposes of evaluation;

(h) "Signatory party" shall mean a state or commonwealth party to this compact, and the federal government;

(i) "Water resources" shall include water and related natural resources, in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership or control.

1.3 PURPOSE AND FINDINGS. The legislative bodies of the respective signatory parties hereby find and declare:

(a) The water resources of the basin are affected with a local, state, regional and national interest and their planning, conservation, utilization, development, management and control, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

(b) The water resources of the basin are subject to the sovereign right and responsibility of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of such powers and sovereignty in the common interests of the people of the region.

(c) The water resources of the basin are functionally inter-related, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision and coordination of efforts and programs of federal, state and local governments and of private enterprise.

(d) The water resources of the Delaware River Basin, if properly planned and utilized, are ample to meet all presently projected demands, including existing and added diversions in future years; and every increasing economies and efficiencies in the use and reuse of water resources can be brought about by comprehensive planning, programming and management.

(e) In general, the purposes of this compact are to promote interstate comity; to remove causes of present and future controversy; to make secure and protect present developments within the states; to encourage and provide for the planning, conservation, utilization, development, management and control of the water resources of the basin; to provide for cooperative planning and action by the signatory parties with respect to such water resources; and to apply the principle of equal and uniform treatment to all water users who are similarly situated and to all users of related facilities, without regard to established political boundaries.

1.4 POWERS OF CONGRESS: WITHDRAWAL. Nothing in this compact shall be construed to relinquish the functions, powers or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provision hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the federal government as a party to this compact or to revise or modify

the terms, conditions and provisions under which it may remain a party by amendment, repeal or modification of any federal statute applicable thereto is recognized by the signatory parties.

1.5 EXISTING AGENCIES: CONSTRUCTION. It is the purpose of the signatory parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent not inconsistent with this compact, and the commission is authorized and directed to utilize and employ such offices and agencies for the purpose of this compact to the fullest extent it finds feasible and advantageous.

1.6 DURATION OF COMPACT.

(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not later than 20 years nor sooner than 25 years prior to the termination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100 years period.

(b) In the event that this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred, and its corporate affairs wound up, in such manner as may be provided by act of the Congress.

ARTICLE 2

ORGANIZATION AND AREA

Section 2.1 COMMISSION CREATED. The Delaware River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

2.2 COMMISSION MEMBERSHIP. The Commission shall consist of the Governors of the signatory states, ex-officio, and one commissioner to be appointed by the President of the United States to serve during the term of office of the President.

2.3 ALTERNATES. Each member of the commission shall appoint an alternate to act in his place and stead, with authority to attend all meetings of the commission and with power to vote in the absence of the member. Unless otherwise provided by law of the signatory party for which he is appointed, each alternate shall serve during the term of the member appointing him, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

2.4 COMPENSATION. Members of the commission and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

2.5 VOTING POWER. Each member shall be entitled to one vote on all matters which may come before the commission. No action of the commission shall be taken at any meeting unless a majority of the membership shall vote in favor thereof.

2.6 ORGANIZATION AND PROCEDURE. The commission shall provide for its own organization and procedure, and shall adopt rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation, who may attend all meetings of the commission and its committees.

2.7 JURISDICTION OF THE COMMISSION. The commission shall have, exercise and discharge its functions, powers and duties within the limits of the basin, except that it may in its discretion act outside the basin whenever such action may be necessary or convenient to effectuate its powers or duties within the basin, or to sell or dispose of water, hydro-electric power or other water resources within or without the basin. The commission shall exercise such power outside the basin only upon the consent of the state in which it proposes to act.

ARTICLE 3

POWERS AND DUTIES OF THE COMMISSION

Section 3.1 PURPOSE AND POLICY. The commission shall develop and effectuate plans, policies and projects relating to the water resources of the basin. It shall adopt and promote uniform and coordinated policies for water conservation, control, use and management in the basin. It shall encourage the planning, development and financing of water resources projects according to such plans and policies.

3.2 COMPREHENSIVE PLAN, PROGRAM AND BUDGETS. The commission shall, in accordance with Article 13 of this compact, formulate and adopt:

(a) A comprehensive plan, after consultation with water users and interested public bodies; for the immediate and long range development and uses of the water resources of the basin;

(b) A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

(c) An annual current expense budget, and an annual capital budget consistent with the water resources program covering the commission's projects and facilities for the budget period.

3.3 ALLOCATIONS, DIVERSIONS AND RELEASES. The commission shall have the power from time to time as need appears, in accordance with the doctrine of equitable apportionment, to allocate the waters of the basin to and among the states signatory to this compact and to and among their re-

spective political subdivisions, and to impose conditions, obligations and release requirements related thereto, subject to the following limitations:

(a) The commission, without the unanimous consent of the parties to the United States Supreme Court decree in *New Jersey v. New York*, 347 U. S. 995 (1954), shall not impair, diminish or otherwise adversely affect the diversions, compensating releases, rights, conditions, obligations, and provisions for the administration thereof as provided in said decree; provided, however, that after consultation with the river master under said decree the commission may find and declare a state of emergency resulting from a drought or catastrophe and it may thereupon by unanimous consent of its members authorize and direct an increase or decrease in any allocation or diversion permitted or releases required by the decree, in such manner and for such limited time as may be necessary to meet such an emergency condition.

(b) No allocation of waters hereafter made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto; provided that this paragraph shall not be deemed to limit or restrict the power of the commission to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for the benefit or development of the water resources of the basin.

(c) Any proper party deeming itself aggrieved by action of the commission with respect to an out-of-basin diversion or compensating releases in connection therewith, notwithstanding the powers delegated to the commission by this compact may invoke the original jurisdiction of the United States Supreme Court within one year after such action for an adjudication and determination thereof de novo. Any other action of the commission pursuant to this section shall be subject to judicial review in any court of competent jurisdiction.

3.4 SUPREME COURT DECREE: WAIVERS. Each of the signatory states and their respective political subdivisions, in consideration of like action by the others, and in recognition of reciprocal benefits, hereby waives and relinquishes for the duration of this compact any right, privilege or power it may have to apply for any modification of the terms of the decree of the United States Supreme Court in *New Jersey v. New York*, 347 U. S. 995 (1954) which would increase or decrease the diversions authorized or increase or decrease the releases required thereunder, except that a proceeding to modify such decree to increase diversions or compensating releases in connection with such increased diversions may be prosecuted by a proper party to effectuate rights, powers, duties and obligations under Section 3.3 of this compact, and except as may be required to effectuate the provisions of paragraph 111B3 and VB of said decree.

3.5 SUPREME COURT DECREE: SPECIFIC LIMITATIONS ON COMMISSION. Except as specifically provided in Sections 3.3 and 3.4 of this article, nothing in this compact shall be construed in any way to impair, diminish or otherwise adversely affect the rights, powers, privileges, conditions and obligations contained in the decree of the United States Supreme Court in *New Jersey v. New York*, 347 U. S. 995 (1954). To this end, and without limitation thereto, the commission shall not:

(a) Acquire, construct or operate any project or facility or make any order or take any action which would impede or interfere with the rights, powers, privileges, conditions or obligations contained on said decree;

(b) Impose or collect any fee, charge or assessment with respect to diversions of waters of the basin permitted by said decree;

(c) Exercise any jurisdiction, except upon consent of all the parties to said decree, over the planning, design, construction, operation or control of any projects, structures or facilities constructed or used in connection with withdrawals, diversions and releases of waters of the basin authorized by said decree or of the withdrawals, diversions or releases to be made thereunder; or

(d) Serve as river master under said decree, except upon consent of all the parties thereto.

3.6 GENERAL POWERS: The commission may:

(a) Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate and maintain any and all projects, facilities, properties, activities and services, determined by the commission to be necessary, convenient or useful for the purposes of this compact;

(b) Establish standards of planning, design and operation of all projects and facilities in the basin which affect its water resources, including without limitation thereto water and waste treatment plants, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, small watershed management programs, and ground water recharging operations;

(c) Conduct and sponsor research on water resources, their planning, use, conservation, management, development, control and protection, and the capacity, adaptability and best utility of each facility thereof, and collect, compile, correlate, analyze, report and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand, and general hydrological conditions;

(d) Compile and coordinate systematic stream stage and ground water level forecasting data, and publicize such information when and as needed for water uses, flood warning, quality maintenance or other purposes;

(e) Conduct such special ground water investigation, tests, and operations and compile such data relating thereto as may be required to formulate and administer the comprehensive plan;

(f) Prepare, publish and disseminate information and reports with respect to the water problems of the basin and for the presentation of the needs, resources and policies of the basin to executive and legislative branches of the signatory parties;

(g) Negotiate for such loans, grants, services or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact; and to receive and accept such aid upon such terms and conditions, and subject to such provisions for repayment as may be required by federal or state law or as the commission may deem necessary or desirable;

(h) Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

3.7 RATES AND CHARGES. The commission may from time to time after public notice and hearing fix, alter and revise rates, rentals, charges and tolls and classifications thereof, for the use of facilities which it may own or operate and for products and services rendered thereby, without regulation or control by any department, office or agency of any signatory party.

3.8 REFERRAL AND REVIEW. No project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the commission, subject to the provisions of Section 3.3 and 3.5. The Commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such plan. The commission shall provide by regulation for the procedure of submission, review and consideration of projects, and for its determinations pursuant to this section. Any determination of the commission hereunder shall be subject to judicial review in any court of competent jurisdiction.

3.9 COORDINATION AND COOPERATION. The commission shall promote and aid the coordination of the activities and

programs of federal, state, municipal and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

(a) Advise, consult, contract, financially assist, or otherwise, cooperate with any and all such agencies;

(b) Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

(c) Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof;

(d) Qualify as a sponsoring agency under any federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management or control of water resources.

3.10 ADVISORY COMMITTEES. The Commission may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, state, county and municipal governments, water resources agencies, water-using industries, water-interest groups, labor and agriculture.

ARTICLE 4

WATER SUPPLY

Section 4.1 GENERALLY. The commission shall have power to develop, implement and effectuate plans and projects for the use of the waters of the basin for domestic, municipal, agricultural and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate and maintain dams, reservoirs and other facilities for util-

ization of surface and ground water resources, and all related structures, appurtenances and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

4.2 STORAGE AND RELEASE OF WATERS.

(a) The commission shall have power to acquire, operate and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of surface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity and other purposes.

(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augmenting such flow, except in cases where such diversion is duly authorized by this compact, or by the commission pursuant thereto, or by the judgment, order or decree of a court of competent jurisdiction.

4.3 ASSESSABLE IMPROVEMENTS. The commission may undertake to provide stream regulation in the main stream or any tributary in the basin and may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to judicial review in any court of competent jurisdiction.

4.4 COORDINATION. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

4.5 ADDITIONAL POWERS. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

ARTICLE 5

POLLUTION CONTROL

Section 5.1 GENERAL POWERS. The commission may undertake investigations and survey, and acquire, construct, operate and maintain projects and facilities to control potential pollution and abate or dilute existing pollution of the water resources of the basin. It may invoke as complainant the power and jurisdiction of water pollution abatement agencies of the signatory parties.

5.2 POLICY AND STANDARDS. The commission may assume jurisdiction to control future pollution and abate existing pollution in the waters of the basin, whenever it determines after investigation and public hearing upon due notice that the effectuation of the comprehensive plan so requires. The standard of such control shall be that pollution by sewage or industrial or other waste originating within a signatory state shall not injuriously affect waters of the basin as contemplated by the comprehensive plan. The commission, after such public hearing may classify the waters of the basin and establish standards of treatment of sewage, industrial or other waste, according to such classes including allowance for the variable factors of surface and ground waters, such as size of the stream, flow, movement, location, character, self-purifications, and usage of the waters affected. After such investigation, notice and hearing the commission may adopt and from time to time amend and repeal rules, regulations and standards to control such future pollution and abate, existing pollution, and to require such treatment of sewage, industrial or other waste within a time reasonable for the construction of the necessary works as may be required to protect the public health or to preserve the waters of the basin for uses in accordance with the comprehensive plan.

5.3 COOPERATIVE LEGISLATION AND ADMINISTRATION. Each of the signatory parties covenants and agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the rivers, streams, and waters in the basin which flow through, under, into or border upon any of such signatory states, and in order to effect such object, agrees to enact any necessary legislation to enable each such party to place and maintain the waters of said basin in a satisfactory condition, available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits and adaptable to such other uses as may be provided by the comprehensive plan.

5.4 ENFORCEMENT. The commission may, after investigation and hearing, issue an order or orders upon any person or public or private corporation, or other entity, to cease the discharge of sewage, industrial or other waste into waters of the basin which it determines to be in violation of such rules and regulations as it shall have adopted for the prevention and abatement of pollution. Any such order or orders may prescribe the date, including a reasonable time for the construction of any necessary works, on or before which such discharge shall be wholly or partially discontinued, modified or treated, or otherwise conformed to the requirements of such rules and regulations. Such order shall be reviewable in any court of competent jurisdiction. The courts of the signatory parties shall have jurisdiction to enforce against any person, public or private corporation, or other entity, any and all provisions of this Article or of any such order. The commission may bring an action in its own name in any such court of competent jurisdiction to compel compliance with any provision of this Article, or any rule or regulation issued pursuant thereto or of any such order, according to the practice and procedure of the court.

5.5 FURTHER JURISDICTION. Nothing in this compact shall be construed to repeal, modify or qualify the authority of

any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

ARTICLE 6

FLOOD PROTECTION

Section 6.1 GENERAL POWERS. The commission may plan, design, construct and operate and maintain projects and facilities, as it may deem necessary or desirable for flood damage reduction. It shall have power to operate such facilities and to store and release waters on the Delaware River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

6.2 FLOOD PLAIN ZONING.

(a) The commission shall have power to adopt, amend and repeal recommended standards, in the manner provided by this section, relating to the nature and extent of the uses of land in areas subject to flooding by waters of the Delaware River and its tributaries. Such standards shall not be deemed to impair or restrict the power of the signatory parties or their political subdivisions to adopt zoning and other land use regulations not inconsistent therewith.

(b) The commission may study and determine the nature and extent of the flood plains of the Delaware River and its tributaries. Upon the basis of such studies, it may establish encroachment lines and delineate the areas subject to flood, including a classification of land with reference to relative risk of flood and the establishment of standards for flood plain use which will safeguard the public health, safety and property. Prior to the adoption of any standards delineating such area or defining such use, the commission shall hold public hearings, in the manner provided by Article 14, with respect to the substance of such standards. At or before such public hearings the proposed standards shall be available, and all interested persons shall be given an opportunity to be heard thereon at the hearing. Upon the adoption and promulgation of such standards,

the commission may enter into agreements to provide technical and financial aid to any municipal corporation for the administration and enforcement of any local land use ordinances or regulations given effect to such standards.

6.3 FLOOD LANDS ACQUISITION. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon within the area of a flood plain for the purpose of restricting the use of such property so as to minimize the flood hazard, converting property to uses appropriate to flood plain conditions, or preventing unwarranted constrictions that reduce the ability of the river channel to carry flood water. Any such action shall be in accord with the standards adopted and promulgated pursuant to Section 6.2.

6.4 FLOOD AND STREAM STAGE WARNINGS AND POSTING. The commission may cause lands particularly subject to flood to be posted with flood hazard warnings, and may from time to time cause flood advisory notices to be published and circulated as conditions may warrant.

ARTICLE 7

WATERSHED MANAGEMENT

Section 7.1 WATERSHEDS GENERALLY. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

7.2 SOIL CONSERVATION AND FORESTRY. The commission may acquire, sponsor or operate facilities and projects to encourage soil conservation, prevent and control erosion, and to promote land reclamation and sound forestry practices.

7.3 FISH AND WILDLIFE. The commission may acquire, sponsor or operate projects and facilities for the maintenance and improvement of fish and wildlife habitats related to the water resources of the basin.

7.4 COOPERATIVE PLANNING AND OPERATION.

(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this Article.

(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions, in accordance with the intent and purpose expressed in Section 1.5 of this compact.

ARTICLE 8

RECREATION

Section 8.1. DEVELOPMENT. The commission shall provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory party, political subdivision or any agency thereof, may provide for the construction, maintenance and administration of such facilities, subject to the provisions of Section 8.2 hereof.

8.2 COOPERATIVE PLANNING AND OPERATION.

(a) The commisison shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions, in accordance with the intent and purpose expressed in Section 1.5 of this compact.

8.3 OPERATION AND MAINTENANCE. The commission, within limits prescribed by this article, shall:

(a) Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

(b) Recommend standards for the development and administration of water related recreational facilities;

(c) Provide for the administration, operation and maintenance of recreational facilities owned or controlled by the commission and for the letting and supervision of private concessions in accordance with this article.

8.4 CONCESSIONS. The commission shall after notice and public hearing provide by regulation for the award of contracts for private concessions in connection with recreational facilities, including any renewal or extension thereof, upon sealed competitive bids after public advertisement therefor.

ARTICLE 9

HYDROELECTRIC POWER

Section 9.1 DEVELOPMENT. The waters of the Delaware River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy, in accordance with the comprehensive plan.

9.2 POWER GENERATION. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

9.3 TRANSMISSION. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

9.4 DEVELOPMENT CONTRACTS. The commission may after public notice and hearing enter into contracts on reasonable terms, consideration and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities and appurtenances.

9.5 RATES AND CHARGES. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

ARTICLE 10

REGULATIONS OF WITHDRAWALS AND DIVERSIONS

Section 10.1 POWER OF REGULATION. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power of regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

10.2 DETERMINATION OF PROTECTED AREAS. The commission may from time to time after public hearing upon due notice determine and delineate such areas within the basin wherein the demand upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or to impair or conflict with the requirements or effectuation of the comprehensive plan, and only such areas may be designated as "protected areas." The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such termination.

10.3 WITHDRAWAL PERMITS. In any protected areas so determined and delineated, no person, firm, corporation or other entity shall divert or withdraw water for domestic, municipal, agricultural or industrial uses in excess of such quantities as the commission may prescribe by general regulation, except (i) pursuant to a permit granted under this article, or (ii) pursuant to a permit or approval heretofore granted under the laws of any of the signatory states.

10.4 EMERGENCY. In the event of a drought or other condition which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission may, after public hearing, determine and delineate the area of such shortage and declare a water supply emergency therein. For the duration of such emergency as determined by the commission no person, firm, corporation or other public or private entity shall divert or withdraw water for any purpose, in excess of such quantities as the commission may prescribe by general regulation or authorize by special permit granted hereunder.

10.5 STANDARDS. Permits shall be granted, modified or denied as the case may be so as to avoid such depletion of the natural stream flows and ground waters in the protected area or in an emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

10.6 JUDICIAL REVIEW. The determinations and delineations of the commission pursuant to Section 10.2 and the granting, modification or denial of permits pursuant to Section 10.3 through 10.5 shall be subject to judicial review in any court of competent jurisdiction.

10.7 MAINTENANCE OF RECORDS. Each state shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

10.8 EXISTING STATE SYSTEMS. Whenever the commission finds it necessary or desirable to exercise the powers conferred by this article any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be superseded to the extent of any conflict with the control and regulation exercised by the commission.

ARTICLE 11

INTERGOVERNMENTAL RELATIONS

Section 11.1 FEDERAL AGENCIES AND PROJECTS.

For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

(a) The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

(b) No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the commission in the comprehensive plan;

(c) Each federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority except as specifically provided by this section.

11.2 STATE AND LOCAL AGENCIES AND PROJECTS.

For the purpose of avoiding conflicts of jurisdiction and giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

(a) The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

(b) No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility unless it shall have first been included by the commission in the comprehensive plan;

(c) Each state and local agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

11.3 RESERVED TAXING POWERS OF STATES. Each of the signatory parties reserves the right to levy, assess and collect fees, charges and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdictions of the respective signatory parties.

11.4 PROJECT COSTS AND EVALUATION STANDARDS. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of projects priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

(a) Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

(b) Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups and private enterprise, and for the supervision of their performance;

(c) Establishment and supervision of a system of accounts for reimbursable purposes and directing the payments and charges to be made from such accounts;

(d) Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

11.5 COOPERATIVE SERVICES. The commission shall furnish technical services, advice and consultation to authorized agencies of the signatory parties with respect to the water

resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative services to the commission upon request, within the limits of available appropriations and to cooperate generally with the commission for the purposes of this compact, and the cost of such services may be reimbursable whenever the parties deem appropriate.

ARTICLE 12

CAPITAL FINANCING

Section 12.1 BORROWING POWER. The commission may borrow money for any of the purposes of this compact, and may issue its negotiaable bonds and other evidences of indebtedness in respect thereto. All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

12.2 FUNDS AND EXPENSES. The purpose of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special funds; all other expenses connected with the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

12.3 CREDIT EXCLUDED: OFFICERS, STATE AND MUNICIPAL. The commission shall have no power to pledge the credit of any signatory party, or of any county or municipi-

pality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

12.4 FUNDING AND REFUNDING. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale or exchange thereof.

12.5 BONDS, AUTHORIZATION GENERALLY. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon nor affected in any way by: (i) the disposition of bond proceeds by the commission or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bonds issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may

be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may determine.

12.6 BONDS: RESOLUTIONS AND INDENTURES GENERALLY. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. The resolution of the commission authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this compact and is bound thereby.

12.7 MAXIMUM MATURITY. No bond by its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date hereby authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

12.8 TAX EXEMPTION. All bonds issued by the commission under the provisions of this compact and the interest thereof shall at all times be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

12.9 INTEREST. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

12.10 PLACE OF PAYMENT. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

12.11 EXECUTION. The commission may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signature or counter signatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or counter signatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

12.12 HOLDING OWN BONDS. The commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

12.13 SALE. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bonds values. All bonds issued and sold for cash pursuant to this act shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bond notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bonds shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenue of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

12.14 NEGOTIABILITY. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

12.15 LEGAL INVESTMENTS. Bonds of the commission shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

12.16 VALIDATION PROCEEDINGS. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceeding shall be instituted and prosecuted in

rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

12.17 RECORDING. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipt of such revenues by the commission or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or to the indenture trustee.

12.18 PLEDGED REVENUES. Bond redemption and interest payments shall, to the extent provided in the resolution or indenture, constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extension of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them are outstanding and unpaid.

12.19 REMEDIES. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated: (a) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with the collection, deposit, investment, application and disbursement of the rates, rents, tolls, fees, charges and other revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (b) by

action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

12.20 CAPITAL FINANCING BY SIGNATORY PARTIES: GUARANTEES.

(a) The signatory parties will provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article II of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guarantee of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

(c) The commission may receive and accept, and the signatory parties may make loans, grants, appropriations, advances and payments of reimbursable or non-reimbursable funds or property in any form for the capital or operating purposes of the commission.

ARTICLE 13

PLAN, PROGRAM AND BUDGETS

Section 13.1 **COMPREHENSIVE PLAN.** The commission shall develop and adopt, and may from time to time review and revise a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities

which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management and control of water resources of the basin to meet present and future needs; provided that the plan shall include any projects required to conform with any present or future decree or judgment of any court of competent jurisdiction. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties and their political subdivisions. The commission shall conduct public hearings with respect to the comprehensive plan prior to the adoption of the plan or any part or revision thereof.

13.2 WATER RESOURCES PROGRAM. The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

1) the quantity and quality of water resources needs for such period;

2) the existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated;

3) a separate statement of the projects proposed to be undertaken by the commission during such period.

13.3 ANNUAL CURRENT EXPENSE AND CAPITAL BUDGETS.

(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or

continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory parties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

- 1) certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

- 2) transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item (1) above and all other revenues available to the commission shall be apportioned equitably among the signatory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittances by the signatory parties.

ARTICLE 14

GENERAL PROVISIONS

Section 14.1 AUXILIARY POWERS OF COMMISSION, FUNCTIONS OF COMMISSIONERS.

(a) The commission, for the purposes of this compact, may:

1) Adopt and use a corporate seal, enter into contracts, sue and be sued in all courts of competent jurisdiction;

2) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof:

3) Provide for, acquire and adopt detailed engineering, administrative, financial and operating plans and specifications to effectuate, maintain or develop any facility or project;

4) Control and regulate the use of facilities owned or operated by the commission;

5) Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful or convenient for such ownership, operation, control, maintenance or conveyance;

6) Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

(b) The commissioners, subject to the provisions of this compact, shall:

1) Serve as the governing body of the commission, and exercise and discharge its powers and duties except as otherwise provided by or pursuant to this compact;

2) Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by compact;

3) Provide for the internal organization and administration of the commission;

4) Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

5) Create and abolish offices, employments and positions as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualifications, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees;

6) Let and execute contracts to carry out the powers of the commission.

14.2 REGULATIONS: ENFORCEMENT. The commission may:

(a) Make and enforce reasonable rules and regulations for the effectuation, application and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall be adopted only after public hearing and shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

(b) Designate any officer, agent or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the state in which he is duly assigned to perform his duties.

14.3 TAX EXEMPTION. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission shall, as to specific projects, make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payments shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

14.4 MEETINGS: PUBLIC HEARING: RECORDS, MINUTES.

(a) All meetings of the commission shall be open to the public.

(b) The commission shall conduct at least one public hearing prior to the adoption of the comprehensive plan, water resources program, annual capital and current expense budgets, the letting of any contract for the sale or other disposition by the commission of hydroelectric energy or water resources to any person, corporation or entity, and in all other cases wherein this compact requires a public hearing. Such hearing shall be held upon at least ten days public notice given by posting at the offices of the commission. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

14.5 OFFICERS GENERALLY.

(a) The officers of the commission shall consist of an executive director and such additional officers, deputies and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed by the executive director under such rules of procedure as the commission may determine.

(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be removed from office by the commission.

14.6 OATH OF OFFICE. An oath of office in such form as the commission shall prescribe shall be taken, subscribed and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

14.7 BOND. Each officer shall give such bond and in such form and amount as the commission may require for which the commission may pay the premium.

14.8 PROHIBITED ACTIVITIES.

(a) No commissioner, officer or employee shall:

1) be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

2) solicit or accept money or any other thing of value in addition to the compensation or expenses paid him by the commission for services performed within the scope of his official duties;

3) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the commission.

(b) Any officer or employee who shall willfully violate any of the provisions of this section shall forfeit his office or employment.

(c) Any contract or agreement knowingly made in contravention of this section is void.

(d) Officers and employees of the commission shall be subject in addition to the provisions of this section to such criminal and civil sanctions for misconduct in office as may be imposed by federal law and the law of the signatory state in which such misconduct occurs.

14.9 PURCHASING. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars and contracts for the purchase of services, supplies, equipment and materials when the expenditure required exceeds two thousand five hundred dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least ten days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice and publications are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

1) the purchase is to be made from or the contract to be made with the federal or any state government or any agency or political subdivision thereof or pursuant to any open end bulk purchase contract of any of them;

2) the public exigency requires the immediate delivery of the articles of performance of the service;

3) only one source of supply is available;

4) the equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

5) services are to be provided of a specialized or professional nature.

14.10 INSURANCE. The commission may self-insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of any agreement arising out of the issuance of bonds by the commission.

14.11 ANNUAL INDEPENDENT AUDIT.

(a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission shall direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

(b) Each signatory party by its duly authorized officers shall be entitled to examine and audit at any time all of the

books, documents, records, files and accounts and all other papers, things or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files and all other papers, things or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians.

(c) The financial transactions of the commission shall be subject to audit by the general accounting office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the comptroller general of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall forfeit his office.

14.12 REPORTS. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations and finances. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

14.13 GRANTS, LOANS OR PAYMENTS BY STATES OR POLITICAL SUBDIVISIONS.

(a) Any or all of the signatory parties or any political subdivision thereof may:

1) Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of sub-surface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

2) Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and managements of or construction by the commission of any facility or project;

3) Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

14.14 CONDEMNATION PROCEEDINGS.

(a) The commission shall have the power to acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party and any property held, constructed, operated or maintained in connection with a diversion authorized by a United States Supreme Court decree. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission or other body as may have regulatory jurisdiction over such public utility.

(b) Such power of condemnation shall be exercised in accordance with the provisions of any federal law applicable to the commission; provided that if there is no such applicable federal law, condemnation proceedings shall be in accordance

with the provisions of such general state condemnation law as may be in force in the signatory state in which the property is located.

(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

14.15 CONVEYANCE OF LANDS AND RELOCATION OF PUBLIC FACILITIES.

(a) The respective officers, agencies, departments, commissions or bodies having jurisdiction and control over real and personal property by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purposes of the commission.

(b) Each political subdivision of each of the signatory parties is authorized and empowered, notwithstanding any contrary provision of law, to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

(c) Any highway, public utility or other public facility which will be dislocated by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

14.16 RIGHTS OF WAY. Permission is hereby granted to the commission to locate, construct and maintain any aque-

ducts, lines, pipes, conduits and auxiliary facilities authorized to be acquired, constructed, owned, operated or maintained by the commission in, over, under or across any streets and highways now or hereafter owned, opened or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

14.17 PENAL SANCTION. Any person, association or corporation who violates or attempts or conspires to violate any provision of this compact or any rule, regulation or order of the commission duly made, promulgated or issued pursuant to the compact in addition to any other remedy, penalty or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the offense is committed; provided that in the absence of such provision any such person, association or corporation shall be liable to a penalty of not less than \$50 nor more than \$1000 for each such offense to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt or conspiracy shall constitute a separate offense.

14.18 TORT LIABILITY. The commission shall be responsible for claims arising out of the negligent acts or omission of its officers, agents and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents and employees of the government of the United States.

14.19 EFFECT ON RIPARIAN RIGHTS. Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

14.20 AMENDMENTS AND SUPPLEMENTS. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

14.21 CONSTRUCTION AND SEVERABILITY. The provisions of this act and of agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency or person is held invalid, the constitutionality of the remainder of this compact or such agreement and the applicability thereof to any other signatory party, agency, person or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this compact be reasonably and liberally construed.

14.22 EFFECTIVE DATE: EXECUTION. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the federal government, the states of Delaware, New Jersey and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in six duplicate original copies by the respective chief executives of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the Archives of the commission upon its organization. The signatures shall be affixed and attested under the following form:

IN WITNESS WHEREOF, and in evidence of the adoption and enactment into law of this compact by the Congress and legislatures, respectively, of the signatory parties, the President of the United States and the respective Governors do hereby, in accordance with authority conferred by law, sign this compact in six duplicate original copies, as attested by the respective Secretaries of State, and have caused the seals of the United States and of the respective states to be hereunto affixed thisday of of.....
19.....

SUBCHAPTER II. EFFECTUATION

§ 1011. Repealer

All acts and parts of acts inconsistent with any provision of this act are to the extent of such inconsistency hereby repealed.

§ 1012. Effectuation by Chief Executive

The chief executive is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the compact and the initial organization and operation of the commission thereunder.

§ 1013. Effective date

This act shall take effect immediately.

Approved May 26, 1961.

CHAPTER 72

**AN ACT RELATING TO THE CUSTODY AND EXCHANGE
OF LAW BOOKS.**

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

Section 1. Title 29, Chapter 13, Delaware Code is amended by enacting new sections thereto as follows:

§ 1308. Custody of law books

The Director of the Legislative Reference Bureau shall receive and exercise control over all inventories of the Delaware Code, Delaware Code Pocket Parts, Session Laws, Legislative Journals, State Law Reports, and other law books published by or belonging to the State of Delaware, for sale and distribution as provided by law.

§ 1309. Sale of law books

The Director of the Legislative Reference Bureau shall make available for sale all inventories of law books in the State, except the Delaware Code, which in his judgment are not needed by the State or any agency thereof, for such sum, not less than cost, as he deems just and fair. All sums received from the sale of books shall become a part of the General Fund of the State of Delaware. Sale of the Delaware Code shall be in accordance with Title 1, Section 108, Delaware Code.

§ 1310. Distribution of law books to State agencies gratis

The Director of the Legislative Reference Bureau shall distribute gratis law books in the inventory, except the Delaware Code, to such agencies of the State as show a need for them. The Delaware Code shall be distributed as provided for in Title 1, Section 108, Delaware Code.

§ 1311. Free distribution of law books with libraries

The Director of the Legislative Reference Bureau in conjunction with the Secretary of State shall transmit one copy of each law book or set of law books published by the State, as

soon after a book is published as practical to each of the following: The Library of Congress, The University of Delaware Library, The Delaware State College Library, The Historical Society of Delaware, the Wilmington Institute Free Library and to each public law library within the State, two copies each. The Delaware Code and all supplements thereto shall also be distributed to each public library in this State. No agency, except a public law library shall be entitled to receive gratis, more than one copy of each book from the State, from whatever source received.

§ 1312. Exchanging law books

(1) The Director of the Legislative Reference Bureau in conjunction with the State Law Library in Kent County shall forward a copy of each law book or set of books published by or under authority of the State of Delaware to each state, territory, or district of the United States, which exchanges its books with the State Law Library in Kent County and may exchange books with any province of Canada, and any foreign country that exchange its books with the State Law Library in Kent County. In the event, that any state, territory, district, province or country does not exchange all of the law books published by it or under its authority or does not exchange a book or set of books equivalent to books or sets of books published by the State of Delaware, then the Director may refuse to transmit to such state, territory, district, province or country such books of the State of Delaware as the Director of the Legislative Reference Bureau deems necessary to equalize the exchange.

(2) The Director of the Legislative Reference Bureau may also exchange books of the State of Delaware for books of equal value received from other sources.

Section 2. § 1964, Title 10, Delaware Code, is amended to read as follows:

§ 1964. Distribution of reports

The Secretary of State, upon the receipt of the law reports and chancery reports, shall retain one copy in his office; send

one copy to each judge of each state, county or municipal court, to each Justice of the Peace; and deposit the remaining copies with the Director of the Legislative Reference Bureau. The copies delivered to the Judges and Justices of the Peace shall belong to their respective offices and shall be delivered to their successors in office.

Section 3. Title 1, Delaware Code, is amended by repealing all of § 108 (b).

Section 4. Title 1, § 108 (a) (3), Delaware Code is amended to read "The remaining copies to the Director of the Legislative Reference Bureau to be distributed in accordance with law."

Approved May 26, 1961.

CHAPTER 73

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE IMPERIAL DRIVE 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 the Imperial Drive Civic Association.

Approved June 13, 1961.

CHAPTER 74

**AN ACT TO TRANSFER FUNDS APPROPRIATED TO THE
STATE BOARD OF EDUCATION UNDER CHAPTER 299,
VOLUME 52, LAWS OF DELAWARE, RELATING TO
TITLE III OF THE NATIONAL DEFENSE EDUCATION
ACT CONCERNING SCIENCE, MATHEMATICS, AND
FOREIGN LANGUAGE.**

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

Section 1. The sum of \$2,175.50 of Division I, Line Item D, (a) 13; \$1,008.00 of Division I, Line Item D, (a), 14; and \$1,550.00 of Division I, Line Item D, (a), 15; allocated to Title III, National Defense Education Act concerning science, mathematics, and foreign language, an appropriation to the State Board of Education which appears as Chapter 299, Volume 52, Laws of Delaware, are hereby transferred to Division II, Line Item B, 1 (a), State Board of Education, and the total sum so transferred to be used for equipping and completing the Title III program of the National Defense Education Act concerning science, mathematics, and foreign language for the fiscal year ending June 30, 1961.

Approved June 13, 1961.

CHAPTER 75

**AN ACT APPROPRIATING ADDITIONAL FUNDS TO THE
VOCATIONAL REHABILITATION DIVISION OF THE
STATE BOARD FOR VOCATIONAL EDUCATION FOR
SERVICES TO DISABLED PERSONS.**

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

Section 1. The sum of \$18,000.00 is hereby appropriated to the Rehabilitation Division of the State Board of Vocational Education to provide for the vocational rehabilitation of disabled citizens of this State.

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

Approved June 13, 1961.

CHAPTER 76

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY INCREASING AND RE-DEFINING THE ELECTION DISTRICTS, AND BY ELIMINATING THE FREEHOLDER QUALIFICATION FOR COUNCILMEN.

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 4 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out all of said section and by inserting in lieu thereof the following section:

Section 4—Districts—The City of Newark shall be divided into six or more districts as follows:

The first district of said City shall consist of all that part of said City bounded on the West by Chapel Street and on the North, East, and South by the City boundary lines.

The second district of said City shall consist of all that part of said City bounded on the West by South College Avenue, on the North by Main Street, on the East by Chapel Street, and on the South by the City boundary line.

The third district of said City shall consist of all that part of said City bounded on the West by the City boundary line and Elkton Road, on the North by Park Place, on the East by South College Avenue, and on the South by the City boundary line.

The fourth district of said City shall consist of all that part of said City bounded on the West by the City boundary line, on the North by Barksdale Road, Elkton Road and Main Street, on the East by South College Avenue, and on the South by Park Place and Elkton Road.

The fifth district of said City shall consist of all that part of said City bounded on the West by the City boundary line, on the Northeast by New London Road, on the Southeast by Elkton Road and on the South by Barksdale Road.

The sixth district of said City shall consist of all that part of said City bounded on the West by New London Road, on the North by the City boundary line, on the East by Chapel Street, and on the South by Main Street.

Boundaries of districts within the City of Newark may be altered from time to time by the Council of the City of Newark. If changed the districts shall be three or more in number, contiguous and compact and approximately equal in population.

Section 2. Section 6, Chapter 152, Volume 48, Laws of Delaware, is amended by striking out all of the last sentence of the first paragraph of said Section and by inserting in lieu thereof the following sentence:

The City Council shall be composed of one councilman elected from each District.

Section 3. That Section 6 of Chapter 152 of Volume 48, Laws of Delaware, is further amended by striking out all of the second and third paragraphs of said section and by inserting in lieu thereof the following paragraphs:

From and after the regular municipal election to be on the second Tuesday in April, 1962, the Councilmen whose terms run until the second Tuesday in April, 1963, shall continue in office for one year as Councilmen for the newly defined districts in which they reside; provided, however, that in the event there are two Councilmen (formerly representing different districts) who both reside within the boundaries of a newly created district and who both have terms which do not expire until 1963, then in such event, if neither of said Councilmen shall resign in favor of the other, they shall be required to file for election to a one year term for said new district, said filing to be subject to the provisions of Section 39; and at the regular municipal election

on the second Tuesday in April, 1962, one of said Councilmen shall be elected for said new district for a term of one year.

At the regular municipal election to be held on the second Tuesday in April, 1962, one Councilman shall be elected for a term of two years for each of the districts except those districts in which there is a resident Councilman whose term does not expire until April, 1963, and a Mayor shall also be elected; provided, however, that if the number of Councilmen to be so elected shall be more than three in number, the Election Board shall designate three of said districts from which a Councilman shall be elected for a term of two years and the balance of said districts from which a Councilmen shall be elected for a term of one year, said designation to be made by lot.

Except as otherwise provided herein, the terms of the Mayor and Councilmen shall be two years or until their successors have been elected and qualify.

Section 4. That Section 8 of Chapter 152 of Volume 48, Laws of Delaware, as amended, is further amended by striking out the words "and at least one Councilman from each district" where said words appear in the last sentence of the first paragraph of said section.

Section 5. This act shall become effective on June 1, 1961, or upon approval by the Governor, whichever date shall be later in time, provided, however, that nothing herein shall affect the qualifications for office of the Councilmen, nor the geographic area which they represent, between the effective date of this act and the regular municipal election on the second Tuesday in April, 1962.

Approved June 13, 1961.

CHAPTER 77

AN ACT TO AMEND CHAPTER 13, VOLUME 51, LAWS OF DELAWARE ENTITLED "AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO PLAN, CONSTRUCT, EQUIP AND FURNISH AN ADDITION TO THE PRESENT COUNTY BUILDING FOR NEW CASTLE COUNTY AND TO ISSUE BONDS TO FINANCE THE COST THEREOF", IN RELATION TO THE LETTING OF CONTRACTS FOR THE CONSTRUCTION OF SUCH ADDITION.

WHEREAS, the Levy Court of New Castle County after due advertising received bids for the construction of an addition to the County Building at Eleventh and King Streets, Wilmington, Delaware and awarded contract therefor to Rupert Construction Company, Inc., upon the lowest responsible bid; and

WHEREAS, since the award of said contract and the commencement of construction thereof the General Assembly authorized the appointment of two additional judges in the Superior Court, thereby creating the need for additional Court Rooms and office space in said County Building; and

WHEREAS, substantial delay and increased costs would result from the advertising for awarding of contract for the construction to provide such additional space in accordance with the applicable statutory bidding requirements,

NOW THEREFORE

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

Section 1. Chapter 13, Volume 51, Laws of Delaware is amended by adding at the end of Section 1 thereof the following sentence:

The provisions of Section 371, Title 9, Delaware Code shall not apply with respect to the award of the contract for the construction of the portion of the addition to the County Building

consisting of two additional floors to the wing of said building to provide Court Rooms and office space, provided that a competent registered Architect in the State of Delaware shall certify to the Levy Court that in his opinion the amount required to be paid under said contract and the terms of said contract are fair and reasonable and are the most favorable amount and terms which the Levy Court might expect to obtain for said construction under the circumstances.

Approved June 13, 1961.

CHAPTER 78

AN ACT TO AMEND TITLE 19, DELAWARE CODE, BY PROHIBITING ANY PERSON, FIRM OR CORPORATION, NOT DIRECTLY INVOLVED IN A LABOR STRIKE OR LOCKOUT FROM RECRUITING, SECURING OR OFFERING TO SECURE EMPLOYMENT FOR PERSONS TO TAKE THE PLACES OF EMPLOYEES WHERE A LABOR STRIKE OR LOCKOUT EXIST; AND PROVIDING FOR LEGALLY ESTABLISHED EMPLOYMENT SERVICE.

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

Section 1. Title 19, Chapter 7, Delaware Code is amended by enacting a new Section to be known as Section 704 as follows:

§ 704. Employment of strike breakers

(a) It shall be unlawful for any person, firm or corporation, not directly involved in a labor strike or lockout, to recruit any person or persons for employment, or to secure or offer to secure for any person or persons any employment, when the purpose of such recruiting, securing or offering to secure employment, is to have such persons take the place in employment of employees in an industry where a labor strike or a lockout involving a recognized labor organization exists; provided, that this act shall not apply to the Delaware State Employment Service or the United States Employment Service or to any person, firm or corporation engaged in the production handling or the processing of agricultural commodities.

(b) Any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof in the Superior Court of the State of Delaware shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000), or to suffer imprisonment for a term not exceeding one year, or both, at the discretion of the Court.

(c) No person, firm or corporation recruiting persons for employment shall be subject to the penalties imposed by this section, unless the labor organization involved in said labor strike or lockout gives actual notice to said person, firm or corporation of the existence of said labor strike or lockout.

Approved June 15, 1961.

CHAPTER 79

AN ACT TO AMEND CHAPTERS 31 AND 33, PART III, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION, BY CHANGING THE WORDS "CONTRIBUTION" AND "CONTRIBUTIONS" THEREIN TO READ "ASSESSMENT" OR "ASSESSMENTS" AS THE CASE MAY BE.

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

Section 1. Chapters 31 and 33, Part III, Title 19, Delaware Code, are amended by striking out the words "contribution" and "contributions" wherever the same now appear therein and inserting in lieu thereof the word "assessment" or "assessments", as the case may be.

Section 2. The Unemployment Compensation Commission shall make such changes in its rules, regulations and official forms as may be necessary to reflect the change made in Title 19 by Section 1 of this Act.

Section 3. This Act shall be deemed to become effective as soon as the Unemployment Compensation Commission can make, conveniently and economically, the changes directed by Section 2 hereof, but in any event not later than one year after the date of its enactment into law.

Approved June 15, 1961.

CHAPTER 80

AN ACT TO AMEND SECTION 2308, TITLE 31, DELAWARE CODE RELATING TO AMOUNT OF ASSISTANCE TO THE BLIND.

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

Section 1. Section 2308, Title 31, Delaware Code is amended to read as follows:

§ 2308. Amount of assistance

The amount of assistance which any person shall receive shall be determined by the Commission with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations made by the Commission, and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In determining the need of a blind individual the Commission shall, in order to provide an incentive to rehabilitation and self-support, disregard the earnings of a blind individual to the extent of \$85 per month and 50% of the earnings over and above \$85 per month, provided, however, that such earnings shall not be so disregarded if the effect thereof would be contrary to the requirements of the Federal Social Security Act as amended. In no case, however, shall any blind person receive assistance from the Commission in excess of a maximum set by the Commission based on the amount of funds available for assistance for any given period.

Approved June 15, 1961.

CHAPTER 81

AN ACT AUTHORIZING AND DIRECTING THE STATE BOARD OF CORRECTIONS TO PAY A TELEPHONE BILL INCURRED DURING THE FISCAL YEAR ENDING JUNE 30, 1960 FROM FUNDS ON HAND FOR OFFICE EXPENSE.

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

Section 1. The State Board of Corrections is hereby authorized and directed to pay from funds appropriated for the fiscal year ending June 30, 1961 under line item "Office Expense" the sum of \$406.77 for telephone expenses incurred during the fiscal year ending June 30, 1960.

Approved June 15, 1961.

CHAPTER 82

AN ACT TO APPROPRIATE FUNDS TO THE JOINT VETERANS CLAIMS COMMITTEE TO PAY CERTAIN VALID CLAIMS OF VETERANS OF WORLD WAR II AND KOREAN CONFLICT WHICH ARE BARRED BY THE LAPSE OF TIME.

WHEREAS, some Veterans of World War II and Veterans of Korean Conflict, who are entitled to receive payment under Chapter 1, Volume 47 and under Chapter 535, Volume 50, Laws of Delaware, did not receive that payment solely because they did not file a claim in time, and

WHEREAS, it is felt that those who served their country and their State should not be deprived of their bonus payment solely because they did not file in time.

Now, Therefore,

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

Section 1. That there is hereby established a Joint Veterans Claims Committee to be composed of the members of the Claims Committee of the House of Representatives and the members of the Claims Committee of the Senate of the 121st General Assembly for the purpose of receiving and investigating all veterans' applications for bonus payments and making recommendations thereon. One member of said committee shall be selected as chairman and one member shall be selected as Secretary and the Committee shall be authorized to employ a clerk to carry out the purposes of this act. This Committee is hereby authorized and directed to make payments to those Veterans who are eligible under the terms of Chapter 1, Volume 47 and under Chapter 535, Volume 50, Laws of Delaware, but were barred solely by the failure to file by January 30, 1958, or because processing had not been completed by June 30, 1958, provided however that each claimant so claiming must file such a claim with the Joint Veterans Claims Committee before September 1, 1961.

Section 2. The sum of \$20,000.00 is hereby appropriated to the Joint Veterans Claims Committee for the purposes of payments to Veterans under these acts and for the purpose of defraying expenses incurred in the administration of this Act. All money not used by January 1, 1962 shall revert to the General Fund of the State of Delaware at that time.

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 from monies not otherwise appropriated.

Approved June 15, 1961.

CHAPTER 83

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, 1961", BEING CHAPTER 299, 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 299, Volume 52, Laws of Delaware is hereby amended by transferring the sum of One Thousand Three Hundred Thirty One Dollars and Twenty Five Cents (\$1,331.25) from the appropriation item "Health" in Division I to Division II—Other Costs in Newport School District No. 106.

Approved June 15, 1961.

CHAPTER 84

AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO MENTAL HEALTH.

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

Section 1. Section 5103, Title 16, Delaware Code, is repealed and a new Section 5103 enacted in lieu thereof to read as follows:

§ 5103. The Board shall appoint a Superintendent of the State Hospital and a State Psychiatrist and Criminologist. The State Psychiatrist and Criminologist shall be the director of the State Mental Hygiene Clinics.

Section 2. Section 5141, Title 16, Delaware Code is repealed and a new Section 5141 enacted in lieu thereof to read as follows:

§ 5141. The State Board Trustees may maintain mental hygiene clinics which shall be composed of such professional assistants as may be recommended by the State Psychiatrist.

Section 3. Section 5303, Title 16, Delaware Code is repealed and a new Section 5303 enacted in lieu thereof to read as follows:

§ 5303. The State Board of Trustees may establish at the Center a mental hygiene clinic to be composed of such professional assistants as may be recommended by the State Psychiatrist. The State Psychiatrist shall be the directing head of the clinic.

Approved June 15, 1961.

CHAPTER 85

AN ACT TO AMEND SECTIONS 106 AND 107, TITLE 19, DELAWARE CODE, RELATING TO THE LABOR COMMISSION OF DELAWARE.

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

Section 1. Subsection (c), § 106, Title 19, Delaware Code, is amended to read as follows:

(c) The State Child Labor Inspector shall have no other gainful occupation than the performance of his duties as set forth in this chapter and chapter 5 of this title.

Section 2. Subsection (a), § 107, Title 19, Delaware Code, is amended by deleting the following sentence: "The salary of such Labor Inspector shall be \$3,000 per year."

Approved June 15, 1961.

CHAPTER 86

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, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE INDUSTRIAL ACCIDENT BOARD, BY MAKING CERTAIN TRANSFERS THEREIN.

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

Section 1. The appropriations to the Industrial Accident Board in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$600 from the item "Equipment" to the item "Court Reporting Fees".

Section 2. The appropriations to the Industrial Accident Board in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$75 from the item "Repairs and Replacements" to the item "Court Reporting Fees".

Section 3. The appropriations to the Industrial Accident Board in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$150 from the item "Repairs and Replacements" to the item "Travel".

Approved June 15, 1961.

CHAPTER 87

AN ACT TO AMEND TITLE 17, CHAPTER 11 OF THE DELAWARE CODE RELATING TO OUTDOOR ADVERTISING.

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

Section 1. Chapter 11 of Title 17 of the Delaware Code is hereby amended by striking out said Chapter 11 and substituting therefor a new Chapter 11 of Title 17, as follows:

CHAPTER 11. REGULATION OF OUTDOOR ADVERTISING**SUBCHAPTER I. GENERAL PROVISIONS****§ 1101. Purpose**

The rapid growth in the use of motor vehicles throughout this State, the concurrent extension of highways, built or improved at public expense, has led to great changes in the extent and character of public travel. The investment of this State, municipalities and towns in good roads, parks, parkways, playgrounds and reservations, the safety, convenience and welfare of the inhabitants have been affected. The regulation and control of outdoor advertising signs, displays and devices of all kinds is provided for in order to promote the general welfare, especially in the particulars recited.

§ 1102. Scope and definitions

(a) The powers and authority granted in this chapter are in derogation of no other powers or authority granted by or created or exercised under any other statute, or by a planning or zoning board or authority, or other public officer, but shall be construed as in addition to any such power or authority, which shall remain unaffected.

(b) As used in this chapter:

(1) "Outdoor advertising" or "outdoor advertising signs, displays and devices" shall include any outdoor sign, display,

device, picture, emblem, trade-mark, painting, drawing, message, placard, poster, billboard, light or other thing which is designed, intended or used to advertise or inform.

(2) "Interstate System" means that portion of the National System of Interstate and Defense Highways located within this State, constructed in accordance with and approved by the Secretary of Commerce as an official portion of the National System of Interstate and Defense Highways pursuant to the provisions of Title 23 ("Highways") of the United States Code.

(3) "Controlled portions of the Interstate System" shall include segments of the highways of the Interstate System constructed on rights-of-way, the entire width of which was acquired subsequent to July 1, 1956, except those which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to highways of the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of September 21, 1959, was clearly established by the laws of this State as industrial or commercial.

(4) "The laws of this State" shall include a provision of the Constitution or statutes of this State, or an ordinance, rule, or regulation enacted or adopted by an agency or political subdivision of this State pursuant to the Constitution or statutes.

(5) "Protected areas" means all areas inside the boundaries of this State which are adjacent to and within 660 feet of the edge of the right-of-way of all controlled portions of the Interstate System.

(6) "Informational site" means an area or site established and maintained within or adjacent to the right-of-way of a highway of the Interstate System by or under the supervision or control of the Department, wherein panels for the display of advertising and informational signs may be erected and maintained.

(7) "Scenic area" means any public park or area of particular scenic beauty or historical significance designated by or pursuant to the laws of this State as a scenic area.

(8) "The edge of the roadway" means the edge of the paved surface of a paved public road and the edge of the graded surface of an unpaved public road.

(9) "Trade name" shall include any brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(10) "Visible" mean capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

§ 1103. Enforcement of chapter; rules and regulations, examinations; territorial limitations

(a) The Department shall—

(1) Enforce the provisions of this chapter; and

(2) Make, publish and enforce such regulations for the proper control and restriction of outdoor advertising signs, displays and devices as may be required to accomplish the general purposes of this chapter and these specific objectives:

(A) To prevent unreasonable distraction of operators of motor vehicles;

(B) To provide maximum visibility;

(C) To prevent confusion with traffic lights, signs and signals and to prevent interference with the effectiveness of traffic regulations;

(D) To preserve the natural scenic beauty of areas adjacent to public highways.

Such regulations may include provisions limiting the number of such signs, displays and devices which may be erected or maintained along any given segment of a public highway, con-

trolling the use of trade names on such signs, displays and devices, and prescribing the spacing, location, types, contents and specifications of such signs, displays and devices. Regulations pertaining to outdoor advertising signs, displays and devices within protected areas shall conform to the national standards for the regulation by states of outdoor advertising, promulgated by the Department of Commerce on November 10, 1958, together with any amendment or substitute standards adopted by the federal authority supervising the grant of federal aid for highway purposes.

(b) All employees of the Department, or any peace officer of this State, when so directed by the Department or its officers, may enter into and upon any land or building to make any examination or survey which the Department deems necessary to the effective administration of the provisions of this chapter, or to enforce the provisions of this chapter.

(c) The territory under the jurisdiction of the Department, for the purposes of this chapter, shall include all of this State outside the corporate limits of any city or incorporated village or town and all protected areas within such corporate limits.

(d) The provisions of this chapter shall apply only to outdoor advertising signs, displays and devices situate outside the corporate limits of any city or incorporated town or village in this State, and to those outdoor advertising signs, displays and devices situate in protected areas within such corporate limits.

§ 1104. Application and issuance of permits; revocation

(a) Except as otherwise provided, no person, whether engaged in the business of outdoor advertising or not, shall erect, maintain or display any outdoor advertising sign, display or device, above or upon real property, without first obtaining a permit therefor from the Department.

(b) A separate application for a permit shall be made for each separate outdoor advertising sign, display or device on a form furnished by the Department, which application

shall contain such information as it may require. Each application shall be accompanied by the written consent of the owner or tenant of the real property upon which such sign, display or device is to be erected or maintained. Application shall be made in like manner for a permit to maintain any existing outdoor advertising sign, display or device or to renew a permit.

(c) The Department, in accordance with the provisions of this chapter, shall issue or renew permits for a period of at least one year for the erection and maintenance of all types of outdoor advertising signs, displays and devices; provided, however, no permit shall be issued for the erection or construction of any sign which would be in violation of local law or ordinance at the time application is filed.

(d) The Department may establish and collect fees for the issuance of permits and renewals thereof. The amount of such charge shall be so fixed as to provide the Department with the funds deemed necessary by it to defray the costs of the administration of this chapter.

(e) When an application for a permit or for a renewal thereof is made by a non-resident or by a foreign corporation engaged in the business of outdoor advertising, the Department, in its discretion, as a condition to the issuance of such permit or renewal, may require such corporation to deposit with the Department a bond, in an amount and with surety to be approved by the Department, to secure such corporation's compliance with the provisions of this chapter.

§ 1105. Advertising identification; exception

The Department shall require that each outdoor advertising sign, display or device shall bear an identifying tag or plate to be issued by the Department; and, if erected or maintained by an outdoor advertiser that it shall also bear his name and the Department shall make suitable provisions for the details thereof; excepting, however, all signs, devices or announcements which a telephone, telegraph or electric power company places on its poles to indicate danger or ownership thereof, or on buildings to indicate the places where its services are

available, or its offices are situated, or crossing signs, devices or announcements erected or maintained by incorporated railroad or railway companies or caution crossing and danger stop signs erected by utility companies or municipal authorities.

§ 1106. Removal upon expiration of revocation of permit

All outdoor advertising signs, displays and devices shall be removed by the outdoor advertiser or other person, erecting, owning, maintaining or displaying the same, or, in the event of his default, by the owner or tenant of the premises upon which any such sign, display or device is located, within 30 days from the date of the expiration or revocation of the permit for the same.

§ 1107. Unlawful to remove or damage road markers, etc., or to place advertising on highways

(a) No person shall willfully or maliciously displace, remove, destroy or injure a mile-board, mile-stone, danger-sign or signal, guide-sign, or guide-post or any inscription thereon, lawfully within a public highway.

(b) No person shall in any manner paint, print, place, put or affix an advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-stone, danger-signal, guide-sign, guide-post, building or other object lawfully within the limits of any public highway.

§ 1108. Location and condition of advertising regulated

(a) Subject to the provisions of subsections (b) and (c) of this section, no outdoor advertising sign, display or device except a directional or warning sign erected by or with the approval of the Department shall be erected or maintained

(1) On the right of way of any public highway;

(2) Within 25 feet of the right of way line of any public highway if visible from any portion of the same;

(3) Within 25 feet of any public playground, school or church if visible from any portion of the same;

(4) Upon the inside of curves or at or near a railroad crossing or a highway intersection, if such would obstruct or interfere with the view of a train, locomotive, street car or other vehicle at or approaching such crossing or intersection, or so as to obstruct the view of such intersection or crossing or of a turn or a sharp change in alignment or in any manner dangerous to the public;

(5) If such sign, display or device is obsolete or its not in good physical condition;

(6) If such sign, display or device is not securely affixed to a substantial structure or in any way endangers traffic on any public highway.

(b) Any outdoor advertising sign, display or device which is not located in a protected area, which complies with all applicable provisions of this subchapter except Section 1108 (a) (2) and which at the time of its erection was more than 25 feet distant from the edge of the then existing roadway may be maintained at its present location until December 31, 1966.

(c) Where in specific instances the Department determines that physical conditions at a particular location make it impractical for an outdoor advertising sign, display or device to be maintained there in compliance with Section 1108 (a) (2), any outdoor advertising sign, display or device which was erected at that location prior to the date of the passage of this act, which is not located in a protected area, and which complies with all applicable provisions of this subchapter except section 1108 (a) (2) may be maintained at its present location.

(d) No advertising sign, display or device of any character shall be posted, painted, placed or affixed in any way upon rocks, trees, fences or barricades, within 25 feet of the right of way line of any public highway.

§ 1109. Forbidden advertising

No outdoor advertising signs, displays or devices shall display copy which violates any Federal or state law, or which is

offensive to the moral standards of the community at the time the copy is offered for display, or which is false, misleading or deceptive.

§ 1110. Harmony of regulations

No zoning board or commission, nor any other public officer or agency shall permit any outdoor advertising which is prohibited by this chapter or by the Department under the provisions of this chapter, nor shall the Department permit any outdoor advertising which is prohibited by any other law or by any board, officer or public agency in the lawful exercise of its or their powers.

§ 1111. Public nuisance; abatement

Any outdoor advertising sign, display or device, which is erected or maintained in violation of this chapter or any regulations lawfully adopted pursuant to this chapter is declared to be a public nuisance and may be forthwith removed, obliterated or abated by the Department, its employees or any peace officer of this State, when such violation is not corrected after thirty (30) days written notice of the violation to the owner of the sign, display or device or to the owner, lessee or occupant of the land upon which said sign, display or device is located.

§ 1112. Injunctive relief

Any taxpayer may maintain an action for an injunction to restrain any violation of the provisions of this chapter or of any regulation lawfully adopted pursuant thereto.

§ 1113. Violations and penalties

Whoever violates the provisions of this chapter or any regulation lawfully adopted pursuant to this chapter shall be fined not less than \$10 nor more than \$50.

Each day that a violation is allowed to continue, after notice of its existence, shall constitute a separate offense.

§ 1114. Signs and announcements excepted from provisions of this subchapter

The classes of signs and announcements described below, even when otherwise falling within the category of outdoor advertising signs, displays and devices, are excepted from the provisions of this subchapter:

1. A sign erected or maintained upon property to identify a business conducted thereon provided such sign does not exceed 30 square feet in area and is placed on the premises;

2. A sign containing 6 square feet or less upon real property stating that the property, or a part thereof, is for sale or for rent;

3. A notice or advertisement required by law in any legal proceeding or put upon by public authority;

4. A danger or precautionary sign containing 2 square feet or less relating to the premises or a sign warning of the condition of or danger of travel on a highway;

5. Any notice or sign of any railroad or other transportation or transmission or communication company necessary for the direction or information or safety of the public;

6. Any sign, containing 6 square feet or less and bearing announcement of any town, village or city advertising itself or local industries, meetings, buildings, historical markers or attractions, provided the same is maintained at public expense.

**SUBCHAPTER II. AREAS ADJACENT TO HIGHWAYS
OF THE INTERSTATE SYSTEM**

§ 1121. Purpose

The safety, comfort, convenience and enjoyment of public travel upon highways of the Interstate System, the free flow of commerce thereon, and the public investment therein require control of the erection and maintenance of outdoor advertising in areas adjacent to the rights of way of these highways. There-

fore, it is declared to be the policy of this State that the erection and maintenance of outdoor advertising in areas adjacent to the rights of way of highways of the Interstate System shall be regulated in accordance with the terms of this chapter and the regulations promulgated pursuant thereto. This subchapter is intended to supplement the general provisions of Subchapter I of this chapter in such a manner as to provide a statutory basis for the regulation of outdoor advertising in areas of this State adjacent to the Interstate System, consistent with the national policy declared by Congress in section 131 of Title 23 ("Highways") of the United States Code.

§ 1122. Advertising in protected areas

Except as permitted by Sections 1123 and 1124 of this chapter, no outdoor advertising sign, display or device shall be erected or maintained within any protected areas in any part of the advertising or informative content thereof is visible from any place on the main-travelled way of a controlled portion of the Interstate System.

§ 1123. Official signs in protected areas

Nothing contained in this subchapter shall prevent the erection or maintenance within a protected area of directional or other official signs or notices erected and maintained by public officials or agencies pursuant to and in accordance with direction or authorization contained in the laws of this State or in federal law, for the purpose of carrying out an official duty or responsibility.

§ 1124. Permitted signs in protected areas

(a) Subject to the provision of subsections (b), (c), and (d) of this section, the erection and maintenance of outdoor advertising signs, displays and devices used exclusively for any of the following purposes shall be permitted within protected areas:

(1) To advertise the sale or lease of property upon which such sign, display or device is located;

(2) To designate the name of the owner or occupant of the premises upon which such sign, display or device is located or to identify such premises;

(3) To advertise goods manufactured or produced, or services rendered, on the property where such sign, display or device is located;

(4) To advertise activities being conducted at a location within twelve miles of the point at which such sign, display or device is located;

(5) To publish information deemed by the Department to be in specific interest of the traveling public, such as information concerning scenic areas, public areas operated by the State or political subdivision thereof, places where public utility service is available and places for camping, lodging, eating and vehicle service and repair.

(b) The erection and maintenance of outdoor advertising signs, displays and devices used for the purpose described in subsection (a) (4) of this section shall be permitted within protected areas outside informational sites only where such signs, displays and devices are visible exclusively to traffic on the Interstate System which is not served by an informational site within twelve miles of the advertised activity.

(c) The erection and maintenance of outdoor advertising signs, displays and devices used for the purpose described in subsection (a) (5) of this section shall be permitted within protected areas outside informational sites only where such signs, displays and devices are more than twelve miles from the nearest panel within an informational site serving traffic on the Interstate System to which such outdoor advertising is visible.

(d) Outdoor advertising signs, displays and devices used exclusively for the purposes set forth in subsection (a) shall be subject to all provisions of this chapter other than those contained in section 1122 and to all regulations promulgated by the Department pursuant to the provisions of this chapter.

§ 1125. Forbidden advertising

No outdoor advertising of any character except the signs or notices described in section 1123 shall be posted, painted, placed or affixed in any way upon rocks, trees or other natural features in protected areas.

§ 1126. Construction and maintenance of informational sites

(a) The Department may design, erect and maintain informational sites within protected areas in such number and at such locations as the Department may determine to be necessary to meet the need of safety and effectively provide information of specific interest to the travelling public; provided however, that no such informational site shall be constructed without the approval of the Secretary of Commerce of the United States.

(b) Outdoor advertising placed within informational sites shall be subject to all provisions of this chapter and all regulations promulgated by the Department pursuant to the provisions of this chapter.

(c) Application for a permit to place any outdoor advertising within an informational site shall be made on a form prescribed by the Department. All permits shall be issued for a period of at least one year. The Department shall charge fees for the permits and for renewals thereof sufficient to amortize the cost of the structure within an informational site upon which such outdoor advertising is placed within the expected life of such structure, and sufficient to pay for the maintenance of such structure.

§ 1127. Acquisition by Department of advertising rights and property

Whenever the Department shall consider it necessary in the execution of this subchapter, the Department may acquire, by purchase or condemnation, advertising rights of any other rights or interests in real property located within 660 feet of the edge of the right of way of any controlled portion of the Interstate System. Such acquisitions are declared to be ac-

quisitions for public uses. The cost of such acquisitions shall be considered as a part of the cost of right of way of such highway.

§ 1128. Agreements with federal government or agencies

The Department may enter into agreements with the Secretary of Commerce of the United States as provided in section 131 of Title 23 ("Highways") of the United States Code, relating to the control of outdoor advertising in areas adjacent to the Interstate System, consistent with the provisions of this chapter, and take action in the name of the State to comply with the terms of such agreement. The Department may accept any allotment of funds by the United States, or any department or agency thereof, authorized by the Federal-Aid Highway Act of 1958, or any subsequent legislation supplementary to or amending such Act, in connection with any agreement entered into by the Department and the Secretary of Commerce of the United States relating to control of outdoor advertising in areas adjacent to the Interstate System.

§ 1129. Relationship of this subchapter to other provisions of this chapter

The provisions of this subchapter relating to the regulation of outdoor advertising in areas adjacent to controlled portions of the Interstate System are in addition to and not in lieu of the provisions of subchapter I of this chapter.

Section 2. Separability

If any section, subsection or provisions of this chapter, or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such section or other provision to other persons or circumstances shall not be affected thereby.

Approved June 16, 1961.

CHAPTER 88

AN ACT TO AMEND CHAPTER 138, VOLUME 41, LAWS OF DELAWARE, 1937, ENTITLED AN ACT TO REINCORPORATE THE TOWN OF CLAYTON, PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM OF PENSIONS.

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. Section 7, Chapter 138, Volume 41, Laws of Delaware, is amended by adding thereto a paragraph as follows:

Section 2. The Town of Clayton is hereby authorized, empowered and permitted to establish a system of pensions or benefits through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health, hospitalization and death benefits, or any or either of them, for the regular employees of the said "The Town of Clayton". The said "The Town of Clayton" is hereby authorized, empowered and permitted to enter into an agreement or agreements with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out such system of pensions or benefits. The election to exercise such authority on the part of the Town shall be evidenced by an ordinance or resolution duly adopted by the Council of the Town of Clayton as other ordinances or resolutions are adopted, and the same shall be recorded in the official minutes of the said Council. Such ordinance or resolution shall provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations out of the Treasury of the said "The Town of Clayton", or by requiring contributions payable from time to time by the employees included in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The participation in any plan adopted shall be entirely voluntary on the part of any employee at all times. All payments and benefits paid and allowed under any plan authorized by this Act shall be in addition to and in no manner in lieu of the provisions of the Delaware Workmen's Compensation Act.

The Town Council shall have power to enact ordinances for a pension or retirement system for the police of the Town of Clayton, and to set aside a special fund for that purpose which fund shall be administered in accordance with ordinances made and provided in that behalf and the Laws of the State of Delaware.

Approved June 16, 1961.

CHAPTER 89

AN ACT TO AMEND SECTION 2733, TITLE 21, DELAWARE CODE, ENTITLED DISCRETIONARY SUSPENSION OR REVOCATION OF DRIVER'S LICENSE SUCH AMENDMENT RELATING TO OCCUPATIONAL LICENSE.

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

Section 1. Section 2733, Title 21, Delaware Code is amended by adding three new subsections thereto as follows:

(g) In the event of a suspension of a driver's license pursuant to this section the Department may issue an occupational license during a period of suspension upon application by the applicant upon a form prescribed by the Department and sworn to by the applicant; provided, that the applicant sets forth in said application that the suspension of such license has created an extreme hardship in the conduct of the business usually transacted by the applicant, that no prior occupational license has been issued within the preceding 12 months and that there has been no more than two such prior suspensions, provided, however, that no such occupational license shall be issued if the license of the applicant has been suspended for physical and/or mental disability or if the license of the applicant has been revoked for conviction of any of the crimes specified in section 2732, Title 21, Delaware Code even though the revocation has created an extreme hardship.

(h) The Department, upon receiving a record of convictions of any person upon a charge of operating a motor vehicle in violation of the restriction imposed upon said occupational license during the period of such occupational license, shall immediately extend the period of such suspension for an additional like period and shall forthwith direct such person to surrender said occupational license to the Department.

(i) Any person whose operators or chauffeur's license has been suspended and an occupational license issued who drives any motor vehicle upon the highways of this State

contrary to the restrictions placed upon such occupational license during the period of such occupational license shall be guilty of a misdemeanor and upon conviction thereof in the Superior Court of the State of Delaware shall be fined not less than \$25 nor more than \$200.

Approved June 19, 1961.

CHAPTER 90

AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE, CONCERNING DRUGS, PHARMACIES, PHARMACISTS, AND THE STATE BOARD OF PHARMACY.

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

Section 1. Section 2501, Title 24, Delaware Code is amended by striking out subsections (a) and (b) of said section and substituting in lieu thereof new subsections (a) and (b) as follows:

(a) The State Board of Pharmacy, heretofore established and hereinafter in this chapter referred to as the "Board" shall consist of five persons who are (1) graduates of a school or college of pharmacy, accredited by the American Association of Colleges of Pharmacy at the time of such graduation, (2) licensed as pharmacists in this State, (3) residents of this State and actively engaged in the practice of pharmacy in this State, and (4) appointed by the Governor for terms of five years from the first day of July in the year of appointment. One member shall be appointed each year.

(b) Annually, on or before the first day of June, the Delaware Pharmaceutical Society shall submit to the Governor the names of five persons who are qualified to serve on the Board, and from this number the Governor shall appoint one member to fill the vacancy annually occurring in the Board. Vacancies occurring for any cause other than the expiration of term shall be filled in like manner, for the unexpired term.

Section 2. Section 2503, Title 24, Delaware Code, is amended by striking out the words "and assistant pharmacists" in the second and third lines of subsection (b) and in the second and third lines of subsection (e).

Section 3. Section 2505, Title 24, Delaware Code, is amended by striking out and repealing the entire section as it now exists and substituting in lieu thereof a new section 2505, as follows:

§ 2505. Compensation of secretary, inspectors, agents, representatives, and members

The Secretary, inspectors, agents, and representatives of the Board shall receive such compensation as may be prescribed by the Board and their necessary expenses while engaged in the performance of their official duties. The members of the Board shall each receive the sum of \$25.00 for each day, or fraction of a day, actually employed in the discharge of their official duties and their necessary expenses while engaged therein.

Section 4. Section 2507, Title 24, Delaware Code, is amended by striking out and repealing the entire section, being subsections (a) and (b), and substituting in lieu thereof a new Section 2507 as follows:

§ 2507. Fees

The Board shall charge and collect the following fees:

For examination for license as pharmacist, \$25 and \$10 additional for certificate.

For reciprocal registration, \$50.

For renewing the license of a pharmacist, \$10.

For annual renewal of permit to operate a pharmacy, \$25 and for change of location, \$1.

For issuing or renewing permit to operate a hospital pharmacy, \$1.

For issuing permit for new pharmacy or change in ownership, \$25.

For issuing permit to manufacture, and for annual renewal thereof, \$25.

For renewing the license of an assistant pharmacist, \$10.

Section 5. Subsection (a) of Section 2508, Title 24, Delaware Code, is amended by striking from the second line thereof the words "and assistant pharmacists."

Section 6. Section 2522, Title 24, Delaware Code, is amended by striking out the phrase "or assistant pharmacist" in the first and second lines and in the last line thereof.

Section 7. Section 2523, Title 24, Delaware Code is amended by striking out and repealing the entire section as it now exists and substituting in lieu thereof a new Section 2523, as follows:

§ 2523. Qualifications of applicants for license

(a) An applicant for a license as a pharmacist, except a renewal license, shall

(1) Be not less than twenty-one years of age;

(2) Have graduated from a school or college of pharmacy, accredited by the American Association of Colleges of Pharmacy at the time of graduation;

(3) Pass such examination as may be prescribed by the Board;

(4) Have had no less than 52 weeks' experience under the supervision of a licensed pharmacist of this State or of another State, at least 26 weeks of which experience shall have been attained after the applicant has passed the examination prescribed by the Board. The applicant must have worked at least 40 hours in each week claimed in fulfillment of this requirement.

(b) Pharmacists licensed to practice in States other than this State may be licensed to practice in this State after having met such requirements as the Board may determine are necessary to assure that such applicant possesses qualifications comparable to those required of other applicants.

Section 8. Section 2524, Title 24, Delaware Code, is amended by striking out the words "or assistant pharmacist" in the first and fifth lines and the words "or assistant pharmacists" in the fourth line thereof.

Section 9. Section 2526, Title 24, Delaware Code, is repealed.

Section 10. Section 2527, Title 24, Delaware Code, is amended by adding, at the end of said section, the following:

"Upon due notice and hearing, the Board may revoke or suspend any license or permit granted pursuant to this chapter, if the Board determines that the licensee, holder of the permit, or a person employed by such holder has violated any provision of this chapter."

Section 11. Section 2528, Title 24, Delaware Code, is repealed.

Section 12. Subsection (a) of Section 2531, Title 24, Delaware Code, is amended by striking out the phrase "shall be fined not less than \$25.00 nor more than \$100.00" in the fifth and sixth lines thereof and substituting in lieu thereof the phrase "shall be fined not less than \$100 nor more than \$1,000."

Section 13. Subsection (b) of Section 2531, Title 24, Delaware Code, is amended by striking out the phrase "or assistant pharmacist" as the same appears in the first and second lines and in the seventh line of said subsection.

Section 14. Subsection (a) of Section 2531, Title 24, Delaware Code, is amended by striking out the entire subsection after the word "title" in the fourth line thereof and by substituting therefor the phrase "shall be fined not less than \$100 nor more than \$1,000."

Section 15. Subsection (b) of Section 2531, Title 24, Delaware Code, is amended by striking out the phrase "shall be fined not less than \$10.00 nor more than \$100.00" in the tenth line thereof and by substituting in lieu thereof the phrase "shall be fined not less than \$100 nor more than \$1,000."

Section 16. Section 2531, Title 24, Delaware Code, is amended by striking out the phrase "shall be fined not less than \$5.00 nor more than \$25.00" in the fifth and sixth lines of subsection (c) and in the fifth line of subsection (d) and by substituting in each case the phrase "shall be fined not less than \$100 nor more than \$1,000."

Section 17. Subchapter III of Chapter 25, Title 24, being Sections 2541, 2542, 2543, 2544, 2545, and 2546, is repealed, and a new subchapter III is substituted in lieu thereof as follows:

SUBCHAPTER III, HOSPITAL PHARMACIES

§ 2541. Supervision and control

The compounding, dispensing, and control of all drugs issued in hospitals shall be under the supervision of a registered pharmacist on a fulltime or part-time basis. Hospitals unable to secure such services locally from either hospital or retail pharmacists, shall consult with the Board of Pharmacy.

This Section shall not be construed to compel or require the employment of any fulltime pharmacists.

§ 2542. Handling of drugs

The pharmacist-in-charge, with the approval of the director of the hospital, shall initiate rules, regulations, and procedures pertaining to the safe handling of drugs by hospital personnel. These rules, regulations, and procedures shall be designed to assure patient safety in the use of drugs and to assure compliance with state and federal laws concerning the handling of narcotics, barbiturates and other prescribed drugs.

Section 18. Section 2552, Title 24, Delaware Code, is amended by striking out the figures "\$1.00" in the third line thereof and by substituting in lieu thereof the figure "\$25."

Section 19. Section 2555, Title 24, Delaware Code, is amended by striking out the word "December" in the fourth line thereof and by substituting in lieu thereof the word "January."

Section 20. Section 2555, Title 24, Delaware Code, is amended by striking out the phrase "and (2) upon payment of a renewal fee of \$5.00," in the eighth and ninth lines thereof and by substituting in lieu thereof the phrase "and (2) upon payment of a penalty of \$25."

Section 21. Subsection (b) of Section 2558, Title 24, Delaware Code, is amended by striking out the word "manager" in the first line thereof and by substituting in lieu thereof the word "pharmacist."

Section 22. Section 2560, Title 24, Delaware Code, is amended by striking out the words "drug store or" in the first line and the words "store or" in the fourth line thereof.

Section 23. Section 2561, Title 24, Delaware Code, is amended by striking out the words "or assistant pharmacist" in the first, ninth and thirteenth lines of subsection (a), in the first line of subsection (b) and in the second and sixth lines of subsection (d).

Section 24. Subsection (d) of Section 2561, Title 24, Delaware Code, is amended by inserting the phrase "or words of similar import," after the comma following the word "rendered" in the third line of the second paragraph of said subsection.

Section 25. Section 2561, Title 24, Delaware Code, is amended by adding a subsection (e) as follows:

(e) No permit shall be issued for the operation of a retail pharmacy unless the prescription department, being the room or partitioned-off section aforementioned, shall consume at least 7-1/2% of the total floor area of the store.

Section 26. Section 2563, Title 24, Delaware Code, is amended by striking out the figure "\$100.00", in the second line thereof, and by substituting in lieu thereof the figure "\$25."

Section 27. The title of subchapter V of Chapter 25, Title 24, Delaware Code, is amended by striking out the word "retail."

Section 28. Subsection (d) of Section 2571, Title 24, Delaware Code, is amended by striking out the word "retail" and the words "or drug stores" in the second line thereof.

Section 29. Section 2572, Title 24, Delaware Code, is amended by striking out the figures "\$1.00" in the third line thereof and by substituting in lieu thereof the figure "\$25."

Section 30. Paragraph (1) of Section 2573, Title 24, Delaware Code, is amended by striking out the word "factory" in the first line thereof and by substituting in lieu thereof the word "laboratory."

Section 31. Section 2583, Title 24, Delaware Code, is amended by inserting a comma after the words "public outcry" in the second line of said section and by inserting after such comma the words "by vending machine."

Section 32. Subsection (a) of Section 2584, Title 24, Delaware Code, is amended by striking out the first paragraph, being the first six lines, of said subsection and by substituting in lieu thereof the following paragraph:

It shall be unlawful to sell any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of sixty grains or less except in the following manner:

Section 33. Chapter 25, Title 24, Delaware Code, is amended by adding a new section, to be Section 2589, as follows:

§ 2589. Substitution of drugs.

Any person or corporation engaged in the business of selling drugs, medicines, chemicals or preparations for medicinal use or of compounding or dispensing physicians' prescriptions, who shall, in person or by his or its agents or employees, or as agent or employee of some other person, knowingly sell or deliver to any person a drug, medicine, chemical, or preparation for medicinal use, recognized or authorized by the latest edition of the United States Pharmacopoea or the latest edition of the National Formulary, or prepared according to the private formula of some individual or firm, other or different from the drug, medicine, chemical or preparation for medicinal use, recognized or authorized by the latest edition of the United States Pharmacopoea or the latest edition of the

National Formulary, or prepared according to the private formula of some individual or firm, ordered or called for by such person, or called for in a physicians' prescription, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, or by not less than one month nor more than twelve months' imprisonment, or by both.

Approved June 21, 1961.

CHAPTER 91

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, AND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, BY MAKING CERTAIN TRANSFERS THEREIN.

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

Section 1. The appropriations to the Secretary of State in Section 1, Chapter 57, Volume 52, Laws of Delaware, is amended by transferring the sum of \$6,000.00 from the item "Printing Laws—General Assembly" (Code 101-0120-12) to the item "Departmental Supplies" (Code 101-0120-14) under Secretary of State in Section 1, Chapter 299, Volume 52, Laws of Delaware.

Approved June 22, 1961.

CHAPTER 92

AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE DEPARTMENT OF PUBLIC WELFARE, 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 Department of Public Welfare in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$2,000 in Travel to Office Expense; the sum of \$75 in Travel to Old Age Assistance Grants; the sum of \$1,440 in Repairs and Replacements to Old Age Assistance Grants; the sum of \$1,485 in Equipment to Old Age Assistance Grants; the sum of \$5,000 in Direct Care-Child Welfare Service to Old Age Assistance Grants; the sum of \$1,500 in Direct Care-Child Welfare Service to Aid to Disabled Grants; and the sum of \$4,500 in Direct Care-Child Welfare Service to Aid to Dependent Children-Grants.

Approved June 22, 1961.

CHAPTER 93

AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. Title 29, Section 5523, Delaware Code, is hereby repealed and a new section enacted and inserted in lieu thereof to read as follows:

§ 5523. Amount of benefits

The pension shall be payable monthly and subject to the limitation that the monthly payment shall not exceed \$250 nor be less than \$100, the monthly payment shall be one-sixtieth of the monthly retiring base salary multiplied by the number of years, taken to the nearest twelfth part of a year, which the employee shall have earned in covered employment during the period that ends on the date of retirement.

Section 2. Title 29, Section 5524, Delaware Code, is hereby repealed and a new section enacted and inserted in lieu thereof to read as follows:

§ 5524. Federal social security

Benefits provided by this chapter shall be reduced to the extent of 50% of the old age insurance benefits (as such term is used in the Federal Social Security Act) paid to the pensioner until June 30, 1964; thereafter benefits shall not be reduced by reason of such old age insurance benefits paid to the pensioner.

Section 3. All increases in benefits resulting from the passage of this Act shall apply to all persons receiving benefits pursuant to Chapter 55, Title 29, Delaware Code, on the effective date of this Act in addition to all those persons who become eligible for benefits under said chapter on or after the

effective date of this Act. No person shall have his benefits reduced by reason of the passage or application of this Act.

Section 4. Section 1 of this Act shall become effective July 1, 1964, and Section 2 of this Act shall become effective July 1, 1962.

Section 5. All previous acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

Approved June 22, 1961.

CHAPTER 94

AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE LEWES MEMORIAL COMMISSION, 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 Lewes Memorial Commission in Section 1 of Chapter 299, Volume 52, Laws of Delaware, are amended by transferring the sum of \$175.00 in Operations to Salaries and Wages of Employees.

Approved June 22, 1961.

CHAPTER 95

AN ACT TO AMEND SECTION 603, TITLE 14, DELAWARE CODE, RELATING TO TUITION CHARGES AND PROVIDING AN EXCEPTION THERETO.

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

Section 1. Section 603, Title 14, Delaware Code is amended by adding a new subsection after subsection (b) thereof as follows:

(c) Any student who resides in any of the following school districts or board:

- (1) Board of Education in Wilmington
- (2) Alexis I. DuPont Special School District
- (3) Mount Pleasant Special School District
- (4) Alfred I. DuPont School District No. 7

may attend a school in any other of the following districts or board:

- (1) Board of Education in Wilmington
- (2) Alexis I. DuPont Special School District
- (3) Mount Pleasant Special School District

(4) Alfred I. DuPont School District No. 7, provided (a) he shall have submitted an application on or before July 1, of any year to the school district or board he desires to attend and (b) said school district or board approves said application on or before August 1 of the same year.

Any high school student of New Castle County or City of Wilmington now enrolled may finish his high school education in the school he now attends.

Approved June 22, 1961.

CHAPTER 96

AN ACT TO AMEND CHAPTER 227, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, BY EXTENDING TO THE BOARD OF PUBLIC WORKS OF LEWES THE AUTHORITY TO CONSTRUCT, OPERATE, AND REGULATE A SEWAGE DISPOSAL PLANT AND AN IMPROVED SEWERAGE SYSTEM AND AUTHORIZING THE COMMISSIONERS OF LEWES TO ISSUE BONDS TO FINANCE THE PROJECT" SO AS TO INCREASE THE AMOUNT OF BONDS WHICH MAY BE ISSUED BY THE COMMISSIONERS OF LEWES PURSUANT TO SAID ACT.

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. Section 3 of Chapter 227, Volume 51, Laws of Delaware, is hereby amended to read as follows:

Section 3. The bonds authorized by this act may be issued at one time and in one series, or at different times and in different series, as the Commissioners of Lewes may determine. The authority to issue and sell bonds under this act shall not be deemed to be exhausted until the aggregate of the amount of bonds issued under this Act shall equal \$1,000,000.00.

Approved June 23, 1961.

CHAPTER 97

AN ACT TO AMEND CHAPTER 269, VOLUME 52, LAWS OF DELAWARE, ENTITLED "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" RELATING TO THE NUMBER AND LENGTH OF TERMS OF THE MEMBERS OF THE WILMINGTON COMMISSION ON ZONING AND PLANNING.

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 2, Chapter 269, Volume 52, Laws of Delaware, is amended by striking out the word "eight" as it appears in line two thereof and inserting in lieu thereof the word "five."

Section 2. Section 2, Chapter 269, Volume 52, Laws of Delaware, is amended by striking out the words and figures "four (4)" as they appear in lines nine and ten thereof respectively and inserting in lieu thereof the words and figures "five (5)" respectively.

Section 3. Section 2, Chapter 269, Volume 52, Laws of Delaware, is amended by adding at the end thereof the following sentence: "Not more than three members of the Commission at any one time shall be from the same major political party."

Approved June 23, 1961.

CHAPTER 98

AN ACT APPROPRIATING CERTAIN MONEY TO PALMER HOME, INCORPORATED.

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

Section 1. The sum of \$8,700 is appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the care and maintenance of old age persons at the Old Folk's Home at Dover, and for operation for the fiscal year beginning July 1, 1960 and ending June 30, 1961.

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 June 23, 1961.

CHAPTER 99

AN ACT TO AMEND TITLE 31, SECTION 902 OF THE DELAWARE CODE OF 1953 RELATING TO APPLICATION FOR ASSIGNMENT OF RELIEF RECIPIENTS.

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

That Title 31, Section 902 of the Delaware Code of 1953 is hereby amended by striking out the word "may" in line 3 and substituting in lieu thereof the word "can" and further

That Title 31, Section 902 of the Delaware Code of 1953 is hereby amended by striking out the word "may" in line 4 and substituting in lieu thereof the word "shall".

Approved June 23, 1961.

CHAPTER 100

AN ACT TO AMEND TITLE 31, SECTION 901 OF THE DELAWARE CODE OF 1953 RELATING TO WORK REQUIREMENTS AS TO EMPLOYABLE RELIEF RECIPIENTS.

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

That Title 31, Section 901 of the Delaware Code of 1953 is hereby amended by striking out the word "may" in line 2 and in line 3 and substituting in lieu thereof the word "shall" in lines 2 and 3.

Approved June 23, 1961.

CHAPTER 101

**AN ACT MAKING SUPPLEMENTARY APPROPRIATION TO
THE DELAWARE COMMISSION OF SHELL FISHERIES.**

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

Section 1. The sum of \$2,500.00 is hereby appropriated to the Delaware Commission of Shell Fisheries for the fiscal year ending June 30, 1961, for Salaries and Wages of Employees.

Section 2. This act is a supplementary appropriation and the money hereby appropriated shall be paid out of monies of the General Fund of the State of Delaware not otherwise appropriated.

Approved June 23, 1961.

CHAPTER 102

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

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

Section 1. § 1101, Title 13, Delaware Code is amended by striking out the definition of "abandoned" appearing therein and inserting in lieu thereof the following:

"Abandoned" shall be interpreted as referring to any child who, for a period of one year, has not received any regular and reasonable financial help from or any substantial visits from his parent or parents or any person having parental rights or responsibility and on whose behalf no substantial contracts have been initiated by his parent or parents or any person having parental rights or responsibility, provided, however, that in the case of any illegitimate child or foundling, or when the child's father is some one other than said mother's husband (which fact shall be deemed established, prima facie, for the purposes of this statute only, if said mother files an affidavit so averring) then "abandoned" may be interpreted by the court, in its discretion, as referring to a child who, for a period of six months has not received any regular financial help from or any substantial visits from his parent or parents or any person having parental rights or responsibility and on whose behalf no substantial contacts have been initiated by his parent or parents or any person having parental rights or responsibility.

Section 2. § 1101, Title 13, Delaware Code is amended by adding thereto the following definition:

"Mentally incompetent" shall be interpreted as referring to a parent who is unable to understand and discharge the natural and regular obligations of care and support of a child by reason of mental illness, psychopathology, mental retardation, or mental deficiency.

Section 3. § 1103, Title 13, Delaware Code is amended by striking out paragraph (3) thereof and inserting in lieu thereof the following:

The parent or parents of any child or any person or persons holding parental rights over such a child are found by the court to be mentally incompetent and, from evidence of two qualified psychiatrists selected by the court, found to be unable to discharge parental responsibilities in the foreseeable future. The court shall appoint a licensed attorney as guardian ad litem to represent the alleged incompetent in the proceeding.

Section 4. Chapter 11, Title 13, Delaware Code is amended by adding thereto a new section as follows:

§ 1112. Effect of termination of parental rights

Upon the issuance of an order terminating the existing parental rights and transferring such parental rights to another person or organization, the effect of such order shall be that all of the rights, duties, privileges and obligations recognized by law between the person or persons whose parental rights are terminated and the child shall forever thereafter cease to exist as fully and to all intents and purposes as if the child and the person or persons whose parental rights have been terminated were and always had been strangers. The person or organization to whom said parental rights are transferred shall have custody and guardianship of the child but such custody and guardianship shall terminate automatically upon the entry of another order transferring parental rights or on an order of adoption.

Approved June 23, 1961.

CHAPTER 103

AN ACT DIRECTING THE STATE TREASURER AND STATE AUDITOR TO PAY ELMER DICKERSON FOR SERVICES RENDERED AS A MEMBER OF THE DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY.

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

Section 1. The State Treasurer and State Auditor are hereby directed to pay to Elmer Dickerson for services rendered as a member of the Department of Elections for Sussex County out of moneys heretofore appropriated. Said payment shall be at the rate of \$750 per year for services rendered since March 1, 1958.

Approved June 23, 1961.

CHAPTER 104

AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO RATES AND PAYMENT OF PERSONAL INCOME TAX, BY INCREASING CERTAIN TAX RATES AND PROVIDING FOR QUARTERLY PAYMENTS.

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

Section 1. Title 30, Section 1111, Delaware Code, is hereby amended by striking out the period at the end thereof and by enacting and inserting in lieu thereof the following words and figures:

but not in excess of \$30,000; nine per cent of the amount in excess of \$30,000 but not in excess of \$50,000; ten per cent of the amount in excess of \$50,000 but not in excess of \$100,000; eleven per cent of the amount in excess of \$100,000.

Section 2. Title 30, Section 1171 (a), Delaware Code, is hereby amended by adding a new paragraph at the end thereof to read as follows:

In the event a taxable has income in excess of \$6,000 in any year, other than salaries or wages from which a withholding for the Delaware Income Tax is made, and other than amounts that are exempt from income taxation under Section 1116 of this Title, such taxable shall file with the State Tax Department estimates of income for any such year, with the appropriate amount of tax, as follows:

On or before May 30 for the period January 1, to March 31, and

On or before August 30 for the period April 1 to June 30, and

On or before November 30 for the period July 1 to September 30.

The amount of tax to accompany each such return shall be determined as follows:

- 1½% of the first \$500 of the Tax Base
- plus 3% of the next \$500 of the Tax Base
- plus 5% of the next \$500 of the Tax Base
- plus 7% of the next \$3,500 of the Tax Base
- plus 9% of all of the Tax Base in excess of \$5,000.

The term "Tax Base" as used in this section shall mean an amount equal to 90% of the estimate of income, other than salaries and wages from which a withholding for Delaware Income Tax is made, and other than amounts that are exempt from income taxation under Section 1116 of this Title, for any quarterly period as set forth in this section, less \$156 for the taxable and less an additional \$156 for each other exemption allowable under Section 1117 of this Title.

Section 3. Section 2 of this act shall become effective January 1, 1962.

Section 4. Except as otherwise provided herein, this act shall become effective July 1, 1961.

Section 5. The tax due for the calendar year ending December 31, 1961, shall be computed as follows:

- (a) The amount of tax shall be computed in accordance with the tax rates in effect immediately prior to the passage of this act.
- (b) The amount of tax shall be computed in accordance with the tax rates as set forth in this act.
- (c) The tax computed pursuant to (a) shall be subtracted from the tax computed pursuant to (b). The difference shall then be divided in half.
- (d) The sum computed pursuant to (c) shall be added to the sum computed pursuant to (a) and this sum shall be the sum due for the calendar year 1961.

Approved June 23, 1961.

CHAPTER 105

AN ACT TO AMEND TITLE 29, SECTION 6521, DELAWARE CODE, RELATING TO THE USE OF UNEXPENDED APPROPRIATIONS.

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

Section 1. Title 29, Section 6521, Delaware Code, is hereby amended by striking out the period at the end of the first sentence and by enacting and inserting in lieu thereof the following words:

, provided, however, that no such sum shall be set aside for the purpose of paying State employees' salaries or wages which do not become due and payable until the next fiscal year.

Approved June 23, 1961.

CHAPTER 106

**AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE
CODE, RELATING TO ALCOHOLIC LIQUORS BY PRO-
VIDING FOR AN INCREASE IN THE TAX ON WINES.**

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

Section 1. Section 581 (a) (2), Title 4, Delaware Code, is amended by striking the words "thirty-five cents" and inserting the words "eighty cents" in lieu thereof, wherein they appear therein.

Approved June 23, 1961.

CHAPTER 107

AN ACT TO AMEND PART III, TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONAL LICENSES AND TAXES.

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

Section 1. § 2114, Chapter 21, Title 30, Delaware Code, is amended by striking out the figures "\$10" therein and inserting in lieu thereof the figures "\$20".

Section 2. § 2301, Chapter 21, Title 30, Delaware Code, is amended so that:

"Advertising agency, \$50" shall read "Advertising agency, \$75";

"Amusement conductor, \$50" shall read "Amusement conductor, \$75";

The figure "\$2" in subparagraph (1) of the paragraph on "Amusement conductor" as it relates to "Vending machine owner" shall read "\$3";

The figures "\$20" and "\$40" in subparagraph (2) of the paragraph on "Amusement conductor" as they relate to "Music machine owner" shall read respectively "\$30" and "\$50";

"Architect, \$20" shall read "Architect, \$75";

"Attorney at law, \$20" shall read "Attorney at law, \$75", and the definition of "Attorney at law" shall read, "Attorney at law" includes every individual duly admitted to the Bar of any court of this State and engaged in the active practice of such profession, whether self-employed or a member or employee of a law firm or private corporation";

"Auctioneer, \$20" shall read "Auctioneer, \$30";

"Barber, \$10 for first two chairs and \$2 for each additional chair used, but not more than \$20" shall read "Barber, \$30 for the first two chairs and \$5 for each additional chair used";

"Beautician, \$10 for the first two chairs and \$2 for each additional chair used, but not more than \$20" shall read "Beautician, \$30 for the first two chairs and \$5 for each additional chair used";

"Broker, \$100" shall read "Broker, \$150";

"Chiropodist, \$20" shall read "Chiropodist, \$75";

"Chiropractor, \$20" shall read "Chiropractor, \$75";

"Coat and towel supplier, \$20" shall read "Coat and towel supplier, \$50";

"Coin operated amusement machine owner, \$20" shall read "Coin operated amusement machine owner, \$30", and in the same paragraph the figures "\$10" and "\$20" shall read respectively "\$15" and "\$25";

"Conveyancer, \$20" shall read "Conveyancer, \$30";

"Dairyman, \$20" shall read "Dairyman, \$30";

"Deadly weapons merchant, \$50" shall read "Deadly weapons merchant, \$75";

"Dentist, \$20" shall read "Dentist, \$75";

"Distributor, \$20" shall read "Distributor, \$50";

"Drayman, \$20" shall read "Drayman, \$30";

"Eating house keeper, \$20" shall read "Eating house keeper, \$30";

"Employment agent, \$20" shall read "Employment agent, \$50";

"Finance acceptor, \$50" shall read "Finance acceptor, \$100";

"Floor show operator, \$50" shall read "Floor show operator, \$75";

"General repairman, \$20" shall read "General repairman, \$30";

"Hand laundry operator, \$20" shall read "Hand laundry operator, \$30";

"Incorporator, \$20" shall read "Incorporator, \$75";

"Laundry operator, \$50" shall read "Laundry operator, \$75";

"Manicurist, \$20" shall read "Manicurist, \$30";

"Mercantile agency, \$20" shall read "Mercantile agency, \$30";

"Motor Vehicle serviceman, \$20" shall read "Motor vehicle serviceman, \$30";

Operator of pool tables, billiard tables, shuffle boards or bowling alleys: The figures "\$30", "\$20", and "\$10" in the paragraph relating to such operators shall read respectively "\$40", "\$25", and "\$15";

"Optometrist, \$20" shall read "Optometrist, \$75";

"Osteopath, \$20" shall read "Osteopath, \$75";

"Pawnbroker, \$20" shall read "Pawnbroker, \$40";

"Photograph, \$40" shall read "Photographer, \$50";

"Transient photographer, \$50 per day" shall read "Transient photographer, \$100 per day";

"Physician and/or surgeon, \$20" shall read "Physician and/or surgeon, \$75";

"Professional engineer, \$20" shall read "Professional engineer, \$75";

The entire paragraph relating to "Public Accountant" shall be stricken out and the following two paragraphs inserted in lieu thereof:

Certified Public Accountant, \$75. "Certified Public Accountant" includes every person qualified and registered under the laws of the state to practice as a certified public accountant and engaged in the active practice of such profession.

Public Accountant, \$50. "Public Accountant" includes every person actively engaged in the business of general public accounting who is not qualified and registered under the laws of the state to practice as a certified public accountant;

"Public bath keeper, \$20" shall read "Public bath keeper, \$30";

"Purchase order system operator, \$20" shall read "Purchase order system operator, \$30";

"Real estate agent, \$20" shall read "Real estate agent, \$75";

"Self service laundry, \$25" shall read "Self service laundry, \$50";

"Showman, \$100" shall read "Showman, \$150", and the figures "\$25" in the last sentence of the paragraph on "Showman" shall read "\$50";

The entire paragraph relating to "Stallion or jack keeper" shall be stricken out;

"Taxicab or bus operator, \$20, for the first motor vehicle; \$4 for each additional motor vehicle" shall read "Taxicab or bus operator, \$30 for the first motor vehicle; \$10 for each additional motor vehicle";

"Transportation Agent, \$20" shall read "Transportation Agent, \$30";

"Textile renovator, \$20" shall read "Textile renovator, \$30";

"Undertaker, \$20" shall read "Undertaker, \$75";

"Veterinarian, \$20" shall read "Veterinarian, \$75";

"Warehouseman, \$20" shall read "Warehouseman, \$30";

"Wholesale news agency, \$100" shall read "Wholesale news agency, \$150".

Section 3. § 2301, Chapter 21, Title 30, Delaware Code, is further amended by adding thereto the following:

Air Line Company, \$200. "Air Line Company" includes every person engaged in the business, whether directly or indirectly or by a lease or any other arrangement, of air transportation by aircraft or the equipment with which the system operates.

Art School, \$50. "Art School" includes every person engaged in the business of teaching fine arts, or the art whose aim is beauty rather than utility, though not necessarily to the exclusion of utility where the two can be obtained.

Barber School, \$50. "Barber School" includes every person engaged in the business of teaching, for a consideration, the art of shaving the beard and cutting, trimming, washing, waving or otherwise dressing the hair of human beings.

Broadcasting Station, \$150. "Broadcasting Station" includes every person engaged in the business of transmitting radio or television communication over assigned frequency and wave lengths and subject to the jurisdiction of the Federal Communications Commission.

Catalogue Store, \$25. "Catalogue Store" includes every person engaged in the business of dealing directly with the customer or consumer by means of placing in his hands a printed catalogue containing a description of the articles of merchandise offered for sale and the price thereof.

Cesspool Cleaner, \$20. "Cesspool Cleaner" includes every person engaged in the business of cleaning cesspools for profit or reward.

Dancing School, \$50. "Dancing School" includes every person engaged in the business of using any room, place, or space for the purpose of holding classes in dancing and where instruction in dancing is given for hire.

Florist, \$25. "Florist" includes every person engaged in the business of cultivating or dealing in ornamental flowers or plants. It includes each person conducting the business of

florist from a regular place of business (and each person selling cut flowers, shrubs, or potted plants on the streets or at other places outside a regular store).

Hotel, \$5 for each room and \$10 for each suite. "Hotel" includes every person engaged in the business of operating a place where the public may, for a consideration, obtain sleeping accommodations and meals and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests.

Motel, \$5 for each room. "Motel" includes every person engaged in the business of furnishing, for a consideration, transient guests with sleeping accommodations, bath and toilet facilities, linen service and a place to park an automobile.

Music School, \$50. "Music School" includes every person engaged in the business of teaching music to 20 or more pupils for a consideration. It includes the teaching of musical composition as well as the instruction in the use of musical instruments.

Nursing, Rest or Convalescent Home (Private), \$25. "Nursing, Rest or Convalescent Home (Private)" includes every person engaged in the business of operating any institution, building, or agency in which accommodation is maintained, furnished or offered for any fee, gift, compensation, or reward for the care of aged, infirm, chronically ill, or convalescent persons.

Physical Therapist, \$50. "Physical Therapist" includes every person engaged in the business of practicing physical therapy as defined in Chapter 26, Title 24, Delaware Code.

Plant Nursery, \$50. "Plant Nursery" includes every person engaged in the business of operating a place where trees, shrubs, plants, and the like, are propagated from seed or otherwise for transplanting for use as stock for grafting and for sale.

Private Detective Agency, \$30. "Private Detective Agency" includes every person engaged in the business of practicing as a private detective as defined in Chapter 13, Title 24, Delaware Code.

Psychologist, \$75. "Psychologist" includes every person qualified under the laws of the State to practice psychology and engaged in active practice of such profession.

Pharmacist, \$50. "Pharmacist" includes every person qualified under the laws of the State to practice pharmacy and engaged in active practice of such profession.

Taxidermist, \$10. "Taxidermist" includes every person who prepares, stuffs or mounts the skins of birds, quadrupeds, fish or other animals for hire.

Tourist Home, \$5 for each room. "Tourist Home" includes every person who operates a place where tourists or transient guests, for a consideration, may obtain sleeping accommodations.

Trailer Park, \$2 for each trailer. "Trailer Park" includes every person engaged in the business of operating any place or space where trailers may park and hook up to sanitary facilities.

Tree Surgeon, \$20. "Tree Surgeon" includes every person skilled in the science of tree care who presents himself to the public for compensation as a practicing tree expert, whether he terms himself tree expert, arborist, tree specialist, tree surgeon, et cetera.

Sales Representative, \$20. "Sales Representative" includes every person whose occupation is to sell goods or merchandise door to door. It includes soliciting orders, home demonstrations, et cetera.

Salvage yard operators, \$50.

Section 4. This Act shall be effective June 1, 1962.

Approved June 23, 1961.

CHAPTER 108

AN ACT TO AMEND TITLE 24, DELAWARE CODE, ENTITLED "PROFESSIONS AND OCCUPATIONS", AND RELATING TO THE FEES TO BE CHARGED AND COLLECTED BY CERTAIN REGULATORY BOARDS AND AGENCIES.

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

Section 1. § 109 in Chapter 1, Title 24, Delaware Code, relating to the fees to be charged and collected by the State Board of Accountancy, is hereby repealed and a new §109 enacted in lieu thereof as follows:

§ 109. Fees

(a) The fee to be paid to the Board—

(1) By an applicant for an examination to determine his fitness to receive a certificate of registration as a Certified Public Accountant shall be \$50;

(2) By an applicant for each re-examination to determine his fitness to receive a certificate of registration as a Certified Public Accountant shall be \$50; provided, however, that in the event the applicant passes at least two subjects, he shall be allowed to apply for a re-examination on such failed subject or subjects at either or both of the next two succeeding examinations conducted by the Board and shall be charged a fee of \$25 for each such re-examination;

(3) By an applicant for a certificate of registration as Certified Public Accountant, who is a certified public accountant registered or licensed under the laws of another state or territory of the United States, or of any foreign government shall be \$50; and

(4) For the renewal of a certificate of registration shall be \$10.

Section 2. Chapter 1, Title 24, Delaware Code, relating to certified public accountants, is further amended by adding to said chapter a new Section designated § 113 as follows:

§ 113. Annual renewal of certificates

Every certified public accountant in this State who desires to continue the practice of his profession shall, annually, during the month of July, renew his certificate of registration and pay to the Board the renewal fee required by Section 109 (a) (4) of this title.

A person who fails to renew his certificate of registration during the month of July in each year may not thereafter renew his certificate except upon payment of the fee required by this chapter.

Every renewal certificate shall expire on the thirtieth day of June following its issuance.

Section 3. § 314, Chapter 3, Delaware Code, relating to the fees to be paid to the Board of Examiners and Registration of Architects, is hereby repealed and a new § 314 enacted in lieu thereof as follows:

§ 314. Fees

(a) The fee to be paid to the Board—

(1) By an applicant for an examination to determine his fitness to receive a certificate of registration as Registered Architect shall be \$45;

(2) By an applicant who has passed the examination to determine his fitness to receive a certificate of registration as Registered Architect shall be \$5;

(3) By an applicant for a certificate of registration as Registered Architect, who is an architect registered or licensed under the laws of another state or territory of the United States or of a foreign country or province, shall be \$50; and

(4) For the renewal of a certificate of registration shall be \$10.

(b) Fees shall not be refunded for any cause.

Section 4. § 504, Chapter 5, Title 24, Delaware Code, relating to the examination fee to be paid to the Board of Chiropractic Examiners, is amended by striking out the figures "\$25" in the fourth line of said section and inserting in lieu thereof the figures "\$50".

Section 5. § 505, Chapter 5, Title 24, Delaware Code, relating to the re-examination fee to be paid to the Board of Chiropractic Examiners, is amended by striking out the figure "\$2" in the third line of the second paragraph of said section and inserting in lieu thereof the figure "\$25".

Section 6. § 509, Chapter 5, Title 24, Delaware Code, relating to renewal of certificates to practice Chiropractic, is amended by striking out the figure "\$3" in the seventh line of said section, and the figure "\$5" in the seventeenth line of said section, and the figure "\$3" in the last line of said section, and inserting in lieu thereof in each of said places the figure "\$10".

Section 7. § 709, Chapter 7, Title 24, Delaware Code, relating to the fee to be paid for a certificate to practice Chiropractic, is amended by striking out the figures "\$25" in said section and inserting in lieu thereof the figures "\$50".

Section 8. § 710, Chapter 7, Title 24, Delaware Code, relating to renewal of a certificate to practice chiropractic, is amended by striking out the figure "\$5" in the third line of said section and inserting in lieu thereof the figures "\$10".

Section 9. § 711, Chapter 7, Title 24, Delaware Code, relating to the fee for a certificate to those licensed to practice chiropractic in other states, is amended by striking out the figures "\$25" in said section and inserting in lieu thereof the figures "\$50".

Section 10. § 1122 (a), Chapter 11, Title 24, Delaware Code, relating to application for licenses to practice dentistry, is amended by striking out the words "such fee as may be prescribed by the Board from time to time" now appearing in lines 20 and 21 of said section and inserting in lieu thereof the words "the examination fee of \$50".

Section 11. § 1123 (a), Chapter 11, Title 24, Delaware Code, is amended by striking out the words "such fee as shall be prescribed by the Board from time to time" now appearing in the third and fourth lines of said section and inserting in lieu thereof the words "the examination fee prescribed by Section 1122 (a) of this title".

Section 12. § 1125, Chapter 11, Title 24, Delaware Code, relating to the renewal of certificates to practice dentistry, is amended as follows:

(a) By striking out the figure "\$4" in the second paragraph of said section and inserting in lieu thereof the figure "\$10".

(b) By striking out the figure "\$5" in the fifth paragraph of said section and inserting in lieu thereof the figure "\$15".

(c) By striking out the figure "\$4" in the sixth paragraph of said section and inserting in lieu thereof the figure "\$10".

Section 13. § 1128, Chapter 11, Title 24, Delaware Code, relating to limited registration to practice dentistry, is amended by striking out the figure "\$5" in the first paragraph of said section and inserting in lieu thereof the figure "\$10".

Section 14. § 1151 (a), Chapter 11, Title 24, Delaware Code, relating to application for registration to practice oral hygiene, is amended by striking out the words "such fee as may be prescribed by the Board from time to time" now appearing in lines 14 and 15 of said section and inserting in lieu thereof the words "the fee of \$15".

Section 15. § 1153 (a), Chapter 11, Title 24, Delaware Code, relating to registration of oral hygienists from another state, is amended by striking out the words "such fee as may be prescribed by the Board from time to time" and inserting in lieu thereof the words "a fee of \$15".

Section 16. § 1154, Chapter 11, Title 24, Delaware Code, relating to renewal of certificates of registration to practice oral hygiene, is amended as follows:

(a) By striking out the figure "\$3" in the second paragraph of said section and inserting in lieu thereof the figure "\$5".

(b) By striking out the figure "\$3" in the sixth paragraph of said section and inserting in lieu thereof the figure "\$5".

Section 17. § 1737, Chapter 17, Title 24, Delaware Code, relating to certificates to practice medicine and surgery, is repealed and a new Section 1737 is enacted in lieu thereof to read as follows:

§ 1737. Certificate to practice; registration; annual renewal of registration; fees therefor

(a) On receiving from the Board of Medical Examiners an official report of the examination of any applicant for a certificate for license, the Medical Council shall issue forthwith to each applicant who shall have been returned as having successfully passed the examination, a certificate to that effect and a certificate of registration of the applicant as a practitioner of medicine and surgery in this state upon the payment of a fee of \$15 therefor by such applicant.

(b) The Medical Council shall keep a register of all persons authorized to practice medicine and surgery in this state and of all certificates issued by it under this section.

(c) For the purpose of correcting and revising the register of legal practitioners of medicine and surgery, as kept by the Medical Council, each person to whom a certificate and registration to practice medicine and surgery in this state have been granted, and who desires to continue in the practice of his profession, shall procure from the Medical Council annually on or before the thirtieth day of June, a renewal certificate of registration, and pay to the Medical Council therefor a renewal fee of \$15. Every renewal certificate shall expire on the thirtieth day of June following its issuance.

Section 18. § 1751 (d), Chapter 17, Title 24, Delaware Code, relating to the examination fees from applicants for

certificates to practice osteopathy, is amended by striking out the figures "\$25" therein and inserting in lieu thereof the figures "\$50".

Section 19. § 1753, Chapter 17, Title 24, Delaware Code, is repealed and a new Section 1753 is enacted in lieu thereof to read as follows:

§ 1753. Certificate to practice; registration; annual renewal of registration; fees therefor

(a) Upon successfully passing the examination, the applicant shall receive from the Medical Council a certificate to that effect and a certificate of registration as a practitioner of osteopathy in this state upon the payment of a fee of \$15 therefor by such applicant.

(b) The Medical Council shall keep a register of all persons authorized to practice as osteopathic physicians in this state, and of all certificates issued by it under this section.

(c) For the purpose of correcting and revising the register of legal practitioners of osteopathy, as kept by the Medical Council, each person to whom a certificate and registration to practice as an osteopathic physician in this state have been granted, and who desires to continue in the practice of his profession, shall procure from the Medical Council annually on or before the thirtieth day of June, a renewal certificate of registration, and pay to the Medical Council therefor a renewal fee of \$15. Every renewal certificate shall expire on the thirtieth day of June following its issuance.

Section 20. § 1906, Chapter 19, Title 24, Delaware Code, relating to the renewal of registration of graduate nurses and the fee therefor, is repealed and a new Section 1906 is enacted in lieu thereof, to read as follows:

§ 1906. Renewal of registration; renewal fee

Every nurse who is duly registered shall re-register annually by filing an application to re-register during the month of January in each year. When an applicant re-registers, the applicant shall deposit a fee of \$5.

Section 21. § 1926, Chapter 19, Title 24, Delaware Code, relating to the renewal of registration of licensed practical nurses and the fees therefor, is repealed and a new Section 1926 is enacted in lieu thereof to read as follows:

§ 1926. Renewal of registration; fees therefor

Every practical nurse who is duly licensed under this subchapter shall renew such license annually by filing an application during the month of January in each year. Such applicant shall deposit a fee of \$5 with the Board therefor.

Section 22. § 2107, Chapter 21, Title 24, Delaware Code, relating to the examination fee required of applicants for certificates to practice optometry, is amended by striking out the figures "\$25" in the second line of the second paragraph of said section and inserting in lieu thereof the figures "\$50".

Section 23. § 2109, Chapter 21, Title 24, Delaware Code, relating to the re-examination fee required of applicants for certificates to practice optometry, is amended by striking out the figures "\$25" therein and inserting in lieu thereof the figures "\$50".

Section 24. § 2111, Chapter 21, Title 24, Delaware Code, relating to the certificate and registration for successful applicants to practice optometry, is amended by adding thereto the following sentence:

"The applicant shall pay to the Board a fee of \$10 for such registration and certificate before the same shall be issued."

Section 25. § 2112, Chapter 21, Title 24, Delaware Code, relating to renewal of certificates to practice optometry and the fees therefor, is amended by striking out the first sentence therein and inserting in lieu thereof a new first sentence to read as follows:

"Every registered optometrist who desires to continue the practice of optometry in this state shall annually, on such date

as the Board may determine, pay to the Secretary of the Board a renewal fee of \$10 for which he shall receive a renewal of the registration."

Section 26. § 2114, Chapter 21, Title 24, Delaware Code, relating to the State License fee required from persons desiring to practice optometry, is amended by striking out the words and figures "the sum of \$10" in the second line of said section and inserting in lieu thereof the words and figures: "the sum required by Section 2301 of Title 30."

Section 27. § 2507 (a), Chapter 25, Title 24, Delaware Code, relating to the fees to be charged and collected by the State Board of Pharmacy, is amended as follows:

(a) By striking out the words and figures "For examination for license as pharmacist, \$15 and \$10 additional for certificate" therein, and substituting in lieu thereof the words and figures, "For examination for license as pharmacist, \$30 and \$10 additional for certificate".

(b) By striking out the words and figures, "For examination for license as assistant pharmacist, \$10 and \$5 additional for certificate" therein and substituting in lieu thereof the words and figures, "For examination for license as assistant pharmacist, \$20 and \$5 additional for certificate."

(c) By striking out the words and figures "For reciprocal registration \$25" therein and inserting in lieu thereof the words and figures "For reciprocal registration, \$50."

Section 28. § 2572, Chapter 25, Title 24, Delaware Code, relating to applications and fees for permits required for pharmaceutical establishments other than retail pharmacies, is amended by striking out the figure "\$1" therein and inserting in lieu thereof the figures "\$25".

Section 29. § 2612, Chapter 26, Title 24, Delaware Code, relating to renewal fees for certificates to practice physical therapy, is amended by striking out the figure "\$2" appearing therein and inserting in lieu thereof the figure "\$5".

Section 30. Chapter 26, Title 24, Delaware Code is amended by adding thereto a new section as follows:

§ 2616. Receipts and disbursements

(a) All money received by the Board shall be paid to the State Treasurer promptly after receipt and shall be credited to the General Fund of the State, in accordance with Chapter 61 of Title 29.

(b) All disbursements made by the Board for salaries, expenses or other authorized expenditures shall be paid by the State Treasurer, out of funds appropriated by the General Assembly for such purpose, on vouchers signed by the proper officers of the Board.

Section 31. § 2724, Chapter 27, Title 24, Delaware Code, relating to registration fees for professional engineers and land surveyors, is amended as follows:

(a) By striking out the figures "\$20" in the first line of subsection (a) and inserting in lieu thereof the figures "\$30".

(b) By striking out the figures "\$10" appearing in the second line of subsection (a) and inserting in lieu thereof the figures "\$30".

(c) By striking out the figures "\$10" appearing in the last line of subsection (a) and inserting in lieu thereof the figures "\$30".

(d) By striking out the figures "\$5" appearing in subsection (b) and inserting in lieu thereof the figures "\$10".

Section 32. § 2728, Chapter 27, Title 24, Delaware Code, relating to the fees for the registration of professional engineers and land surveyors upon the basis of reciprocity, is amended by striking out the figures "\$10" in the second line of said section and inserting in lieu thereof the figures "\$30".

Section 33. § 2729, Chapter 27, Title 24, Delaware Code, relating to the expiration and renewal of certificates of regis-

tration of professional engineers and land surveyors and the fees therefor, is amended by striking out the first sentence appearing in the third paragraph of said section and inserting in lieu thereof a new first sentence as follows:

"Renewal may be effected at any time during the month of July by the payment of a renewal fee of \$6 for professional engineers and \$3 for land surveyors."

Section 34. § 3111, Chapter 31, Title 24, Delaware Code, relating to examinations and certificates to engage in the undertaking business and fees therefor, is amended by striking out the figures "\$25" appearing in the thirteenth line of said section and inserting in lieu thereof the figures "\$50".

Section 35. § 3308, Chapter 33, Title 24, Delaware Code, relating to fees for licenses to practice veterinary medicine, is repealed and a new Section 3308 is enacted in lieu thereof to read as follows:

§ 3308. Fees

(a) The Board shall charge and collect the following fees: For examination for license as veterinarian, \$30 and \$10 additional for certificate. For annual renewal of license, \$10.

(b) Every veterinarian desiring to continue the practice of his profession in this state shall renew his license from the Board each year on or before June 30th.

Approved June 23, 1961.

CHAPTER 109

AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO THE SUPERIOR COURT, 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 Superior Court in Section 1 of Chapter 299, Volume 52, Laws of Delaware are amended by transferring the sum of \$800.00 in Equipment to Travel-Room Rent.

Approved June 23, 1961.

CHAPTER 110

AN ACT TO AMEND SECTION 4704, TITLE 7, DELAWARE CODE, RELATING TO THE POWER OF THE STATE PARK COMMISSION TO BORROW MONEY AND MAKING AN APPROPRIATION TO PAY OUTSTANDING BONDS.

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

Section 1. § 4704, Title 7, Delaware Code is hereby repealed.

Section 2. All bonds issued by the State Park Commission and outstanding at the time this Act becomes effective shall be retired as the same become due. There is hereby appropriated to the State Park Commission annually beginning July 1, 1962, a sum sufficient to pay the interest and principal upon said bonds to the extent that the revenues of the State Park Commission are insufficient to pay such interest and principal as the same become due and payable.

Approved June 23, 1961.

CHAPTER 111

AN ACT TO AMEND SECTION 4703, TITLE 7, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE STATE PARK COMMISSION.

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

Section 1. § 4703, Title 7, Delaware Code, is amended by adding to subsection (a) (5) thereof the following:

“except however, that no admission fees shall be charged for persons using such facilities nor shall any admission or parking fees be charged for any motor vehicles at such facilities.”

Approved June 23, 1961.

CHAPTER 112

AN ACT TO AMEND SECTION 2707, TITLE 21, DELAWARE CODE, RELATING TO REQUIREMENTS FOR SCHOOL BUS DRIVERS AND PUBLIC PASSENGER CARRYING VEHICLES.

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

Section 1. § 2707, Title 21, Delaware Code is amended to read as follows:

§ 2707. Requirements for drivers of school buses and public passenger carrying vehicles

(a) No person under 21 years of age whether licensed under this chapter or not, shall drive a motor vehicle while such vehicle is in use as a school bus or as a public passenger carrying conveyance.

(b) All school bus drivers employed by the State Board of Education or by any public school district or by any contractor operating buses under contract with the State Board of Education or any public school district shall, prior to employment, be required to pass a physical examination which shall be prescribed by the State Board of Education and shall also be required to pass a physical examination every two years during the term of employment. The physical examination required by this section shall be conducted by the State Board of Health or by a physician licensed to practice medicine and surgery in this State.

(c) Substitute drivers hired by a contractor after September 1, of any year, to replace a regular driver of said contractor shall be given seven calendar days in which to comply with the requirements of Section 1 of this Act.

Section 2. This Act shall become effective September 1, 1961.

Approved June 23, 1961.

CHAPTER 113

AN ACT TO AMEND CHAPTER 230, VOLUME 51, LAWS OF DELAWARE, RELATING TO THE CHARTER OF THE CITY OF WILMINGTON AND THE OFFICE OF THE CITY SOLICITOR FOR THE CITY OF WILMINGTON.

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

Section 1. § 1, Chapter 230, Volume 51, Laws of Delaware relating to Section 52 of the Charter of the City of Wilmington be and it is hereby amended by deleting and striking out the word "three" as it appears in line twenty-eight (28) thereof and by inserting in lieu thereof the word "four".

Section 2. Any and all laws inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved June 23, 1961.

CHAPTER 114

**AN ACT TO AMEND SECTION 1602, TITLE 10, DELAWARE
CODE, RELATING TO THE SALARY OF THE JUDGE
OF THE COURT OF COMMON PLEAS FOR SUSSEX
COUNTY.**

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

Section 1. Subsection (c), § 1602, Title 10, Delaware Code, is amended by striking out the figures "\$12,500" therein and inserting in lieu thereof the figures "\$17,500."

Section 2. This Act shall become effective July 1, 1961.

Approved June 23, 1961.

CHAPTER 115

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE MEDICAL COUNCIL OF DELAWARE FOR SAL-
ARIES, ASSOCIATION DUES AND OFFICE EXPENSES.**

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

Section 1. The sum of \$830.20 is appropriated to the Medical Council of Delaware to provide funds for the payment of salaries, office expenses, and Association Dues.

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

Approved June 23, 1961.

CHAPTER 116

**AN ACT TO AMEND § 503 (c), TITLE 8, DELAWARE CODE,
RELATING TO CORPORATION FRANCHISE TAX BY
RAISING THE MAXIMUM ANNUAL TAX FROM \$50,000
TO \$100,000.**

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

Section 1. § 503 (c), Title 8, Delaware Code, is amended by striking out the figures "\$50,000" and substituting in lieu thereof the figures "\$100,000".

Section 2. The provisions of this Act shall not affect the franchise taxes for any year prior to January 1, 1961.

Approved June 23, 1961.

CHAPTER 117

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1962.**

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 limitations 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 1962, 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.

The several amounts hereby appropriated are as follows:

AGENCIES	Year Ending June 30, 1962
LEGISLATIVE AND ELECTIONS	
DELAWARE COMMISSION ON INTERSTATE COOPERATION	
Office Expense	75.00
Fees	6,100.00
Travel	600.00
Legislative Travel Only	10,000.00
Delaware River Basin Advisory Committee	5,000.00
Total	21,775.00

DEPARTMENT OF ELECTIONS—
NEW CASTLE COUNTY

Salary for Board Members	9,000.00
Salaries and Wages of Employees	46,600.00
Office Expense	12,000.00
Travel	300.00
Operations	2,000.00
Equipment	300.00
Total	70,200.00

DEPARTMENT OF ELECTIONS—
KENT COUNTY

Salary of Board Members	6,000.00
Salaries and Wages of Employees	7,800.00
Office Expense	4,000.00
Travel	100.00
Operations	1,000.00
Total	18,900.00

DEPARTMENT OF ELECTIONS—
SUSSEX COUNTY

Salary of Board Members	6,000.00
Salaries and Wages of Employees	12,000.00
Office Expense	5,000.00
Travel	200.00
Operations	1,000.00
Total	24,200.00

Total Department of Elections 113,300.00

LEGISLATIVE REFERENCE BUREAU

Salary of Executive Director	6,000.00
Salaries and Wages of Employees	9,000.00
Office Expense	2,000.00
Travel	200.00
Repairs and Replacements	1,000.00
Total	18,200.00

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
Operations	12,000.00
Total	16,800.00

STATE ELECTION COMMISSIONER

Salaries and Wages of Employees	16,800.00
Office Expense	3,500.00
Travel	500.00
Repairs and Replacements	500.00
Total	21,300.00

TOTAL LEGISLATIVE AND ELECTIONS.. 350,375.00

EXECUTIVE AND FINANCIAL

GOVERNOR

Salary of Governor	17,500.00
Salaries and Wages of Employees	19,000.00
Office Expense	3,500.00
Governor's Conference	1,000.00
Contingent Expense	3,000.00
Repairs and Replacements	500.00
Equipment	500.00
Travel	6,000.00
Total	51,000.00

SECRETARY OF STATE

Salary of Secretary of State	8,000.00
Salaries and Wages of Employees	110,000.00
Office Expense	7,300.00
Magistrate Bonds	400.00
Printing and Binding Session Laws	30,000.00

Dissolution Account	9,000.00
Departmental Supplies	50,000.00
Travel	1,800.00
Repairs and Replacements	3,000.00
Equipment	1,500.00
Total	221,000.00

STATE TREASURER

Salary of Treasurer	6,000.00
Salary of Deputy Treasurer	5,000.00
Salaries and Wages of Employees	56,500.00
Office Expense	35,380.00
Travel	500.00
Repairs and Replacements	500.00
Equipment	500.00
Lost and Outdated Checks	500.00
Total	104,880.00

BUDGET COMMISSION

Salary of Chief Accountant	7,500.00
Salaries and Wages of Employees	78,460.00
Office Expense	58,640.00
Travel	3,150.00
Special Audits	10,000.00
Repairs and Replacements	4,050.00
Equipment	2,200.00
Total	164,000.00

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
Total	61,000.00

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	20,000.00
Office Expense	3,500.00
Operations—Insurance Premiums	361,500.00
Travel	500.00
Repairs and Replacements	200.00
Equipment	400.00
Total	400,600.00

STATE TAX DEPARTMENT

Salaries of Board Members	1,500.00
Salary of Commissioner	8,000.00
Salaries and Wages of Employees	417,000.00
Office Expense	114,500.00
Travel	6,200.00
Repairs and Replacements	9,500.00
Equipment	35,000.00
Total	591,700.00

STATE BANK COMMISSIONER

Salaries and Wages of Employees	58,640.00
Office Expense	2,535.00
Travel	6,465.00
Repairs and Replacements	850.00
Total	68,490.00

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Salaries of Commissioners	3,000.00
Salaries and Wages of Employees	99,800.00
Office Expense	16,880.00
Travel	7,000.00
Repairs and Replacements	2,250.00
Equipment	500.00
Total	129,430.00

DELAWARE RACING COMMISSION

Salaries of Commissioners	4.00
Salaries and Wages of Employees	2,100.00
Office Expense	2,738.00
Travel	800.00
Total	5,642.00

DELAWARE HARNESS RACING COMMISSION

Salaries of Commissioners	3.00
Salaries and Wages of Employees	6,500.00
Office Expense	2,467.00
Travel	3,500.00
Total	12,470.00

TOTAL EXECUTIVE AND FINANCIAL... 1,810,212.00

JUDICIAL AND LEGAL

COURT OF CHANCERY

Salary of Chancellor	20,500.00
Salary of Vice-Chancellor	40,000.00
Salaries and Wages of Employees	36,980.00
Chancellor for Reporting	200.00
Office Expense	2,000.00
Travel	950.00
Repairs and Replacements	350.00
Equipment	1,280.00
Total	102,260.00

SUPERIOR COURT

Salary of President Judge	20,500.00
Salaries of Associate Judges	120,000.00
Salaries and Wages of Employees	101,900.00
Kent Resident Judge for Reporting	200.00
Office Expense and Furnishings	4,000.00
Reports	4,750.00
Travel—Room Rent	7,000.00
Repairs and Replacements	1,000.00
Equipment	2,000.00

Total 261,350.00

COMMON PLEAS COURT—KENT COUNTY

Salary of Judge	5,000.00
Total	5,000.00

COMMON PLEAS COURT—SUSSEX COUNTY

Salary of Judge	12,500.00
Total	12,500.00

NEW CASTLE COUNTY LAW LIBRARY

Salaries and Wages of Employees	3,500.00
Office Expense	250.00
Repairs and Replacements	500.00
Books and Publications	4,750.00
Total	9,000.00

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
Total	9,750.00

SUSSEX COUNTY LAW LIBRARY

Salaries and Wages of Employees	300.00
Office Expense	75.00
Books and Publications	4,000.00
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	5,000.00
Equipment	1,000.00

Total	124,000.00
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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	19,320.00
Office Expense	8,450.00
Travel	900.00

Total	95,170.00
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JUVENILE COURT (KENT AND SUSSEX)

Salary of Judge	12,500.00
Salaries and Wages of Employees	36,000.00

Total	48,500.00
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FAMILY COURT OF NEW CASTLE COUNTY

Salaries of Judges	35,000.00
Salaries and Wages of Employees	147,000.00
Office Expense	6,000.00
Travel	1,100.00
Repairs and Replacements	3,000.00
Equipment	400.00

Total	192,500.00
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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	1,870.00
Travel	800.00

Operations	200.00
Repairs and Replacements	200.00
Total	<u>27,970.00</u>
TOTAL JUDICIAL AND LEGAL	892,375.00

DEBT SERVICE

STATE OBLIGATIONS

Redemptions	14,598,000.00
Interest	5,041,938.25
Total State Obligations	<u>19,639,938.25</u>

COUNTY OBLIGATIONS

Redemptions	110,000.00
Interest	17,443.75
Total County Obligations—Paid by State	<u>127,443.75</u>

TOTAL DEBT SERVICE	19,767,382.00
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REGULATORY BOARDS

MEDICAL COUNCIL OF DELAWARE

Salaries of Members	320.00
Salaries and Wages of Employees	2,700.00
Office Expense	1,500.00
Travel	750.00
Total	<u>5,270.00</u>

STATE BOARD OF PHARMACY

Salaries of Board Members	600.00
Salaries and Wages of Employees	3,000.00
Office Expense	1,000.00
Travel	2,000.00
Replacing Laboratory Equipment	300.00
Total	<u>6,900.00</u>

STATE BOARD OF BARBER EXAMINERS

Salaries of Members	350.00
Office Expense	150.00
Total	500.00

STATE BOARD OF DENTAL EXAMINERS

Salaries of Board Members	540.00
Salaries and Wages of Employees	300.00
Office Expense	200.00
Travel	260.00
Total	1,300.00

STATE EXAMINING BOARD OF
PHYSICAL THERAPISTS

Operations	75.00
Total	75.00

STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages of Employees	150.00
Office Expense	25.00
Travel	25.00
Total	200.00

STATE BOARD OF ACCOUNTANCY

Salaries of Board Members	1,500.00
Salaries and Wages of Employees	400.00
Office Expense	1,930.00
Travel	500.00
Equipment	140.00
Total	4,470.00

STATE BOARD OF EXAMINERS IN OPTOMETRY

Salaries of Board Members	105.00
Office Expense	45.00
Travel	75.00
Total	225.00

STATE BOARD OF EXAMINERS OF
GRADUATE NURSES

Salaries of Board Members	400.00
Salaries and Wages of Employees	6,000.00
Office Expense	2,100.00
Travel	600.00
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Total	9,100.00

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

STATE BINGO CONTROL COMMISSION

Salaries of Commissioners	2,000.00
Salaries and Wages of Employees	9,000.00
Office Expense	750.00
Travel	3,250.00
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Total	15,000.00

DELAWARE REAL ESTATE COMMISSION

Salaries of Commission Members	2,700.00
Office Expense	1,000.00
Travel	200.00
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Total	3,900.00

BOARD OF EXAMINERS AND
REGISTRATION OF ARCHITECTS

Salaries and Wages of Employees	500.00
Office Expense	500.00
Travel	250.00
Equipment	100.00
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Total	1,350.00

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
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ATLANTIC STATES MARINE
FISHERIES COMMISSION

Dues	700.00
Travel	200.00

Total	900.00
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STATE BOARD OF REGISTRATION OF
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS

Salary of Secretary	3,900.00
Office Expense	4,000.00
Travel	600.00
Equipment	350.00

Total	8,850.00
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DELAWARE COMMISSION OF SHELL FISHERIES

Salary of Executive Secretary	5,000.00
Salaries and Wages of Employees	39,500.00
Office Expense	2,950.00
Travel	1,500.00
Operations	19,550.00
Research	10,000.00

Total	78,500.00
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DEPARTMENT OF CIVIL DEFENSE

Salary of State Director	6,000.00
Salaries and Wages of Employees	20,000.00
Office Expense	2,600.00
Travel	1,800.00
Operations	3,500.00
Repairs and Replacements	1,100.00
Equipment	3,500.00

Total	38,500.00
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BOARD OF CHIROPODY EXAMINERS

Salaries of Board Members	150.00
Office Expense	50.00
Travel	20.00
Total	220.00

STATE BOARD OF CHIROPRACTIC EXAMINERS

Salaries of Board Members	150.00
Office Expense	65.00
Travel	50.00
Total	265.00

STATE FIRE PREVENTION COMMISSION

Salary of Fire Marshal	6,000.00
Salaries and Wages of Employees	3,600.00
Office Expense	1,200.00
Travel	2,100.00
Operations	700.00
Repairs and Replacements	1,400.00
Equipment	260.00
Total	15,260.00

TOTAL REGULATORY BOARDS	193,235.00
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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
Contingency Fund	20,000.00
Total	37,800.00

BOARD OF PAROLE

Salaries of Board Members	1,200.00
Salary of Parole Officer	4,200.00
Salaries and Wages of Employees	3,600.00
Office Expense	1,700.00
Travel	1,500.00

Total	12,200.00
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BOARD OF PARDONS

Salary of Lieutenant-Governor	144.00
Travel	100.00
Witness Fees	96.00

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
Repairs and Replacements	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	4,000.00
Travel	2,000.00
Repairs and Replacements	250.00
Equipment	800.00

Total	35,050.00
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DELAWARE NATIONAL GUARD

Salary of Adjutant General	10,000.00
Salaries and Wages of Employees	52,000.00
Office Expense	14,000.00
Travel	3,000.00
Operations	50,000.00
Uniform Allowance—Officers	18,000.00
Unit Fund Allowance—\$500. per unit	19,500.00
Repairs and Replacements	30,000.00
Equipment	15,000.00

Total	211,500.00
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PUBLIC SERVICE COMMISSION

Salaries of Commission Members	13,500.00
Salaries and Wages of Employees	33,000.00
Office Expense	6,900.00
Travel	5,000.00
Operations	6,000.00
Repairs and Replacements	1,540.00

Total	65,940.00
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TOTAL ENFORCEMENT BOARDS	391,730.00
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PENSIONS AND SOCIAL SECURITY

RETIRED AND DISABLED TEACHERS' PENSIONS

Benefits	122,040.00
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Total	122,040.00
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STATE EMPLOYEES' PENSION PLAN

Salaries and Wages of Employees	6,000.00
Office Expense	1,000.00
Benefits	1,250,000.00
Survivors' Pensions (Spouse)	75,000.00

Total	1,332,000.00
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STATE'S SHARE OF SOCIAL
SECURITY CONTRIBUTIONS

Contributions	1,275,000.00
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Total	1,275,000.00
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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	180,388.00
Total	180,388.00

TOTAL PENSIONS AND SOCIAL
SECURITY

2,922,228.00

MISCELLANEOUS

CUSTODIAN

Salary of Custodian	5,000.00
Salaries and Wages of Employees	115,000.00
Office Expense	1,000.00
Operations	60,000.00
Repairs and Replacements	45,000.00
Equipment	2,500.00
Total	228,500.00

STATE LIBRARY COMMISSION

Salaries and Wages of Employees	25,890.00
Office Expense	1,600.00
Travel	1,000.00
Operations	2,600.00
Repairs and Replacements	2,580.00
Equipment	9,800.00
Permanent Improvements	8,500.00
Total	51,970.00

PUBLIC ARCHIVES COMMISSION

ADMINISTRATION

Salaries and Wages of Employees	59,940.00
Office Expense	2,400.00
Travel	1,410.00
Operations	4,100.00
Repairs and Replacements	2,350.00
Equipment	1,000.00
Historic Markers	1,000.00

Total	72,200.00
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STATE MUSEUM

Salaries and Wages of Employees	21,500.00
Office Expense	1,000.00
Travel	200.00
Operations	750.00
Repairs and Replacements	500.00
Equipment	3,000.00

Total	26,950.00
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JOHN DICKINSON MANSION

Salaries and Wages of Employees	14,400.00
Office Expense	350.00
Operations	600.00
Repairs and Replacements	600.00
Equipment	1,000.00
Permanent Improvements	200.00

Total	17,150.00
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PORTRAIT COMMISSION

Office Expense	50.00
Travel	25.00
Repairs and Replacements	125.00
Equipment	300.00

Total	500.00
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STATE PARK COMMISSION

GENERAL OPERATIONS

Salary of Director	7,200.00
Salaries and Wages of Employees	3,600.00
Office Expense	1,300.00
Travel	1,525.00
Operations	3,000.00

Total 16,625.00

TRAP POND

Salary of Superintendent	4,200.00
Salaries and Wages of Employees	4,800.00
Repairs and Replacements	3,000.00
Permanent Improvements	4,000.00

Total 16,000.00

BRANDYWINE SPRINGS PARK

Salary of Superintendent	4,160.00
Salaries and Wages of Employees	2,200.00
Repairs and Replacements	3,200.00

Total 9,560.00

FORT DELAWARE

Salary of Superintendent	4,200.00
Salaries and Wages of Employees	3,000.00
Repairs and Replacements	10,000.00

Total 17,200.00

DELAWARE STATE DEVELOPMENT DEPARTMENT

Salary of Director	5,000.00
Salaries and Wages of Employees	20,000.00
Office Expense	5,000.00
Travel	4,000.00
Operations	15,000.00
Repairs and Replacements	500.00
Equipment	150.00
Contingency Fund	7,000.00

Total 56,650.00

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	23,325.00
Travel	500.00
Operations	20,600.00
River Master Project and Related Operations	11,400.00
Stream Gaging	10,500.00
Total	66,325.00

TOTAL MISCELLANEOUS 596,180.00

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	21,800.00
Travel	500.00

Operations	4,000.00
Repairs and Replacements	500.00
Equipment	700.00
Contingency Fund	200,000.00
Total	290,000.00

MOTOR VEHICLE DIVISION

Salaries and Wages of Employees	394,000.00
Office Expense	60,075.00
Travel	1,500.00
Operations	122,675.00
Repairs and Replacements	13,045.00
Equipment	1,300.00
Total	592,595.00

SAFETY RESPONSIBILITY DIVISION

Salary of Director	5,500.00
Salaries and Wages of Employees	14,670.00
Office Expense	2,440.00
Travel	600.00
Repairs and Replacements	150.00
Total	23,360.00

STATE POLICE DIVISION

Salaries and Wages of Employees	1,090,000.00
Office Expense	30,000.00
Travel	5,000.00
Operations	150,000.00
Repairs and Replacements	50,000.00
Equipment	5,000.00
Contingency Fund	123,000.00
Total	1,453,000.00

MOTOR FUEL TAX DIVISION

Salaries and Wages of Employees	20,000.00
Office Expense	2,000.00
Travel	3,000.00

Operations	900.00
Repairs and Replacements	1,000.00
Equipment	250.00
Total	27,150.00
STATE COMMUNICATION DIVISION	
Salary of Administrator	7,200.00
Salaries and Wages of Employees	32,000.00
Office Expense	1,140.00
Travel	300.00
Operations	8,000.00
Repairs and Replacements	2,010.00
Equipment	900.00
Total	51,550.00
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	137,920.00
Repairs and Replacements	2,000.00
Contingency Fund	60,000.00
Total	260,670.00
TOTAL ROADS: MAINTENANCE, POLICE, ETC.	7,158,825.00

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
Contingency Fund	95,000.00

Total	560,100.00
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CRIPPLED CHILDREN

Salaries and Wages of Employees	99,000.00
Travel	1,000.00

Total	100,000.00
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CANCER, HEART AND CHRONIC

DISEASE CONTROL

Salaries and Wages of Employees	49,680.00
Office Expense	500.00
Travel	500.00
Operations	150.00
Repairs and Replacements	500.00

Total	51,330.00
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DIVISION OF OPTOMETRY

Operations	1,800.00
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Total	1,800.00
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AIR POLLUTION

Salaries and Wages of Employees	11,400.00
Office Expense	3,000.00
Travel	800.00
Operations	1,000.00

Total	16,200.00
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POLIOMYELITIS IMMUNIZATION

Operations	17,000.00
Total	17,000.00

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
Total	49,060.00

TOTAL HEALTH 795,490.00

AGRICULTURE, FORESTRY, ETC.

STATE BOARD OF AGRICULTURE

Salaries and Wages of Employees	174,000.00
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
Total	244,500.00

SOIL CONSERVATION COMMISSION

Salaries and Wages of Employees	26,000.00
Office Expense	1,640.00
Travel	4,800.00
Operations	200.00
Equipment	300.00
Total	32,940.00

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

STATE FORESTRY DEPARTMENT

ADMINISTRATION

Salary of State Forester	4,000.00
Salaries and Wages of Employees	46,000.00
Office Expense	2,200.00
Travel	2,800.00
Operations	4,500.00
Repairs and Replacements	2,500.00
Equipment	2,000.00
Total	64,000.00

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

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	40,000.00
Office Expense	4,700.00
Travel	2,000.00
Operations	19,150.00
Repairs and Replacements	3,300.00
Equipment	2,500.00
Total	82,150.00

TOTAL AGRICULTURE, FORESTRY, ETC.	453,640.00
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PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

Salary of Director	6,000.00
Salaries and Wages of Employees	337,109.00
Office Expense	39,000.00
Travel	7,000.00
Repairs and Replacements	11,000.00
Equipment	3,000.00
O. A. A.—Grants	232,000.00
Aid to Disabled—Grants	114,000.00
Aid to Dependent Children—Grants	378,900.00
Direct Care—Child Welfare Service	500,000.00
Reimbursement to Counties	479,128.00

Total	2,107,137.00
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DELAWARE COMMISSION FOR THE BLIND

Salary of Director	5,000.00
Salaries and Wages of Employees	55,715.00
Office Expense	2,000.00
Travel	3,000.00
Operations	27,785.00
Repairs and Replacements	6,500.00
Materials	10,000.00
Assistance Grants	93,000.00
Benefits—Education	47,100.00

Total	250,100.00
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STATE WELFARE HOME

Reimbursement of Counties	577,940.00
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Total	577,940.00
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DELAWARE STATE HOSPITAL

Salary of Superintendent	12,500.00
Salaries and Wages of Employees	1,351,000.00
Office Expense	20,000.00
Travel	5,000.00
Operations	400,000.00
Repairs and Replacements	48,000.00

Equipment	6,500.00
Reimburse Surplus Food Program	30,000.00
Contingency Fund	97,000.00
Total	1,970,000.00

DAYTIME CARE CENTERS

Salaries and Wages of Employees	50,700.00
Office Expense	6,600.00
Travel	6,000.00
Operations	5,000.00
Repairs and Replacements	2,500.00
Equipment	1,200.00
Total	72,000.00

MENTAL HYGIENE CLINIC

Salaries and Wages of Employees	53,060.00
Office Expense	2,000.00
Travel	1,040.00
Operations	1,700.00
Repairs and Replacements	2,200.00
Total	60,000.00

GOVERNOR BACON HEALTH CENTER

Salary of Superintendent	5,000.00
Salaries and Wages of Employees	561,450.00
Salaries—Handicapped Children	69,150.00
Office Expense	10,650.00
Travel	3,750.00
Operations	175,000.00
Repairs and Replacements	20,000.00
Handicapped Children—Other Costs	5,000.00
Total	850,000.00

HOSPITAL FOR MENTALLY RETARDED

Salaries and Wages of Employees	615,500.00
Salaries—Handicapped Children	10,600.00
Office Expense	8,900.00
Travel	3,500.00

Operations	210,000.00
Repairs and Replacements	49,000.00
Equipment	6,000.00
Other Costs—Handicapped Children	1,500.00
All Costs Trainable Children	25,000.00
Total	930,000.00

STATE BOARD OF CORRECTIONS

Salaries of Board Members	840.00
Salary of Director	12,000.00
Salaries and Wages of Employees	670,000.00
Office Expense	11,000.00
Travel	7,000.00
Operations	320,000.00
Repairs and Replacements	77,000.00
Equipment	8,000.00
Contingency Fund	194,000.00
Total	1,299,840.00

EMILY P. BISSELL SANATORIUM

Salary of Superintendent	12,000.00
Salaries and Wages of Employees	450,000.00
Office Expense	10,000.00
Travel	2,000.00
Operations	200,000.00
Repairs and Replacements	15,000.00
Equipment—Generator	10,000.00
Education—Salaries of Instructors	4,500.00
Equipment	200.00
Contingency Fund	96,000.00
Total	799,700.00

YOUTH SERVICES COMMISSION

Executive Director	10,500.00
Superintendent of Ferris	7,500.00
Superintendent of Woods Haven	7,000.00
Superintendent of Bridge House	5,400.00
Program Coordinator—Ferris	6,500.00
Program Coordinator—Wood Haven	6,500.00

Employees	305,000.00
Office Expense	12,000.00
Travel	8,000.00
Operations	122,600.00
Repairs and Replacements	23,000.00
Equipment	6,000.00
Contingency Fund	85,500.00

Total	605,500.00
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TOTAL PUBLIC WELFARE	9,522,217.00
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GRANTS-IN-AIDS

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 Fund	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.	46,055,239.00
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EDUCATION

UNIVERSITY OF DELAWARE

Salaries and Wages of Employees	3,000,000.00
Office Expense	55,000.00
Travel	19,000.00
Operations	310,000.00
Repairs and Replacements	55,000.00
Equipment and Permanent Improvements	137,000.00

Scholarships	37,500.00
Contingency Fund	200,000.00
Total	3,813,500.00

DELAWARE STATE COLLEGE

Salaries and Wages of Employees	288,000.00
Office Expense	12,000.00
Travel	2,000.00
Operations	110,000.00
Repairs and Replacements	38,000.00
Equipment	20,000.00
Scholarships	25,000.00
Total	495,000.00

STATE BOARD OF EDUCATION

Division I.—SALARIES

A. Salary of Superintendent	
(\$16,500. State-	
500. Federal)	17,000.00
Salaries of State Board Members	2,700.00
B. Assistant Superintendents (4)	
1. Business Administration	12,640.00
2. Secondary Education	12,640.00
3. Elementary Education	12,640.00
4. Vocational Education	
(\$5,580. State-	
5,580. Federal)	11,160.00
C. Directors (3)	
1. Research	11,640.00
2. Child Development and Guidance	11,160.00
3. Certification	11,140.00
D. Supervisors	
a. with program (15)	
1. Art	8,590.00
2. Music	10,500.00
3. Physical Education	10,500.00
4. Home Economics	
(\$3,700. State-	
3,700. Federal)	7,400.00

5. Agriculture	
(\$5,250. State-	
5,250. Federal)	10,500.00
6. Distributive Education	
(\$4,240. State-	
4,240. Federal)	8,480.00
7. Lunch Program	9,080.00
8. Trades, Industry & Teachers Training	
(\$3,780. State-	
3,780. Federal)	7,560.00
9. Foreman Training	
(\$4,650. State-	
4,650. Federal)	9,300.00
10. Apprentice Training	
(\$4,700. State-	
4,700. Federal)	9,400.00
11. Transportation	8,820.00
12. Science	
(\$4,020. State-	
4,020. Federal)	8,040.00
13. Mathematics	
(\$4,040. State-	
4,040. Federal)	8,080.00
14. Foreign Language	
(\$3,880. State-	
3,880. Federal)	7,760.00
15. Adult Education and Service Bureau..	7,080.00
b. without program (14)	
1. Research	9,390.00
2. Home Economics	
(\$4,820. State-	
4,820. Federal)	9,640.00
3. Rural New Castle County (11 months)	8,730.00
4. Rural Kent County (11 months)	9,190.00
5. Rural Sussex County (11 months)	8,730.00
6. Student Driver	9,190.00
7. Transportation	7,820.00
8. Special Classes and Physically	
Handicapped	8,680.00
9. Special Schools	9,160.00
10. Certification	7,720.00

11. Business	7,720.00
12. Maintenance	5,250.00
13. Testing	9,240.00
14. Special Classes	9,640.00
E. Principals	None
F. Vice-Principals	None
G. Administrative Assistants	None
Total Administrative Salaries	353,910.00
H. Teachers	
1. Physical Education, Rural Schools (10 months)	6,800.00
2. Art, Rural Schools (10 months)	7,500.00
3. Music, Rural Schools (10 months)	7,500.00
4. Driver Education (20)	115,050.00
5. Visiting Teachers (4) (State & Special Dist.)	26,800.00
6. Psychologists (9) .....\$39,939. (State & Special Dist.)	
7. Speech & Hearing (6) 44,420. (State & Special Dist.)	
8. Coordinators (2) 14,840. (State & Special Dist.) (State Total #6-7-8 .....\$99,199. Federal .....\$17,000.)	116,199.00
9. A. I. duPont Institute	5,800.00
I. Clerical	142,765.00
J. Janitorial	None
K. Health	None
L. Cafeteria	None
Sub-total Division I	782,324.00
Less Federal Funds	66,160.00
Total Division I	716,164.00
Division II.	
B. 1. Office Expense	58,000.00
(a). State Matching Funds for Title III National Education Defense Act	8,060.00
2. Legal Fees	10,000.00
3. Travel	32,000.00
4. Transportation	1,580,000.00

5. Equipment	5,000.00
6. Vocational Training	15,000.00
7. Deaf Program	70,000.00
8. Homebound Instruction (\$31,000.—State 4,000.—Wilmington)	35,000.00
9. Adult Education (in addition to student fees)	1,500.00
10. Dover Trainable (3 units) Fairfax Trainable (5 units) to be operated in compliance with Chapter 17, Title 14, Delaware Code	50,000.00
11. Substitute Teachers (to be allocated by State Board as needed)	200,000.00
12. Survey on State Board of Education to be administered by Joint Finance Committee	5,000.00
13. Operations, Rehabilitation Division	125,000.00
Contingency Fund	500.00
Commission on Children and Youth Contingency Fund	7,500.00
Total Division II	2,202,560.00

Total State Board of Education, Vocational Education, Rehabilitation	2,918,724.00
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PUBLIC SCHOOLS

SPECIAL SCHOOL DISTRICTS

CAESAR RODNEY

Division I.—SALARIES

For School Year
1961-62

A. Chief School Officer	9,640.00
E. Principal 4	32,360.00
G. Administrative Assistants .. 1	8,500.00
Total Administrative Salaries	50,500.00
H. Teachers .....105	539,005.00
I. Clerical 6	22,075.00
J. Janitorial 12	42,900.00
K. Health 3	14,300.00
L. Cafeteria 2	5,550.00

Division II.—OTHER COSTS

A. 1. 109 units at \$650.00	70,850.00
2. Capital Outlay:	
109 units at \$100.00	10,900.00
Total	776,080.00

CLAYMONT

Division I.—SALARIES

A. Chief School Officer	11,160.00
E. Principals 4	35,980.00
G. Administrative Assistants .. 1	9,460.00
Total Administrative Salaries	56,600.00
H. Teachers 99	544,530.00
I. Clerical 6	23,080.00
J. Janitorial 21	77,850.00
K. Health 3	13,800.00
L. Cafeteria 5	15,200.00

Division II.—OTHER COSTS

A. 1. 103 units at \$650.00	66,950.00
2. Capital Outlay:	
103 units at \$100.00	10,300.00
Total	808,310.00

DOVER

Division I.—SALARIES

A. Chief School Officer	11,160.00
E. Principals 6	54,320.00
G. Administrative Assistants .. 1	9,380.00
Total Administrative Salaries	74,860.00
H. Teachers 131	722,475.00
I. Clerical 6	21,480.00
J. Janitorial 21	83,350.00
K. Health 4	17,100.00
L. Cafeteria 5	16,400.00

Division II.—OTHER COSTS

A. 1. 137 units at \$650.00	89,050.00
2. Capital Outlay:	
137 units at \$100.00	13,700.00

Total 1,038,415.00

ALEXIS I. duPONT

Division I.—SALARIES

A. Chief School Officer	11,160.00
E. Principals 3	24,360.00

Total Administrative Salaries 35,520.00

H. Teachers 58	327,850.00
I. Clerical 4	13,010.00
J. Janitorial 12	43,800.00
K. Health 11½	6,950.00
L. Cafeteria 2	6,000.00

Division II.—OTHER COSTS

A. 1. 61 units at \$650.00	39,650.00
2. Capital Outlay:	
61 units at \$100.00	6,100.00

Total 478,880.00

GEORGETOWN

Division I.—SALARIES

A. Chief School Officer	10,180.00
E. Principals 2	17,640.00

Total Administrative Salaries 27,820.00

H. Teachers 57	308,495.00
I. Clerical 4	15,579.00
J. Janitorial 9	36,100.00
K. Health 11½	8,700.00
L. Cafeteria 1	3,600.00

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

Total 444,544.00

HARRINGTON

Division I.—SALARIES

A. Chief School Officer		10,180.00
E. Principals	3	23,080.00

Total Administrative Salaries		33,260.00
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H. Teachers	45	253,230.00
I. Clerical	3	11,840.00
J. Janitorial	8	29,350.00
K. Health	1½	6,750.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. 1. 48 units at \$650.00		31,200.00
2. Capital Outlay:		
48 units at \$100.00		4,800.00

Total		373,730.00
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LAUREL

Division I.—SALARIES

A. Chief School Officer		11,160.00
E. Principals	4	31,330.00
G. Administrative Assistants ..	1	9,860.00

Total Administrative Salaries		52,350.00
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H. Teachers	80	452,880.00
I. Clerical	5	18,660.00
J. Janitorial	15	61,350.00
K. Health	2½	9,350.00
L. Cafeteria	2	5,850.00

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		663,440.00
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LEWES

Division I.—SALARIES

A. Chief School Officer	10,660.00
E. Principals 3	25,320.00

Total Administrative Salaries	35,980.00
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H. Teachers 49	278,940.00
I. Clerical 4	14,780.00
J. Janitorial 10	42,360.00
K. Health 1½	7,150.00
L. Cafeteria 2	6,750.00

Division II.—OTHER COSTS

A. 1. 52 units at \$650.00	33,800.00
2. Capital Outlay:	
52 units at \$100.00	5,200.00

Total	424,960.00
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MILFORD

Division I.—SALARIES

A. Chief School Officer	10,680.00
E. Principals 5	41,280.00
G. Administrative Assistants .. 1	9,620.00

Total Administrative Salaries	61,580.00
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H. Teachers106	579,420.00
I. Clerical 6	22,120.00
J. Janitorial 18	72,650.00
K. Health 3	14,100.00
L. Cafeteria 3	8,400.00

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	841,520.00
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MOUNT PLEASANT

Division I.—SALARIES

A. Chief School Officer		11,160.00
E. Principals	6	54,280.00
G. Administrative Assistants ..	1	9,860.00

Total Administrative Salaries		75,300.00
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H. Teachers	187	1,071,700.00
I. Clerical	9	34,300.00
J. Janitorial	26	96,450.00
K. Health	7	28,500.00
L. Cafeteria	7	22,200.00

Division II.—OTHER COSTS

A. 1. 193 units at \$650.00	125,450.00
2. Capital Outlay:	
193 units at \$100.00	19,300.00

Total	1,473,200.00
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NEW CASTLE

Division I.—SALARIES

A. Chief School Officer		10,680.00
E. Principals	6	54,680.00
G. Administrative Assistants ..	1	9,380.00

Total Administrative Salaries		74,740.00
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H. Teachers	177	967,740.00
I. Clerical	8	30,800.00
J. Janitorial	22	97,800.00
K. Health	6	24,000.00
L. Cafeteria	6	17,700.00

Division II.—OTHER COSTS

A. 1. 183 units at \$650.00	118,950.00
2. Capital Outlay:	
183 units at \$100.00	18,300.00

Total	1,350,030.00
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NEWARK

Division I.—SALARIES

A. Chief School Officer		10,680.00
E. Principals	9	82,860.00
G. Administrative Assistants ..	2	20,020.00

Total Administrative Salaries		113,560.00
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H. Teachers	280	1,514,150.00
I. Clerical	13	47,400.00
J. Janitorial	38	148,250.00
K. Health	10	42,700.00
L. Cafeteria	10	30,000.00

Division II.—OTHER COSTS

A. 1. 289 units at \$650.00	187,850.00
2. Capital Outlay:	
289 units at \$100.00	28,900.00

Total	2,112,810.00
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REHOBOTH

Division I.—SALARIES

A. Chief School Officer	10,140.00
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Total Administrative Salaries	10,140.00
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H. Teachers	21	129,570.00
I. Clerical	2	8,175.00
J. Janitorial	5	19,700.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. 1. 21 units at \$650.00	13,650.00
2. Capital Outlay:	
21 units at \$100.00	2,100.00

Total	191,835.00
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SEAFORD

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	5	43,240.00
G. Administrative Assistants ..	1	9,680.00

Total Administrative Salaries		64,560.00
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H. Teachers	113	618,630.00
I. Clerical	6	21,200.00
J. Janitorial	23	92,900.00
K. Health	3	13,800.00
L. Cafeteria	5	15,600.00

Division II.—OTHER COSTS

A. 1. 118 units at \$650.00		76,700.00
2. Capital Outlay:		
118 units at \$100.00		11,800.00

Total		915,190.00
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SMYRNA

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	4	33,400.00

Total Administrative Salaries		45,400.00
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H. Teachers	69	395,400.00
I. Clerical	4	15,640.00
J. Janitorial	12	44,800.00
K. Health	2	8,700.00
L. Cafeteria	3	10,800.00

Division II.—OTHER COSTS

A. 1. 73 units at \$650.00		47,450.00
2. Capital Outlay:		
73 units at \$100.00		7,300.00

Total		575,130.00
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LOCAL SCHOOL DISTRICT

ARDEN NO. 3

Division I.—SALARIES

H. Teachers	4	22,300.00
I. Clerical	1	1,000.00
J. Janitorial	1	2,300.00
K. Health .....	.....	800.00

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	29,400.00
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GUNNING BEDFORD, JR. NO. 53

Division I.—SALARIES

A. Chief School Officer	10,660.00
E. Principals 2	16,800.00

Total Administrative Salaries	27,460.00
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H. Teachers	36	197,000.00
I. Clerical	3	11,720.00
J. Janitorial	9	35,730.00
K. Health	1	3,500.00
L. Cafeteria	3	8,700.00

Division II.—OTHER COSTS

A. 1. 38 units at \$650.00	24,700.00
2. Capital Outlay:	
38 units at \$100.00	3,800.00

Total	312,610.00
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HENRY C. CONRAD NO. 131

Division I.—SALARIES

A. Chief School Officer	10,680.00
E. Principals 2	18,160.00

Total Administrative Salaries	28,840.00
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H. Teachers	71	403,280.00
I. Clerical	4	13,280.00
J. Janitorial	12	43,700.00
K. Health	2	8,300.00
L. Cafeteria	2	6,600.00

Division II.—OTHER COSTS

A. 1. 73 units at \$650.00	47,450.00
2. Capital Outlay:	
73 units at \$100.00	7,300.00
Total	558,750.00

ALFRED I. duPONT NO. 7

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	5	47,820.00
G. Administrative Assistants ..	1	8,780.00
		<hr/>
Total Administrative Salaries		68,240.00

H. Teachers	179	1,004,900.00
I. Clerical	8	29,840.00
J. Janitorial	36	135,100.00
K. Health	6	24,100.00
L. Cafeteria	6	18,000.00

Division II.—OTHER COSTS

A. 1. 184 units at \$650.00	119,600.00
2. Capital Outlay:	
184 units at \$100.00	18,400.00
Total	1,418,180.00

MARSHALLTON NO. 77

Division I.—SALARIES

A. Chief School Officer		10,680.00
E. Principals	3	26,920.00
G. Administrative Assistants ..	1	9,000.00
		<hr/>
Total Administrative Salaries		46,600.00

H. Teachers	86	470,600.00
I. Clerical	5	17,820.00
J. Janitorial	13	53,450.00
K. Health	2½	11,200.00
L. Cafeteria	3	11,850.00

Division II.—OTHER COSTS

A. 1. 89 units at \$650.00	57,850.00
2. Capital Outlay:	
89 units at \$100.00	8,900.00

Total	678,270.00
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MIDDLETOWN NO. 60

Division I.—SALARIES

A. Chief School Officer	9,280.00
E. Principals	8,200.00

Total Administrative Salaries	17,480.00
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H. Teachers	39	214,760.00
I. Clerical	3	11,500.00
J. Janitorial	5	19,400.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

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	301,640.00
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NEWPORT NO. 21

Division I.—SALARIES

A. Chief School Officer	10,660.00
E. Principals	17,600.00

Total Administrative Salaries	28,260.00
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H. Teachers	56	290,900.00
I. Clerical	4	15,119.00
J. Janitorial	8	31,400.00
K. Health	1½	6,900.00
L. Cafeteria	1	2,850.00

Division II.—OTHER COSTS

A. 1. 58 units at \$650.00	37,700.00
2. Capital Outlay:	
58 units at \$100.00	5,800.00
Total	418,929.00

OAK GROVE NO. 130

Division I.—SALARIES

A. Chief School Officer	10,920.00
E. Principals 3	26,200.00
G. Administrative Assistants .. 1	9,060.00

Total Administrative Salaries	46,180.00
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H. Teachers 72	382,850.00
I. Clerical 4	15,178.00
J. Janitorial 11	40,340.00
K. Health 2	8,700.00
L. Cafeteria 2	6,600.00

Division II.—OTHER COSTS

A. 1. 75 units at \$650.00	48,750.00
2. Capital Outlay:	
75 units at \$100.00	7,500.00
Total	556,098.00

ODESSA NO. 61

Division I.—SALARIES

H. Teachers 5	27,500.00
I. Clerical 1	1,000.00
J. Janitorial 1	3,500.00
K. Health 1	1,000.00
L. Cafeteria 1	2,400.00

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	39,150.00

RICHARDSON PARK NO. 20

Division I.—SALARIES

A. Chief School Officer	9,680.00
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Total Administrative Salaries	9,680.00
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H. Teachers	35	197,200.00
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I. Clerical	2½	7,580.00
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J. Janitorial	6	22,750.00
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K. Health	1	5,200.00
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L. Cafeteria	1	3,300.00
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Division II.—OTHER COSTS

A. 1. 35 units at \$650.00	22,750.00
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2. Capital Outlay:	
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35 units at \$100.00	3,500.00
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Total	271,960.00
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ROSE HILL-MINQUADALE NO. 47

Division I.—SALARIES

A. Chief School Officer	11,640.00
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E. Principals	5	43,260.00
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G. Administrative Assistants ..	1	9,860.00
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Total Administrative Salaries	64,760.00
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H. Teachers	120	646,300.00
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I. Clerical	6	(Rose Hill)
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½ (J. G. Leach)	24,540.00
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J. Janitorial	30	65,000.00
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K. Health	3	(Rose Hill)
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1 (J. G. Leach)	20,000.00
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L. Cafeteria	6	18,828.00
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Division II.—OTHER COSTS

A. 1. 125 units at \$650.00	81,250.00
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2. Capital Outlay:	
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125 units at \$100.00	12,500.00
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Total	983,178.00
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JOHN G. LEACH SCHOOL

(Administered by Rose Hill-Minquadale No. 47)

Division I.—SALARIES

H. Teachers	7	38,150.00
I. Clerical	See Rose Hill Budget	
J. Janitorial	1	3,900.00
K. Health	See Rose Hill Budget	
M. Attendants	4	8,000.00

Division II.—OTHER COSTS

A. 1. 7 units at \$650.00	4,550.00
2. Capital Outlay:	
7 units at \$100.00	700.00

Total	55,300.00
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STANTON NO. 38

Division I.—SALARIES

A. Chief School Officer	11,160.00
E. Principals 3	26,200.00

Total Administrative Salaries	37,360.00
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H. Teachers	71	372,650.00
I. Clerical	4	13,460.00
J. Janitorial	10½	40,000.00
K. Health	2	7,800.00
L. Cafeteria	3	7,950.00

Division II.—OTHER COSTS

A. 1. 74 units at \$650.00	48,100.00
2. Capital Outlay:	
74 units at \$100.00	7,400.00

Total	534,720.00
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TOWNSEND NO. 81

Division I.—SALARIES

A. Chief School Officer	9,180.00
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Total Administrative Salaries	9,180.00
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H. Teachers	13	70,800.00
I. Clerical	1	3,260.00
J. Janitorial	2	7,900.00
L. Cafeteria	1	3,300.00

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	104,190.00

YORKLYN NO. 91

Division I.—SALARIES

H. Teachers	4	25,300.00
I. Clerical	1	1,000.00
J. Janitorial	1	3,800.00
K. Health	1	800.00

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	33,900.00

MIDDLETOWN NO. 120

Division I.—SALARIES

A. Chief School Officer		10,640.00
Total Administrative Salaries		10,640.00
H. Teachers	30	167,330.00
I. Clerical	2	8,340.00
J. Janitorial	4½	18,450.00
K. Health	1	5,600.00
L. Cafeteria	1	3,900.00

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	236,760.00

MILLSIDE NO. 132

Division I.—SALARIES

A. Chief School Officer	9,680.00
E. Principals 1	8,880.00
	<hr/>
Total Administrative Salaries	18,560.00

H. Teachers	32	182,800.00
I. Clerical	3	9,570.00
J. Janitorial	5½	20,295.00
K. Health	1	5,150.00
L. Cafeteria	1	2,900.00

Division II.—OTHER COSTS

A. 1. 33 units at \$650.00	21,450.00
2. Capital Outlay:	
33 units at \$100.00	3,300.00

Total	264,025.00
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NEWPORT NO. 106

Division I.—SALARIES

A. Chief School Officer	9,180.00
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Total Administrative Salaries	9,180.00
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H. Teachers	17	98,700.00
I. Clerical	1	3,260.00
J. Janitorial	3	11,700.00
K. Health	1	3,100.00
L. Cafeteria	1	2,250.00

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	140,940.00
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CLAYTON NO. 119

Division I.—SALARIES

A. Chief School Officer	8,800.00
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Total Administrative Salaries	8,800.00
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H. Teachers	15	71,950.00
I. Clerical	1	3,320.00
J. Janitorial	2	8,200.00
K. Health	1	2,800.00
L. Cafeteria	1	3,300.00
M. Attendant		1,600.00

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	111,220.00

FELTON NO. 54

Division I.—SALARIES

A. Chief School Officer	10,160.00
E. Principals 1	8,960.00
Total Administrative Salaries	19,120.00

H. Teachers 28	144,980.00
I. Clerical 2	8,353.00
J. Janitorial 4	16,350.00
K. Health 1	3,900.00
L. Cafeteria 1	3,300.00

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	217,753.00

FREDERICA NO. 32

Division I.—SALARIES

H. Teachers 11	53,400.00
I. Clerical 1	2,200.00
J. Janitorial 2	7,300.00
K. Health 1	2,200.00
L. Cafeteria 1	2,400.00

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	75,750.00

HARTLY NO. 98

Division I.—SALARIES

H. Teachers	9	50,900.00
I. Clerical	1	1,500.00
J. Janitorial	1	3,800.00
K. Health	1	1,800.00
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	68,200.00
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HOUSTON NO. 15

Division I.—SALARIES

H. Teachers	4	22,500.00
I. Clerical	1	1,000.00
J. Janitorial	1	4,050.00
K. Health	1	800.00
L. Cafeteria	1	2,100.00

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	33,450.00
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MAGNOLIA NO. 50

Division I.—SALARIES

H. Teachers	5	27,800.00
I. Clerical	1	1,000.00
J. Janitorial	1	4,250.00
K. Health	1	1,000.00
L. Cafeteria	1	2,100.00

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	39,900.00
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WILLIAM HENRY NO. 133

Division I.—SALARIES

A. Chief School Officer		10,160.00
E. Principals	1	9,080.00

Total Administrative Salaries		19,240.00
H. Teachers	36	202,210.00
I. Clerical	3	8,340.00
J. Janitorial	6½	25,425.00
K. Health	1	4,000.00
L. Cafeteria	1	5,100.00

Division II.—OTHER COSTS

A. 1. 37 units at \$650.00	24,050.00
2. Capital Outlay:	
37 units at \$100.00	3,700.00

Total	292,065.00
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BRIDGEVILLE NO. 90

Division I.—SALARIES

A. Chief School Officer	10,640.00
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Total Administrative Salaries		10,640.00
H. Teachers	31	179,180.00
I. Clerical	2	7,920.00
J. Janitorial	5½	22,500.00
K. Health	1	5,200.00
L. Cafeteria	1	3,450.00

Division II.—OTHER COSTS

A. 1. 31 units at \$650.00	20,150.00
2. Capital Outlay:	
31 units at \$100.00	3,100.00

Total	252,140.00
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BLADES NO. 172

Division I.—SALARIES

H. Teachers	4	21,800.00
I. Clerical	1	1,000.00
J. Janitorial	1	4,250.00
K. Health	1	800.00
L. Cafeteria	1	2,750.00

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	33,600.00

JOHN M. CLAYTON NO. 97

Division I.—SALARIES

A. Chief School Officer	10,160.00
Total Administrative Salaries	10,160.00
H. Teachers 27	150,700.00
I. Clerical 2	8,280.00
J. Janitorial 6	24,600.00
K. Health 1	4,300.00
L. Cafeteria 1	2,400.00

Division II.—OTHER COSTS

A. 1. 27 units at \$650.00	17,550.00
2. Capital Outlay:	
27 units at \$100.00	2,700.00
Total	220,690.00

DELMAR NO. 163

Division I.—SALARIES

A. Chief School Officer	10,160.00
Total Administrative Salaries	10,160.00
H. Teachers 26	146,050.00
I. Clerical 2	8,280.00
J. Janitorial 5	20,400.00
K. Health 1	6,000.00
L. Cafeteria 1	2,850.00

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	213,240.00

ELLENDALE NO. 125

Division I.—SALARIES

H. Teachers	5	29,400.00
I. Clerical	1	1,000.00
J. Janitorial	1	4,050.00
K. Health	1	1,000.00
L. Cafeteria	1	2,750.00

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	41,950.00
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GREENWOOD NO. 91

Division I.—SALARIES

A. Chief School Officer	9,660.00
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Total Administrative Salaries	9,660.00
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H. Teachers	22	121,950.00
I. Clerical	2	7,920.00
J. Janitorial	5	19,050.00
K. Health	1	5,200.00
L. Cafeteria	1	2,850.00

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	183,130.00
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GUMBORO NO. 37

Division I.—SALARIES

H. Teachers	4	21,650.00
I. Clerical	1	1,000.00
J. Janitorial	1	3,100.00
K. Health	1	800.00
L. Cafeteria	1	2,600.00

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 32,150.00

LINCOLN NO. 3

Division I.—SALARIES

H. Teachers	6	34,400.00
I. Clerical	1	1,000.00
J. Janitorial	1	4,150.00
K. Health	1	1,200.00
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 47,400.00

LORD BALTIMORE NO. 28

Division I.—SALARIES

A. Chief School Officer	9,180.00
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Total Administration Salaries 9,180.00

H. Teachers	21	122,540.00
I. Clerical	2	8,640.00
J. Janitorial	5	17,800.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. 1. 21 units at \$650.00	13,650.00
2. Capital Outlay:	
21 units at \$100.00	2,100.00

Total 182,410.00

MILLSBORO NO. 23

Division I.—SALARIES

A. Chief School Officer	9,680.00
E. Principals 1	7,960.00

Total Administrative Salaries 17,640.00

H. Teachers	31	165,780.00
I. Clerical	3	10,880.00
J. Janitorial	6	23,400.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

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	250,200.00
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MILTON NO. 8

Division I.—SALARIES

A. Chief School Officer	10,160.00
E. Principals 1	7,720.00

Total Administrative Salaries	17,880.00
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H. Teachers	30	159,680.00
I. Clerical	2	8,880.00
J. Janitorial	4	16,800.00
K. Health	1	5,200.00
L. Cafeteria	1	3,000.00

Division II.—OTHER COSTS

A. 1. 31 units at \$650.00	20,150.00
2. Capital Outlay:	
31 units at \$100.00	3,100.00

Total	234,690.00
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SELBYVILLE NO. 32

Division I.—SALARIES

A. Chief School Officer	9,735.00
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Total Administrative Salaries	9,735.00
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H. Teachers	23	122,520.00
I. Clerical	2	8,300.00
J. Janitorial	5	18,775.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

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	185,080.00

BRIDGEVILLE NO. 220

Division I.—SALARIES

A. Chief School Officer	8,880.00
Total Administrative Salaries	8,880.00
H. Teachers 12	62,700.00
I. Clerical 1	2,960.00
J. Janitorial 1½	5,950.00
K. Health 1	2,400.00
L. Cafeteria 1	3,900.00

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	95,790.00

FRANKFORD NO. 206

Division I.—SALARIES

A. Chief School Officer	9,600.00
Total Administrative Salaries	9,600.00
H. Teachers 13	68,600.00
I. Clerical 1	2,960.00
J. Janitorial 2	8,500.00
K. Health 1	2,600.00
L. Cafeteria 1	3,300.00

Division II.—OTHER COSTS

A. 1. 12 units at \$650.00	8,450.00
2. Capital Outlay:	
13 units at \$100.00	1,300.00
Total	105,310.00

WILLIAM C. JASON NO. 192

Division I.—SALARIES

A. Chief School Officer		10,180.00
E. Principals	1	8,880.00
Total Administrative Salaries		19,000.00
H. Teachers	43	218,200.00
I. Clerical	3	11,360.00
J. Janitorial	6	22,550.00
K. Health	1	5,100.00

Division II.—OTHER COSTS

A. 1. 44 units at \$650.00	28,600.00
2. Capital Outlay:	
44 units at \$100.00	4,400.00

Total 309,270.00

MILLSBORO NO. 204

Division I.—SALARIES

H. Teachers	11	58,000.00
I. Clerical	1	1,800.00
J. Janitorial	2	6,850.00
K. Health	1	2,200.00
L. Cafeteria	1	3,000.00

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 80,100.00

SELBYVILLE NO. 210

Division I.—SALARIES

H. Teachers	9	51,250.00
I. Clerical	1	1,500.00
J. Janitorial	1½	6,900.00
K. Health	1	1,800.00
L. Cafeteria	1	2,850.00

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 71,050.00

1-2-3 TEACHERS SCHOOLS

Division I.—SALARIES

H. Teachers	64	346,150.00
I. Clerical	Part-time	7,700.00
J. Janitorial .....	.....	18,375.00
K. Health	Part-time	12,200.00
L. Cafeteria	3	5,200.00

Division II.—OTHER COSTS

A. 1. 69 units at \$650.00	44,850.00
2. Capital Outlay:	
69 units at \$100.00	6,900.00
Total	441,375.00

WILMINGTON BOARD OF EDUCATION

A. Superintendent	11,640.00
B. Assistant Superintendents (2)	
1. Elementary Education	12,640.00
2. Secondary Education	12,640.00
C. Directors (3)	
1. Research	11,640.00
2. Child Development and Guidance	11,160.00
3. Personnel and Child Accounting	11,160.00
D. Supervisors with program (11)	
1. School Lunch	9,600.00
2. Maintenance	9,300.00
3. Library	7,967.00
4. Art	8,700.00
5. Music	8,300.00
6. Special Education	7,800.00
7. Physical Education	8,500.00
8. English	8,700.00
9. Social Science	8,367.00
10. Industrial Arts	8,700.00
11. Home Economics	7,567.00
Contingency Fund	29,500.00
E. Principals (18)	170,260.00
F. Vice-Principals (3)	25,400.00

G. Administrative Assistants (2)	
1. Business Administrator—Secretary	
Board	7,280.00
2. Vocational Education	7,860.00
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Total Administrative Salaries	404,681.00
H. 1. Teachers (583)	3,585,100.00
2. Visiting Teachers (2)	12,600.00
3. Psychologist (4)	24,900.00
4. Speech and Hearing (1)	6,400.00
I. Clerical (41)	185,000.00
J. Janitorial (113)	400,000.00
K. Health (27)	121,400.00
L. Cafeteria (16)	52,150.00
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Total Division I	4,792,231.00
Division II.—OTHER COSTS	
1. 604 units at \$650.00	392,600.00
2. Capital Outlay:	
604 units at \$100.00	60,400.00
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Total Wilmington Board of Education	\$5,245,231.00
For the purpose of carrying out the provisions of Section 8 of this act, there is hereby appropriated to the State Budget Commission, to be paid to the various school districts in compliance with Section 1708 of Title 14, Delaware Code, the following contingent sums:	
1. Teachers Salaries	851,000.00
2. All Other Costs	120,250.00
3. Capital Outlay	18,500.00
4. Clerical, Health, Janitorial	95,400.00
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Total	1,085,150.00
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TOTAL PUBLIC SCHOOLS	29,504,368.00
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TOTAL EDUCATION	36,731,592.00
	<hr/>
GRAND TOTAL AGENCIES AND	
EDUCATION	82,786,831.00

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 sub-section (5) of this Section shall determine.

(2) They shall be payable at any period not exceeding one (1) year from the date of the issuance thereof.

(3) They shall be redeemable at the Farmers Bank in Dover on the date of their maturity.

(4) They shall be signed by the Governor, the Secretary of State and the State Treasurer and shall have the state seal affixed.

(5) The Governor, Secretary of State and State Treasurer shall constitute a Commission to negotiate and arrange for the sale or disposition of the 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 purpose 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 expenditure 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 actual enrollment for September 30, 1961, 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, 1961, and the number of units of pupils for which teachers are provided by Section 1 of this act.

(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, 1961, and based on the number of certified pupil units in the district on September 30, 1961, and the number of such employees provided for the district by Section 1, of this Act.

(c) In the event that any school district shall have fewer certified units of pupils based on the actual enrollment for September 30, 1961 than the number of units for which appropriation is made in this act, such districts appropriation may be reduced by the State Budget Commission to comply with the number of units based on the actual enrollment for September 30, 1961.

Section 9. No full-time employee of the State of Delaware whose salary is paid by the State of Delaware shall receive any additional stipend for the purchase of food, or be supplied with food, or be reimbursed for food that was consumed during normal working hours within the State. Provided, however, that this section shall not apply to employees of state agencies who regularly receive wages in kind in addition to their salaries.

Section 10. Any amount of money paid to the State of Delaware or the State Board of Education by the United States Government for the purpose of aid to education shall be paid to the State Treasurer and by him deposited to the credit of the General Fund.

Section 11. The Budget Commission is hereby empowered and directed to exercise such control over the monthly and/or quarterly rates of agency expenditure of funds appropriated by this act as the Budget Commission may deem necessary to assure the effective and continuous operation of the various agencies during the fiscal year ending June 30, 1962, and the Auditor of Accounts is hereby empowered and directed to reject all bills, statements, accounts and demands against the State which do not conform with such controls of the rates of agency expenditure as are adopted by the Budget Commission.

Section 12. Transfers of any funds appropriated by this Act shall be subject to the authority of the Permanent Budget Commission.

Section 13. Any laws, acts, parts of laws, or parts of acts, inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Section 14. All funds appropriated to any state agency under any item designed "Contingency Fund" in this Act shall be subject to the limitation that no disbursements or withdrawals shall be made therefrom without the prior approval of the Permanent Budget Commission.

Approved June 23, 1961.

CHAPTER 118

AN ACT TO AMEND CHAPTER 21 AND CHAPTER 29 RELATING TO INSURANCE AGENTS AND BROKERS AND SURETYSHIP.

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

Section 1. Section 2101 (f), Title 18, Delaware Code, is amended by adding a new sub-paragraph numbered 4 and 5 as follows:

(4) An applicant for a fire and casualty license who has qualified for designation as a Chartered Property Casualty Underwriter;

(5) An applicant for a life, health and accident license who has qualified as a Chartered Life Underwriter.

Section 2. Section 2102 (a), Title 18, Delaware Code, is hereby amended to read as follows:

(a) Before issuing any Certificate of Authority to an insurance agent or insurance broker, the Commissioner shall be satisfied that such proposed insurance agent or insurance broker is properly qualified and equipped to carry on such business.

Section 3. Section 2106, Title 18, Delaware Code, is hereby amended to read as follows:

§ 2106. Non-resident brokers and agents

Insurance brokers and insurance agents of any other state shall be permitted to solicit, negotiate and effect contracts of insurance within this State in companies authorized to do business in this State. This section shall not be construed to authorize such brokers or agents to transact any business in this State which could not be transacted by an insurance broker or agent of this State.

Section 4. Section 2904, Title 18, Delaware Code, is hereby amended to read as follows:

§ 2904. Execution of obligation by agent and payment of premiums

Every bond, undertaking, obligation, recognizance or guarantee of a company qualified to act as a surety or guarantor, shall be executed on behalf of the surety company, by its regularly authorized officials and its regularly authorized agent in that behalf. All premiums due to said surety company shall be subject to any and all taxes levied upon such premiums under the laws of this State.

Approved June 23, 1961.

CHAPTER 119

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS FOR THE USE OF THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST 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, shall borrow upon the faith and credit of the State of Delaware a sum of money not in excess of \$865,000 which shall be used for the following purposes:

To be expended by the State Board of Trustees of the Delaware State Hospital at Farnhurst for construction of three dwelling units to house approximately 150 patients at the Hospital for the Mentally Retarded, Stockley, Delaware, and to furnish and equip same and to repair, rebuild and replace parts of the heating system at the Delaware State Hospital at Farnhurst\$865,000.

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.

For the purpose of borrowing said sum, the Issuing Officers are hereby authorized to issue bonds of the State of Delaware in an aggregate principal amount not exceeding \$865,000.

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 4 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, 1962. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed \$865,000.

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 \$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 or a facsimile of the Great Seal of the State engraved or printed thereon. The signature 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 "State Hospital Capital Improvement Bond of 1961".

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.

In addition to any moneys appropriated by any other Act there is hereby appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst the sum of \$865,000 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 may become due on such bonds and notes during the fiscal year ending June 30, 1962, 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 fiscal year ending June 30, 1962. 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, 1962 and 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 June 23, 1961.

CHAPTER 120

AN ACT TO AMEND CHAPTER 345, VOLUME 52, LAWS OF DELAWARE, RELATING TO THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE AND THE FINANCING OF THE SAME BY THE ISSUANCE OF BONDS OF THE STATE AND OF CERTAIN DISTRICTS, BY PROVIDING THAT CERTAIN SCHOOL DISTRICTS BE INCLUDED AND PERMITTED TO FINANCE 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 13, Chapter 345, Volume 52, Laws of Delaware is amended by adding the following entry to the table contained therein:

Names of District	Maximum	Maximum	Maximum
	Total Cost	State Share	Local Share
Georgetown Special	\$525,000	\$315,000	\$210,000
Magnolia #50	106,530	63,918	42,612

Section 2. Section 13, Chapter 345, Volume 52, Laws of Delaware, is further amended by changing the figures as they appear opposite Delmar #163 and substituting in lieu thereof the following figures:

Name of District	Maximum	Maximum	Maximum
	Total Cost	State Share	Local Share
Delmar #163	\$464,000	\$278,400	\$185,600

Section 3. Section 13, Chapter 345, Volume 52, Laws of Delaware is amended by changing the figures as they appear opposite Seaford Special and substituting in lieu thereof the following figures:

Name of District	Maximum	Maximum	Maximum
	Total Cost	State Share	Local Share
Seaford Special	\$541,950	\$325,170	\$216,780

Section 4. Section 13, Chapter 345, Volume 52, Laws of Delaware is further amended by changing the figures as they appear opposite Dover Special and substituting in lieu thereof the following figures:

Name of District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Dover Special	\$3,822,445	\$2,293,467	\$1,528,978

Section 5. Chapter 345, Volume 52, Laws of Delaware, is further amended by changing the words and figures showing the totals, Maximum Total Cost, Maximum State Share, and Maximum Local Share in Section 13 and in other sections of said chapter to reflect the amounts of the authorization as provided in Sections 1, 2, 3 and 4 of this Act.

Approved June 23, 1961.

CHAPTER 121

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, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO MOSQUITO CONTROL DIVISION, BY MAKING CERTAIN TRANSFERS THEREIN.

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

Section 1. The appropriations to Mosquito Control Division in Section 1, Chapter 299, Volume 52, Laws of Delaware, is amended by transferring the sum of \$2,000 from the item "Operations" to the item "Salaries and Wages of Employees".

Approved June 23, 1961.

CHAPTER 122

AN ACT TO APPROPRIATE FUNDS TO THE STATE HIGHWAY DEPARTMENT.

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

Section 1. The following additional sums are appropriated to the State Highway Department for use in meeting the requirements of that Department during the fiscal year ending June 30, 1961:

Maintenance Division	
Salaries and Wages	\$27,500.00
Construction Division	
Salaries and Wages	\$ 7,500.00

Section 2. Any funds provided herein which remain unobligated by June 30, 1961 shall revert to the General Fund.

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 June 23, 1961.

CHAPTER 123

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. § 1305 (c) Title 14, Delaware Code, is amended to read as follows:

(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 or education associations with the approval of the State Board of Education, or the Board of Public Education of the City of Wilmington.

Approved June 23, 1961.

CHAPTER 124

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, 1961", BEING CHAPTER 299, VOLUME 52, LAWS OF DELAWARE, IN RESPECT TO APPROPRIATIONS TO DEPARTMENT OF ELECTIONS FOR KENT COUNTY.

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 299, Volume 52, Laws of Delaware is amended by transferring the sum of \$190.75 from the appropriation item "Salary of Board Members" to the appropriation item "Salaries and Wages of Employees."

Approved June 28, 1961.

CHAPTER 125

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE FOR THE PAYMENT OF VETERINARIANS' FEES FOR TUBERCULOSIS AND BRUCELLOSIS TESTING AND BRUCELLOSIS VACCINATIONS AND FOR PAYMENT OF BRUCELLOSIS AND TUBERCULOSIS INDEMNITIES.

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

Section 1. There is appropriated to the State Board of Agriculture the sum of Twenty-five Hundred Dollars (\$2,500) for the payment of veterinarians' fees for tuberculosis and brucellosis testing and brucellosis vaccinations and for payment of brucellosis and tuberculosis indemnities in accordance with the authority vested in said Board, such amount being available for the fiscal year ending June 30, 1961. Such sums shall be paid by the State Treasurer upon warrants signed by the proper officers of the State Board of Agriculture.

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

Approved June 29, 1961.

CHAPTER 126

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

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

Section 1. § 2322, Title 19, Delaware Code, is amended by adding thereto a new subsection as follows:

(d) An employee, at any time after a claim for compensation is made, shall have the right, upon application to his employer, to inspect, copy and reproduce any medical records pertaining to said employee, in the possession of his employer or his insurance carrier. Medical records, as used in this subsection, shall include physician's reports, hospital reports, diagnostic reports, treatment reports, X-rays and X-ray reports.

Section 2. § 2322, Title 19, Delaware Code, is amended by adding thereto a new subsection as follows:

(e) The fees of medical witnesses testifying at hearings before the Industrial Accident Board in behalf of an injured employee shall be taxed as a cost to the employer or his insurance carrier in the event the injured employee receives an award.

Section 3. § 2323, Title 19, Delaware Code is hereby repealed and a new section enacted in lieu thereof to read as follows:

§ 2323. Selection of physician, surgeon, dentist, optometrist or chiropractor by employee

Any employee who alleges an industrial injury shall have the right to employ a physician, surgeon, dentist, optometrist or chiropractor of his own choosing. Notice of his intention to employ medical aid as aforesaid shall be given in writing to his employer or its insurance carrier. If the alleged injury is

subsequently held to be compensable, the employer shall be liable for the reasonable cost of the services of any physician, surgeon, dentist, optometrist or chiropractor whose employment was utilized by the employee provided notice of said employment was given to the employer or its insurance carrier.

Section 4. The provisions of this Act shall apply to all cases pending before the Industrial Accident Board which shall not have been given a hearing by the Board at the time this Act becomes law.

Approved July 10, 1961.

CHAPTER 127

**AN ACT TO PERMIT THE STATE BOARD OF EDUCATION
TO ENTER INTO LEASES WITH THE FEDERAL GOV-
ERNMENT.**

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

Section 1. Title 14, Chapter 1, Delaware Code, is amended by adding thereto a new Section as follows:

§ 130. Leases with the Federal Government

The Board may enter into contracts with the government of the United States of America or its agencies for the leasing to the Board of machinery, tools, equipment, land, buildings or other items to be used in the school system of this State. The contracts so entered into may be for such terms not exceeding 20 years; and on such conditions as the Board may deem advisable. The Board may sub-lease to school districts of the State the items so leased for such terms and on such conditions as the Board may deem advisable.

Approved July 10, 1961.

CHAPTER 128

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 FOUR MILLION SIX HUNDRED THREE THOUSAND DOLLARS (\$4,603,000).

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, an Open-Stack Library and to renovate the present Memorial Library and convert it into a classroom and office building and to repair and refurnish certain existing buildings including the necessary construction and purchase of 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 \$4,603,000, 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, 1961, 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 set forth in this Act have been fully accomplished.

Section 3. The Governor, the State Treasurer and the Secretary of State of the State of Delaware, hereinafter some-

times referred to as the Issuing Officers, are hereby authorized, empowered and directed to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of \$4,603,000 which shall be used for the purposes set forth in this Act.

The 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 \$4,603,000. The 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 4 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, 1962. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed \$4,603,000.

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 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 and shall have the impression of the Great Seal of the State thereon or shall have a facsimile 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 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 "University of Delaware Capital Improvement Bond of 1961".

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 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 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 bond 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 fiscal year ending June 30, 1962, 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, 1962. 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 for the fiscal year beginning July 1, 1961, 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 July 10, 1961.

CHAPTER 129

AN ACT TO ENABLE THE STATE TO OBTAIN FEDERAL FINANCIAL PARTICIPATION IN AID TO DEPENDENT CHILDREN OF UNEMPLOYED PARENTS; APPROPRIATING FUNDS.

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

Section 1. During the period beginning May 1, 1961, and ending June 30, 1962, in addition to the definition of Aid to Dependent Children as contained in Title 31, § 504 (2), Delaware Code, the term "Aid to Dependent Children" shall also include aid granted with respect to a child under the age of 18 who has been deprived of parental support or care by reason of the unemployment (as defined by the Department of Public Welfare) of a parent and who is living with any of the relatives specified in Title 31, § 504 (2), Delaware Code, in a place of residence maintained by one or more of such relatives as his or their own home. If found feasible by, and in accordance with regulations prescribed by the Department of Public Welfare, the term "Aid to Dependent Children" shall also include, with respect to the period specified above, aid granted with respect to children who, while receiving aid in the home of a parent or such specified relative, are, after April 30, 1961, removed therefrom and placed in foster family homes because of a judicial determination that continuation in the parent's or relative's home would be contrary to the child's welfare.

Approved July 10, 1961.

CHAPTER 130

**AN ACT TO AUTHORIZE THE GUNNING BEDFORD, JR.
SCHOOL DISTRICT TO SELL CERTAIN LAND.**

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

Section 1. The Gunning Bedford, Jr. School District is hereby authorized and empowered to sell approximately twenty-three (23) acres of land purchased by the said District with the Gunning Bedford, Jr. Junior-Senior High School site and not required for present or future school needs, at public or private sale and at such price or prices as the School Board of Trustees of said District, or a majority thereof shall determine, and to convey to the purchaser or purchasers thereof a good and sufficient title thereto. The President and the Secretary of the School Board of Trustees are hereby authorized and empowered to execute and deliver such deed or deeds in the name of the School District, as are necessary to convey such title to such property, and shall affix to any such deed the Seal of the School District.

No school land additional to that above mentioned is to be sold by the Gunning Bedford, Jr. School District without additional authorization by the General Assembly of this State.

Funds derived from such sale or sales shall be deposited in the name of the School District, to be used for the construction and/or improvement of school facilities within said District.

Approved July 10, 1961.

CHAPTER 131

AN ACT TO AMEND TITLE 10, DELAWARE CODE, ENTITLED "COURTS AND JUDICIAL PROCEDURE" IN RESPECT TO EMPLOYEES OF THE PROTHONOTARY FOR NEW CASTLE COUNTY.

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

Section 1. Subsection (b) (1) of § 2302, Title 10, Delaware Code is hereby repealed and a new subsection (b) (1) enacted in lieu thereof to read as follows:

(b) The Prothonotaries of the respective counties may select and employ the deputies and clerks listed below:

(1) New Castle County

a. An additional Chief Deputy who shall perform such duties as the Prothonotary shall authorize and direct in the administration of the office, and shall perform the duties of the Prothonotary in his absence; and

b. A Deputy who shall assist the Chief Deputy and shall be qualified in and shall supervise the office procedures; and

c. A Deputy who shall assist the Chief Deputy and shall be qualified in court procedure, and shall supervise the Court Clerks and the scheduling of trials; and

d. A Bookkeeper-Accountant who shall be qualified and shall perform duties concerning the maintenance of accounting and disbursement records; and

e. A Records Custodian; and

f. Seventeen clerical personnel; and

g. Such additional personnel as the Judges of the Superior Court resident in New Castle County shall from time to time authorize.

Approved July 10, 1961.

CHAPTER 132

AN ACT TO AMEND SECTION 2124 (a), TITLE 21, DELAWARE CODE RELATING TO NUMBER PLATES FOR AUTOMOBILE MANUFACTURERS AND DEALERS.

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

Section 1. § 2124 (a), Title 21, Delaware Code, is repealed and a new Section 2124 (a) is enacted in lieu thereof to read as follows:

A manufacturer or dealer owning any vehicle of a type otherwise required to be registered under this title, may operate or move the same upon the highways when such vehicle is used (1) in the motor vehicle business of such manufacturer or dealer; or (2) for the personal pleasure of such manufacturer or dealer; or the members of his family, when operated by such manufacturer or dealer, or an immediate member of his family, or, when such manufacturer or dealer is a corporation, for the personal pleasure of not more than three officers thereof, who are actively engaged in its business, or the members of their families, or for the personal pleasure of the regular employees of such manufacturer, dealer, or corporation when operated by such employee; or (3) for teaching a new operator how to operate a vehicle, if such new operator has procured a learner's permit for such new operator to take an examination for an operator's license; or (4) for testing such vehicles in the possession of such manufacturer or dealer; or (5) for demonstrating vehicles in the possession of such manufacturer or dealer. Such vehicles may be operated by a prospective purchaser, when licensed as an operator or permittee, without registering each such vehicle, upon condition that any such vehicle display thereon, in the manner prescribed by this chapter for regular number plates, a special plate or plates issued to such owner as provided by this section.

Approved July 10, 1961.

CHAPTER 133

AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE CODE, RELATING TO EMPLOYEES PENSIONS OF THE LEVY COURT OF NEW CASTLE COUNTY.

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

Section 1. Subsection (a), Section 1717, Title 9, Delaware Code is amended by striking out subsection (a) thereof and inserting in lieu thereof a new subsection (a) to read as follows:

(a) In the event that an employee while in covered employment shall become eligible for old age insurance benefits (as such term is used in the Federal Social Security Act) the amount to which an employee upon retirement shall be eligible to receive under the provisions of this Act shall be reduced to the extent of 50% of such old age insurance benefits paid to the pensioner until June 30, 1964; thereafter benefits shall not be reduced by reason of such old age insurance benefits paid to pensioner.

All increases in benefits resulting from the passage of this Act shall apply to all persons receiving benefits pursuant to Chapter 17, Title 9, Delaware Code, on the effective date of this Act in addition to all those persons who become eligible for benefits under said chapter on or after the effective date of this Act. No person shall have his benefits reduced by reason of the passage or application of this Act.

Section 2. The provisions of this Act shall become effective July 1, 1962.

Approved July 10, 1961.

CHAPTER 134

AN ACT TO AMEND SECTION 9103, TITLE 10, DELAWARE CODE OF 1953, RELATING TO JUSTICES OF THE PEACE IN KENT COUNTY AND PROVIDING ADDITIONAL RESIDENCE THERETO.

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

Section 1. Section 9103, Title 10, Delaware Code of 1953, is amended by striking out the word "Thirteen" in the first line and inserting in lieu thereof the word "fourteen".

Section 2. Section 9103, Title 10, Delaware Code of 1953, is further amended by striking out the words "in or near Kenton" as they appear in subsection (1).

Section 3. Section 9103, Title 10, Delaware Code of 1953, is further amended by adding a new subsection (10) at the end of said section to read as follows:

(10) One in Kenton Hundred.

Approved July 10, 1961.

CHAPTER 135

**AN ACT TO AUTHORIZE THE STATE MILITARY BOARD
TO SELL CERTAIN ARMORIES.**

WHEREAS, The State Military Board has determined that certain Armories owned by the State, to wit: The Claymont Armory, Claymont, Delaware and The VanDyke Armory, New Castle, Delaware, are no longer needed for military purposes,

NOW THEREFORE,

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

Section 1. The State Military Board is hereby authorized and empowered to sell The Claymont Armory, Claymont, Delaware and The VanDyke Armory, New Castle, Delaware, at public sale to the highest bidder and to convey to the purchaser or purchasers thereof a good and sufficient title thereto. The Governor and Adjutant General of this State are hereby authorized and empowered to execute and deliver such deed or deeds in the name of and on behalf of the State of Delaware or the State Military Board or the Armory Commission, as are necessary to convey such title to such property, and shall affix to any such deed or deeds the Seal of the State of Delaware.

Seventy-five percent of the funds derived from such sale or sales shall be deposited with the Treasurer of the State of Delaware, to the account of the Delaware National Guard for the purpose of replacement, maintenance and repair of National Guard Armories in the State of Delaware. The remaining twenty-five percent shall be deposited in the General Fund of the State of Delaware.

Approved July 10, 1961.

CHAPTER 136

AN ACT TO AMEND TITLE 13, DELAWARE CODE, RELATING TO EXPIRATION OF MARRIAGE LICENSES.

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

Section 1. § 107, Title 13, Delaware Code is amended by adding a new subsection thereunder to read as follows:

(c) A marriage license issued pursuant to this chapter shall entitle the parties thereto, subject to the other provisions of this chapter, to marry within 30 days from the date of its issuance. In the event the marriage ceremony is not performed within 30 days, said license shall be void and the parties must reapply to the appropriate issuing officer for another license to marry. No refund or rebate shall be given for the unused license, nor shall said license be reinstated or post dated. The procedure to secure another license shall be the same as that provided for the initial application including compliance with Section 141 of this Chapter.

Section 2. This Act shall become effective on September 1, 1961, provided however, that any marriage license issued prior to September 1, 1961, will be valid until and including September 30, 1961.

Approved July 10, 1961.

CHAPTER 137

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF AN EMERGENCY SEAT OF GOVERNMENT FOR THE STATE AND TO AUTHORIZE THE EXERCISE OF GOVERNMENTAL POWERS AND FUNCTIONS THEREAT DURING PERIODS OF EMERGENCY AND TO AUTHORIZE POLITICAL SUBDIVISIONS OF THE STATE TO ESTABLISH LOCATIONS FOR THEIR SEAT OF GOVERNMENT AND TO EXERCISE GOVERNMENTAL POWERS AND FUNCTIONS THEREAT.

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

Section 1. Title 29, Delaware Code is amended by adding thereto a new part VII as follows:

PART VII. CONTINUITY OF GOVERNMENT

CHAPTER 77. EMERGENCY LOCATION OF GOVERNMENT

SUBCHAPTER I. STATE GOVERNMENT

§ 7701. Proclamation of emergency, location of government

Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the normal location of the seat thereof in Dover, the Governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this State as he may deem advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of state government to such emergency temporary location, or locations. Such emergency temporary location, or locations, shall remain as the seat of government until the General Assembly shall by

law establish a new location, or locations, or until the emergency is declared to be ended by the Governor and the seat of government is returned to its normal location.

§ 7702. Legality of acts

During such time as the seat of government remains at such emergency temporary location, or locations, all official acts now or hereafter required by law to be performed at the seat of government by any officer, agency, department or authority of this State, including the convening and meeting of the General Assembly in regular, extraordinary, or emergency session, shall be as valid and binding when performed at such emergency temporary location, or locations, as if performed at the normal location of the seat of government.

§ 7703. Conflict with other laws

The provisions of this subchapter shall control and be supreme in the event it shall be employed as herein provided notwithstanding the provisions of any other law to the contrary or in conflict herewith.

SUBCHAPTER II. POLITICAL SUBDIVISION OF THE STATE

§ 7721. Purpose; establishment of new location

Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each political subdivision of this State may meet at any place within or without the territorial limits of such political subdivision on the call of the presiding officer or any two members of such governing body, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location, or locations, of government where all, or any part, of the public business may be transacted and conducted during the emergency. Such sites

or places may be within or without the territorial limits of such political subdivisions and may be within or without this State.

§ 7722. Legality of acts

During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this State shall have and possess and shall exercise, at such location, or locations, all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the laws of this State. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time consuming procedures and formalities ordinarily prescribed by law and pertaining thereto, and all acts of such body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

§ 7723. Conflict with other laws

The provisions of this subchapter shall control and be supreme in the event it shall be employed as herein provided notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith.

Approved July 10, 1961.

CHAPTER 138

AN ACT TO AMEND CHAPTER 7, TITLE 10, DELAWARE CODE, ENTITLED "ORPHANS' COURT" TO PROVIDE FOR THE METHOD OF RECORDING INSTRUMENTS IN THE ORPHANS' COURT IN SUSSEX COUNTY.

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

Section 1. Chapter 7, Title 10, Delaware Code, is amended by adding the following new section to Subchapter IV thereof:

§ 754. Recording of instruments in Sussex County

The recording of all instruments to be recorded in the Orphans' Court in and for Sussex County shall be accomplished by copying the original by hand, by typewriter, or by means of a photocopying machine, and permanently inserting or binding the copy in suitable binders or backs, with proper identification, for the preservation of such records, as said Court shall deem appropriate and direct for the various records therein.

Approved July 10, 1961.

CHAPTER 139

AN ACT TO AMEND SECTION 4122, TITLE 21, DELAWARE CODE, RELATING TO STOPPING AT COMMAND OF POLICE OFFICERS.

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

Section 1. Section 4122, Title 21, Delaware Code is amended by adding a new subsection thereto as follows:

(c) Any driver who, having received a visual or audible signal from a police officer to bring his vehicle to a stop, operates his vehicle in disregard of said signal or interferes with or endangers the operation of the police vehicle or who increases his speed or extinguishes his lights and attempts to flee or elude the police officer, shall be fined for the first offense, not less than \$200 nor more than \$1000 or imprisoned for not less than 60 days nor more than 6 months, or both. Upon receiving notice of such conviction, the Commissioner shall forthwith revoke the operator's or chauffeur's license of the person so convicted for a period of one (1) year.

For each subsequent like offense he shall be fined not less than \$500 nor more than \$2000 and imprisoned not less than 60 days nor more than 18 months.

Upon receiving a court notice of conviction for a subsequent like offense, the Commissioner shall revoke the operator's or chauffeur's license for an additional one (1) year period.

Approved July 11, 1961.

CHAPTER 140

AN ACT TO PROVIDE FOR EMERGENCY INTERIM SUCCESSION FOR THE MEMBERS OF THE GENERAL ASSEMBLY.

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

Section 1. Part II, Title 29, Delaware Code, is amended by enacting a new Chapter 17 as follows:

CHAPTER 17. EMERGENCY INTERIM LEGISLATIVE SUCCESSION**§ 1701. Short Title**

This chapter shall be known as the "Emergency Interim Legislative Succession Act."

§ 1702. Declaration of policy

The General Assembly declares: (1) that recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the General Assembly; (2) that to conform in time of attack to existing legal requirements pertaining to the General Assembly would be impracticable, would admit of undue delay, and would jeopardize continuity of operation of a legally constituted General Assembly; and (3) that it is therefore necessary to adopt special provisions as hereinafter set out for the effective operation of the General Assembly.

§ 1703. Definitions

As used in this act:

(a) "Attack" means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this State whether through sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or methods.

(b) "Unavailable" means absent from the place of session other than on official business of the General Assembly, or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of a member of the General Assembly, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

(c) "Member" means a member of the General Assembly as set forth in Article III, of the Constitution of the State of Delaware.

§ 1704. Designation of emergency interim successors to members

Each member shall designate not fewer than three nor more than seven emergency interim successors to his powers and duties and specify their order of succession. Each member shall review and, as necessary, promptly revise the designations of emergency interim successors to his powers and duties to insure that at all times there are at least three such qualified emergency interim successors.

§ 1705. Status, qualifications and term of emergency interim successors

An emergency interim successor is one who is designated for possible temporary succession to the powers and duties, but not the office, of a member. No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes hold the office of the member to whose powers and duties he is designated to succeed, but no constitutional or statutory provision prohibiting a member from holding another office or prohibiting the holder of another office from being a member shall be applicable to an emergency interim successor. An emergency interim successor shall serve at the pleasure of the member designating him or of any subsequent incumbent of the legislative office.

§ 1706. Contingent method of designating emergency interim successors

Prior to an attack, if a member fails to designate the required minimum number of emergency interim successors within thirty days following the effective date of this act or,

after such period, if for any reason the number of emergency interim successors for any member falls below the required minimum and remains below such minimum for a period of thirty days, then the required minimum number of emergency interim successors shall be designated as follows:

The President Pro Tempore of the Senate shall designate as many emergency interim successors for the members of the Majority Party in the Senate as are required to achieve such minimum number. The Minority Leader of the Senate shall designate as many emergency interim successors for the remaining members of the Senate as are required to achieve such minimum number. The Speaker of the House of Representatives shall designate as many emergency interim successors for the members of the Majority Party in the House of Representatives as are required to achieve such minimum number. The Minority Leader of the House of Representatives shall designate as many emergency interim successors for the remaining members of the House of Representatives as are required to achieve such minimum number. The President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives shall not assign to any of their designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by a member for succession to his own powers and duties. Each emergency interim successor designated by the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives shall serve at the pleasure of the person designating him, but the member for whom the emergency interim successor is designated or any subsequent incumbent of his office may change the rank in order of succession or replace at his pleasure any emergency interim successor so designated.

§ 1707. Recording and publication

Each designation of an emergency interim successor shall become effective when the member or President Pro Tempore of the Senate, or Minority Leader of the Senate, or Speaker of the House, or Minority Leader of the House making the desig-

nation files with the Secretary of State the successor's name, address and rank in order of succession. The removal of an emergency interim successor or change in order of succession shall become effective when the member or President Pro Tempore, or Minority Leader of the Senate, or the Speaker of the House of Representatives, or Minority Leader of the House of Representatives so acting files this information with the Secretary of State. All such data shall be open to public inspection. The Secretary of State shall inform the Governor, the state office of Civil Defense, the Clerk of the House concerned and all emergency interim successors, of all such designations, removals and changes in order of succession. The Clerk of each House shall enter all information regarding emergency interim successors for the House in its public journal at the beginning of each General Assembly and shall enter all changes in membership or order of succession as soon as possible after their occurrence.

§ 1708. Oath of emergency interim successors

Promptly after designation each emergency interim successor shall take the oath required for the member to whose powers and duties he is designated to succeed. No other oath shall be required.

§ 1709. Duty of emergency interim successors

Each emergency interim successors shall keep himself generally informed as to the duties, procedures, practices and current business of the General Assembly, and each member shall assist his emergency interim successors to keep themselves so informed.

§ 1710. Place of meeting of the General Assembly

Whenever in the event of an attack, or upon finding that an attack may be imminent, the Governor deems the place of session then prescribed to be unsafe, he may change it to any place within or without the State which he deems safer and convenient.

§ 1711. Convening of General Assembly in event of attack

In the event of an attack, the Governor shall call the General Assembly into session as soon as practicable, and in any

case within ninety days following the inception of the attack. If the Governor fails to issue such call, the General Assembly shall, on the ninetieth day from the date of inception of the attack, automatically convene at the place where the Governor then has his office. Each member and each emergency interim successor, unless he is certain that the member to whose powers and duties he is designated to succeed or any emergency interim successor higher in order of succession will be available, shall proceed to the place of holding the General Assembly as expeditiously as practicable. At such session or at any sessions, in operation at the inception of the attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

§ 1712. Assumption of powers and duties of member of emergency interim successor

If in the event of an attack a member is unavailable his emergency interim successor highest in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and assume the duties of such member. An emergency interim successor shall exercise these powers and assume these duties until the incumbent member, an emergency interim successor higher in order of succession, or a member appointed or elected and legally qualified can act. Each house of the General Assembly shall, in accordance with its own rules, determine who is entitled under the provisions of this act to exercise the powers and assume the duties of its members. All constitutional and statutory provisions pertaining to ouster of a member shall be applicable to an emergency interim successor who is exercising the powers and assuming the duties of a member.

§ 1713. Privileges, immunities and compensation of emergency interim successors

When an emergency interim successor exercises the powers and assumes the duties of a member, he shall be accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a member is entitled. In the event of an attack, each emergency interim successor, whether

or not called upon to exercise the powers and assume the duties of a member, shall be accorded the privileges and immunities of a member while traveling to and from a place of session and shall be compensated for his travel in the same manner and amount as a member. This section shall not in any way affect the privileges, immunities, compensation, allowances or other perquisites of office of an incumbent member.

§ 1714. Quorum and vote requirements

In the event of an attack, (1) quorum requirements for the General Assembly shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

§ 1715. Termination of operation of provisions of this act

The authority of emergency interim successors to succeed to the powers and duties of members, and the operation of the provisions of this act relating to quorum, the number of affirmative votes required for General Assembly action, and limitations on the length of sessions and the subjects which may be acted upon, shall expire two years following the inception of an attack, but nothing herein shall prevent the resumption before such time of the filling of legislative vacancies in the General Assembly and the calling of elections for the General Assembly in accordance with applicable constitutional and statutory provisions. The Governor, acting by proclamation, or the General Assembly, acting by concurrent resolution, may from time to time extend or restore such authority or the operation of any of such provisions upon a finding that events render the extension or restoration necessary, but no extension or restoration shall be for a period of more than one year.

§ 1716. Separability

The various provisions of this article shall be construed as separable and severable, and should any of the provisions or parts thereof be construed or held unconstitutional or for any reason be invalid, the remaining provisions of this article shall not be thereby affected.

Approved July 11, 1961.

CHAPTER 141

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO PENSION OF SURVIVING SPOUSE OF STATE EMPLOYEE.

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

Section 1. § 5524, Title 29, Delaware Code is amended by adding thereto the following:

Provided, however, that the pensions awarded surviving spouse of state employees, pursuant to § 5527 and § 5547 of this title, shall not be reduced by the deduction of federal old age income benefits from the amount which the deceased state employee had been receiving, or was entitled to receive at the time of his death.

Approved July 11, 1961.

CHAPTER 142

AN ACT TO AMEND CHAPTER 134, VOLUME 52, DELAWARE CODE, RELATING TO TUITION CHARGES FOR PUPILS ATTENDING SCHOOLS OUTSIDE THEIR RESIDENT DISTRICT.

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

Section 1. Chapter 134, Volume 52, Delaware Code is amended by deleting § 603 (a) (1).

Section 2. Chapter 134, Volume 52, Delaware Code is further amended by changing § 603 (a) (2) to § 603 (a) (1).

Section 3. Chapter 134, Volume 52, Delaware Code is further amended by adding a new paragraph (d) to §603 to read as follows:

(d) The provisions of §602 (a) and (b) shall not apply to handicapped children as defined in Chapter 31 of this Title. Such handicapped children shall be subject to the provisions of § 604 (a) and (b) of this chapter.

Section 4. Chapter 134, Volume 52, Delaware Code, is further amended by adding a new § 604 to read as follows:

§ 604. Handicapped children

(a) If any pupil attends special classes for the handicapped operated by a district other than that in which he resides or by an agency of the State Department of Public Instruction, the receiving district or the Department of Public Instruction shall collect a tuition charge for the non-resident pupil, provided approval for attendance has been granted by the sending district. Such tuition charge shall be paid by the Board of Education or the Board of School Trustees of the School District in which the pupil is a resident from the proceeds of a local tax levied for this specific purpose.

(b) In determining the tuition to be charged, the receiving district or the State Department of Public Instruction shall compute the tuition by adding (1) the previous year's expenses for salary supplements for the staff of the special classes, said salary supplements to be based on a salary supplement schedule not higher than the schedule in force in other schools in the district in which the special classes are located; and (2) other expenses attributable to operation of the special classes for which local funds were used for the previous school year. The sum so obtained shall be divided by the total number of pupils in the special classes as of September 30 of the current school year. The resulting figure shall represent the amount of the "tuition charge" per pupil.

(c) The provisions of § 602 (c), (d), and (e) of this chapter shall apply to this section.

Approved July 11, 1961.

CHAPTER 143

AN ACT TO AMEND SECTION 1521, TITLE 9, DELAWARE CODE RELATING TO SALARIES OF EMPLOYEES OF ELECTED OFFICE HOLDERS OF NEW CASTLE COUNTY.

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

Section 1. § 1521, Title 9, Delaware Code is amended by striking the period at the end of subsection (a) thereof and inserting thereafter the following:

provided (a) all employees in the same classification shall be paid the same salary and (b) all Chief Deputies of elected or appointed office holders shall be paid a salary of not less than \$6000 per annum and (c) all Assistant Chief Deputies of elected or appointed office holders shall be paid a salary of not less than \$5500 per annum.

Section 2. The effective date of this Act shall be July 1, 1961.

Approved July 11, 1961.

CHAPTER 144

**AN ACT TO AMEND § 503 (h) TITLE 8, DELAWARE CODE
RELATING TO CORPORATION FRANCHISE TAX BY
LIMITING THE MAXIMUM ANNUAL TAX ON REGU-
LATED INVESTMENT COMPANIES TO \$50,000.00.**

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

Section 1. § 503 (h), Title 8, Delaware Code is amended by changing the period at the end of the first sentence thereof to a comma and adding the following:

provided that in no case shall the tax on any corporation for a full taxable year under this subsection (h) be more than \$50,000.00.

Approved July 11, 1961.

CHAPTER 145

AN ACT PROVIDING FOR AN INTERSTATE COMPACT WITH THE STATE OF NEW JERSEY TO ESTABLISH "THE DELAWARE RIVER AND BAY AUTHORITY"; DEFINING THE PURPOSES, POWERS AND DUTIES THEREOF; PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS FROM THE STATE OF DELAWARE TO SAID AUTHORITY; PROVIDING FOR THE TERMS, POWERS, REMOVAL AND REIMBURSEMENT OF SAID COMMISSIONERS; PROVIDING FOR A VETO POWER BY THE GOVERNOR OVER THE ACTIONS OF THE DELAWARE COMMISSIONERS; AND GRANTING SAID COMMISSIONERS POWER TO SECURE CONGRESSIONAL CONSENT OF SAID COMPACT AND THE ENACTMENT OF RELATED FEDERAL LEGISLATION.

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

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

CHAPTER 17. DELAWARE-NEW JERSEY COMPACT

SUBCHAPTER I. DELAWARE-NEW JERSEY COMPACT

§ 1701. Delaware-New Jersey Compact

The State of Delaware hereby agrees with the State of New Jersey, upon the enactment by the State of New Jersey of legislation having exactly the same effect as this section, to the following compact:

DELAWARE-NEW JERSEY COMPACT

WHEREAS, The State of Delaware and New Jersey are separated by the Delaware River and Bay which creates a natural obstacle to the uninterrupted passage of traffic other than by water and with normal commercial activity between the two States thereby hindering the economic growth and development of those areas in both States which border the River and Bay; AND

WHEREAS, the pressures of existing trends from increasing traffic, growing population and greater industrialization indicate the need for closer cooperation between the two States in order to advance the economic development and to improve crossings, transportation, terminal and other facilities of the area; AND

WHEREAS, the financing, construction, operation and maintenance of such crossings, transportation, terminal and other facilities of commerce and the over-all planning for future economic development of the area may be best accomplished for the benefit of the two States and their citizens, the region and nation, by the cordial cooperation of Delaware and New Jersey by and through a joint or common agency or authority;

NOW, THEREFORE, the State of Delaware and the State of New Jersey, do hereby solemnly covenant and agree, each with the other as follows:

ARTICLE I.

SHORT TITLE.

This Compact shall be known as the "Delaware-New Jersey Compact."

ARTICLE II.

DEFINITIONS.

"Crossing" means any structure or facility adapted for public use in crossing the Delaware River or Bay between the States, whether by bridge, tunnel, ferry or other device, and by any vehicle or means of transportation of persons or property, as well as all approaches thereto and connecting and service routes and all appurtenances and equipment relating thereto.

"Transportation facility" and "terminal facility" mean any structure or facility other than a crossing as herein defined, adapted for public use within each of the States party hereto in connection with the transportation of persons or property, including railroads, motor vehicles, watercraft, air-

ports and aircraft, docks, wharves, piers, slips, basins, storage places, sheds, warehouses, and every means or vehicle of transportation now or hereafter in use for the transportation of persons and property or the storage, handling or loading of property, as well as all appurtenances and equipment related thereto.

"Appurtenances" and "equipment" mean all works, buildings, structures, devices, appliances and supplies, as well as every kind of mechanism, arrangement, object or substance related to and necessary or convenient for the proper construction, equipment, maintenance, improvement and operation of any crossing, transportation facility or terminal facility.

"Project" means any undertaking or program for the acquisition or creation of any crossing, transportation facility or terminal facility, or any part thereof, as well as for the operation, maintenance and improvement thereof.

"Tunnel" means a tunnel of one or more tubes.

"Governor" means any person authorized by the Constitution and law of each State to exercise the functions, powers and duties of that office.

"Authority" means the Authority created by this Compact or any agency successor thereto.

The singular whenever used herein shall include the plural, and the plural shall include the singular.

ARTICLE III.

FAITHFUL COOPERATION.

They agree to and pledge, each to the other, faithful cooperation in the effectuation of this Compact and any future amendment or supplement thereto, and of any legislation expressly in implementation thereof hereafter enacted, and in the planning, development, financing, construction, operation, maintenance and improvement of all projects entrusted to the authority created by this Compact.

ARTICLE IV.

ESTABLISHMENT OF AGENCY; PURPOSES.

The two States agree that there shall be created and they do hereby create a body politic, to be known as "The Delaware River and Bay Authority" (for brevity hereinafter referred to as the "Authority"), which shall constitute an agency of government of the State of Delaware and the State of New Jersey for the following general public purposes, and which shall be deemed to be exercising essential government functions in effectuating such purposes, to wit:

(a) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of crossings between the States of Delaware and New Jersey across the Delaware River or Bay at any location south of the boundary line between the State of Delaware and the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, together with such approaches or connections thereto as in the judgment of the Authority are required to make adequate and efficient connections between such crossings and any public highway or other routes in the State of Delaware or in the State of New Jersey; AND

(b) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of any transportation or terminal facility within those areas of both States which border on or are adjacent to the Delaware River or Bay south of the aforesaid line and which in the judgment of the States is required for the sound economic development of the area; AND

(c) The performance of such other functions as may be hereafter entrusted to the Authority by concurrent legislation expressly in implementation hereof.

The Authority shall not undertake any project or part thereof, other than a crossing, without having first secured approval thereof by concurrent legislation of the two States expressly in implementation hereof.

ARTICLE V.

COMMISSIONERS.

The Authority shall consist of ten Commisisoners, five of whom shall be residents of and qualified to vote in, and shall be appointed from, the State of Delaware, and five of whom shall be residents of and qualified to vote in, and shall be appointed from, the State of New Jersey; not more than three of the Commissioners of each State shall be of the same political party; the Commissioners for each State shall be appointed in the manner fixed and determined from time to time by the law of each State respectively. Each Commissioner shall hold office for a term of five years, and until his successor shall have been appointed and qualified, but the terms of the first Commissioners shall be so designated that the term of one Commissioner from each State shall expire each year. All terms shall run to the first day of July. Any vacancy, however created, shall be filled for the unexpired term only. Any Commissioner may be suspended or removed from office as provided by law of the State from which he shall be appointed.

Commissioners shall be entitled to reimbursement for necessary expenses to be paid only from revenues of the Authority and may not receive any other compensation for services to the Authority except such as may from time to time be authorized from such revenues by concurrent legislation.

ARTICLE VI.

BOARD ACTION.

The Commissioners shall have charge of the Authority's property and affairs and shall, for the purpose of doing business, constitute a Board; but no action of the Commissioners shall be binding or effective unless taken at a meeting at which at least three Commissioners from each State are present, and unless at least three Commissioners from each State shall vote in favor thereof. The vote of any one or more of the Commissioners from each State shall be subject to cancellation by the Governor of such State at any time within 10 days (Saturdays, Sundays and public holidays in the particular State excepted)

after receipt at the Governor's Office of a certified copy of the minutes of the meeting at which such vote was taken. Each State may provide by law for the manner of delivery of such minutes, and for notification of the action thereon.

ARTICLE VII.

GENERAL POWERS.

For the effectuation of its authorized purposes, the Authority is hereby granted the following powers:

- a. To have perpetual succession.
- b. To adopt and use an official seal.
- c. To elect a chairman and a vice-chairman from among the commissioners. The chairman and vice-chairman shall be elected from different States, and shall each hold office for two years. The chairmanship and vice-chairmanship shall be alternated between the two States.
- d. To adopt by-laws to govern the conduct of its affairs by the Board of Commissioners, and it may adopt rules and regulations and may make appropriate orders to carry out and discharge its powers, duties and functions, but no by-law, or rule, regulation or order shall take effect until it has been filed with the Secretary of State of each State or in such other manner in each State as may be provided by the law thereof. In the establishment of rules, regulations and orders respecting the use of any crossing, transportation or terminal facility owned or operated by the Authority, including approach roads, it shall consult with appropriate officials of both States in order to insure, as far as possible, uniformity of such rules, regulations and orders with the laws of both States.
- e. To appoint, or employ, such other officers, agents, attorneys, engineers and employees as it may require for the performance of its duties and to fix and determine their qualifications, duties, compensation, pensions, terms of office and all other conditions and terms of employment and retention.

f. To enter into contracts and agreements with either State or with the United States, or with any public body, department, or other agency of either State or of the United States or with any individual, firm or corporation, deemed necessary or advisable for the exercise of its purposes and powers.

g. To accept from any government or governmental department, agency or other public or private body, or from any other source, grants or contributions of money or property as well as loans, advances, guarantees or other forms of financial assistance which it may use for or in aid of any of its purposes.

h. To acquire (by gift, purchase or condemnation), own, hire, lease, use, operate and dispose of property, whether real, personal or mixed, or of any interest therein, including any rights, franchise and property for any crossing, facility or other project owned by another, and which the Authority is authorized to own and operate.

i. To designate as express highways, and control public and private access thereto, all or any approaches to any crossing or other facility of the Authority for the purpose of connecting the same with any highway or other route in either State.

j. To borrow money and to evidence such loans by bonds, notes or other obligations, either secured or unsecured, and either in registered or unregistered form, and to fund or refund such evidences of indebtedness, which may be executed with facsimile signatures of such persons as may be designated by the Authority and by a facsimile of its corporate seal.

k. To procure and keep in force adequate insurance or otherwise provide for the adequate protection of its property, as well as to indemnify it or its officers, agents or employees against loss or liability with respect to any risk to which it or they may be exposed in carrying out any function hereunder.

l. To grant the use of, by franchise, lease or otherwise, and to make charges for the use of, any crossing, facility or other project or property owned or controlled by it.

m. To exercise the right of eminent domain to acquire any property or interest therein.

n. To determine the exact location, system and character of and all other matters in connection with any and all crossings, transportation or terminal facilities or other projects which it may be authorized to own, construct, establish, effectuate, operate or control.

o. To exercise all other powers not inconsistent with the Constitutions of the two States or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy taxes or assessments, and generally to exercise in connection with its property and affairs, and in connection with property within its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

ADDITIONAL POWERS.

For the purpose of effectuating the authorized purposes of the Authority, additional powers may be granted to the Authority by legislation of either State without the concurrence of the other, and may be exercised within such State, or may be granted to the Authority by Congress and exercised by it; but no additional duties or obligations shall be undertaken by the Authority under the law of either State or of Congress without authorization by the law of both States.

ARTICLE VIII.

In any condemnation proceedings in connection with the acquisition by the Authority of property or property rights of any character in either State and the right of inspection and immediate entry thereon, through the exercise by it of its power of eminent domain, any existing or future law or rule of court of the State in which such property is located with respect to the condemnation of property for the construction, reconstruction and maintenance of highways therein, shall control. The Authority shall have the same power and authority with respect thereto as the State agency named in any such

law; provided that nothing herein contained shall be construed as requiring joint or concurrent action by the two States with respect to the enactment, repeal or amendment of any law or rule of court on the subject of condemnation under which the Authority may proceed by virtue of this Article.

If the established grade of any street, avenue, highway or other route shall be changed by reason of the construction by the Authority of any work so as to cause loss or injury to any property abutting on such street, avenue, highway or other route, the Authority may enter into voluntary agreements with such abutting property owners and pay reasonable compensation for any loss or injury so sustained, whether or not it be compensable as damages under the condemnation law of the State.

The power of the Authority to acquire property by condemnation shall be a continuing power, and no exercise thereof shall be deemed to exhaust it.

ARTICLE IX.

EMINENT DOMAIN.

If the Authority shall find and determine that any property or interest therein is required for a public use because in furtherance of the purposes of the Authority, said determination shall not be effected by the fact that such property has theretofore been taken over or is then devoted to a public use, but the public use in the hands or under the control of the Authority, shall be deemed superior to the public use for which it has theretofore been taken or to which it is then devoted.

ARTICLE X.

REVENUE AND APPLICATION.

The Authority is hereby authorized to establish, levy and collect such tolls and other charges as it may deem necessary, proper or desirable, in connection with any crossing, transportation or terminal facility or other project which it is or may be authorized at any time to construct, own, operate or control, and the aggregate of said tolls and charges shall be at least

sufficient (1) to meet the combined expenses of operation, maintenance and improvement thereof, (2) to pay the cost of acquisition or construction, including the payment, amortization and retirement of bonds or other securities or obligations assumed, issued or incurred by the Authority, together with interest thereon and (3) to provide reserves for such purposes; and the Authority is hereby authorized and empowered, subject to prior pledges, if any, to pledge such tolls and other revenues or any part thereof as security for the repayment with interest of any moneys borrowed by it or advanced to it for its authorized purposes and as security for the satisfaction of any other obligations assumed by it in connection with such loans or advances. There shall be allocated to the cost of the acquisition, construction, operation, maintenance and improvement of such facilities and projects, such proportion of the general expenses of the Authority as it shall deem properly chargeable thereto.

ARTICLE XI.

COVENANT WITH BONDHOLDERS.

The two said States covenant and agree with each other and with the holders of any bonds or other securities or obligations of the Authority, assumed, issued or incurred by it and as security for which there may be pledged the tolls and revenues or any part thereof of any crossing, transportation or terminal facility or other project, that the two said States will not, so long as any of such bonds or other obligations remain outstanding and unpaid diminish or impair the power of the Authority to establish, levy and collect tolls and other charges in connection therewith, and that neither of the two said States will, so long as any of such bonds or other obligations remain outstanding and unpaid, authorize any crossing of the Delaware River or Delaware Bay south of the line mentioned in Article IV (a) of this Compact, by any person or body other than the Authority; unless, in either case, adequate provision shall be made by law for the protection of those advancing money upon such obligations.

ARTICLE XII.

SECURITIES LAWFUL INVESTMENTS.

The bonds or other securities or obligations which may be issued by the Authority pursuant to this Compact, or any amendments hereof or supplements hereto, are hereby declared to be negotiable instruments, and are hereby made securities in which all State and municipal officers and bodies of each State, all banks, bankers, trust companies, savings banks, building and loan associations, saving and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of either State, may properly and legally invest any funds, including capital, belonging to them or within their control; and said obligations are hereby made securities which may properly and legally be deposited with and shall be received by any State or municipal officer or agency of either State for any purpose for which the deposit of bonds or other obligations of such State is now or may hereafter be authorized.

ARTICLE XIII.

TAX STATUS.

The powers and functions exercised by the Authority under this Compact and any amendments hereof or supplements hereto are and will be in all respects for the benefit of the people of the States of Delaware and New Jersey, the region and nation, for the increase of their commerce and prosperity and for the enhancement of their general welfare. To this end, the Authority shall be regarded as performing essential governmental functions in exercising such powers and functions and in carrying out the provisions of this compact and of any law relating thereto, and shall not be required to pay any taxes or assessments of any character, levied by either State or political subdivision thereof, upon any of the property used by it for such purposes, or any income or revenue therefrom, including any profit from a sale or exchange. The bonds

or other securities or obligations issued by the Authority, their transfer and the interest paid thereon or income therefrom, including any profit from a sale or exchange, shall at all times be free from taxation by either State or any subdivision thereof.

ARTICLE XIV.

JURISDICTION; USE OF LANDS.

Each of the two States hereby consents to the use and occupancy by the Authority of any lands and property of the Authority in such State for the construction, operation, maintenance or improvement of any crossing, transportation or terminal facility or other project which it is or may be authorized at any time to construct, own or operate, including lands lying under water.

ARTICLE XV.

REVIEW AND ENFORCEMENT OF RULES.

Judicial proceedings to review any by-law, rule, regulation, order or other action of the Authority or to determine the meaning or effect thereof, may be brought in such court of each State, and pursuant to such law or rules thereof, as a similar proceeding with respect to any agency of such State might be brought.

Each State may provide by law what penalty or penalties shall be imposed for violation of any lawful rule, regulation or order of the Authority, and, by law or rule of court, for the manner of enforcing the same.

ARTICLE XVI.

NO PLEDGE OF CREDIT.

The Authority shall have no power to pledge the credit or to create any debt or liability of the State of Delaware, of the State of New Jersey, or of any other agency or of any political subdivision of said States.

ARTICLE XVII.
LOCAL COOPERATION.

All municipalities, political subdivisions and every department, agency or public body of each of the States are hereby authorized and empowered to cooperate with, aid and assist the Authority in effectuating the provisions of this Compact and of any amendment hereof or supplement hereto.

ARTICLE XVIII.
DEPOSITARIES.

All banks, bankers, trust companies, savings banks and other persons carrying on a banking business under the laws of either State are authorized to give security for the safe-keeping and prompt payment of moneys of the Authority deposited by it with them, in such manner and form as may be required by and may be approved by the Authority, which security may consist of a good and sufficient undertaking with such sureties as may be approved by the Authority, or may consist of the deposit with the Authority or other depository approved by the Authority as collateral of such securities as the Authority may approve.

ARTICLE XIX.
AGENCY POLICE.

Members of the police force established by the Authority, regardless of their residence, shall have in each State, on the crossings, transportation or terminal facilities and other projects and the approaches thereto, owned, operated or controlled by the Authority, and at such other places and under such circumstances as the law of each State may provide, all the powers of investigation, detention and arrest conferred by law on peace officers, sheriffs or constables in such State or usually exercised by such officers in each State.

ARTICLE XX.
REPORTS AND AUDITS.

The Authority shall make annual reports to the Governors and Legislatures of the State of Delaware and the State of New

Jersey, setting forth in detail its operations and transactions, and may make such additional reports from time to time to the Governors and Legislatures as it may deem desirable.

It shall, at least annually, cause an independent audit of its fiscal affairs to be made and shall furnish a copy of such audit report together with such additional information or data with respect to its affairs as it may deem desirable to the Governors and Legislatures of each State.

It shall furnish such information or data with respect to its affairs as may be requested by the Governor or Legislature of each State.

ARTICLE XXI.

BOUNDARIES UNAFFECTED.

The existing territorial or boundary lines of the States, or the jurisdiction of the two States established by said boundary lines, shall not be changed hereby.

SUBCHAPTER II. EFFECTUATION; COMMISSIONERS

§ 1711. Commissioners; appointment

The Commissioners from the State of Delaware, provided for in Article V of the Delaware-New Jersey Compact set out in Section 1701 hereof, shall be appointed by the Governor with the advice and consent of the Senate. Immediately upon enactment of this chapter, the Governor may so appoint the first Commissioners from the State of Delaware, notwithstanding that the said Compact may not have yet taken effect. The persons nominated by him to serve as the first Commissioners shall be authorized to sign duplicate originals of said Compact on the part of the State of Delaware, to apply to Congress for such consent thereto as may be required by law, and to seek an amendment of 60 Stat. 553 having the effect of eliminating the requirement that the Delaware Memorial Bridge shall become toll free upon payment of the outstanding revenue bonds, although said persons may not then have been confirmed or have taken their oath of office.

§ 1712. Effective date; terms of Commissioners

If the State of New Jersey enacts legislation agreeing to the exact terms of the Delaware-New Jersey Compact, Congress consents thereto and Congress amends 60 Stat. 553 to eliminate the present requirement that The Delaware Memorial Bridge shall become toll free upon payment of the outstanding revenue bonds on or before July 1, 1962, then the said Compact shall become effective on July 1, 1962; but if these events shall not all be completed until after July 1, 1962, then the said Compact shall take effect on the date of the last required event. The first Commissioners from Delaware may take office on or after the date on which said Compact takes effect, but the designation of their terms shall be such that the term of one Commissioner shall expire each year and each such term shall be computed from July 1, 1962, notwithstanding that the Compact may not become effective until after that date.

§ 1713. Holding-over of Commissioners

Each Commissioner from the State of Delaware shall continue to hold office after the expiration of the term for which he is appointed and until his respective successor is appointed and qualified; but no period during which any such Commissioner shall hold over shall be deemed to be an extension of his term of office for the purpose of computing the date on which said successor's term expires.

§ 1714. Successors

After the expiration of the term of each Delaware Commissioner and each succeeding Commissioner thereafter, the Governor shall, by and with the advice and consent of the Senate, appoint a successor, who shall hold office for a term of five (5) years, or until his successor has been appointed and qualified.

§ 1715. Vacancies

In the event a vacancy occurs in the office of a Commissioner from Delaware by death, resignation, removal or otherwise, the Governor shall, by and with the advice and consent of the Senate, appoint a successor, who shall hold office for the unexpired term.

§ 1716. Removal of Commissioner

Any Commissioner from the State of Delaware may be suspended or removed from office upon specific written charges filed with the Secretary of State and after hearing by the Senate.

§ 1717. Political representation

No more than three (3) of the five (5) Commissioners from the State of Delaware shall be of the same political party at any one time.

§ 1718. Compensation of Commissioners

For the period during which any Commissioner shall hold office, he shall be entitled to reimbursement for any necessary expenses incurred on the business of The Delaware River and Bay Authority, which shall be paid only from revenues received by the Authority and available for administrative expenses.

§ 1719. The Delaware River and Bay Authority

The Commissioners appointed pursuant to this chapter shall have the authority, powers and duties and be subject to the limitations provided for herein and in the said compact between the two States, and together with the five (5) Commissioners appointed from the State of New Jersey shall form and constitute "The Delaware River and Bay Authority" pursuant to the Delaware-New Jersey Compact.

§ 1720. Veto by Governor

(a) Except as herein provided by this chapter, no action taken at any meeting of The Delaware River and Bay Authority by a Commissioner appointed from the State of Delaware shall have any force or effect until the Governor of the State of Delaware shall have an opportunity to approve or veto the same under the provisions of Article VI of the Delaware-New Jersey Compact.

(b) For the purpose of procuring such approval or veto, the secretary or other officer of The Delaware River and Bay

Authority in charge of the minutes of the proceedings of that body shall transmit to the Governor at the Governor's office in Dover a certified copy of the minutes of every meeting of the Delaware River and Bay Authority as soon after the holding of such meeting as such minutes can be written out. The Governor shall within ten (10) days (Saturdays, Sundays and public holidays of this State excepted) after such minutes shall have been received at the Governor's office aforesaid, cause the same to be returned to The Delaware River and Bay Authority either with his approval or his veto of any action therein recited as having been taken by any Commissioner appointed from the State of Delaware, provided, however, that if the Governor shall not return the said minutes within the said period then at the expiration thereof any action therein recited will have full force and effect according to the wording thereof.

(c) If the Governor within the said period returns the said minutes with a veto against the action of any Commissioner from Delaware as recited therein, then such action of said Commissioner shall be null and void.

(d) The Governor may by order filed with the secretary of The Delaware River and Bay Authority relieve the Commissioners from the duty of procuring his approval of their action upon any particular matter or class of matters, and thereupon the secretary or other officer in charge of the minutes of the proceedings of that body shall be relieved of reporting the same to him.

§ 1721. Audit

The Authority shall furnish each year an independent audit of its fiscal affairs, in which items of current and capital nature shall be separately set forth, and shall cause a copy of the report on such audit to be delivered to the Governor.

§ 1722. Separability

If any term or provision of this Act shall be determined to be in conflict with paramount law, such term or provision shall be enforced and effectuated to the extent it is not so determined, and shall, in any event, be deemed severable from the remaining terms and provisions hereof.

§ 1723. Effective dates

Sections 1711 and 1722 of this Chapter shall take effect immediately; and the remaining sections hereof shall take effect and become binding upon the State of Delaware upon the completion of the last of the following three events: (1) upon the enactment by the State of New Jersey of legislation agreeing to the exact terms of the Delaware-New Jersey Compact; (2) upon the granting of the consent of Congress thereto; and (3) upon the enactment of Congress of an amendment to 60 Stat. 553 to eliminate the present requirement for the cessation of tolls for the use of The Delaware Memorial Bridge upon payment of the outstanding revenue bonds, but in no event prior to July 1, 1962.

§ 1724. Geographical representation

Of the Commissioners from the State of Delaware to be appointed in accordance with this subchapter, two (2) commissioners shall be appointed from New Castle County, no more than one of whom shall be of the same political party, one (1) commissioner shall be appointed from Kent County, and two (2) commissioners shall be appointed from Sussex County, no more than one of whom shall be of the same political party.

Approved July 21, 1961.

CHAPTER 146

AN ACT ESTABLISHING "THE DELAWARE RIVER AND BAY AUTHORITY" THE AGENT OF THE STATES OF DELAWARE AND NEW JERSEY WITH RESPECT TO THE CONTROL, OPERATION, MAINTENANCE AND REVENUES OF THE DELAWARE MEMORIAL BRIDGE AND PROVIDING FOR THE TRANSFER OF CONTROL TO SAID AGENT.

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

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

CHAPTER 18. DELAWARE RIVER AND BAY AUTHORITY

§ 1801. Definitions

(a) "Authority" means "The Delaware River and Bay Authority", established by compact between the States of Delaware and New Jersey.

(b) "Bridge" means the "Delaware Memorial Bridge", its approaches, appurtenances, property, equipment, revenues, funds, and personnel.

(c) "Compact" means the "Delaware-New Jersey Compact".

§ 1802. Agent for bridge

The Authority shall upon the effective date of this Act be the agent of the States of Delaware and New Jersey in connection with the construction, operation, maintenance, improvement and control of the said bridge which was constructed pursuant to legislation enacted by the States of Delaware and New Jersey and found in 45 Laws of Delaware, Chapters 274, 275, 334 and New Jersey Laws of 1946, Chapter 18.

§ 1803. Successors to the Delaware Interstate Highway Division

Except as herein provided, the Authority, as agent for said bridge, shall exercise, succeed to, perform and be bound by all the rights, powers, authority, duties and obligations, heretofore exercised by, performed by, or binding upon The Delaware Interstate Highway Division, as successor to the Delaware State Highway Department, in so far as they pertain to the said bridge.

§ 1804. Rights of holders of bridge bonds

Such agent's control of the said bridge shall be subject to the rights of the holders of the outstanding Delaware Memorial Bridge Revenue Bonds of the State of Delaware, issued (or in the process of issue prior to the effective date of this Act) under the authority of 45 Laws of Delaware, Chapter 275, as amended, and the State of Delaware covenants that the said bridge shall remain in the said agent's control so long as any of the said bonds shall remain outstanding or unpaid or until all said revenue bonds issued or in the process of issue under the authority of 45 Laws of Delaware, Chapter 275, as amended, have been paid in full or provision shall have been made for the payment thereof in the manner provided in the Indenture between the State Highway Department of the State of Delaware and Equitable Trust Company, dated June 1, 1948 and the Supplemental Indentures thereto, dated June 1, 1951, January 2, 1952, June 1, 1956 and June 1, 1960.

§ 1805. Control of bridge

At such time as all the Delaware Memorial Bridge Revenue Bonds issued pursuant to 45 Laws of Delaware, Chapter 275, as amended, have been paid in full or provision has been made for payment thereof as provided in the Indenture securing said bonds, the Authority, as agent, shall continue to hold, control, operate, maintain and improve the said bridge as a crossing, transportation facility or project in accordance with the provisions of the Compact entered into between the two States, establishing the said Authority, and the Authority as such agent shall deal with the bridge, its tolls and revenues as

it is authorized, empowered and obligated to do by said Compact with respect to crossings, transportation facilities and projects as therein defined.

§ 1806. Audit; assumption of obligations

In order to provide for an orderly transition of bridge operations, upon the effective date of this Act, the Authority shall promptly arrange with The Delaware Interstate Highway Division for the preparation of an independent audit and accounting of its assets, liabilities and operations, and for fixing a date upon which the books and records of the said Division shall be closed and from and after which the Authority shall undertake the operation and control of the said bridge; and it shall at the same time provide for the assumption of all outstanding obligations of The Delaware Interstate Highway Division for the construction, maintenance, improvement and operation of the said bridge and shall take over all personnel, maps, books, records, revenues, funds and other assets relating thereto.

§ 1807. Severability

If any term or provision of this chapter shall be declared unconstitutional or invalid in whole or in part by a court of competent jurisdiction, then to the extent that it is not unconstitutional or invalid, such term or provision shall be enforced and effectuated; and no such determination shall be deemed to invalidate the remaining terms or provisions hereof.

§ 1808. Effective date

This chapter shall take effect upon the completion of the last of the following three events: (1) when the Delaware-New Jersey Compact takes effect and becomes binding upon the State of Delaware (2) when the State of New Jersey has enacted legislation having a substantial identical effect with this chapter and (3) when the Congress of the United States has enacted an amendment of 60 Stat. 533 having the effect of eliminating the requirement that the bridge shall become toll free upon payment of the outstanding bonds; if the above events have taken place, this chapter shall take effect immediately.

Approved July 21, 1961.

CHAPTER 147

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 \$20,000 is hereby appropriated out of the Treasury of the State of Delaware to the "Kent and Sussex County Fair, Incorporated", a corporation of the State of Delaware. 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 awarded at the annual fair to be held in July of 1961. 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, 1961, 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 the total sum shown to be due for prizes by said itemized list; provided, however, said sum shall not exceed \$20,000 and should said sum be less than the amount appropriated by this Act, then the unused balance shall 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 20, 1961.

CHAPTER 148

**AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE
CODE RELATING TO CONTRACTS FOR PUBLIC IM-
PROVEMENTS.**

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

Section 1. Section 6906, Title 29, Delaware Code is amend-
ed by adding a new sentence thereto to read as follows:

This Section shall not apply to any project or contract, any
part of the cost of which will be paid by the United States
Government, if the provisions of this Section are contrary to or
inconsistent with any Federal statute, regulation or rule gov-
erning or applying to the Federal participation in the cost of
such project.

Approved July 21, 1961.

CHAPTER 149

AN ACT TO PROVIDE FOR INTERIM JUDICIAL SUCCESSION.

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

Section 1. Part I, Title 10, Delaware Code is amended by adding thereto a new Chapter 18 as follows:

CHAPTER 18. EMERGENCY INTERIM JUDICIAL SUCCESSION.**§ 1801. Short title**

This Chapter shall be known and may be cited as the "Emergency Interim Judicial Succession Act."

§ 1802. Statement of policy

Because of the possibility of an attack upon the United States of unprecedented size and destructiveness, and in order, in the event of such attack, to assure continuity of government through legally constituted leadership, authority and responsibility in offices of the government of the State; to provide for the effective operation of governments during an emergency; and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to provide for special emergency judges who can exercise the powers and discharge the duties of judicial offices in the event regular judges are unavailable.

§ 1803. Definitions

Unless otherwise clearly required by the context, as used in this act:

(a) "Unavailable" means either that vacancy in office exists, or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office.

(b) "Emergency interim successor" means a person designated pursuant to this act, in the event the officer is unavailable, to exercise the powers and discharge the duties of an office until a successor is appointed and qualified as may be

provided by the constitution, statutes, charters and ordinances or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.

(c) "Attack" means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes.

§ 1804. Special emergency judges

In the event that any judge of any court of record is unavailable to exercise the powers and discharge the duties of his office, and in the event no other judge authorized to act in the event of absence, disability or vacancy or no special judge appointed in accordance with the provisions of the constitution or statutes is available to exercise the powers and discharge the duties of such office, the duties of the office shall be discharged and the powers exercised by the special emergency judges hereinafter provided for:

(a) The Governor, upon approval of this act, shall designate for each member of the Supreme Court, the Superior Court and Orphans' Court special emergency judges in the number of not less than three nor more than seven for each member of the said courts, and shall specify the order of their succession.

Such special emergency judges shall, in the order specified, exercise the powers and discharge the duties of such office in case of the unavailability of the regular judge or judges or persons immediately preceding them in the designation. The designation authority shall review and revise, as necessary, designations made pursuant to this act to insure their current status.

Said special emergency judges shall discharge the duties and exercise the powers of such office until such time as a vacancy which may exist shall be filled in accordance with the constitution and statutes or until the regular judge or one preceding the designee in the order of succession becomes available to exercise the powers and discharge the duties of office.

No person shall be designated or serve as a special emergency judge unless he may under the constitution and laws of this State hold the office of the judge to whose powers and duties he is designated to succeed.

§ 1805. Formalities of taking office

At the time of their designation, special emergency judges shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.

§ 1806. Period in which authority may be exercised

Officials authorized to act as special emergency judges are empowered to exercise the powers and discharge the duties of an office as herein authorized only after an attack upon the United States, as defined herein, has occurred. The legislature by concurrent resolution, may at any time terminate the authority of said special emergency judges to exercise the powers and discharge the duties of office as herein provided.

§ 1807. Removal of designees

Until such time as the persons designated as special emergency judges are authorized to exercise the powers and discharge the duties of an office in accordance with this Chapter including § 1806 hereof, said persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating authority at any time, with or without cause.

§ 1808. Separability

The various provisions of this Chapter shall be construed as separable and severable, and should any of the provisions or parts thereof be construed or held unconstitutional or for any reason be invalid, the remaining provisions of this article shall not be thereby affected.

Approved July 21, 1961.

CHAPTER 150

AN ACT TO AMEND CHAPTER 237, VOLUME 46, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 444, VOLUME 50, LAWS OF DELAWARE, RELATING TO PENSION BENEFITS TO EMPLOYEES OF THE MAYOR AND COUNCIL OF WILMINGTON.

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 11, Chapter 237, Volume 46, Laws of Delaware, as amended by Chapter 444, Volume 50, Laws of Delaware, is hereby amended by striking out Section 11 thereof, and by substituting in lieu thereof the following Section 11 to read as follows:

Section 11. (a) In the event that an employee while in covered employment shall become eligible for old age insurance benefits (as such term is used in the Federal Social Security Act) the amount to which the employee upon retirement shall be eligible to receive under the provisions of this Act shall be reduced to the extent of 50% of such old age insurance benefits paid to the pensioner until June 30, 1964; thereafter benefits shall not be reduced by reason of such old age insurance benefits paid to pensioner.

(b) All increases in benefits resulting from the passage of this Act shall apply to all persons receiving benefits pursuant to Chapter 237, Volume 46, Laws of Delaware on the effective date of this Act in addition to all those persons who become eligible for benefits under said chapter on or after the effective date of this Act. No person shall have his benefits reduced by reason of the passage or application of this Act.

Section 2. The provisions of this Act shall become effective July 1, 1962.

Approved July 21, 1961.

CHAPTER 151

**AN ACT TO AMEND TITLE 18, RELATING TO INSURANCE
ON STATE PROPERTY TO INCLUDE SCHOOL PROP-
ERTY.**

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

Section 1. Section 337, Title 18, Delaware Code, is amended by adding thereto a new subsection as follows:

(f) For the purpose of this section, state property shall be deemed to include all real property located in the State Board Unit Districts, Special School Districts and the School District of the City of Wilmington.

Section 2. This Act shall become effective July 1, 1962.

Approved July 21, 1961.

CHAPTER 152

AN ACT TO CREATE A STATE BOARD OF EXAMINERS OF BARBERS; REGULATE BARBERING AND APPROPRIATE FUNDS.

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

Section 1. Title 24, Delaware Code, is amended by adding thereto the following new chapter:

CHAPTER 4. BARBERS**§ 401. Definitions**

As used in this chapter—

“Apprentice” means anyone who has entered into the employment of a qualified barber for a fixed term in order to learn the trade.

“Board” means the State Board of Examiners of Barbers.

“Practicing the occupation of barber” includes the shaving or trimming of the beard and the cutting of the hair of any person for hire or reward, provided that this chapter shall not apply to beauticians cutting or trimming the hair of females.

§ 402. State Board of Examiners of Barbers; appointment; qualifications; terms of office; vacancies; bond; oaths

(a) The Board of Examiners of Barbers is continued as the State Board of Examiners of Barbers to consist of 7 reputable barbers whose duty it shall be to carry out the purposes and enforce the provisions of this chapter. The members of the Board shall be appointed by the Governor, who shall select them from 3 barbers residing in New Castle County, 1 of whom shall be selected from the barbers residing in the City of Wilmington, and 2 from the barbers residing in New Castle County outside of the City of Wilmington; 2 in Kent County and 2 in Sussex County. The term for which the members shall hold their office shall be for three years, unless sooner removed by the Governor.

(b) In case of vacancy occurring in the Board, such vacancy shall be filled in like manner by the Governor.

(c) Each member of the Board shall enter into a bond to the State with one or more sureties to be approved by any Judge of any Court of this State, in the penal sum of \$5,000.00 conditioned for the faithful performance of his official duties. The bond shall be filed in the office of the Secretary of State.

(d) Before entering upon his duties each member shall be duly sworn or affirmed to faithfully and impartially perform the duties of his office.

§ 403. Organization; meetings; quorum; annual report

The Board shall choose one of its members President, one Secretary and one Treasurer thereof. It shall fix the time and place of meeting or meetings. A majority of the Board shall at all times constitute a quorum and the proceedings thereof shall at all reasonable times be open to a reasonable inspection. The Board shall also make an annual report of its proceedings to the Governor.

§ 404. Receipts; disbursements

All money or income received by the Board from taxes, fees and/or operations, and all other sources whatsoever, directly shall be paid to the State Treasurer monthly and shall be credited to the General Fund. All disbursements made by the Board for salaries, expenses or other authorized expenditures, shall be paid by the State Treasurer, out of funds appropriated by the General Assembly for such purpose, on vouchers issued by the proper officer or officers of the Board.

§ 405. Rules and regulations; posting; revocation of license; hearing

The Board may adopt reasonable rules and regulations, prescribing the sanitary requirements of a barber shop, subject to the approval of the State Board of Health and cause the rules and regulations so approved to be printed in suitable form, and transmit a copy thereof to the proprietor of each

barber shop in the State. It shall be the duty of every proprietor or person operating a barber shop in the State to keep posted in a conspicuous place in his shop, so as to be easily read by his customers, a copy of such rules and regulations. A failure of any such proprietor to keep such rules so posted or to observe the requirements thereof, shall be sufficient ground for the revocation of his license, but no license shall be revoked without a reasonable opportunity being offered to such proprietor to be heard in his defense.

§ 406. Examination of shops; failure to keep sanitary

The State Board of Health may enter and make any reasonable examination of any barber shop in the State during business hours, for the purpose of ascertaining the sanitary conditions thereof. Any barber shop in which tools, appliances and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is declared to be a public nuisance, and the proprietor thereof shall be subject to prosecution and punishment therefor. One half of all monies collected by the Board shall be paid over to the State Board of Health to defray costs of inspection.

§ 407. Examination of applicants; notice

The Board shall meet at least three times in each year to conduct an examination of persons desiring to follow the business or occupation of barbers, and shall give at least ten days' previous notice of the time and place of such meeting in a daily newspaper in Wilmington and in at least one other newspaper in each county.

§ 408. Registration in lieu of examination; certificates; renewals; fees

(a) Any person who was engaged as a journeyman or proprietor, in the business or occupation of a barber in the State at the time this chapter became law, may within sixty days after the chapter becomes law cause his name and residence or place of business to be registered with the Board of Examiners. The statement of every such person shall be required to be under oath before a notary public of this State,

and set forth his name and residence or place of business and the length of time he has served as barber. Every person so registered with the Board shall pay to the Board \$10.00 and is entitled to receive a certificate as a barber.

(b) All certificates must be renewed annually upon an annual payment of \$5.00.

§ 409. Examination; fee; qualification; certificate; renewals; fee

(a) Any person not within the provisions of Section 408, or not registering thereunder, desiring to obtain a certificate of registration under this chapter, shall have at least an eighth grade grammar school education, and shall make application to the Board, and shall pay an examination fee of \$50.00, and shall present himself at a regular meeting of the Board for the examination of applicants. The Board shall proceed to examine each applicant both by written and oral examination, in the scientific fundamentals of barbering and barber science, histology of the hair, skin, structure of the head, face and neck, elementary chemistry, relating to sterilization and antiseptics, hygienic sanitation and bacteriology, massaging and manipulating the muscles of the scalp, face or neck. Each applicant must be above the age of nineteen years, of good moral character, free from contagious diseases. Each applicant must have studied the trade for at least three years as an apprentice under a qualified and practicing barber, or practiced the trade in another state for at least two years. Each applicant must have the requisite skill in said trade to properly perform all the duties thereof, including his ability in the preparation of tools, shaving, hair cutting and all the duties and services incident thereto.

(b) After an applicant has passed the examinations and presented satisfactory proof as to his other qualifications the Board shall enter his name in the register and issue to him a Certificate of registration, authorizing him to practice said trade in the State, which certificate shall be good for one year.

(c) All persons who have passed the examination shall be entitled to receive a certificate thereafter annually upon the payment of a fee of \$5.00.

§ 410. Apprentices; limitation of number; qualifications

Nothing in this chapter shall prohibit any person serving as an apprentice under a barber authorized to practice under this chapter; but in no barber shop shall there be more than one apprentice to one barber.

Every apprentice, in order to avail himself of the provisions of this chapter, must file with the Secretary of the Board a statement in writing showing the name and place of business of his employer, the date of the commencement of employment with him, and his full name and age, and must be at least sixteen years of age. Each apprentice shall pay a fee of \$5.00 annually.

§ 411. Card

(a) The Board shall furnish to each person to whom a certificate of registration is issued a card or insignia, good for the year for which the same is issued, bearing the signatures of its President and Secretary certifying that the holder thereof is entitled to practice the occupation of barber in the State and the year for which it is issued printed in large figures.

(b) The holder of such card or insignia shall post the same and any renewal thereof in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve.

§ 412. Register; open to public

The Board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this chapter, and the register shall be at all times open to public inspection.

§ 413. Following occupation of barber without certificate, unlawful; saving

It shall be unlawful for any person to follow the occupation of a barber without the certificate of said Board of Examiners. All persons making application for examination under the provisions of this Chapter shall be allowed to practice the occupation of barbering until the next regular meeting of said Board.

§ 414. Establishing new barbershop; fee

In order to establish a new barber shop the applicant must submit to the Board suitable plans and specifications describing in detail all equipment and indicating floor area, floor covering, wall finish, and any other necessary information. If these plans and specifications are approved by the Board, then the applicant must pay a fee of \$100.00 to cover expenses of inspection.

§ 415. Sunday closing; penalty; jurisdiction and cognizance of offenses

Whoever carries on or engages in the business of shaving, haircutting or other work of a barber, or whoever opens or allows to be open his barber shop or place where such business is done, for the purpose of carrying on his said business on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$20.00 nor more than \$75.00 and on failure to pay such fine and costs shall be imprisoned not exceeding ten days.

§ 416. Violations; penalties; jurisdiction

(a) Whoever violates any of the provisions of this chapter shall be fined not less than \$20.00 nor more than \$75.00 and upon default of payment may be imprisoned not more than 20 days.

(b) The Superior Court of the State of Delaware within the County in which the offense took place may try any offense under this Chapter.

Section 2. The members of the Board of Examiners of Barbers as such Board existed immediately prior to the approval of this Act shall constitute the New Castle County members of the reorganized Board until the term of each expires.

Section 3. This Act shall become effective 30 days after approval by the Governor.

Approved July 26, 1961.

CHAPTER 153

**AN ACT TO REPEAL SECTION 501, TITLE 27, DELAWARE
CODE, RELATING TO LIMITATIONS UPON COUNTY
SUPPORT OF SABBATH SCHOOLS.**

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

Section 1. Section 501, Title 27, Delaware Code, be and
hereby is repealed.

Approved July 26, 1961.

CHAPTER 154

AN ACT TO REPEAL SECTION 8711, TITLE 10, DELAWARE CODE, RELATING TO FEES AND COSTS OF THE CRIER.

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

Section 1. Section 8711, Title 10, Delaware Code, be and hereby is repealed.

Approved July 26, 1961.

CHAPTER 155

**AN ACT TO AMEND TITLE 31, DELAWARE CODE, WITH
RESPECT TO SUPPORT FROM RELATIVES OF PER-
SONS APPLYING FOR OR RECEIVING PUBLIC AS-
SISTANCE.**

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

Section 1. Section 510, Title 31, Delaware Code is amend-
ed by adding thereto an additional sentence, as follows:

However, the provisions of Section 501 (a), Title 13, Dela-
ware Code, need not be considered by the Department in deter-
mining eligibility for assistance of any applicant for or recipi-
ent of such assistance but the Department shall encourage per-
sons to seek and relatives to provide support that will eliminate
or reduce the need for public assistance.

Section 2. This Act shall become effective July 1, 1961.

Approved July 28, 1961.

CHAPTER 156

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS FOR THE USE OF THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE, TO ISSUE BONDS AND NOTES THEREFOR, AND TO MAKE AN APPROPRIATION 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, shall borrow upon the faith and credit of the State of Delaware a sum of money not in excess of \$715,000 which shall be used for the following purpose:

To be expended by the Board of Trustees of Delaware State College for construction of a girls' dormitory, expanding and renovating the dining facilities and to furnish and equip same.....\$715,000.

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.

For the purpose of borrowing said sum, the Issuing Officers are hereby authorized to issue bonds of the State of Delaware in an aggregate principal amount not exceeding \$715,000.

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 4 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, 1962. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed \$715,000.

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.

Second 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 purpose 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 and 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 in-

terest 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 or a facsimile of the Great Seal of the State engraved or printed 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 "Delaware State College Improvement Bond of 1961".

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.

In addition to any moneys appropriated by any other Act there is hereby appropriated to the Board of Trustees of Delaware State College the sum of \$715,000 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 sum 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 fiscal year ending June 30, 1962, 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 fiscal year ending June 30, 1962. 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, 1962 and 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 July 31, 1961.

CHAPTER 157

**AN ACT TO AMEND SECTION 8705 AND SECTION 8706,
TITLE 10, DELAWARE CODE, RELATING TO FEES
AND COSTS OF THE PROTHONOTARY.**

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

Section 1. Section 8705, Title 10, Delaware Code, is repealed and a new Section 8705 enacted in lieu thereof to read as follows:

§ 8705. Prothonotary; civil proceedings

(a) The fees of the Prothonotary, for the services specified, shall be as listed below

For filing complaint, praecipe and issuance of the original and one (1) copy of the following:

Issuing Writ of Summons	\$15.00
Issuing Writ of Scire Facias	15.00
Issuing Writ of Replevin	15.00
Issuing Writ of Attachment of property (Domestic and Foreign)	15.00
Issuing Writ of Capias and respondendum	15.00
Issuing Writ of Mechanic's Lien	15.00
Issuing Writ for other original process	15.00
(The above fees include docketing and transcribing to the Continuances Docket)	
Entering Return of Sheriff of Secretary of State	2.00
Issuing extra copy of Writ in any of the above cases	2.00
Issuing an alias, pluries, or any subsequent writ of process	2.00
Issuing Writ of Habere Facias	5.00
Issuing Writ of Liberari Facias	5.00
Issuing Writ of Habere Facias Possessionem	5.00
Issuing Writ of Venditioni Exponas to sell lands	5.00
Issuing Fieri Facias	5.00
Issuing Venditioni Exponas to sell goods and chattels	5.00
Issuing other judicial writs not heretofore mentioned	5.00

Filing every judicial writ returned and entering return..	1.00
Issuing a Notary Certificate	1.00
All entries in any civil action (except an amicable action, an action in the nature of an action of debt without writ) made at each and every term after first	1.00
Filing answer	1.00
Filing reply to counterclaim	1.00
Filing interrogatories, giving written notice thereof, and making entry of such filing and notice	1.00
Issuing Commissions to take depositions, filing com- mission returned with depositions, and making entry thereof	3.00
Giving notice of receipt of depositions	1.00
Registered Mail—as weight and prevailing postal rates require	
Regular Mail—as prevailing postal rates required	
Issuing warrant to lay down pretensions	2.00
Issuing subpoena to give evidence, or to give evidence and bring papers, for each witness	1.00
Issuing attachment for Contempt of Court	2.00
Drawing list of Freeholders in preparation to the strik- ing of a special jury, issuing Venire Facias for such jury; same to be charged whether trial or not	25.00
Drawing supplemental list of Freeholders when necessary	15.00
Advertising cause for trial	1.00
Drawing jury and all services in respect to trial in- cluding crier	15.00
Hearings	5.00
Issuing Writ of Inquiry of Damages, or other writ of inquiry, Writ of Possession, Writ of Estrepement, or other mesne process	5.00
Entering amicable action with all entries, and filing all papers with the time of entering the same, and V. C. whether issued or not, no less fee to be charged	10.00
Entering judgment upon bond with warrant of attorney to Prothonotary or attorney for confession of judg- ment including timing	4.00
Issuing V. C. on judgments whether issued or not	1.00

Entry of judgment confessed under a warrant of attorney or otherwise, in a civil action in the nature of an action of debt without writ, filing complaint, and answer, or any other writing or paper, and every service whatever touching the entry of such action judgment..	5.00
Entering judgment in Judgment Docket, except when confessed under warrant of attorney	5.00
Recording testatum fieri facias	3.00
Issuing testatum fieri facias to another county	3.00
Taking declaration of garnishee .....	.50
For every general Rule to Show Cause, filing motion, issuing rule, entering return of Sheriff and order of court on such rule, no less fee to be charged	10.00
For every Rule to Show Cause why a judgment or mortgage should not be satisfied, when personal service can be had, issuing Rule, entering return of Sheriff and order of court on such Rule, no less fee to be charged..	10.00
When personal service cannot be made, and publication must be had, taking affidavit of Sheriff and entering order of court, filing Sheriff's return and satisfying judgment	15.00
Appeals to Supreme Court	25.00

ON A REFERENCE

For making and certifying the copy of a Rule of Reference, filing report and entering judgment thereon.....	4.00
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ON APPEAL FROM A COURT OF COMMON PLEAS OR JUSTICE OF THE PEACE

For filing and entering transcript of the docket entries of a Court of Common Pleas or Justice of the Peace judgment and execution	2.00
For entering appeal, issuing citation, docketing and transcribing to the docket, no less fee to be charged....	15.00
For entering return	2.00
For entering final judgment, or order dismissing the appeal with judgment for costs	2.00
For certifying copy of record of an order dismissing an Appeal with judgment for costs, or any other copy.....	2.00
And one dollar (\$1.00) for certificate	
All other services, proceedings, etc., the same fee as for like services in other suits.	

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ON A CERTIORARI

For taking recognizance with surety, issuing writ, citation, receiving and filing record, entering return of writ (entering judgment or issuing procendendo, when necessary) no less fee to be charged	15.00
For issuing second or subsequent certiorari, to be paid by the Justice if occasioned by his default	5.00
All other services, proceedings, etc., the same fee as for like services in other suits.	

ON PETITION FOR FREEDOM

For filing petition	5.00
Taking and certifying recognizance, whether of one or more recognizors	2.00
Taking depositions, each .....	.50
Entering order	1.00

ON COMMISSIONS TO MARK AND BOUND

For filing petition and paper, entering proofs and order, whether the petition be allowed or not	5.00
Issuing commission	3.00
Receiving commission with return and entering order of proceeding thereon	3.00

ON DIVORCE

Filing petition and affidavit, issuing writ, docketing and transcribing to Appearance Docket, not less fee to be charged	15.00
Entering return	2.00
Issuing commission	5.00
For making certified copy of order or judgment	2.00
For entering order or judgment of court	1.00

IN CONDEMNATION AND ROAD CASES

For exhibiting petition and entering appointment of) order thereon, Issuing such order, Receiving return and entering and issuing order of review, Receiving order of review and entering and issuing any subse-	
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quent order, and Entering final order approving return laying out a road	15.00
Each extra certified copy of final order	2.50

OTHER SERVICES

For entering and certifying under hand and seal on order for Sheriff, executor or administrator to exe- cute a deed conveying land and tenements	5.00
For taking bond for security for costs, dissolving an an attachment, or any other bond	3.00
For recording release of certain lands, suggestion of death or marking a judgment to the use of	1.00
Search upon application of a person not an attorney of the court	5.00
Issuing Habeas Corpus and entering all proceedings thereon	10.00
Abstract of judgment containing the names of parties, the real debt or damages, costs, time when interest commences term and date of entry	1.00
Entering a surrender by bail and commitment	1.00
For party plaintiff	1.00
For certificate under hand and seal	1.00
For discontinuance	1.00
For judgment according to rule	5.00
For certificate to Recorder on issuing scire facias on mortgage	1.00
For certificate to Recorder on return of levari facias (to be taxed by the Sheriff in his costs)	1.00
For drawing check under seal	2.00
For lien extension by agreement	2.00
For filing petition which does not have to be recorded and entering order of court	1.00
For each continuance	1.00
For recording petitions, reports, bonds and all other recording, for the first page or fractional part thereof	2.00
And for each additional page or fractional part thereof	1.00
For inquisition at bar—including Crier	6.00
For filing petition for a ditch and issuing an order.....	5.00

For making exemplified copy of any record	4.00
For making certified copy of any record	2.00
For taking any affidavit	1.00
For filing any affidavit	1.00
Inquisition by jury in condemnation case	10.00
Copy of a draught or plot, unless the parties can agree, a sum to be taxed by any judge.	
Affidavit of Acknowledgment of Parentage with Certifi- cation	2.00

(b) All other fees of the Prothonotary for services in so far as they are not provided for in this section shall be fixed and regulated by the Superior Court.

(c) A record page shall consist of forty-five lines, and a line, when used as a measure for computation, shall mean eight words.

(d) Whoever neglects or refuses to pay the fees provided for in this section, for any service or services performed, for ten days after demand in writing by the officer to whom such fees are due, shall be fined twenty-five dollars besides costs of suit.

(e) Before any suit, action or other proceedings is instituted in the Superior Court, the Prothonotary shall demand and receive the sum of \$40.00 as a deposit of guaranty for the payment of the fees and costs in his office. Before any execution process is issued, the Prothonotary shall demand and receive the sum of \$15.00 as a deposit of guaranty for the payment of the fees and costs in his office. He shall apply such deposit in payment of the fees and costs in his office from time to time as they become due; and shall return to the person depositing the same, any balance remaining after such suit, action or other proceedings is completed. If the sum deposited is reduced by the payment of the fees and costs to an amount which is in the judgment of the Prothonotary insufficient to defray the fees and costs for additional service, the Prothonotary shall before any additional service or services shall be performed by him demand and receive all over-expended sums and such additional deposit as in his judgment shall be sufficient.

Section 2. Section 8706, Title 10, Delaware Code, is repealed and a new Section 8706 enacted in lieu thereof to read as follows:

§ 8706. Prothonotary; criminal proceedings

The fees of the Prothonotary for the services specified, shall be as listed below

For filing an indictment, or information, and entering the same	\$ 1.00
Issuing capias upon an indictment, or information, or when legally required	2.00
Issuing a subpoena to give evidence for each witness named for a party before issuing the same	1.00
Issuing attachment	2.00
Taking and certifying a recognizance for each recognizer	1.00
Respiteing a recognizance for each recognizer .....	.50
Arraigning defendant and making the proper entries thereupon	1.00
Entering a submission and judgment thereon (in which case the item last stated shall not be charged)	1.00
Drawing a jury and all services in entering verdict and judgment	15.00
Entering a commitment or surrender by bail	1.00
Issuing any judicial writ	2.00
For issuing exemplification of judgment of death	2.00
Issuing habeas corpus for the removal of a prisoner	3.00

Section 3. Section 2311 (b), Title 10, Delaware Code, is repealed and a new Section 2311 (b) enacted in lieu thereof to read as follows:

(b) For the services provided for in subsection (a) of this section, the Prothonotary and Recorder shall each be entitled to a fee of \$1.50 to be taxed by the Sheriff in the costs of the case.

Section 4. All fees and costs heretofore established by statute or by Rule of Court are hereby repealed to the extent of any inconsistency with the foregoing fees and costs.

Approved July 31, 1961.

CHAPTER 158

AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, ENTITLED "UNEMPLOYMENT COMPENSATION" BY CHANGING CERTAIN PROVISIONS RELATING TO BENEFITS.

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

Section 1. § 3302 (17), Title 19, Delaware Code, is hereby amended by enacting and inserting at the end thereof, the following words:

- (E) Holiday pay paid during any period of unemployment.
- (F) Vacation pay paid during or incident to any period of unemployment.

Section 2. § 3313 (b), Title 19, Delaware Code, is hereby repealed and a new sub-section enacted and inserted in lieu thereof to read as follows:

(b) An individual's "weekly benefit amount" means an amount equal to one-twenty-fifth of his total wages for employment by employers paid during that quarter of his base period in which such total wages were highest, except that if such amount is more than \$50, the weekly benefit amount shall be \$50, or if less than \$7, shall be \$7, and if not a multiple of 50 cents, shall be computed to the next highest multiple of 50 cents.

Section 3. § 3313 (d), Title 19, Delaware Code, is hereby amended by repealing and striking out the figures "29%" as it appears therein and by enacting and substituting in lieu thereof the figure "37%".

Section 4. § 3313, Title 19, Delaware Code, is hereby amended by enacting and adding at the end thereof a new sub-section to read as follows:

(e) Any otherwise eligible individuals shall be paid with respect to any week a benefit amount equal to his weekly benefit amount less that part of a retirement pension or annuity, if any, received by him or for which he is eligible under a private pension plan which is financed entirely by a base period employer of such employee, and which is in excess of the weekly benefit amount for which he is eligible under this Act. If there is employee participation in financing a pension plan, such deduction shall be reduced in the same proportion as the employee's contribution to the pension bears to the total pension amount. If such retirement pension or annuity payment deductible under the provisions of this subsection is received on other than a weekly basis, the amount thereof shall be allocated and pro-rated in accordance with such regulation as the Commission shall prescribe. This subsection shall apply only to any new claim filed after the date of approval of this act.

Section 5. Section 3314, Title 19, Delaware Code, is amended by changing Subsection (5) to Subsection (5) (A) and adding a new subsection thereto to be known as Subsection (5) (B) to read as follows:

(5) (B) Wages paid to an individual prior to the date on which he filed a valid claim for benefits, but not paid until after the base period for such claim, may be considered as wages in a subsequent base period, relating to a new benefit year, only if subsequent to the date on which he filed such earlier valid claim such individual had become newly employed and had been paid wages in such new employment equal to not less than 10 times his new weekly benefit amount. This paragraph shall apply to any new claim filed after the date of approval of this act.

Approved August 9, 1961.

CHAPTER 159

AN ACT TO AUTHORIZE THE LEVY COURT OF KENT COUNTY TO APPROPRIATE MONEY TO THE KENT COUNTY VOLUNTEER FIREMEN'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 Six Hundred Dollars (\$600.00) for the fiscal year beginning July 1, 1961, and a similar sum for the fiscal year beginning July 1, 1962, to the Kent County Volunteer Firemen's Association for the maintenance of radio equipment used in connection with volunteer fire fighting apparatus throughout the county.

Approved August 11, 1961.

CHAPTER 160

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONEYS TO CERTAIN FIRE COMPANIES FOR THE MAINTENANCE OF A RESCUE SQUAD.

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

Section 1. The Levy Court of Kent County is hereby authorized and directed to appropriate the sum of Seven Hundred and Fifty Dollars (\$750.00) annually to each of the regularly organized and motorized fire companies in Kent County for the maintenance of their rescue squad. The said sum of Seven Hundred and Fifty Dollars (\$750.00) shall be paid by the Levy Court of Kent County to each of the fire companies entitled thereto, certified by the Secretary of the Kent County Volunteer Firemen's Association on the first day of July of each year.

Approved August 11, 1961.

CHAPTER 161

**AN ACT TO PROHIBIT THE EXAMINATION IN COURTS OF
THE STATE OF DELAWARE OF ANY MINISTER OF
RELIGION IN CONNECTION WITH ANY COMMUNICA-
TION MADE TO HIM IN HIS PROFESSIONAL CAPAC-
ITY, WITHOUT THE CONSENT OF THE PARTY TO
SUCH COMMUNICATION.**

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

Section 1. Title 10, Delaware Code, Chapter 43, is amended by adding thereto a new Section 4317 as follows:

§ 4317. Prohibition of Examination of Minister of Religion.

No priest, clergyman, rabbi, "practitioner of Christian Science", or other duly licensed, ordained or consecrated minister of any religion shall be examined in any civil or criminal proceedings in the courts of this State—

(1) with respect to any confession, or communication, made to him, in his professional capacity in the course of discipline enjoined by the church or other religious body to which he belongs, without the consent of the person making such confession or communication,

(2) with respect to any communication made to him, in his professional capacity in the course of giving religious or spiritual advice, without the consent of the person seeking such advice, or

(3) with respect to any communication made to him, in his professional capacity, by either spouse, in connection with any effort to reconcile estranged spouses, without the consent of the spouse making the communication.

Approved August 11, 1961.

CHAPTER 162

**AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX
COUNTY TO APPROPRIATE MONEY TO THE MILL-
VILLE VOLUNTEER FIRE COMPANY TO OPERATE
AND MAINTAIN AN AMBULANCE.**

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

Section 1. The Levy Court of Sussex County is authorized to appropriate the sum of Seven Hundred Fifty Dollars (\$750.00) for the fiscal year beginning July 1, 1961, and a similar sum for the fiscal year beginning July 1, 1962, to the Millville Volunteer Fire Company for the maintenance of an ambulance.

Approved August 11, 1961.

CHAPTER 163

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE FRUITLAND GRANGE, NO. 16, CAMDEN, DELAWARE 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 the Fruitland Grange, No. 16, Camden, Delaware.

Approved August 11, 1961.

CHAPTER 164

AN ACT TO AMEND SECTION 8123, TITLE 10, DELAWARE CODE, RELATING TO NOTICE OF CLAIM AGAINST CITY OF WILMINGTON.

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

Section 1. Section 8123, Title 10, Delaware Code, is amended by striking out the words "6 months" from lines six and seven and by inserting in lieu thereof the words "1 year".

Approved August 11, 1961.

CHAPTER 165

AN ACT TO AMEND SECTION 29, CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE POWER TO BORROW MONEY.

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 29, Volume 51, Laws of Delaware, is hereby amended by striking out the symbol and numbers "\$500,000" as they now appear in line 17 of the first paragraph and inserting in lieu thereof the symbol and numbers "\$1,000,000".

Approved August 11, 1961.

CHAPTER 166

AN ACT TO AMEND TITLE 5, DELAWARE CODE, RELATING TO SMALL LOANS BY PROVIDING FOR THE MAKING OF LOANS FOR EDUCATIONAL PURPOSES.

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

Section 1. § 2108, Title 5, Delaware Code, is amended by adding “; loans for educational purposes” to the present title thereof and by denoting the present Section 2108 as Section 2108 (a).

Section 2. § 2108, Title 5, Delaware Code, is amended by enacting a new Section 2108 (b) to read as follows:

Any lender authorized to make loans under the provisions of Subsection (a) of this Section may make loans to be used exclusively for the payment and assurance of payment of tuition and other expenses of formal education in accredited institutions of learning under agreements by which the lender is obligated to make such loans in periodic advances. Any such lender may charge interest upon the outstanding principal balance of such loans at a rate that shall not exceed the legal rate of 6% charged in advance for one year, and may make such loans repayable in monthly or other periodic installments over a period not to extend more than three full years beyond the last required advance, with the right to the lender to declare the entire unpaid balance due and payable in the vent of default in the payment of any installment for a period of thirty days, and the lender may also charge an investigation fee or make a service charge of not exceeding 2% of the entire amount to be loaned, which fee or service charge shall be only on the face amount of the loan and not on a per annum basis. No additional interest or commission shall be charged, nor shall any additional charge of any kind be made except as provided in Section 2109 of this Title.

Approved August 11, 1961.

CHAPTER 167

AN ACT CREATING AND CHARTERING THE DELAWARE INDUSTRIAL BUILDING COMMISSION, AUTHORIZING THE COMMISSION TO ISSUE BONDS AND PLEDGING THE CREDIT OF THE STATE THEREFOR.

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. Title 6, Delaware Code, is amended by enacting a new Part IV as follows:

Part IV. COMMERCIAL DEVELOPMENT**Chapter 70. Delaware Industrial Building Commission****§ 7001. Findings and declarations of policy**

It is determined and declared as a matter of legislative finding that

(a) The good order of the State and the health and welfare of its citizens depends upon the steady employment, in useful occupations of the citizens of the State.

(b) In certain areas of the State, many citizens of the State are employed sporadically or not at all. In these areas of the State, many citizens have heretofore found employment in agricultural pursuits. As agriculture becomes more efficient, and requires fewer employees for the maintenance of economic output levels, increasing numbers of citizens cannot find agricultural employment. Opportunities for other forms of employment in these areas are very limited. Such sporadic or non-existent employment opportunities threaten the economic stability of the State, discourage thrift, and depress the standard of living of the citizens of the State, all to the detriment of the public health, welfare, and order.

(c) Stable and useful employment can be made available for these citizens by the establishment of commercial and industrial enterprises in agricultural areas of the State.

(d) More than half of the other States in the United States have enacted legislation creating industrial development authorities for the encouragement of, and to provide assistance to, industrial enterprises in establishing manufacturing facilities in agricultural areas. The experience of States which have created development authorities for the building, leasing, or mortgage guaranty of industrial buildings demonstrates that such corporations serve the public purposes hereinbefore enunciated.

(e) The establishment of an Industrial Development Commission will promote the public health, welfare and order.

Therefore, it is declared to be the policy of this State to promote the health, welfare and the good order of the inhabitants thereof by the creation of a Commission to be known as the "Delaware Industrial Building Commission" which shall exist and operate for the purposes contained in this chapter. Such purposes are declared to be public uses for which the public money may be spent and the credit of the State pledged.

§ 7002. Creation and Organization of Commission

(a) The State of Delaware Industrial Building Commission hereinafter in this Act called the "Industrial Commission", is hereby created and established, and is constituted an agency of the State. The exercise by the Industrial Commission of the powers conferred by the Provisions of this Act shall be deemed and held to be the performance of essential governmental functions.

(b) The Industrial Commission shall consist of five Directors.

(c) The Directors of the Industrial Commission shall be appointed by the Governor, by and with the consent of a majority of the members elected to the Senate. When this Chapter becomes law, the Governor shall appoint one of the Directors to reside in the City of Wilmington for a term of one year, one of the Directors to reside in New Castle County other than the City of Wilmington for a term of two years, one of the Directors to reside in Kent County for a term of three years, and one of

the Directors to reside in Sussex County for a term of four years. Upon the expiration of each stated term, the Governor shall thereafter appoint successors to the offices for terms of four years each, commencing, in each case, from the date of the expiration of the term of his predecessor. The fifth member of the Industrial Commission shall serve at the pleasure of the Governor and shall be Chairman of the Industrial Commission. He may be removed at any time by the Governor, and shall serve until he is removed by the Governor.

(d) During their respective terms of office a member shall reside in the county from which he is appointed and the City of Wilmington. No more than 3 members shall belong to the same political party.

§ 700.3 Purpose and Powers

(a) The Industrial Commission is hereby authorized to pledge the full faith and credit of the State to the guaranty of bonds issued by a certified development corporation, hereinafter defined, issued for any certified project of such development corporation. As a condition precedent to the pledge of the full faith and credit of the State, the Industrial Commission must find that the project for which the bonds are to be issued:

(1) Will be located in an area of the State where a substantial portion of the labor force is unemployed, or employed in seasonal work.

(2) Will consist of an industrial building or buildings which are all-purpose buildings, suitable for rental to general manufacturing industry.

(3) Will be leased or sold to a financially responsible person or corporation who has not been convicted of a major Labor Law violation by an agency or court of the Federal Government or agency or court of any State in the 2 years immediately prior to the approval of the person's or corporation's application for aid.

(4) Will yield sufficient income in rental or mortgage payments for the payment of principal and interest on the bonds.

(5) Will be leased or sold upon the condition that the prospective tenant, purchaser or occupant is legally obligated to purchase five per cent of the bonds issued by the development corporation for the project, said bonds to be pledged as security for the lease or mortgage.

(6) Will effectuate the purposes of this chapter.

(b) The Industrial Commission shall not have outstanding at any time guarantees in excess of ten million dollars. No individual project shall be guaranteed for an amount in excess of two million dollars.

(c) The Industrial Commission may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including, but without limiting the generality of the foregoing, the rights and powers described below.

(1) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(2) To adopt, use and alter at will a seal.

(3) To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purpose of the Industrial Commission and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time required by it.

(4) To acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair, and operate projects.

(5) To make by-laws for the management and regulation of its affairs.

(6) To appoint officers, agents, employees, and servants, to prescribe their duties, and to fix their compensation except as otherwise limited in this Chapter.

(7) To guarantee negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations of a development corporation; the bonds to have a maturity date

not longer than 25 years from the date of issue; and to secure the payment of such bonds or any part thereof by pledge, or deed of trust of all, or any of the development corporations' revenues and receipts, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, including the pledging of the full faith and credit of the State, as the Industrial Commission deems advisable, subject to the limitations of this Chapter and in general to provide for the security for the bonds and the rights of the holders thereof.

(8) To make contracts of every name and nature, and to execute all instruments necessary or convenient for the carrying on of its business.

(9) Without limitation of the foregoing to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with any Federal agency, municipality, corporation or authority.

(10) To pledge, hypothecate, or otherwise encumber all or any of the revenues or receipts of the Industrial Commission, as security for all or any of the obligations of the Industrial Commission.

(11) To do all acts and things necessary for the promotion of its business and the general welfare of the Industrial Commission to carry out the powers granted to it by this Chapter or any other law.

(12) To enter into contracts with the municipalities, corporations or authorities for the use of any project of the Industrial Commission and fixing the amount to be paid therefor.

(13) All expenses incurred by the Industrial Commission shall be included and charged to the appropriate project to which they apply. Any refunds or reimbursements of such expenses shall be credited back to the same industrial project to which the original expense was charged. No expense of the Industrial Commission shall be charged to the General Fund of the State.

§ 7004. Bonds

(a) The bonds authorized to be guaranteed by this Chapter shall be authorized by resolution of the Industrial Commission and shall be of such series, bear such date or dates; mature at such time or times not exceeding 25 years from their respective dates; bear interest at such rate or rates; be in such denominations; be in such form, either coupon or fully registered, without coupon; carry such registration, exchangeability, and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities in the revenues or receipts of the issuing development corporation as such resolution or resolutions may provide. The bonds shall be signed by such officers as the development corporation shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the development corporation, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds, or the treasurer whose facsimile signature shall be upon the coupon, or any officer thereof, shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

The bonds may be sold at public or private sale for such price or prices as the development corporation shall determine. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the development corporation may determine.

(b) Any resolution or resolutions authorizing any guarantee of bonds may contain provisions which shall be part of the contract with the holders thereof as to (1) pledging the full faith and credit of the State for such obligations or restricting the same to all or any of the revenues of the development corporation from all or any projects or properties; (2) the construction, improvement, operation, extension, enlargement, maintenance, and repair of the project, and the duties of the development corporation with reference thereto; (3) the terms and provisions of the bonds; (4) limitations on the pur-

poses to which the proceeds of the bonds then, or thereafter to be issued, or of any loan or grant by the United States, may be applied; (5) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (6) limitations on the issuance of additional bonds; (7) the terms and provisions of any deed of trust or indenture securing the bonds, or under which the same may be issued, and (8) any other additional agreements with the holders of the bonds.

(c) The development corporation may enter into any deeds of trust, indentures, or other agreements, with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency, as security for such bonds, and may pledge the credit of the State as hereinbefore limited, and all or any of the revenues or receipts of the development corporation thereunder. Such deed of trust, indenture, or other agreement, may contain such provisions as may be customary in such instruments, or as the Industrial Commission may authorize, including provisions as to: (1) the construction, improvement, operation, maintenance, and repair of any project and the duties of the development corporation with reference thereto; (2) the application of funds and the safeguarding of funds on hand or on deposit; (3) the rights and remedies of the trustee and holders of the bonds which may include restrictions upon the individual right of action of such bondholder, and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

(d) The bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the State of Delaware.

§ 7005. Development corporations

(a) Any non-profit corporation organized pursuant to Title 8, Delaware Code, may apply to the Industrial Commission for certification as a development corporation. The Industrial Commission shall certify a development corporation if it finds that

- (1) The corporation is not for profit;

(2) A majority of the directors of the development corporation are citizens and residents of the State of Delaware, and have knowledge of business and employment conditions in Delaware;

(3) The development corporation, employs or can secure sufficient expert assistance to prepare applications for State guaranty of bonds, pursuant to section 7003 (a) of this chapter;

(4) The development corporation has, as its primary purpose, the effectuation of the purposes of this Chapter;

(5) The development corporation is solvent.

(b) The Industrial Commission may, after notice to the development corporation, withdraw the certification of the development corporation, if it finds that any of the conditions of subsection (a) hereof have been breached. Such withdrawal of certification shall not affect any previous guaranty of the credit of the State by the Industrial Commission.

§ 7006. Remedies of bondholders

(a) The rights and remedies conferred upon or granted to the bondholders in this Section shall be in addition to, and not in limitation, of, any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any deed of trust, indenture, or other agreement under which the same may be issued. In the event that the development corporation shall default in the payment of principal of, or interest on any of the bonds authorized by this Chapter, after the principal and interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or in the event that the development corporation shall fail or refuse to comply with the provisions of this Chapter, or shall default in any agreement made with the holders of the bonds, the holders of 25 per cent in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the Recorder of Deeds of the county, and proved or acknowl-

edged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders for the purpose provided in this Section.

(b) Such trustee, and any trustee under any deed of trust, indenture or other agreement, may, and upon written request of the holders of 25 per cent of such other percentages as may be specified in any deed or trust, indenture, or other agreement, in principal amount of the bonds then outstanding, shall, in his or its own name—

(1) By mandamus, or other suit, action or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the development corporation to collect rentals or other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the development corporation, and to require the development corporation to carry out any other agreements with, or for the benefit of the bondholders, and to perform its and their duties under this chapter;

(2) Bring suit upon the bonds;

(3) By action or suit in equity require the development corporation to account as if it were the trustee of an express trust for the bondholders;

(4) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(5) By notice in writing to the development corporation declare all bonds due, and payable, and if all defaults shall be made good, then with the consent of the holders of 25 per cent or such other percentage as may be specified in any deed of trust, indenture, or other agreement, of the principal amount of the bonds then outstanding, to annul such declaration and its consequences.

(c) The Court of Chancery in and for the county wherein the development corporation is located shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee when appointed or acting under

a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter and take possession of the facilities of the development corporation or any part or parts thereof, the revenues or receipts from which are, or may be, applicable to the payment of the bond in default; and operate and maintain the same, and collect and receive all rentals and other revenues thereafter arising therefrom, in the same manner as the development corporation might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee, and of the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the development corporation, the revenues or receipts from which are or may be applicable to the payment of the bonds in default. The trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth in this Section, or incident to the general representation of the bondholders in the enforcement and protection of their rights.

(d) If the receiver appointed pursuant to subsection (c) exhausts the remedies provided by this Section without realizing sufficient funds for the payment of accrued interest, principal, costs and receivership expenses, including counsel fees, the receiver shall make demand upon the Industrial Commission for payment of the deficiency. The Industrial Commission shall issue a warrant to the State Treasurer in the amount of the deficiency, and the State Treasurer shall pay the warrant out of funds not otherwise appropriated or out of funds provided by the General Assembly for this purpose. Upon payment of the deficiency, the Industrial Commission shall succeed to all rights of the receiver.

(e) Nothing in this Section, or any other Section of this Chapter, shall authorize any receiver appointed pursuant to this Chapter for the purpose of operating and maintaining any facilities of the Industrial Commission to sell, assign, mortgage, or otherwise dispose of, any of the assets of whatever kind

and character belonging to a development corporation. It is the intention of this Chapter to limit the powers of such receiver to the operation and maintenance of the facilities of a development corporation as the court shall direct; and no holder of bonds of a development corporation, nor any trustee shall ever have the right in any suit, action or proceedings at law or in equity to compel a receiver, nor shall any receiver be authorized, or any court be empowered to direct the receiver to sell, assign, mortgage, or otherwise dispose of, any assets of whatever kind or character belonging to a development corporation.

§ 7007. Limitation of powers

The State of Delaware hereby pledges to and agrees with any person, firm or corporation, or Federal agency subscribing to, or acquiring the bonds to be issued by a development corporation for the construction, extension, improvement, or enlargement of any project or part thereof, that the State will not limit or alter the rights vested in the development corporation until all bonds at any time issued, together with the interest thereon, are fully met and discharged. The State of Delaware further pledges to, and agrees with, the United States and any other Federal agency, that if any Federal agency constructs or contributes any funds for the construction, extension, improvement, or enlargement of any project, or any portion thereof, the State will not alter or limit the rights and powers of the development corporation in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the development corporation and any such Federal Agency, and the development corporation shall continue to have and may exercise all powers granted in this chapter, so long as the same shall be necessary or desirable, for the carrying out of the purposes of this chapter, and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof.

§ 7008. Bonds as legal investments for institutions and fiduciaries

Bonds issued under the provisions of this chapter are made securities in which all State and municipal officers and admin-

istrative departments, boards, and commissions of the State, all banks, bankers, savings banks, trust companies, saving and loan associations, investment companies, and other persons carrying on a bank business, all insurance companies, insurance associations, and other persons carrying on insurance business, and all administrators, executors, guardians, trustees, and other fiduciaries, and all other persons whatsoever authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control; and such bonds are made securities which may properly and legally be deposited with and received by any State, county or municipal officer or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is authorized by law.

§ 7009. Severability

The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Approved August 18, 1961.

CHAPTER 168

AN ACT TO AMEND SECTIONS 141, 158 AND 223 OF TITLE 8, DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW.

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. That Section 141, Title 8, Delaware Code, be and the same is hereby amended as follows:

(a) By striking out the first sentence of sub-section (e) thereof and substituting in lieu thereof the following sentence:

Except for the provisions of sub-paragraph (g) hereof, the provisions of this section shall not apply to corporations not for profit for which it is desired to have no capital stock.

(b) That sub-section (g) of Section 141 be amended by striking out the said sub-paragraph and substituting in lieu thereof the following:

(g) Unless otherwise restricted by the certificate of incorporation or by-laws, any action required or permitted to be taken at any meeting of the board of directors, or governing body, or of any committee thereof may be taken without a meeting, if prior to such action a written consent thereto is signed by all members of the board, or governing body, or of such committee as the case may be, and such written consent is filed with the minutes of proceedings of the board, governing body, or committee.

Section 2. That Section 158, Title 8, Delaware Code, be and the same is hereby amended by striking out the first two sentences of the said Section and substituting in lieu the following:

Every holder of stock in a corporation shall be entitled to have a certificate, signed by, or in the name of the corporation by, the chairman or vice-chairman of the board of directors, or

the president or a vice-president and the treasurer or an assistant treasurer, or the secretary or an assistant secretary of such corporation, certifying the number of shares owned by him in such corporation. Where such certificate is signed (1) by a transfer agent or an assistant transfer agent or (2) by a transfer clerk acting on behalf of such corporation and a registrar, the signature of any such chairman or vice-chairman of the board of directors, president, vice-president, treasurer, assistant treasurer, secretary or assistant secretary may be facsimile.

Section 3. That Section 223, Title 8, Delaware Code, be and the same is hereby amended by adding at the end thereof the following:

Unless otherwise provided in the certificate of incorporation or by-laws, when one or more directors shall resign from the board, effective at a future date, a majority of the directors then in office, including those who have so resigned, shall have power to fill such vacancy or vacancies, the vote thereon to take effect when such resignation or resignations shall become effective, and each director so chosen shall hold office as herein provided in the filling of other vacancies.

Approved August 18, 1961.

CHAPTER 169

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO MILLSBORO SCHOOL DISTRICT NO. 204 AT MILLS
BORO, DELAWARE, FOR THE FISCAL YEAR ENDING
JUNE 30, 1962.**

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

Section 1. The sum of \$300 is hereby appropriated to Millsboro School District No. 204 at Millsboro, Delaware for the item "all other costs" for the remainder of the fiscal year ending June 30, 1962.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved August 18, 1961.

CHAPTER 170

AN ACT TO AMEND TITLE 19, SECTION 3101, DELAWARE CODE, BY INCREASING THE NUMBER OF MEMBERS ON THE UNEMPLOYMENT COMPENSATION COMMISSION.

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

Section 1. Title 19, Section 3101 (a), Delaware Code, is hereby amended by striking out the number "4" as it appears therein and by inserting in lieu thereof the number "5".

Section 2. Title 19, Section 3101 (b), Delaware Code, is hereby amended by striking out the word "two" as it appears therein and by inserting in lieu thereof the word "three".

Approved August 18, 1961.

CHAPTER 171

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. That Section 142, Title 8 of the Delaware Code, be and the same is hereby amended by striking out the second sentence of sub-section (a) thereof.

Section 2. That Section 275, Chapter 1, Title 8 of the Delaware Code, be and the same is hereby amended by striking out sub-section (a) thereof and substituting in lieu thereof the following new sub-section (a):

(a) If it should be deemed advisable, in the judgment of the board of directors, and most for the benefit of any corporation organized under this Chapter, that it should be dissolved the board after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause notice of the adoption of the resolution to be mailed to each stockholder of record having voting power, and also cause a like notice to be inserted in a newspaper published in the county wherein the corporation shall have its principal office in this State, at least once, at least ten days preceding the time appointed for the same, of a meeting of the stockholders having voting power, to take action upon the resolution so adopted by the board, which meeting may, by consent of a majority in interest of the stockholders present in person or by proxy, having voting power, be adjourned or recessed from time to time.

Section 3. That Section 141, Title 8, Delaware Code, 1953, be and the same is hereby amended by striking out all of sub-section (b) of said Section and enacting in lieu thereof a new Section 141 (b) as follows:

(b) The number of directors which shall constitute the whole board shall be such as from time to time shall be fixed

by, or in the manner provided in, the by-laws, but in no case shall the number be less than three, except that in cases where all the shares of a corporation are owned beneficially and of record by either one or two stockholders, the number of directors may be less than three but not less than the number of stockholders. Directors need not be stockholders unless so required by the certificate of incorporation or the by-laws. The directors shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business, unless the by-laws shall provide that a different number shall constitute a quorum, which in no case shall be less than one-third of the total number of directors nor less than two directors, except that when a board of one director is authorized under the provisions of this Section, than one director shall constitute a quorum.

Section 4. That Sections 295 and 296, Title 8, Delaware Code, 1953, be and the same are hereby repealed. The Court of Chancery shall adopt a rule or rules of court governing the practice and procedure relating to creditors' claims, including, but not limited to, the filing, barring, proving, adjudicating, certifying and appeal of such claims, and the powers, duties and liabilities of receivers and trustees in connection with such claims. This Section shall not affect any proceeding instituted prior to the effective date hereof and as to any such proceeding the provisions in effect immediately prior to the effective date of this Act shall apply.

Section 5. Section 4 of this act shall become effective upon the adoption of the rules referred to in Section 4.

Approved August 21, 1961.

CHAPTER 172

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO FRANKFORD SCHOOL #206 TO PAY EXPENSES
INCURRED DURING FISCAL YEAR ENDING JUNE 30,
1961.**

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

Section 1. The amount of \$176.86 is hereby appropriated to Frankford School #206 for expenses incurred during the fiscal year ending June 30, 1961, to be expended as follows:

Telephone	\$ 47.70
Mileage	88.04
Electricity	41.12

Total \$176.86

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 August 21, 1961.

CHAPTER 173

**AN ACT TRANSFERRING TITLE OF REAL ESTATE IN
SUSSEX COUNTY FROM THE STATE OF DELAWARE
TO THE STATE BOARD OF HEALTH.**

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

Section 1. There is hereby granted to the State Board of Health title in fee to the following described real estate, to wit:

All that certain lot, piece, parcel or tract of land situated, lying and being in Georgetown Hundred, Sussex County, State of Delaware, beginning at a marker on the northerly right of way line of Route 431 located a distance of 525' from the north-eastern intersection of Routes 113 and 431, thence N. 67°08' W. 300'± along the line of lands now occupied by the Department of Public Welfare to a marker; thence northeasterly 205'± to a monument; thence N. 66°42' E. 58.3' to a cedar post; thence N. 81°42' E. 250' to a monument on the northerly right of way line of Route 431; thence S. 25°52' W. 371½' along Route 431 to the place of beginning, containing 1.8619 acres of land, more or less.

Section 2. The purpose of this Act is to vest fee simple title in the above described property in the State Board of Health from the State of Delaware.

Approved August 22, 1961.

CHAPTER 174

AN ACT TO AMEND CHAPTER 149, OF VOLUME 29, LAWS OF DELAWARE, AS AMENDED, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF CHESWOLD" BY INCREASING THE AMOUNT AUTHORIZED TO BE RAISED BY TAXATION.

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

Section 1. Chapter 149, Volume 29, Laws of Delaware, as amended, being an act entitled "AN ACT TO REINCORPORATE THE TOWN OF CHESWOLD" is amended by repealing Section 5 thereof and substituting in lieu thereof a new Section 5 to read as follows:

Section 5. That the commissioners herein provided for, and their successors in office, shall at their first stated meeting in each year determine the amount of tax to be raised in said town for that year, not exceeding three thousand dollars (\$3,000.00), including tax on real and personal property and poll tax, but excluding exonerations and commissions for collections, and shall appoint one or more assessors who may or may not be their number to make an assessment of persons and property in said town and shall appoint a collector and treasurer.

Approved August 24, 1961.

CHAPTER 175

AN ACT TO AMEND CHAPTER 47, TITLE 29, DELAWARE CODE, RELATING TO THE BOARD OF POST-MORTEM EXAMINERS.

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

Section 1. § 4702, Title 29 of the Delaware Code is amended to read as follows:

§ 4702. Composition and President of Board

The Board shall consist of the Attorney General, the President of the State Board of Health, the Superintendent of the State Police, the State Auditor, and a physician from each County of the State of Delaware named by the Council of the Medical Society of Delaware. The physicians named by the Council shall serve for terms of four years and may be reappointed. The duly elected Coroner of each county shall be a non-voting member of the Board. The members of the Board shall serve without compensation except for necessary travel expenses, and the Attorney General shall act as President of the Board.

Section 2. § 4705, Title 29 of the Delaware Code is amended to read as follows:

§ 4705. Compensation of Medical Examiner

The Medical Examiner shall be compensated at a rate to be determined by the Board. He shall also be reimbursed for any necessary travel expenses.

Section 3. § 4707 (a), Title 29 of the Delaware Code is amended to read as follows:

(a) The Board may appoint such professional or clerical personnel including Deputy Medical Examiners, clerks and other employees as may be necessary for the proper administration of the Board's functions at such compensation as shall be de-

terminated by the Board. The Deputy Medical Examiners or other qualified medical personnel may be authorized by the Board to perform any of the functions of the Medical Examiner.

§ 4709. Office and equipment

The Office of the Medical Examiner shall be maintained in a suitable place which shall be designated by the Board. The Board may maintain more than one office but in such event, no more than one office shall be located in any one county. The Board shall provide or arrange for proper and necessary equipment for use of the Medical Examiner.

Section 5. § 4710 (a) and (b), Title 29 of the Delaware Code, are amended to read as follows:

§ 4710. Investigation of deaths

(a) When any person shall die in this State, as a result of violence, or by suicide, or by casualty if such occurred not longer than one year and one day prior to death, or while under anesthesia, or by abortion or suspected abortion, or by poison or suspicion of poison, or suddenly when in apparent health or when unattended by physician, or in an institution less than 24 hours after admission where a diagnosis cannot be made including death in coma, or from a disease resulting from employment including disease related to injury or from an undiagnosed cause which may be related to a disease constituting a threat to public health, or in any suspicious or unusual manner, or if there is any unclaimed body, or if any body is to be cremated, it shall be the duty of the person having knowledge of such death or the person issuing a permit for cremation under the provisions of Section 3162 of Title 16, immediately to notify the Coroner or the Medical Examiner, who in turn shall notify the Attorney General, of the known facts concerning the time, place, manner and circumstances of such death.

(b) Immediately upon receipt of such notification, the Coroner shall go to the dead body and, after consultation with the Medical Examiner, the Coroner shall remove same if necessary. The Medical Examiner may take charge of the dead body if either he or the Attorney General shall deem it necessary.

Section 6. § 4710 (d), Title 29 of the Delaware Code, is amended to read as follows:

(d) The Coroner shall take possession of the personal property found on the deceased and cause an exact inventory to be taken of the personal property found on the deceased. The Coroner shall give a copy of such inventory to the Medical Examiner and to any law enforcement officer requesting a copy. The Coroner shall turn over to the Medical Examiner or any law enforcement officer, any personal property of the deceased that is in the possession of the Coroner that the Medical Examiner or law enforcement officer shall request for the purposes of investigation. The balance of the personal property of the deceased remaining in the possession of the Coroner, shall be released to the next of kin of the deceased, or the personal representative of the deceased.

Section 7. § 4710, Title 29 of the Delaware Code is amended by adding a new subsection to read as follows:

(f) It shall be the duty of the Coroner to notify the next of kin of every death which comes to his attention and to give all pertinent information as to the identity of the body and the date of death to any person requesting such information.

Section 8. § 4711 (b), Title 29 of the Delaware Code is amended to read as follows:

(b) The Medical Examiner, the Attorney General, or any other person designated by the Board may order an autopsy to be performed which shall be performed by the Medical Examiner or by such other competent pathologist as may be designated by the Medical Examiner. No person who authorizes or performs an autopsy pursuant to the provisions of this chapter shall be liable in any civil action for damages.

Approved August 24, 1961.

CHAPTER 176

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO CONSTRUCT, MAINTAIN, REPAIR, IMPROVE AND OPERATE SELF-LIQUIDATING EXPRESS HIGHWAYS FROM A POINT IN THE VICINITY OF THE WESTERLY APPROACH OF THE DELAWARE MEMORIAL BRIDGE TO POINTS AT OR NEAR THE PENNSYLVANIA AND MARYLAND STATE LINES TO BE KNOWN AS THE "DELAWARE TURNPIKE"; ESTABLISHING THE STATUS, POWERS, DUTIES AND AUTHORITY OF THE DEPARTMENT WITH RESPECT TO SUCH EXPRESS HIGHWAYS; PROVIDING FOR THE FINANCING OF SUCH HIGHWAYS BY REVENUE BONDS AND PROVIDING FOR A TURNPIKE DIVISION OF THE STATE HIGHWAY DEPARTMENT.

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

Section 1. DELAWARE TURNPIKE. The State Highway Department is hereby authorized and empowered, subject to the provisions of this Act, to construct, reconstruct, maintain, repair, improve and operate at such location as it may approve a system of toll express highways, to be known as the "Delaware Turnpike", from a point in the vicinity of the westerly approach of the Delaware Memorial Bridge to points at or near the boundary lines between this State and the Commonwealth of Pennsylvania and State of Maryland or such parts thereof as it may determine, and to issue turnpike revenue bonds of the Department, payable solely from revenues, to finance such turnpike. Solely for the purpose of carrying out the powers, duties and authority contained in the provisions of this Act, the status of the Department shall be that of an independent, autonomous public entity and agency, in the nature of a specialized body politic, which is not subject to the supervision and regulation of any other department, commission, body or agency of this State except to the extent and manner as provided by law.

Section 2. CREDIT OF STATE NOT PLEDGED: (a) Turnpike revenue bonds issued under the provisions of this Act shall not be deemed to constitute a borrowing of money by or a

debt of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such turnpike revenue bonds shall contain on the face thereof a statement to the effect that neither the State nor the Department shall pay the same or the interest thereon except from revenues of the turnpike and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

(b) All expense incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the Department hereunder beyond the extent to which moneys shall have been provided under the provisions of this act.

Section 3. TURNPIKE DIVISION: The State Highway Department is hereby authorized to establish a Division within said Department to be known as the "Turnpike Division", and to appoint a General Manager and fix his compensation. The General Manager shall supervise the operations of the Turnpike Division, under the direction of the Department, and shall perform such other duties as may be specifically required by the Department. The Director of Operations of the Department shall be responsible for the supervision of all engineering work in the construction, repair, improvement and maintenance of the turnpike. The Director of Operations of the Department may appoint such deputies as may be necessary for the supervision of such construction, repair, improvement and maintenance of the turnpike. The General Manager, as provided for in this section, shall be a resident of rural New Castle County.

Section 4. DEFINITIONS: As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another of different meaning or intent:

(a) The word "Department" shall mean the State Highway Department of the State of Delaware or the board, body, commission, or authority succeeding to the principal functions thereof or to whom the powers given by this act to the Department shall be given by Law.

(b) The word "Turnpike" shall mean the express toll highway or such part or parts thereof as may be constructed under the provisions of this act, together with and including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, connecting highways, service stations, restaurants and administration, storage and other buildings and facilities which the Department may deem necessary for the operation of the turnpike, together with all property, rights, easements and interests which may be acquired by the Department for the construction or the operation of the turnpike.

(c) The term "cost of the turnpike" shall embrace the cost of construction, the cost of acquisition of all land, right-of-way, property, rights, easements and interests acquired by the Department for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during the construction, and, if deemed advisable by the Department, for one year after commencement of operations, cost of traffic estimates and of engineering the legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the turnpike, administrative expenses, and such other expenses as may be necessary or incident to the construction of the turnpike in operation. Any obligation or expense heretofore or hereafter incurred by the Department from public funds or by the Delaware Interstate Highway Division for right-of-way, easements, traffic surveys, borings, preparation of plans and specifications, other engineering services, or any other funds whatsoever in connection with the construction of such express highways shall be regarded as part of the cost of the turnpike and shall be reimbursed to the State Treasurer or to the Delaware Interstate Highway Division as is appropriate.

Section 5. GENERAL GRANT OF POWERS: In order to carry out its duties under this Act, the Department, in addition to any of its other powers and authority, is hereby authorized and empowered.

(a) To adopt by-laws for the regulation of turnpike affairs and the conduct of turnpike business;

(b) To maintain a Turnpike Division office or offices at such places within the State as it may determine;

(c) To construct, reconstruct, maintain, repair, improve and operate the turnpike or any part or parts thereof as it may determine;

(d) To acquire sites abutting on the turnpike and to construct or contract for the construction of buildings and appurtenances for gasoline stations, restaurants and other services and to lease the same for the above purposes in such manner and under such terms as it may determine;

(e) To issue turnpike revenue bonds of the Department for any of its purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;

(f) To fix and revise from time to time and charge and collect tolls for transit over the turnpike, and it shall upon request furnish a user of the turnpike a toll receipt showing the amount of toll paid, the classification of the vehicle and the date and place of exit from said turnpike;

(g) To establish rules and regulations for the use of the Turnpike and to provide penalties for the violation of said rules and regulations.

(h) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

(i) To acquire by purchase or otherwise, on such terms and conditions as it may deem proper, or by the exercise of the powers of eminent domain, such public lands, parks, playgrounds, reservations, cemeteries, highways or parkways, or parts thereof or right therein, and any fee absolute or any lesser interest in such private property as it may deem necessary for the carrying out of the provisions of this Act, including any fee

simple absolute in, easements upon or the benefit of restrictions upon abutting property to preserve and protect the turnpike;

(j) To designate the locations, and establish, limit and control such points of ingress to and egress from the turnpike as may be necessary or desirable in the judgment of the Department to insure the proper operation and maintenance of the turnpike, and to prohibit entrance to the turnpike from any point or points not so designated;

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;

(l) To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(m) To receive and accept from any federal agency grants for or in aid of the construction of the turnpike, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(n) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Section 6. STATE HIGHWAYS AND BRIDGES: (a) The Department may incorporate in the turnpike as an integral part thereof any existing state highway or bridge or any partially completed state highways or bridge which it may deem necessary for a proper alignment of the turnpike, and the actual cost thereof shall be reimbursed to the State Treasurer from the proceeds of its turnpike revenue bonds and shall be treated as a part of the cost of the turnpike.

(b) In addition and without any such reimbursement to the State Treasurer, the Department may incorporate in the turnpike for purposes of maintenance, repair and improvement only, such state highways and bridges as the Department may

deem necessary to assure the economic feasibility and management of the turnpike and may expend funds for these purposes arising from turnpike revenue as authorized by this Act.

Section 7. INCIDENTAL POWERS: (a) The Department shall have power to construct grade separations at intersections of the turnpike with public highway and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Department as a part of the cost of the turnpike.

(b) If the Department shall find it necessary to change the location of any portion of any public highway, it shall reconstruct the same at such location as the Department shall deem most favorable, and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Department as a part of the cost of the turnpike.

(c) Any public highway affected by the construction of the turnpike may be vacated or relocated by the Department, and any damages awarded on account thereof shall be paid by the Department as a part of the cost of the turnpike.

(d) In addition to the foregoing powers the Department and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Department shall make reimbursement for any actual damage resulting from such activities.

(e) The Department shall also have power to make reasonable regulations including the authority to grant easements for the installation, construction, maintenance, repair, renewal,

relocation and removal of tracks, pipes, pipelines, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public utility, or of any corporation or person owning or operating pipelines in, on, along, over or under the turnpike. Whenever the Department shall determine that it is necessary that any such facilities which now are, or hereafter may be located in, on, along, over or under the turnpike should be relocated in the turnpike or should be removed from the turnpike, the public utility, corporation or person owning or operating such facilities shall relocate or remove the same in accordance with the order of the Department. In case of any such relocation or removal of facilities, the public utility, corporation or person owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations, provided, however, that the cost of removal or relocation of such facilities, or of installing such facilities in a new location, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation, removal or installation, shall be ascertained and paid by the Department as a part of the cost of the turnpike.

(f) The Department shall have power, in the process of constructing or reconstructing all or any part of the turnpike or any extension thereof or additions thereto, to take by eminent domain such land abutting the turnpike as it may deem necessary or desirable for the purposes of removing or relocating all or any part of the facilities of any public utility, including rail lines, and may thereafter lease the same or convey an easement or any other interest therein to such utility company upon such terms as it, in its sole discretion, may determine. The relocation of the facilities of any public utility, including rail lines, in accordance with the provisions of this Section shall be valid upon the filing of the plans thereof with the Public Service Commission, and no general laws or other special laws, or parts thereof, shall be applicable to such relocation.

(g) The Department may sell the buildings or other structures upon any lands taken by it, or may remove the same, and

shall sell, if a sale be practicable, or if not, shall lease, if a lease is practicable, any lands or rights or interest in lands or other property taken or purchased for the purposes of this Act, whenever the same shall, in the opinion of the Department, cease to be needed for such purpose. The proceeds of any such sale or lease shall be applied toward the cost of the turnpike or deposited to the credit of the sinking fund for the turnpike revenue bonds issued under the provisions of this Act.

(h) The Department may place and maintain or may grant permission by easement or otherwise to any corporation or person to place and maintain on or under or within the turnpike, ducts, pipes, pipelines, wires or other structures, to be so located as not to interfere with the safe and convenient operation and maintenance of the turnpike, and may contract with any such person or corporation for such permission on such terms and conditions as may be fixed by the Department. The construction, maintenance and repairs of any such ducts, pipes, pipelines, wires or other structures shall be subject to such directions and regulations as the Department may impose.

Section 8. TURNPIKE REVENUE BONDS: (a) The Department is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the Department for the purpose of paying all or any part of the cost of the turnpike or any part or parts thereof. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates, not exceeding five per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, all as may be determined by the Department, and may be made redeemable before maturity, at the option of the Department, as such price or prices and under such terms and conditions as may be fixed by the Department prior to the issuance of the bonds. The Department shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. The bonds shall be signed by the chairman of the Department or shall bear his facsimile signature, and shall bear

a facsimile of the official seal of the Department, attested by the secretary of the Department, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Department. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the Department may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Department may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Department.

(b) The proceeds of the bonds shall be used solely for the payment of the cost of the turnpike, and shall be disbursed in such manner and under such restrictions, if any, as the Department may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds initially issued by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

(c) Prior to the preparation of definitive bonds, the Department may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable

for definitive bonds when such bonds shall have been executed and are available for delivery. The Department may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. 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.

Section 9. TRUST AGREEMENT: In the discretion of the Department the bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Department and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the turnpike or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Department in relation to the acquisition of property and the construction, reconstruction, improvement, maintenance, repair, operation and insurance of the turnpike, the rates of toll to be charged, and the custody, safe-guarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Department. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, such trust agreement or resolution may contain such other provisions as the Department may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as part of the cost of the operation of the turnpike.

Section 10. REVENUES: The Department is hereby authorized to fix, revise, charge and collect tolls for the use of the turnpike and the different parts or sections thereof, and to contract with any person, partnership, association, or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, and restaurants, or for any other purposes, and to fix the terms, conditions, rents, and rates of charges for such use. Such tolls shall be so fixed and adjusted from time to time in respect to the aggregate of tolls from the turnpike as to provide a fund sufficient with other revenues, if any, (a) pay the cost of maintaining, repairing, improving, and operating the turnpike; (b) to pay the cost of maintaining, repairing and improving any state highway or bridge incorporated in the turnpike as provided in Section 6 above; (c) to pay the cost of constructing or reconstructing the turnpike; (d) to pay the principal and interest upon bonds issued to pay the cost of the turnpike, including bonds issued to refund such bonds at or prior to maturity thereof and financing costs; and (e) to provide operating and debt service reserve funds of such character and amount as the Department shall determine to be necessary to insure a proper maintenance of the turnpike and incorporated state highways and bridges as provided in Section 6 hereof and to protect the holders of bonds issued to finance the cost of the turnpike. Such tolls shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the State or any political subdivision thereof. The tolls and all other revenues derived from the turnpike, except such part thereof as may be necessary to pay such cost of maintenance, repair, improvement, reconstruction and operation and to provide such reserves therefore as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter re-

ceived by the Department shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Department irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Department. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Section 11. TRUST FUNDS: All moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenue, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof subject to such regulations as this Act and such resolution or trust agreement may provide.

Section 12. REMEDIES: Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the Department or by any officer thereof, including the fixing, charging and collecting of tolls.

Section 13. EXEMPTION FROM TAXATION: The exercise of the power granted by this Act will be in all respects for

the benefit of the people of the State for the increase of their commerce and prosperity, and for the improvement of their safety, health, and living conditions, and as the operation and maintenance of the turnpike by the Department will constitute the performance of essential governmental functions, the Department shall not be required to pay any taxes or assessments upon the turnpike or any property acquired or used by the Department under the provisions of this Act or upon the income therefrom, and the 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 by the State.

Section 14. BONDS ELIGIBLE FOR INVESTMENT: Bonds issued by the Department under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies in their commercial departments, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them, and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of saving deposits. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

Section 15. MISCELLANEOUS: (a) The turnpike when constructed and open to traffic shall be maintained and kept in good condition and repair by the Department. The turnpike shall also be policed and operated by such force of police, toll-takers and other operating employees as the Department may in its discretion employ and the Department shall have the power in its discretion to contract for any or all accounting, administrative, policing, maintenance or other services with any private or public agency.

(b) All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable, or adequate compensation made therefore, out of funds provided under the authority of this Act.

(c) All counties, cities, towns and other political subdivisions and all public agencies and commissions of the State, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Department at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Department, including public roads and other real property already devoted to public use. Provided that any city, town or municipality shall exercise the power and authority granted in this Act only by consent of its council or chief legislative body, which consent shall be exercised by ordinance.

(d) Any operator of a vehicle using the turnpike who refuses to pay the toll prescribed by the Department, or who evades or attempts to evade payment of the toll prescribed by the Department, may be arrested without a warrant.

(e) On or before the thirtieth day of April in each year the Department shall make an annual report of its activities for the preceding calendar year to the Governor and to the General Assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Department shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof may be treated as a part of the cost of construction or operation of the turnpike.

(f) If money, goods or other property which has been abandoned, mislaid or lost on the premises of the turnpike comes into the possession of said Department and remains unclaimed in its possession for a period of one hundred and twenty

days, the Department may sell the same, excepting money so unclaimed, at public auction after notice of such sale has been published for three successive weeks in a newspaper with general circulation in the county where such sale is to take place. The net proceeds of such sale, after deducting the cost of storage and the expenses of the sale, and all money so unclaimed, shall be paid into and become the property of the Department. If, in the opinion of the Department any property so abandoned, mislaid or lost which comes into the possession of the Department and remains unclaimed in its possession for a period of one hundred twenty days, is of value of three dollars or less, the Department may donate the same to a charitable organization.

Section 16. TURNPIKE REVENUE REFUNDING BONDS: The Department is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Department for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, 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 by the Department for the additional purpose of constructing any additional portion or portions of the turnpike or improvements, extensions, or enlargements thereof. The issuance of such bonds, the maturities and other details thereof, the right of the holders thereof, and the rights, duties and obligations of the Department in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable. The issuance of turnpike revenue bonds or turnpike revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Section 17. TRANSFER TO STATE: When all bonds issued under the provisions of this Act and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, the turnpike, if then in good condition and repair, shall become a part of the state highway system and shall thereafter be maintained and operated by said Department free of tolls as may be provided by law, and all funds of the Department

not required for the payment of the bonds and of interest thereon shall be paid into the State Treasury.

Section 18. PRELIMINARY EXPENSES: (a) To provide for the preliminary expenses of the Department in carrying out the provisions of this Act, the sum of three hundred thousand dollars is hereby appropriated, which sum shall be paid to the Department and, simultaneously with the delivery of the bonds, the sum so paid shall be reimbursed by the Department to the State out of the proceeds of any bonds which are issued by the Department under the provisions of this Act.

(b) The Department is hereby authorized and directed to make such surveys and studies of the turnpike as may be necessary to effect the financing authorized by this Act at the earliest practicable time, and for this purpose to employ such consulting engineers, traffic engineers, legal and financial experts and such other employees and agents as it may deem necessary.

Section 19. FINDING AND DECLARATIONS OF LEGISLATIVE INTENT: As a matter of legislative intent, the General Assembly hereby finds, determines and declares: (1) that a pressing public need exists for providing a system of express highways for the immediate preservation of public safety and convenience by removing handicaps and hazards from the presently congested highways; (2) that a further need exists to provide an adequate network of controlled access highways to facilitate the rapid and safe transportation of persons and commerce in and through the State; (3) that the construction of such needed highways can be most economically financed through the use of turnpike bonds of the State Highway Department, payable solely from revenue arising from the operation of toll facilities as herein authorized, and without the necessity of the State borrowing money or creating a debt in which the faith and credit of the State is pledged; and (4) that, solely for the purposes of carrying out the provisions of this Act, the Department shall be deemed to be an independent and autonomous entity and agency, in the nature of a specialized body politic, which is not subject to control of any other State agency except to the extent and manner as provided by law.

Section 20. **ACT LIBERALLY CONSTRUED:** This Act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 21. **CONSTITUTIONAL CONSTRUCTION:** The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 22. **INCONSISTENT LAWS INAPPLICABLE:** All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.

Section 23. **TERRITORIAL LIMITATION OF AUTHORITY:** The authority granted to the Department by this Act shall be restricted to New Castle County.

Approved August 24, 1961.

CHAPTER 177

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. § 1312, Title 14, Delaware Code is hereby repealed and a new § 1312 is substituted in lieu thereof to read as follows:

§ 1312. Experience

(a) In the case of a teacher, principal or superintendent, or other administrative employee, the term "years of experience" in determining salary in accordance with Section 1305, of this chapter, means years of service in any public school or regularly organized private school. 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. Years of service in the armed forces shall also be counted as years of experience in accordance with the rules and regulations adopted by the State Board of Education in this respect.

(b) In the case of personnel whose salaries are based wholly or in part upon Sections 1306, 1307, 1308, 1309, 1310, 1311, 1321 and 1322, of this chapter, experience shall be evaluated by the State Board of Education or the Board of Education of the City of Wilmington, as the case may be, taking into consideration the number of months and the nature of the services rendered.

Section 2. The provisions of this Act shall become effective as of July 1, 1961.

Approved August 31, 1961.

CHAPTER 178

AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO PLAN, RENOVATE, REMODEL, RE-EQUIP AND REFURNISH THE PRESENT COUNTY BUILDING FOR NEW CASTLE COUNTY AND TO ISSUE BONDS TO FINANCE THE COST THEREOF.

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

Section 1. The Levy Court of New Castle County is authorized to plan, renovate, remodel, re-equip and refurnish the present County Building and to issue its bonds to finance either in whole or part the cost thereof.

Section 2. (a) The Levy Court may issue bonds of New Castle County to finance the cost of the matters authorized in Section 1.

(b) The rate of interest of the bonds may be determined in advance of sale, or the bonds may be offered for sale at a rate of interest to be fixed by the successful bidder for such bonds.

(c) The bonds shall be payable within twenty years after the date of the bonds. The interest coupons and face amount of the bonds shall be payable at the branch of the Farmers Bank of Delaware located in New Castle County. The full faith and credit of New Castle County shall be pledged to the payment of such bonds and the interest thereon. The Levy Court shall annually appropriate to the payment of such bonds and the interest thereon the amounts required to pay such bonds and interest as the same become due and payable.

(d) Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the Levy Court determines, may be issued to the purchasers of bonds sold pursuant to this Act.

(e) The Levy Court shall advertise the bonds for sale in at least two issues in each of two newspapers, one of which shall be a newspaper of general circulation published in the

City of Wilmington, Delaware, and the other a newspaper of general circulation published in the City of New York, inviting bids for the bonds. The advertisements shall state the total amount of the proposed issue, the denominations of the bonds, the place of payment of the bonds and interest, the place and date of opening bids, and the conditions under which the bonds are to be sold. The Levy Court may give notice of the sale of the bonds in such other manner as it may decide.

(f) The Levy Court may require each bid for the bonds to be accompanied by a certified check in an amount not in excess of two per cent (2%) of the total amount of the issue. After the bonds are awarded or sold to the successful bidder or bidders therefor, the Levy Court shall return to the unsuccessful bidder or bidders the certified check or checks submitted with the bid or bids.

(g) The Levy Court shall direct and effect the preparation and printing of the bonds and shall prescribe the form of bonds and the coupons for the payment of interest thereto attached. The bonds shall be signed by the President of the Levy Court, countersigned by the Clerk of the Peace and sealed with the official seal of the Levy Court.

(h) The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the matters authorized in Section 1. The resolution authorizing the bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Chapter, which recital shall be conclusive evidence of their validity and regularity of their issuance.

Approved August 31, 1961.

CHAPTER 179

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS
FOR THE PURCHASE OF VOTING MACHINES BY THE
DEPARTMENT OF ELECTIONS OF NEW CASTLE AND
KENT COUNTIES FOR THE FISCAL YEAR ENDING
JUNE 30, 1961.**

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

Section 1. The sum of Thirty-four Thousand Eight Hundred Thirty-three Dollars (\$34,833.00) is hereby appropriated to the Department of Elections—New Castle County for voting machines purchased for New Castle County.

Section 2. The sum of Seven Thousand Ten Dollars and Sixty-five Cents (\$7,010.65) is hereby appropriated to the Department of Elections—Kent County for voting machines purchased for Kent County.

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

Approved August 31, 1961.

CHAPTER 180

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BOARD OF PARDONS TO PAY EXPENSES IN-
CURRED DURING FISCAL YEAR ENDING JUNE 30,
1961.**

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

Section 1. The amount of \$120.00 is hereby appropriated to Board of Pardons for expenses incurred during the fiscal year ending June 30, 1961, to be expended as follows:

Salary of Lieutenant-Governor	\$ 72.00
Travel	48.00
	<hr/>
Total	\$120.00

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 August 31, 1961.

CHAPTER 181

**AN ACT TO AMEND SECTION 514, TITLE 18, DELAWARE
CODE, RELATING TO COUNTERSIGNING POLICIES.**

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

Section 1. Section 514, Subparagraph (d), Title 18, Delaware Code, is amended by adding a comma at the end as it now appears and the following words:

, or to bid bonds issued by any surety insurer in connection with any public or private contract.

Approved August 31, 1961.

CHAPTER 182

AN ACT TO AMEND CHAPTER 345, VOLUME 52, LAWS OF DELAWARE, TO PROVIDE ADDITIONAL FUNDS TO THE SEAFORD SPECIAL SCHOOL DISTRICT FOR CAPITAL IMPROVEMENTS.

WHEREAS, there exists an urgent need for additional Capital Improvements in the Seaford Special School District to permit completion of previously authorized improvements and

WHEREAS, the Seaford Special School District has local funds available to meet part of the expense of said improvements and

WHEREAS, urgently needed improvements cannot be obtained without State participation;

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. Section 12, Chapter 345, Volume 52, Laws of Delaware, is hereby amended by striking the figures

\$15,950

\$9,570

\$6,380

appearing in three columns opposite the item "Seaford Special" appearing in said section and inserting in lieu thereof the following figures in each column respectively:

\$24,150

\$14,490

\$9,660

Section 2. Chapter 345, Volume 52, Laws of Delaware, is hereby further amended by changing the words and figures showing the totals, Maximum Total Cost — Maximum State Share and Maximum Local Share in Section 13 and in other Sections of said Chapter to reflect the amount of the increase authorization for the Seaford Special School District.

Approved August 31, 1961.

CHAPTER 183

AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, BY PROVIDING FOR THE ALLOCATION OF UNIT APPROPRIATIONS TO THE SUSSEX COUNTY VOCATIONAL AND TECHNICAL SCHOOL, AND BY MAKING A SUPPLEMENTARY APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1962.

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

Section 1. Chapter 17, Title 14, Delaware Code, is hereby amended by adding a new section at the end thereof to read as follows:

§ 1717. Sussex County Vocational and Technical School

(a) The Sussex County Vocational and Technical School shall receive such sums for employees' salaries, capital outlay and all other costs based upon the usual unit allocation provisions of Section 1703 of this Chapter, provided that the number of pupils used in the determination of pupil units shall be calculated by the State Board of Education as follows: the number of pupils enrolled in the Sussex County Vocational and Technical School multiplied by the ratio of the number of clock hours such pupils are scheduled for instruction in said school during the school year to the number of clock hours in the school year as determined by the State Board of Education.

(b) The State Board of Education shall certify such number of pupil units as calculated according to subsection (a) to the Budget Commission, and shall also certify to the Budget Commission the prorata share of the total sum involved that should be assessed to each school district sending pupils to the Sussex County Vocational and Technical School based on the number of such district's pupils so enrolled in the Sussex County Vocational and Technical School.

(c) The Budget Commission is hereby empowered and directed to transfer funds, based upon the certification of the State Board of Education pursuant to subsection (b), to the

Sussex County Vocational and Technical School from funds appropriated to the various districts sending pupils to the Sussex County Vocational and Technical School.

Section 2. Section 1 of this Act shall become effective July 1, 1962.

Section 3. Any funds made available to the State of Delaware by the government of the United States of America during the fiscal year ending June 30, 1962, due to the establishment and operation of the Sussex County Vocational and Technical School during said fiscal year, shall be used for the operation of the Sussex County Vocational and Technical School in addition to any sums hereinafter appropriated.

Section 4. The sum of \$98,680 is hereby appropriated to the State Board of Education for the fiscal year ending June 30, 1962, for the operation of the Sussex County Vocational and Technical School.

Section 5. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved August 31, 1961.

CHAPTER 184

AN ACT TO CREATE A STATE PLANNING OFFICE, TO PROVIDE FOR STATE PLANNING ACTIVITIES, TO ENCOURAGE THE INTEGRATED DEVELOPMENT OF THE STATE AND TO AUTHORIZE THE STATE PLANNING OFFICE TO PERFORM STATE AND INTERSTATE COMPREHENSIVE PLANNING AND RELATED ACTIVITIES, PLANNING FOR METROPOLITAN OR REGIONAL AREAS AND AREAS OF RAPID URBANIZATION INCLUDING INTERSTATE AREAS AND TO PROVIDE PLANNING ASSISTANCE TO TOWNS, CITIES, OTHER MUNICIPALITIES, COUNTIES, GROUPS OF ADJACENT COMMUNITIES, METROPOLITAN AND REGIONAL AREAS AND OFFICIAL GOVERNMENTAL PLANNING AGENCIES; AND TO AUTHORIZE THE DELAWARE STATE DEVELOPMENT DEPARTMENT AND OTHER PLANNING AGENCIES AND LOCALITIES TO CONTRACT FOR AND ACCEPT AND EXPEND GRANTS FOR PLANNING FROM THE FEDERAL GOVERNMENT AND OTHER SOURCES.

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

Section 1. Title 29, Delaware Code, is amended by adding thereto a new Chapter 49 as follows:

CHAPTER 49 — STATE PLANNING**§ 4901. Definitions**

The term "comprehensive planning", as used in this Chapter includes but is not limited to (a) preparation of long-range general physical plans with respect to land use, traffic, transportation, and the provision of public facilities, together with long-range fiscal plans for such development, (b) programming and financing plans for capital improvements, (c) coordination of related plans, (d) intergovernmental coordination of related planned activities, and (e) preparation of regulatory and administrative measures in support of the foregoing.

§ 4902. Short Title

This Act shall be known and may be cited as the "Delaware Planning Act".

§ 4903. Findings and Purpose

(a) The General Assembly finds and declares that state-wide planning is essential to the orderly growths and development of the State; to promote the health, safety and general welfare of its citizens; to effectuate a balanced, integrated program for the effective employment of the natural and other resources of the State; to anticipate and to prepare plans for meeting problems in the areas of highways, housing, water supply, sewage, air and water pollution, recreation, agriculture, urban and metropolitan growth, air, water and surface transportation, education and culture, preservation of historical sites, industrial and commercial development, traffic safety, fishing, boating, and other matters; and to secure through planning the economical and efficient expenditure of tax revenue.

(b) The legislature further finds and declares that such state-wide planning can best be accomplished by the creation of a State planning office with powers and duties, as provided for in this Act.

§ 4904. State Planning Office

(a) There is created a State Planning Office in the executive department, responsible to the governor. The State Planning Office shall serve as the governor's staff agency in planning matters and it shall function as an advisory, consultative and co-ordinating agency (1) harmonizing its planning activities with the planning activities of other departments, boards, commissions, agencies or instrumentalities of State, county or municipal government, (2) rendering necessary planning assistance, and (3) stimulating public interest and participation in the orderly growths and development of the State.

(b) To facilitate the solution of urban and metropolitan and regional planning problems and comprehensive planning for the State, and its towns, cities, counties, metropolitan and

regional and urban areas, the State Planning Office is authorized to perform State and interstate comprehensive planning, and research and other activities, related thereto, similar planning and research for metropolitan or regional or other urban areas, or areas where rapid urbanization has resulted or is expected to result from a Federal installation, including areas extending into adjoining States, and to provide planning assistance upon request to (1) any town, city, other municipality, or county, or (2) any group of adjacent communities, incorporated or unincorporated, having common or related urban planning or development problems, or (3) any metropolitan or regional or other urban areas or (4) any official governmental planning agency for an area where rapid urbanization has resulted or is expected to result from a Federal installation.

(c) Nothing contained in this Act shall operate in derogation of planning powers conferred by the Constitution or laws of this State or a local law upon departments, boards, commissions, agencies, or instrumentalities of State, county or municipal government.

§ 4905. Director of State Planning

(a) The State Planning Office shall be headed by a director of State planning. He shall be appointed by the Governor to serve at the governor's pleasure. The director during his term of office shall maintain a residency in this State. The director shall be qualified by training or experience in State or regional planning.

(b) The director of State planning shall exercise the powers of the State Planning Office and shall be responsible for the execution of its duties. The director shall also:

(1) Appoint and remove the staff of the office, in accordance with the provisions of this Chapter.

(2) Direct the activities of the office;

(3) Serve as secretary of the State Planning Council, created by this Chapter, or designate a staff member of the Office to act in his stead;

(4) Advise the State planning council of the activities of the Office and submit to the State Planning Council for its consideration and advice the Delaware development plan, or any substantial phase or part, amendment, revision or extension thereof or additions or repeals thereto, prior to filing the same in accordance with the provisions of Section eight hereof:

(5) Advise the governor and other officials of the State government on all matters of state-wide planning, and consult with them with respect to matters of planning affecting the duties and responsibilities of their offices;

(6) Have access, or designate staff members of the office who shall have access to information, reports and data which relate to State planning in the possession of departments, boards, commissions, agencies, or instrumentalities of the State, or in the possession of county or municipal or other local agencies and instrumentalities;

(7) Hold hearings on matters of State planning, after notice thereof to interested parties;

(8) Attend and participate in meetings of county or municipal planning bodies, interstate agencies and other planning conferences, and may co-operate with such instrumentalities in matters affecting the duty and responsibilities of the Office;

(9) Exercise all other powers necessary and proper for the discharge of his duties.

§ 4906. Delaware State Planning Council

(a) There is created within the State Planning Office a Delaware State Planning Council to advise and assist the director of State planning in the performance of his duties. The State planning council shall consist of fifteen members, appointed by the Governor, and to serve at his pleasure. Five members shall be residents of New Castle County, and at least 2 of them shall be residents of Wilmington; and five members each shall be residents of Kent and Sussex Counties, respectively. No member shall hold a salaried State, county or local

office, and members shall be selected as far as possible, to reflect different economic, professional and social interests in the State. No more than eight members of the State Planning Council shall be from any one political party. The Governor shall appoint a chairman of the State planning council who shall serve for a period of two years. The Governor shall rotate the office of chairman among the three counties. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(b) The State Planning Council shall meet at least twice each year upon the call of the Governor. In addition, the chairman shall call a meeting of the council whenever requested to do so by the director of State planning or by any four members of the State Planning Council, or he may do so on his own initiative.

(c) The State planning council shall:

(1) Consider the Delaware development plan or any part thereof prior to its submission to the Governor, and advise the director of State planning in regard thereto;

(2) Request and consider special reports by the Office concerning activities of such office;

(3) Request information of the director concerning current programs which, in the opinion of the State Planning Council, are of public interest;

(4) Act in a general advisory capacity to the director and, when requested by him, make recommendations concerning the operation of the office;

(5) Study and report from time to time upon the effectiveness of planning in the State, to evaluate the effectiveness of this Act, and to urge its revision or amendment when, in the opinion of the Council, such action is necessary to assure the maximum effectiveness of planning activities covered herein;

(6) Advise and assist the director in fostering public awareness and understanding of the objectives and functions of State and local planning and in stimulating public participation and interest in the orderly, integrated development of the State;

(7) Hold hearings and sponsor public forums in any part of the State.

§ 4907. Staff

The director of State planning shall appoint and remove the staff of the Office. The director may from time to time, contract for professional or consultant service in connection with the work of the Office, and he may enter into agreements with departments, boards, commissions, agencies or instrumentalities of the State for temporary exchanges of personnel.

§ 4908. Powers and duties of office

The State planning office shall:

(a) Prepare, and from time to time revise, amend, extend or add to, a plan or plans for the development of the State, which plan or plans collectively shall be known as the Delaware development plan. Such plan shall be based on studies of physical, social, economic and governmental conditions and trends and shall aim at the co-ordinated development of the State in order to promote the general welfare and prosperity of its people. In preparing the development plan or any part thereof, and in preparing, from time to time, revisions, amendments, extensions or additions, the State Planning Office may seek the co-operation and advice of appropriate departments, agencies and instrumentalities of federal, State, county and local governments, regional and metropolitan planning commissions, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations. The development plan shall embody the policy recommendations of the State Planning Office in regard to the physical development of the State and shall contain:

(1) A statement of the objectives, standards and principles sought to be expressed in the plan;

(2) Recommendations for the most desirable general pattern of land use within the State, in the light of the best available information concerning topography, climate, soil and underground conditions, water courses and bodies of water, and

other natural or environmental factors, as well as in the light of the best available information concerning the present and prospective economic bases of the State, trends of industrial, population or other developments, the habits and standards of life of the people of the State, and the relation of land use within the State to land use within adjoining areas;

(3) The major circulation pattern recommended for the State, including major routes and terminals of transportation and communication facilities whether used for movement of peoples and goods within the State or for movement from and to adjoining areas;

(4) Recommendations concerning the need for and the proposed general location of major public and private works and facilities, such as utilities, flood control works, water reservoirs and pollution control facilities and military or defense installations, which works or facilities, by reason of their function, size, extent, legal status, or for any other cause are of State as distinguished from purely local concern, or the authorization, location or construction of which are legally within the province or jurisdiction of State bodies or officials, or which for any other cause are appropriate subjects for inclusion in the development plan as distinguished from the local or regional public plans or programs.

(5) Such other recommendations of the director of State planning concerning current and impending problems as may affect the State as a whole.

(b) Make studies and investigations, insofar as may be relevant to State planning, of the resources of the State and of existing and emerging problems of agriculture, industry, commerce, transportation, population, urban and suburban development, housing, urban renewal, public service, local government and of allied matters affecting the development of the State, and in making such studies, seek the cooperation and collaboration of the appropriate departments, boards, commissions, agencies, and instrumentalities of federal, State and local government, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations.

(c) Act as the Governor's principal staff agency in planning matters concerning the resources and development of the State and, in this capacity, undertake special studies and investigations, submit reports and render advice to the Governor whenever he may request it.

(d) Provide information to and co-operate with the State Legislature or any of its committees in connection with studies as relevant to State planning.

(e) Prepare the State's program of public works and major capital improvement projects in collaboration with the Budget Commission and assist in the preparation of the annual capital budget, as well as study all capital projects proposed to be undertaken by State departments and agencies, and render advice thereon, in accordance with the provisions of Section 4909 of this Chapter.

(f) Prepare and from time to time revise inventory listing of the State's natural resources, and of major public and private works and facilities of all kinds which are deemed of importance to the development of the State as a whole.

(g) Co-operate with, and provide planning assistance, including but not limited to surveys, land use studies, urban renewal plans, technical services and other planning work, to county, municipal or other local governments, instrumentalities or planning agencies; and co-operate with and assist departments and other agencies or instrumentalities of federal, State and local government; as well as regional, metropolitan, county, municipal or other local or private planning agencies in the execution of their planning functions with a view to harmonizing their planning activities with the development plan. The State Planning Office shall also co-operate and confer with, and upon request, supply information to federal agencies, and to local or regional agencies created pursuant to a federal program or which receive federal support, and shall co-operate and confer, as far as possible, with planning agencies of other States or of regional groupings of States. Whenever co-operation or assistance under this subsection includes the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement.

(h) Advise, and supply information, as far as available, to civic groups and private persons and organizations who may request such information or advice, and who study or otherwise concern themselves with the State's problems and development in the fields of agriculture, urban growth, business and industry, labor, natural resources, housing, and public service activities such as public health and education, insofar as such problems and development may be relevant to State planning.

(i) Provide information to officials of departments, boards, commissions, agencies and instrumentalities of State and local government and to the public at large, in order to foster public awareness and understanding of the objectives of the development plan and of the functions of State and local planning, and in order to stimulate public interest and participation in the orderly, integrated development of the State.

(j) Accept and receive, in furtherance of its function, funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of State or local government or from private and civic sources.

(k) Co-operate, in the exercise of its planning functions, with federal and State agencies in planning for civil defense.

(l) Exercise all other powers necessary and proper for the discharge of its duties.

§ 4909. Filing of Delaware development plan

Upon the preparation of the State development plan or of any substantial phase or part thereof, or upon the preparation of an amendment or revision of the plan or of any part thereof, or upon the preparation of any extension of or addition to the Delaware development plan, the director of State planning shall first submit the plan, phase, or functional part, amendment, revision or extension thereof or addition thereto to the Delaware State Planning Council for its consideration and advice. Thereafter, the director shall submit the same to the Governor, who may file it, together with his comments, in the office of the Secretary of State. Upon filing it, the Governor shall trans-

mit copies thereof, together with copies of his comments, to the heads of all departments, boards, commissions, agencies, and instrumentalities of State government and to the State Legislature. If the Governor files such plan or part of a plan, the State Planning Office shall make copies thereof available for general distribution or sale.

§ 4910. Preparation of capital program; assistance in preparation of annual capital budget

The State Planning Office shall prepare, amend and keep up to date a six-year program of State public works and major capital improvement projects undertaken or recommended to be undertaken by the State. Such program, to be known as the capital program, may also contain major projects undertaken or recommended to be undertaken with State aid or under State regulation. In preparing the program, the State Planning Office shall have the collaboration of the Budget Commission. The program shall classify projects in regard to the urgency and need for their realization, and shall recommend a time sequence for their construction. The program shall also contain estimated cost of each project and shall indicate probable operating and maintenance costs and probable revenues, if any, as well as existing sources of funds or the need for additional sources of funds for the construction and operation of each project. The capital program shall, as far as possible, be based on existing information in the possession of the State planning office, the Budget Commission and other appropriate departments, boards, commissions, agencies and instrumentalities of State government. Heads of departments, boards, commissions, agencies and instrumentalities of State government shall transmit to the director of State planning a statement of all capital projects proposed to be undertaken by their departments or agencies for study, advice and recommendation by the State Planning Office and for consideration for inclusion in the capital program of the State. Upon request, the department or agency heads shall also submit such information to the State Planning Office and to the Budget Commission as may be required in the preparation of the program. The State Planning Office shall assist the Budget Commission in the preparation of the annual budget.

§ 4911. Assistance to local planning agencies

The State planning office may render financial or other planning assistance to county, municipal or other local governments, instrumentalities or planning agencies and to regional or metropolitan planning commissions. Such assistance may be conditioned on equal, larger or smaller contributions by the agency which requests such assistance, but in any case in which funds or services are requested and received by the State Planning Office from any federal agency for planning assistance to county, municipal or other local governments, instrumentalities or planning agencies, or to regional or metropolitan planning commissions, the condition imposed by federal law or regulation shall be carried out. Whenever federal laws or regulations condition such grants upon equal, larger or smaller contributions without specification as to whether the State, or the locality receiving planning assistance shall make such contribution, the State Planning Office may supply such contribution or any part thereof. Whenever the State Planning Office is requested to render financial assistance to a regional, metropolitan, county, municipal or other local planning agency, the director of State planning shall first consider the adequacy and competence of the particular agency. All local governments, instrumentalities or planning agencies receiving financial or other planning assistance from the State Planning Office shall, at the request of the director of State planning, submit copies of their budgets for planning purposes to him. He may also require an annual audit of their financial operations related to planning by an appropriated State agency, or by auditors or accountants legally qualified to perform municipal audits. When a local government, instrumentality or planning agency receives financial or other planning assistance from a federal agency, the director of State planning may accept such federal agency's audit.

§ 4912. Reports

(a) The State Planning Office shall submit an annual report to the Governor on or before the 1st day of November. The annual report shall contain summaries of those sections of the Delaware development plan which have been amended, revised, added or deleted during the year which have previously been filed by the Governor in accordance with Section 4909

of this chapter, and the nature of all such amendments, revisions, additions and deletions shall be clearly indicated. The annual report shall also contain summaries of important studies partially or entirely completed by the State Planning Office and summaries of the work of the office and of the Delaware State Planning Council.

(b) The State Planning Office shall also submit special reports upon the request of the Governor or the General Assembly, or of the Council, or at the discretion of the director, on those aspects of the State Planning Office's work which may be deemed of current interest. Special reports on major research and planning projects, as distinguished from mere compilations of current data, shall be made available as soon as practicable after completion.

(c) The State Planning Office shall distribute copies of its annual report to the members of the Legislature, to the heads of all State departments, boards, commissions, agencies and instrumentalities and all local, regional and metropolitan planning agencies in the State, and upon request, to interested federal agencies. The special reports of the State Planning Office shall be distributed in the same manner as the annual report unless the Governor directs otherwise. The Office shall make copies of special and annual reports available for general distribution or sale.

§ 4913. Authority to seek Federal aid

The State Planning Office, official metropolitan and regional planning agencies, official governmental planning agencies for areas where rapid urbanization has resulted or is expected to result from a Federal installation, towns, cities, other municipalities, and counties are authorized to apply for, and to accept and expend grants from the Federal Government and any other public or private sources for the purposes of this Chapter, to contract with reference thereto, and to enter into other contracts (including interstate compacts with respect to planning work involving an adjoining State or States where such compacts have been authorized by law by the adjoining State or States), and to exercise all the other powers necessary to carry out the purposes of this Chapter.

Approved September 5, 1961.

CHAPTER 185

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, 1961; 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, 1961 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 scholarship 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 September 6, 1961.

CHAPTER 186

**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, 1961 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 September 6, 1961.

CHAPTER 187

AN ACT TO AMEND PART III, TITLE 6, DELAWARE CODE, ENTITLED "WEIGHTS, MEASURES, AND STANDARDS" BY REPEALING MOST OF THE PRESENT PROVISIONS AND SUBSTITUTING NEW ADMINISTRATIVE AND SUBSTANTIVE PROVISIONS, DEFINING CERTAIN CRIMES AND APPROPRIATING FUNDS.

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

Section 1. Chapter 51 and Subchapters I, II, and IV of Chapter 53, Title 6, Delaware Code, are repealed.

Section 2. Subchapter III, Chapter 53, Title 6, Delaware Code, is retained and is redesignated as follows:

CHAPTER 53. STANDARDS FOR MASON WORK

Section 3. Title 6, Delaware Code, is amended by adding a new Chapter as follows:

CHAPTER 51. STANDARD WEIGHTS AND MEASURES

§ 5101. Definitions; meaning of terms

(a) When used in this chapter—

The word "person" shall be construed to mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies, and associations.

The words "weight(s) and (or) measure(s)" shall be construed to mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices, except that the term shall not be construed to include meters for the measurement of electricity, gas (natural or manufactured), telephone service, or water when the same are operated in a public utility system. Such electricity,

gas, telephone, and water meters are hereby specifically excluded from the purview of this chapter, and none of the provisions of this Chapter shall be construed to apply to such meters or to any appliances or accessories associated therewith.

The words "sell" and "sale" shall be construed to mean barter and exchange.

The term "inspector" shall be construed to mean a State inspector of weights and measures.

The term "intrastate commerce" shall be construed to mean any and all commerce or trade that is begun, carried on, and completed wholly within the limits of the State of Delaware, and the phrase "introduced into intrastate commerce" shall be construed to define the time and place at which the first sale and delivery of a commodity is made within the State, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.

The term "commodity in package form" shall be construed to mean commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however of an auxiliary shipping container enclosing packages that individually conform to the requirements of this Chapter. An individual item or lot of any commodity not in package form as defined in this Section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be commodity in package form.

§ 5102. Systems of weights and measures

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in the State of Delaware. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in the State.

§ 5103. Definitions of special units of measure

The term "barrel", when used in connection with fermented liquor, shall mean a unit of 31 gallons. The term "ton" shall mean a unit of 2,000 pounds avoirdupois weight. The term "cord", when used in connection with wood intended for fuel purposes, shall mean the amount of wood that is contained in a space of 128 cubic feet when the wood is ranked and well stowed.

§ 5104. State standards of weights and measures

Such weights and measures in conformity with the standards of the United States as have been supplied to the State by the Federal Government or otherwise obtained by the State for use as State standards shall, when the same shall have been certified as being satisfactory for use as such by the National Bureau of Standards, be the State standards of weight and measure. The State standards shall be kept in a safe and suitable place in the office or laboratory of the State Division of Weights and Measures, they shall not be removed from the said office or laboratory except for repairs or for certification, and they shall be submitted at least once in ten years to the National Bureau of Standards for certification. The State standards shall be used only in verifying the office standards and for scientific purposes.

§ 5105. Office and working standards and equipment

In addition to the State standards provided for in Section 5104 of this Chapter, there shall be supplied by the State such "field standards" and such equipment as may be found necessary to carry out the provisions of this Chapter. The field standards shall be verified upon their initial receipt and at least once each year thereafter by comparison with the State standards.

§ 5106. State Director and Inspectors of Weights and Measures; appointment; dismissal; compensation

(a) There shall be a State Director of Weights and Measures and State inspectors of weights and measures; hereinafter referred to as the Director and inspectors, respectively,

who shall be appointed by the State Board of Agriculture after having qualified for appointment through competitive examinations conducted by the State Board of Agriculture. Each such appointment shall be probationary for a period of six months, during which it may be terminated at any time, for cause, at the discretion of the State Board of Agriculture, and without recourse. At the expiration of the probationary period, an appointment may, at the discretion of the State Board of Agriculture be made permanent. Thereafter the permanent appointee shall hold office during good behavior; he shall not be removed, discharged, or reduced in pay or position except for inefficiency, incapacity, conduct unbecoming an employee of the State of Delaware, and until he shall have been furnished with a written statement of the reasons for any such contemplated removal, discharge, or reduction, and shall have been given a reasonable time to make written answer thereto; nor shall such removal, discharge, or reduction be made until the charge or charges shall have been examined into and found true in fact by the State Board of Agriculture at a hearing, upon reasonable notice to the person charged, at which time he may be represented by counsel, offer testimony of witnesses, and any other evidence in his own behalf. In the event that a director whose appointment has been made permanent has been dismissed by the State Board of Agriculture, said director shall, within 15 days after dismissal, have the right of appeal to the Governor who shall have the power to uphold the dismissal, reinstate the director, or return the case to the Board for rehearing.

(b) Salaries of the director, inspectors, and clerical employees shall be fixed by the State Board of Agriculture.

§ 5107. Bonds

A bond, with sureties, to be approved by the Secretary of State, and conditioned upon the faithful performance of his duties and the safekeeping of any standards or equipment entrusted to his care, shall forthwith, upon his appointment, be given by the director in the penal sum of \$5,000, and by each inspector in the penal sum of \$1,000; the premium on such bonds shall be paid by the State.

§ 5108. General powers and duties of director

The director shall have the custody of the State standards of weight and measure and of the other standards and equipment provided for by this Chapter, and shall keep accurate records of the same. The director shall enforce the provisions of this Chapter. He shall have and keep a general supervision over the weights and measures offered for sale, sold, or in use in the State. He shall annually, in the month of July, make to the Governor a report on all of the activities of his office.

§ 5109. Specific powers and duties of director; regulations

The director shall issue from time to time, subject to the approval of the State Board of Agriculture, reasonable regulations for the enforcement of this Chapter, which regulations shall have the force and effect of law. These regulations may include (1) standards of net weight, measure, or count, and reasonable standards of fill, for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties, and (3) exemptions from the sealing or marking requirements of Section 5115 of this chapter with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in Section 5111 of this Chapter, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (1) that are not accurate, (2) that are of such construction that they are faulty—that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly—or (3) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as published and recommended by the National Bureau of Standards shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of the State of Delaware, except insofar as

specifically modified, amended, or rejected by a regulation issued by the director. For the purposes of this Chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this Section; other apparatus shall be deemed to be "incorrect". Any person aggrieved by a regulation issued by the director shall have the right to be heard by the State Board of Agriculture, which Board shall have the right to modify or rescind such regulation.

§ 5110. Testing at State-supported institutions

The director shall from time to time test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which monies are appropriated by the Legislature, reporting his findings, in writing to the supervisory board and to the executive officer of the institution concerned.

§ 5111. General testing

When not otherwise provided by law, the director shall have the power to inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the director, within a 12-month period or less frequently if in accordance with a schedule issued by him, and as much oftener as he may deem necessary to inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or of count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or of count: Provided, That with respect to single-service devices—that is, devices designed to be used commercially only once and to be then discarded—and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, tests may be made on representative samples of such devices; and the lots of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such samples.

§ 5112. Investigations

The director shall investigate complaints made to him concerning violations of the provisions of this Chapter, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this Chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

§ 5113. Inspection of packages

The director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether the same contain the amounts represented and whether they be kept, offered, or exposed for sale, or sold, in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented, or are found to be kept, offered, or exposed for sale in violation of law, the director may order them off sale and may so mark or tag them as to show them to be illegal. In carrying out the provisions of this Section, the director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot. No person shall (1) sell, or keep, offer, or expose for sale in intrastate commerce any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this Section unless and until such package or amount of commodity has been brought into full compliance with all legal requirements, or (2) dispose of any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this Section and that has not been brought into compliance with legal requirements, in any manner except with the specific approval of the director.

§ 5114. Stop-use, stop-removal, and removal orders

The director shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights

and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this Chapter he deems it necessary or expedient to issue such orders, and no person shall use, remove from the premises specified, or fail to remove from the premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this Section.

§ 5115. Disposition or correct and incorrect apparatus

The director shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection and test to be "correct" as defined in Section 5109 of this Chapter, and shall reject and mark or tag as "rejected" such weights and measures as he finds, upon inspection or test, to be "incorrect" as defined in Section 5109 of this Chapter, but which in his best judgment are susceptible of satisfactory repair: Provided, That such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by a regulation of the director issued under the authority of Section 5109 of this Chapter. The director shall condemn, and may seize and may destroy, weights and measures found to be incorrect that, in his best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the director if not corrected as required by Section 5118 of this Chapter, or if used or disposed of contrary to the requirements of Section 5118 of this Chapter.

§ 5116. Police powers; right of entry and stoppage

With respect to the enforcement of this Chapter and any other Chapters dealing with weights and measures that he is, or may be, empowered to enforce, the director is hereby vested with police powers, and shall have police powers similar to those of Sheriffs, Constables and other Police Officers and is authorized to arrest any violator of the said Chapters, and to seize for use as evidence, incorrect or unsealed weights and

measures or amounts or packages of commodity, found to be used, retained, offered or exposed for sale, or sold in violation of law. In the performance of his official duties, the director is authorized to enter and go into or upon, any structure or premises, and to stop any person whatsoever and to require him to proceed, with or without any vehicle of which he may be in charge, to some place which the director may specify.

§ 5117. Powers and duties of inspectors

The powers and duties given to and imposed upon the director by Sections 5110, 5111, 5112, 5113, 5114, 5115, 5116, and 5141 of this Chapter are hereby given to and imposed upon the inspectors also, when acting under the instructions and at the direction of the director.

§ 5118. Duty of owners of incorrect apparatus

Weights and measures that have been rejected under the authority of the director shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this Section. The owners of such rejected weights and measures shall cause the same to be made correct within 30 days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially re-examined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

§ 5119. Method of sale of commodities: general

Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this Chapter, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count: Provided, That liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold: And provided further, That the provisions of this Section

shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to commodities in containers standardized by a law of this State or by Federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The director, subject to the approval of the State Board of Agriculture, may issue such reasonable regulations as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest.

§ 5120. Packages: declarations of quantity and origin; variations; exemptions

Except as otherwise provided in this Chapter, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (2) the net quantity of the contents in terms of weight, measure, or count, and (3) in the case of any package kept, offered, or exposed for sale, or sold any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor: Provided, That in connection with the declaration required under clause (2), neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", and the like) that tends to mislead the purchaser as to the amount of commodity in a package, shall be used: And provided further, That under clause (2) the director shall, by regulation, establish (a) reasonable variations to be allowed, which may include variations below the declared weight or measure caused by ordinary and customary

exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (b) exemptions as to small packages, and (c) exemptions as to commodities put up in variable weights or sizes for sale intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

§ 5121. Declarations of unit price on random packages

In addition to the declarations required by Section 5120 of this Chapter, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

§ 5122. Misleading packages

No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to intentionally mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the director.

§ 5123. Advertising packages for sale

Whenever a commodity in package form is advertised in any manner and the retail price of such commodity is mentioned, there shall be declared conspicuously in such advertisement the actual weight, measure, or count of the contents of the package as is declared on the package.

§ 5124. Sale by net weight

The word "weight" as used in this Chapter in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

§ 5125. Misrepresentation of price

Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

§ 5126. Meat, poultry, and sea food

Except for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal sold, as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products, poultry (whole or parts), and all sea food except shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or sea food is combined with or associated with some other food element or elements to form either a distinctive food product or a food combination, such food product or combination shall be offered or exposed for sale and sold by weight, and the quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

§ 5127. Bread

Each loaf of bread and each unit of a twin or multiple loaf of bread, made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh $1/2$ pound, 1 pound, $1\ 1/2$ pounds, or a multiple of 1 pound, avoirdupois weight, within reasonable variations or tolerances that shall be promulgated by regulation by the director: Provided, That the provisions of this Section shall not apply to biscuits, buns, or rolls, weighing 4 ounces or less,

or to "stale bread" sold and expressly represented at the time of sale as such, and that the marking provisions of Section 5120 shall not apply to unwrapped loaves of bread.

§ 5128. Butter, oleomargarine, and margarine

Butter, oleomargarine, and margarine shall be offered and exposed for sale and sold by weight and only in units of 1/4 pound, 1/2 pound, 1 pound, or multiples of 1 pound, avoirdupois weight.

§ 5129. Fluid dairy products

All fluid dairy products, including but limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of 1 gill, 1/2 liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, or multiples of 1 gallon: Provided, That packages in units of less than 1 gill shall be permitted.

§ 5130. Flour, corn meal, and hominy grits

When in package form, and when packed, kept, offered, or exposed for sale or sold, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits shall be packaged only in units of 3, 5, 10, 25, 50, or 100 pounds, avoirdupois weight: Provided, That packages in units of less than 3 pounds or more than 100 pounds shall be permitted.

§ 5131. Coal, coke, and charcoal

All coal, coke, and charcoal shall be sold by weight. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these

tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel or shall be left at a safe place at the place of delivery or shall be surrendered, on demand, to the director, or the deputy director or an inspector, or sealer or deputy sealer, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: Provided, That if the purchaser carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him.

§ 5132. Heating oil

All heating oil shall be sold by liquid measure or by net weight in accordance with the provisions of Section 5119 of this Chapter. In the case of each delivery of liquid fuel not in package form, and in an amount greater than 10 gallons in the case of sale by liquid measure or 100 pounds in the case of sale by weight, there shall be rendered to the purchaser either (a) at the time of delivery or (b) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, or left at a safe place at the place of delivery, a delivery ticket or a written statement on which, in ink or other indelible substance, there shall be clearly and legibly stated (1) the name and address of the vendor, (2) the name and address of the purchaser, (3) the identity of the type of fuel comprising the delivery, (4) the unit price (that is, the price per gallon or per pound, as the case may be), of the fuel delivered, (5) in the case of sale by liquid measure, the liquid volume of the delivery, together with any meter readings from which such liquid volume has been computed, expressed in the terms of the gallon and its binary or decimal subdivisions, and (6) in the case of sale by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

§ 5133. Textile products

It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any textile yard goods put up or pack-

aged in advance of sale in a bolt or roll, or any other textile product put up or packaged in advance of sale in any other unit, for either wholesale or retail sale, unless such bolt or roll, or such other unit, be definitely, plainly, and conspicuously marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, subject, however, to the following limitations and requirements:

(1) Any unit of twine or cordage may be marked to show its net measure in terms of feet. Ready-wound bobbins that are not sold separately shall not be required to be individually marked, but the package containing such bobbins shall be marked to show the number of bobbins contained therein and the net weight or measure of the thread on each bobbin. Any unit of sewing, basting, mending, darning, crocheting, tatting, hand-knitting, or embroidery thread or yarn, except nylon hand-knitting yarn, that is not composed in whole or in part of wool, the net weight of which is less than two ounces avoirdupois, shall be marked to show its net measure in terms of yards as unwound from the ball or from the spool or other holder. Any retail unit of a textile product, sold only for household use, consisting of a package containing two or more similar individual units that are not sold separately, shall be marked to show the number of individual units in the package and the net weight or net measure of the product in each individual unit, but this proviso shall not apply where the individual units are separately marked. Any unit of yarn, composed in whole or in part of wool, sold to consumers for handiwork, shall be marked to show the net weight of such yarn, except that any such unit of tapestry, mending, or embroidery yarn, the net measure of which does not exceed fifty yards, may be marked to show its linear measure only.

(2) The marking required by this Section shall in all cases be in combination with the name and place of business of the manufacturer, packer, or distributor of the product, or a trade-mark symbol, brand, or other mark that positively identifies such manufacturer, packer, or distributor.

(3) Reasonable tolerances shall be permitted, and these shall be included in regulations for the enforcement of the provisions of this section that shall be issued by the director.

(4) The provisions of this Section shall not apply to the following textile products when sold at wholesale in bulk by net weight: Cordage, agricultural bag sewing threads, twines, yarns that are to be processed, and yarns that are to be industrially converted into end use products.

§ 5134. Berries and small fruits

Berries and small fruits shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of 1/2 dry pint, 1 dry pint, or 1 dry quart: Provided, That the marking provisions of Section 5120 of this Chapter shall not apply to such containers.

§ 5135. Construction of contracts

Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in Sections 5101 and 5102 of this Chapter, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

§ 5136. Licensed weighmasters: appointment; tenure; license fee; seal; charges; records

(a) The director shall appoint as a licensed weighmaster in and for each county, any person who possesses the qualifications hereinafter provided and shall make application for the appointment, assigning to each licensee an official number. Any person may be appointed a weighmaster who is a person of good character, capable of and experienced in the operation of a stationary scale, and who has been a resident of this State for not less than six months prior to his appointment. Licenses shall be issued to individuals only and not to firms or corporations, but any firm or corporation may have as many members or employees licensed as it desires.

(b) The term of appointment of each weighmaster shall be three years, but any weighmaster may have his license revoked by the director by whom he was appointed or his successor, for misconduct in office, dishonesty, incompetency, violation of a provision of this subchapter, or if he ceases to possess the qualifications specified for his original appointment.

(c) For each appointment made, the State Board of Agriculture shall receive from the licensee a fee of \$5 annually for the use of the State. All fees so received shall be promptly transferred to the State Treasurer and paid into the General Fund of the State.

(d) Each weighmaster shall provide himself at his own expense, with a seal or stamp containing on the outer margin, his name, the name of the county in which he is licensed, followed by the word "Delaware," and also containing the word "Weighmaster" and his official number, together with a date indicator to show the date the seal or stamp was used by the weighmaster on each weight or delivery ticket.

(e) No weighmaster shall delegate his authority to another person.

(f) No weighmaster shall receive any salary or other compensation from the State for the performance of his duties.

(g) A licensed weighmaster shall keep a permanent record of all vehicles weighed by him other than the vehicles owned and operated by the owner of the scale, showing the date, the name and address of the seller, the State registration number of the vehicle, and the tare and gross weight of the delivery, such records to be available at all times during business hours for the inspection of the director in the county wherein the scale is located.

§ 5137. Hindering or obstructing officer; penalties

Any person who shall hinder or obstruct in any way the director, or any one of the inspectors, in the performance of his official duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$20.00 or more than \$200.00, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

§ 5138. Impersonation of officer; penalties

Any person who shall impersonate in any way the director, or any one of the inspectors, by the use of his seal or a counter-

feit of his seal, or in any other manner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100.00 or more than \$500.00, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

§ 5139. Offenses and penalties

Any person who, by himself or by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subparagraphs (a) through (i) of this Section shall be guilty of a misdemeanor and, upon a first conviction thereof, shall be punished by a fine of not less than \$10 or more than \$200, or by imprisonment for not more than 1 month, or by both such fine and imprisonment; and upon a second or subsequent conviction thereof, he shall be punished by a fine of not less than \$25 or more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

(a) Use or have in possession for the purpose of using for any commercial purpose specified in Section 5111, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure.

(b) Use, or have in possession for the purpose of current use for any commercial purpose specified in Section 5111, a weight or measure that does not bear a seal or mark such as is specified in Section 5115, unless such weight or measure has been exempted from testing by the provisions of Section 5111, or by a regulation of the director issued under the authority of Section 5109 of this Chapter.

(c) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(d) Remove from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

(e) Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

(f) Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

(g) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or regulation.

(h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(i) Violate any provision of this Chapter or of the regulations promulgate, under the provisions of this Chapter for which a specific penalty has not been prescribed.

§ 5140. Injunction

The director is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this Chapter.

§ 5141. Presumptive evidence

For the purposes of this Chapter, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

§ 5142. Validity of prosecutions

Prosecutions for violation of any provision of this Chapter are declared to be valid and proper notwithstanding the exist-

ence of any other valid general or specific Chapter of this State dealing with matters that may be the same as or similar to those covered by this Chapter.

§ 5143. Justices of the Peace; concurrent jurisdiction

Justices of the Peace shall have concurrent jurisdiction over violations of this Chapter.

§ 5144. Citation

This Act may be cited as the "Weights and Measures Act of Delaware."

§ 5145. Effective date

This Act shall take effect three months after this Act becomes law. All laws and parts of laws, general or special, contrary to or inconsistent with the provisions of this Act are repealed insofar as they might operate in the future; but, as to offenses committed, liabilities already incurred, and claims now existing thereunder, the existing law shall remain in full force and effect.

Section 4. All funds heretofore appropriated to the Regulators of Weights and Measures and unspent is hereby transferred to the State Board of Agriculture for the purpose of carrying out the provisions of this Act.

Section 5. In addition to the funds appropriated in Section 4 of this Act, there is hereby further appropriated to the State Board of Agriculture the sum of \$22,100 for the fiscal year ending June 30, 1962, for the purpose of carrying out the provisions of this Act.

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 September 6, 1961.

CHAPTER 188

AN ACT TO AMEND SECTION 701, TITLE 29, DELAWARE CODE, RELATING TO DESIGNATION OF MEETINGS OF THE GENERAL ASSEMBLY.

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

Section 1. § 701, Title 29, Delaware Code, is amended to read:

§ 701. Designation of meetings of General Assembly

The meetings of the General Assembly shall be designated by numbers with a new consecutive number designated every two calendar years. The General Assembly sitting in 1961 and 1962 shall be designated as the 121st General Assembly.

The session of the General Assembly commencing on the first Tuesday of January, 1961, shall be designated as the first regular session of the 121st General Assembly. The session of the General Assembly commencing on the first Tuesday of February, 1962, shall be designated as the second regular session of the 121st General Assembly. The subsequent regular sessions of the General Assembly commencing in odd years shall be known as the first regular session and the regular sessions commencing in even years shall be known as the second regular session of a numbered General Assembly.

A special session of a General Assembly shall be designated as a special session of the General Assembly and shall be given a distinguishing designation.

This method of designation shall be used in all official references to the General Assembly and its sessions.

Approved September 9, 1961.

CHAPTER 189

AN ACT TO AMEND CHAPTER 5, VOLUME 52, LAWS OF DELAWARE, RELATING TO THE STATE FIRE MARSHAL.

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

Section 1. Chapter 5, Volume 52, Laws of Delaware, is amended by striking out subsection (b), § 6606 thereof and inserting a new subsection (b) to read as follows:

(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 to be set by the State Fire Prevention Commission from available funds appropriated. The Deputy or Deputies State Fire Marshal shall be residents of this State. 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.

Approved September 9, 1961.

CHAPTER 190

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE
BY GIVING WINDY HILLS CIVIC 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:

Windy Hill Civic Association

Approved September 9, 1961.

CHAPTER 191

AN ACT TO AMEND CHAPTER 15, TITLE 29, DELAWARE CODE, RELATING TO THE COMMISSION ON UNIFORM STATE LAWS, BY REVISING THE COMMISSION AND ITS DUTIES AND CHANGING ITS NAME TO COMMISSION ON MODERNIZATION OF STATE LAWS.

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

Section 1. Chapter 15, of Title 29, Delaware Code, is repealed and a new Chapter 15 is enacted as follows:

**CHAPTER 15. COMMISSION ON MODERNIZATION
OF STATE LAWS**

§ 1501. Continuation; composition; qualifications of members

(a) The Commission on Uniform State Laws, hereinafter referred to as the "Commission", is continued and renamed the Commission on Modernization of State Laws.

(b) The Commission shall consist of six persons. Four Commissioners shall be appointed by the Governor and shall serve at the pleasure of the Governor. No more than two appointed Commissioners shall reside in any county. There shall be at least one Commissioner from each county. During his term of office, the President of the Delaware Bar Association, or his designee, shall be a member of the Commission. The Director of the Legislative Reference Bureau, during his term of office, shall be a member of the Commission and shall be secretary thereof. All Commissioners shall hold office until their successors are appointed. Each of the Commissioners shall be a licensed member of the Bar of this State in good standing.

§ 1502. Powers and duties; reports

The Commissioners shall examine all subjects on which uniformity with the laws of other States is desirable; shall represent this State in the National Conference of Commissioners on Uniform State Laws, and in convention, conference or congress

of like commissions of other States; shall consider and draft uniform laws to be submitted for the approval and adoption by the several States and this State; shall devise and recommend such courses of action as shall best accomplish the purpose of this Chapter; shall draft proposed model acts, shall draft proposed codifications and revisions of the Delaware Code and other laws of this State, and shall draft such other laws as they deem to be in the best interests of the State. The Commissioners shall report to the Governor, to the General Assembly, to the Legislative Reference Bureau, and to the Revised Code Commission at least 30 days before the convening of each regular session of the General Assembly. The Governor shall also submit to the General Assembly a report with his recommendations, if any, in reference to the report of the Commissioners.

§1503. Expenses; contributions to the National Conference of Commissioners on Uniform State Laws

The Commissioners may hire personnel and shall be entitled to receive their actual disbursements for expenses in performing the duties of their office. The Commissioners may contribute a reasonable sum, toward the expense of holding the National Conference of Commissioners on Uniform State Laws. The amounts needed by the Commission for its operations and its contribution to the National Conference of Commissioners on Uniform State Laws shall be appropriated annually or biennially by the General Assembly.

Approved September 9, 1961.

CHAPTER 192

**AN ACT TO AMEND SECTIONS 1191 AND 1192, TITLE 30,
DELAWARE CODE, RELATING TO WITHHOLDING OF
INCOME TAX.**

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

Section 1. Title 30, Section 1192, Delaware Code, is hereby amended by adding at the end thereof a new paragraph (b) to read as follows:

(b) The State Tax Department is authorized and directed to prepare and distribute to withholding agents a separate withholding table for taxables who are entitled to a tax credit pursuant to Section 1120 of this Title, such withholding table to reflect such tax credit as would be allowable on returns using standard deductions.

Section 2. Title 30, § 1191, Delaware Code is amended by striking the period and adding the following at the end of the second sentence thereof:

and a credit equal to the estimated credits taxable is entitled to under § 1120 of this Chapter.

Approved September 9, 1961.

CHAPTER 193

**AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX
COUNTY TO APPROPRIATE COUNTY MONEYS TO
BRIDGEVILLE VOLUNTEER FIRE COMPANY FOR
THE MAINTENANCE OF A RESCUE SQUAD AND
TRUCK.**

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

Section 1. The Levy Court of Sussex County is hereby authorized and directed to appropriate the sum of Seven Hundred and Fifty Dollars (\$750.00) to the Bridgeville Volunteer Fire Company for the maintenance of a rescue squad and truck.

Approved September 9, 1961.

CHAPTER 194

AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE RELATING TO THE FRAUDULENT USE OF CREDIT CARDS, CODES, FALSE STATEMENTS AND DEVICES.

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by adding the following Section:

§ 558. Fraudulent use of credit cards, codes, false statements or devices

(a) The term "persons" shall mean an individual, whether or not of legal age, or a partnership, or an association, or a corporation, and any employee, agent, director, or officer thereof.

The term "credit card" shall mean any identification card, number, or other identification device, or any document, plate, coupon, or book, issued or given to any person by a person engaged in business, so as to enable such person or his agent or employee to acquire or obtain money, goods, personal property or services upon a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness represented by such promise to make deferred payment is secured or unsecured.

(b) Any person who knowingly uses or attempts to use, or aids and abets another in using, for the purpose of obtaining credit or for the acquisition of money, goods, property or services, including but not limited to telecommunication service, or the transmission of a message, signal or other communication by telecommunication or over telecommunications facilities, (i) a credit card which has not been issued, or (ii) a credit card which is not used with the consent of the person to whom such credit card was issued, or (iii) a revoked credit card, or (iv) a credit card which has expired, or (v) a credit card which is

altered, or (vi) a counterfeit or false instrument purporting to be a credit card, shall upon conviction thereof, if the amount of the credit obtained by such use does not exceed fifty dollars (\$50), be sentenced to pay a fine of not more than one hundred dollars (\$100), or imprisonment for not more than thirty (30) days, or both, or if the credit obtained by such use exceeds fifty dollars (\$50), then such person shall be punished by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or imprisonment for not more than one (1) year or both.

(c) Any person, who is authorized by a person engaged in business which issues credit cards to furnish goods or services on credit upon presentation of a credit card by the person to whom it was issued and who with the intent to defraud an issuer of credit cards or any person to whom a credit card has been issued, furnishes goods, services, or anything of value, upon presentation of an unissued, or expired, or revoked or altered credit card, or without presentation of a credit card, or upon presentation of a credit card which is not being used with the consent of the person to whom it was issued, shall upon summary conviction thereof, if the amount of the credit obtained by such use does not exceed fifty dollars (\$50), be sentenced to pay a fine of not more than one hundred dollars (\$100), or imprisonment for not more than thirty (30) days, or, if the credit obtained by such use exceeds fifty dollars (\$50), then such person shall be punished by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or imprisonment for not more than one (1) year, or both.

(d) Any person, who with the intent to defraud, or to aid and abet another to defraud, any person of the lawful charge, in whole or in part, for any telecommunications service, shall obtain, or attempt to obtain, or aid and abet another to obtain, or to attempt to obtain, any telecommunications service, (i) by charging such service to an existing telephone number without the authority of the subscriber thereto or the legitimate holder thereof, or (ii) by charging such service to a non-existent, false, fictitious, or counterfeit telephone number, or to a suspended, terminated, expired, canceled, or revoked telephone number, or (iii) by use of a code, prearranged scheme,

or other similar stratagem or device, whereby said person in effect sends or receives information, or (iv) by installing, rearranging or tampering with any facilities or equipment, whether physically, inductively, accoustically or electronically, or (v) by any other trick, stratagem, impersonation, false pretense, false represeneation, false statement, contrivance, device, or means, shall upon summary conviction thereof, if the charge for the service obtained or attempted to be obtained by such use does not exceed fifty dollars (\$50), be sentenced to pay a fine of not more than one hundred dollars (\$100), or to undergo imprisonment for not more than thirty (30) days, or both, or if the charge for the service obtained or attempted to be obtained by such use exceeds fifty dollars (\$50), then such person shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or imprisonment for not more than one (1) year, or both.

(e) The offenses for which penalties are provided herein shall not be exclusive but shall be in addition to existing offenses provided by law.

Approved September 9, 1961.

CHAPTER 195

AN ACT TO AMEND CHAPTER 207, VOLUME 24, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BOWERS," AS AMENDED.

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

Section 1. Chapter 207, Volume 24, Laws of Delaware, as amended, is further amended by adding, at the end of Section 11, a new Section 11A to read:

Section 11A. The President of the Board of Commissioners, who may also be known as the Mayor, shall have all the powers and duties of the Alderman under Sections 9, 10 and 11 of this Chapter, in the absence of the Alderman, or in the case of a vacancy in the office of Alderman.

Section 2. Chapter 207, Volume 24, Laws of Delaware, as amended is further amended by adding, at the end of Section 5, a new Section 5A to read:

Section 5A. The Commissioners may elect a Vice-President of the Board of Commissioners, who may also be known as the Vice-Mayor, and who shall have all the powers and duties of the President in the President's absence or inability to serve.

Section 3. Chapter 207, Volume 24, Laws of Delaware, as amended, is further amended by striking the words "ten dollars" in line 13 of Section 9 of said Chapter and inserting in lieu thereof the words "one hundred dollars".

Approved September 9, 1961.

CHAPTER 196

AN ACT TO AUTHORIZE THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST TO EXPEND \$40,000 FOR THE ALL STAR REHABILITATION CENTER AT STOCKLEY, DELAWARE, FROM FUNDS PREVIOUSLY APPROPRIATED BY CHAPTER 119, VOLUME 53, LAWS OF DELAWARE.

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

Section 1. The State Board of Trustees of the Delaware State Hospital at Farnhurst is hereby authorized and empowered to expend the sum of \$40,000, from funds previously appropriated by the bond issue authorized in Chapter 119, Volume 53, Laws of Delaware, for the purpose of providing a central heating system in the proposed All Star Rehabilitation Center at Stockley, Delaware to be used to furnish heat to dwelling units at Stockley.

Approved September 9, 1961.

CHAPTER 197

AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, ENTITLED SPECIFIC CRIMES BY ADDING THERETO A NEW SUBCHAPTER PROHIBITING LOITERING AND PROVIDING FOR PENALTIES FOR VIOLATIONS.

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

Section 1. Chapter 3, Title 11, Delaware Code is amended by adding thereto a new Subchapter to be known as Subchapter LVII to read as follows:

Subchapter LVII. Loitering

Section 1. Whoever shall stand or sit idling or loitering upon any pavement, sidewalk, or crosswalk, or stand or sit in a group, or congregated with others, on any pavement, sidewalk, crosswalk, or doorstep, in any street or way open to the public in this State so as to obstruct or hinder the free and convenient passage of persons walking, riding or driving over or along such pavement, walk, street or way, and shall fail to make way, remove or pass, after reasonable request from any person, shall be deemed guilty of loitering and shall be fined not less than \$10 nor more than \$25, and in default of the payment of such fine shall be imprisoned not more than 10 days.

Approved September 9, 1961.

CHAPTER 198

**AN ACT TO AMEND SECTION 704, TITLE 7, DELAWARE
CODE TO PROHIBIT THE HUNTING OF DEER WITH
DOGS.**

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

Section 1. Section 704, Title 7, Delaware Code is amended
by adding thereto a new subsection as follows:

(f) No person shall make use of dogs for the hunting or
pursuing of deer with intent to kill said deer in this State at
any time. Whoever violates this subsection shall upon con-
viction thereof in the Superior Court in the County in which
the offense occurred, be fined not less than \$50 nor more than
\$100 for each offense.

NOTE: This bill became a law on August 21, 1961 with-
out the approval of the Governor and in accordance with Section
18, Article 3 of the Constitution of Delaware.

CHAPTER 199

AN ACT TO AMEND CHAPTER 53, TITLE 30, DELAWARE CODE, RELATING TO CIGAR AND CIGARETTE TAX.

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

Section 1. Section 5303, Title 30, Delaware Code, is amended by striking out the words "one and one-half" as they appear in line 2 thereof and by inserting in lieu thereof the words "two and one-half".

Section 2. Section 5313 (b), Title 30, Delaware Code is hereby amended to read as follows:

(b) The Department shall appoint wholesale dealers in cigarettes within this State, and may appoint any other persons, within or without the State, as agents to affix the stamps to be used in paying the tax imposed by this Chapter, but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigarettes under his control. Whenever the Department sells, consigns or delivers to any such agent in any such stamps, such agent shall be entitled to receive as compensation for his services and expenses as such agent in affixing such stamps, and to retain out of the moneys to be paid by him for such stamps, a commission of 3 per cent on the par value of stamps affixed to cigarettes, if, and where such agent has purchased the stamps affixed by him directly from the Department. The Department shall allow such commission or compensation in the settlement of the accounts of such agent, upon payment by him into the State Treasury, through the Department, of any moneys which may be, or become due, to the State by reason of the sale, delivery or consignment to such agent of such stamps.

Section 3. The provisions of this act shall be effective on the first day of the second month succeeding the day it becomes law.

Approved September 21, 1961.

CHAPTER 200

AN ACT TO APPROPRIATE MONEY TO THE ROXANA 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 Roxana Volunteer Fire Company the sum of \$1,750 annually for each of the fiscal years beginning July 1, 1961 and July 1, 1962, 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.

Approved September 22, 1961.

CHAPTER 201

AN ACT TO AMEND CHAPTER 345, VOLUME 52 AS AMENDED BY CHAPTER 120, VOLUME 53, LAWS OF DELAWARE, TO PROVIDE ADDITIONAL FUNDS TO THE SEAFORD SPECIAL SCHOOL DISTRICT FOR CAPITAL IMPROVEMENTS.

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

Section 1. Chapter 182, Volume 53, Laws of Delaware, is hereby repealed.

Section 2. Section 13, Chapter 345, Volume 52, Laws of Delaware, as amended by Chapter 120, Volume 53, Laws of Delaware, is amended by striking the figures:

\$541,950	\$325,170	\$216,780
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appearing in three columns opposite the item "Seaford Special" as appearing in Section 13 and inserting in lieu thereof the following figures in each column respectively:

\$550,150	\$330,090	\$220,060
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Section 3. Chapter 345, Volume 52, Laws of Delaware, is hereby further amended by charging the words and figures showing the totals, Maximum Total Cost—Maximum State Share and Maximum Local Share in Section 13 and in other Sections of said Chapter to reflect the amount of the increase authorization for the Seaford Special School District.

Approved September 22, 1961.

CHAPTER 202

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 the fiscal year ending June 30, 1962, 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.	383	210,650.00
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/> \$906,950.00

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.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of the St. Francis Hospital, Inc., at Wilmington for the above mentioned fiscal year, the sum of \$550 per bed not in excess of 140 beds the same sum per bed for Kent General Hospital, not in excess of 50 beds; the same sum per bed for Memorial Hospital (Homeopathic Hospital Association of Delaware) not in excess of 18 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 of the fiscal year beginning July 1, 1961; 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, 1961; 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, 1961.

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 September 22, 1961.

CHAPTER 203

**AN ACT APPROPRIATING MONEY TO THE DISABLED
AMERICAN VETERANS OF DELAWARE FOR THE
FISCAL YEAR BEGINNING JULY 1, 1961 AND END-
ING JUNE 30, 1962.**

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 be and the same is hereby appropriated to the Disabled American Veterans of Delaware for operation expenses for the fiscal year beginning July 1, 1961 and ending June 30, 1962.

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

Approved September 22, 1961.

CHAPTER 204

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, 1960, 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, 1961, and beginning July 1, 1962, 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, 1960, 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 September 22, 1961.

CHAPTER 205

**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 \$2,000 is appropriated annually to the American Legion, Department of Delaware, for operation expenses for each of the fiscal years beginning July 1, 1961 and July 1, 1962. The sums are to be paid 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 September 22, 1961.

CHAPTER 206

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, 1961, 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, 1961, and beginning July 1, 1962, 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, 1961, 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 September 22, 1961.

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 \$1,500 is hereby appropriated annually to the Veterans of Foreign Wars, Department of Delaware, for operation expenses for each of the fiscal years beginning July 1, 1961 and July 1, 1962. The sums are to be paid to the duly elected Finance Officer of the Veterans of Foreign Wars, Department of Delaware, upon warrants signed by the 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 September 22, 1961.

CHAPTER 208

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

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

Section 1. Each and every Fire Company in the State of Delaware outside the limits of the City of Wilmington, which does on the first day of June, 1961, 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, 1961, and beginning July 1, 1962, 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, 1961, 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.

Approved September 22, 1961.

CHAPTER 209

AN ACT APPROPRIATING FUNDS TO THE AMERICAN LEGION AND AMERICAN LEGION AUXILIARY FOR EXPENSES TO BE INCURRED IN CONNECTION WITH THE HOLDING OF BOYS' STATE AND GIRLS' STATE.

Be it enacted by the General Assembly of the State of Delaware (three-fourths of 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 Boys' State during the years 1961 and 1962; 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 Girls' State during the years 1961 and 1962. No more than \$500 shall be spent for the holding of Boys' State and/or Girls' State in any one year.

Section 2. The State Treasurer is authorized and empowered to pay to the Department Finance Office of the American Legion Department of Delaware a sum not exceeding \$500 for the holding of Boys' State in 1961, and a sum not exceeding \$500 for the holding of Boys' State in 1962 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 Girls' State in 1961, and a sum not exceeding \$500 for the holding of Girls' State in 1962 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 September 22, 1961.

CHAPTER 210

AN ACT APPROPRIATING MONEY TO AMERICAN LEGION, SUSSEX POST NUMBER 8, IN SUSSEX COUNTY, 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 American Legion, Sussex Post Number 8, in Sussex County, the sum of \$750 annually for each of the fiscal years beginning July 1, 1961, and beginning July 1, 1962, 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 September 22, 1961.

CHAPTER 211

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, 1960, 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 \$1,750 for the fiscal year beginning July 1, 1961, 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 \$1,750 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, 1960, 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 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 September 22, 1961.

CHAPTER 212

**AN ACT APPROPRIATING MONEY TO AMERICAN LEGION,
POST NUMBER 14, IN SMYRNA, 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 American Legion, Post Number 14, in Smyrna, Delaware, the sum of \$750 annually for each of the fiscal years beginning July 1, 1961 and beginning July 1, 1962, 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, Post Number 14, in Smyrna, Delaware, within three months after the beginning of each of said fiscal years; and a certificate of the Secretary of said American Legion, Post 14, in Smyrna, Delaware, 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 September 22, 1961.

CHAPTER 213

**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, 1961 and July 1, 1962, 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.

Approved September 22, 1961.

CHAPTER 214

**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 \$5,000 is appropriated annually to the Layton Home for Aged Colored Persons for the care and maintenance of old age colored persons for operation expenses for each of the fiscal years beginning July 1, 1961 and July 1, 1962.

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 September 22, 1961.

CHAPTER 215

AN ACT APPROPRIATING MONEY TO SELBYVILLE AMERICAN LEGION POST NO. 39 INC., 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 Inc., the sum of \$750 annually for each of the fiscal years beginning July 1, 1961, and beginning July 1, 1962, 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.

Approved September 22, 1961.

CHAPTER 216

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

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 \$10,000 is appropriated to the American Legion, Department of Delaware, \$5,000 for each of the fiscal years beginning July 1, 1961 and July 1, 1962. 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 veterans 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 September 22, 1961.

CHAPTER 217

AN ACT APPROPRIATING MONEY TO SLAUGHTER BEACH VOLUNTEER MEMORIAL FIRE COMPANY, INC.

WHEREAS, The Slaughter Beach Memorial Fire Company, Inc., was omitted from the appropriations as proposed in House Bill No. 49 now before the 121st General Assembly, said proposed appropriations being to fire companies in the State of Delaware for the fiscal years beginning July 1, 1961 and July 1, 1962 for the prevention and extinguishment of fires and the maintenance of apparatus and equipment and

WHEREAS, The Slaughter Beach Volunteer Memorial Fire Company, Inc., will receive no such aid for either of 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, Inc., the sum of Seventeen Hundred and Fifty Dollars (\$1750.00) annually for each of the fiscal years beginning July 1, 1961 and beginning July 1, 1962, 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 within three months after the beginning of each of said fiscal years.

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 September 22, 1961.

CHAPTER 218

AN ACT APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF VETERANS OF WORLD WAR I, WORLD 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 or 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 diseases, wounds or disabilities arising, and/or resulting from such service, either in World War I, World War II or Korean Conflict, for the bien-nium beginning July 1, 1961 and ending June 30, 1963. \$6,750 of said sum is appropriated for the fiscal year beginning July 1, 1961, and \$6,750 of said sum is appropriated for the fiscal year beginning July 1, 1962.

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 amounts specified in Section 3 thereof, shall be payable to said institution as herein mentioned from the fund hereby created on vouchers approved by the Director of the State Board for Vocational Education. 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 thereof of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon 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 September 22, 1961.

CHAPTER 219

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

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 \$10,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware. \$5,000 for each of the fiscal years beginning July 1, 1961, and July 1, 1962. 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 preced-

ing 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 September 22, 1961.

CHAPTER 220

AN ACT APPROPRIATING CERTAIN MONEY TO PALMER HOME, INCORPORATED.

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

Section 1. The sum of Eight Thousand Seven Hundred Dollars (\$8,700.00) is appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the care and maintenance of old age persons at the Old Folk's Home at Dover, and for operation for the biennium beginning July 1, 1961, and ending June 30, 1963. Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) of said sum shall be paid within three months after July 1, 1961, and a like sum of Four Thousand Three Hundred and Fifty (\$4,350.00) shall be paid within three months after July 1, 1962.

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 September 22, 1961.

CHAPTER 221

**AN ACT TO INCREASE CERTAIN FEES CHARGED BY THE
MOTOR VEHICLE DEPARTMENT.**

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

Section 1. § 2103, Title 21, Delaware Code, is amended by striking the figure "\$1" wherever it appears therein and inserting in lieu thereof the figure "\$2".

Section 2. § 2129 (b), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 6 thereof and inserting in lieu thereof the figure "\$2".

Section 3. § 2151 (1), Title 21, Delaware Code, is amended by striking the figure "\$4" wherever it appears therein and inserting in lieu thereof the figure "\$6".

Section 4. § 2151 (7), Title 21, Delaware Code, is amended by striking the figure "\$2.50" wherever it appears therein and inserting in lieu thereof the figure "\$5".

Section 5. § 2152, Title 21, Delaware Code, is amended by striking the figure "\$8" as it appears in line 3 thereof and inserting in lieu thereof the figure "\$10".

Section 6. § 2157 (a), Title 21, Delaware Code, is amended by striking the words "fifty-cents" wherever it appears therein and inserting in lieu thereof the figure "\$1.00".

Section 7. § 2157 (b), Title 21, Delaware Code, is amended by striking the figure "\$2" wherever it appears therein and inserting in lieu thereof the figure "\$3".

Section 8. § 2185 (b), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 7 thereof, and inserting in lieu thereof the figure "\$2".

Section 9. § 2192 (2), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 2 thereof and inserting in lieu thereof the figure "\$2".

Section 10. § 2192 (3), Title 21, Delaware Code, is amended by striking the figure "\$.50" as it appears in line 2 thereof and inserting in lieu thereof the figure "\$2".

Section 11. § 2192 (4), Title 21, Delaware Code, is amended by striking the figure "\$1" wherever it appears therein and inserting in lieu thereof the figure "\$2".

Section 12. § 2305, Title 21, Delaware Code, is amended by striking the figure "\$1" wherever it appears therein and inserting in lieu thereof the figure "\$2".

Section 13. § 2333, Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 15 thereof, and inserting in lieu thereof the figure "\$2".

Section 14. § 2334, Title 21, Delaware Code, is amended by striking the words "fifty cents" as they appear in line 4 thereof and inserting in lieu thereof the figure "\$1".

Section 15. § 2337, Title 21, Delaware Code, is amended by striking the word "twenty-five" as it appears in line 11 thereof and inserting in lieu thereof the word "seventy-five".

Section 16. § 2503 (a), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 10 thereof and inserting in lieu thereof the figure "\$2".

Section 17. § 2508, Title 21, Delaware Code, is amended by striking the figure "\$1" wherever it appears therein and inserting in lieu thereof the figure "\$2".

Section 18. § 2510 (c), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 3 thereof and inserting in lieu thereof the figure "\$2".

Section 19. § 2510 (e), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 4 thereof and inserting in lieu thereof the figure "\$2".

Section 20. § 2708 (b), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 5 thereof and inserting in lieu thereof the figure "\$2".

Section 21. § 2718 (c), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears in line 2 thereof and inserting in lieu thereof the figure "\$2".

Approved September 29, 1961.

CHAPTER 222

**AN ACT TO INCREASE THE SALARIES OF CERTAIN
COUNTY OFFICERS IN KENT COUNTY BY AMENDING
TITLES 9, 10 AND 12, DELAWARE CODE.**

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

Section 1. Section 8405 (2), Title 9 of the Delaware Code, relating to the salary of the Receiver of Taxes and County Treasurer, is amended to read as follows:

(2) In Kent County, \$5,200.

Section 2. Section 9306, Title 9 of the Delaware Code, is amended by striking out the second clause in the first paragraph of said Section and inserting in lieu thereof the following:

The salary of the Comptroller of Kent County shall be \$4,800. per year.

Section 3. Section 9402 (2), Title 9 of the Delaware Code, relating to the salary of the Clerk of the Peace, is amended to read as follows:

(2) In Kent County, \$4,800.

Section 4. Section 9602 (2), Title 9 of the Delaware Code, relating to the salary of the Recorder, is amended to read as follows:

(2) In Kent County, \$4,800.

Section 5. Section 2101 (2), Title 10 of the Delaware Code, relating to the salary of the Sheriff is amended to read as follows:

(2) In Kent County, \$4,800.

Section 6. Section 2301 (2) Title 10 of the Delaware Code, relating to the salary of the Prothonotary, is amended to read as follows:

(2) In Kent County, \$4,800.

Section 7. Section 2502 (2), Title 10 of the Delaware Code, relating to the salary of the Register in Chancery and Clerk of the Orphans' Court, is amended to read as follows:

(2) In Kent County, \$4,800.

Section 8. Section 2505 (2), Title 12 of the Delaware Code, relating to the salary of the Register of Wills, is amended to read as follows:

(2) In Kent County, \$4,800.

Section 9. Section 309 (b), Title 9, Delaware Code, relating to the salaries of the Commissioners is hereby amended by striking out the figures "\$3,200" as they appear in line two (2) thereof and inserting in lieu thereof the figures "\$4,800".

Section 10. Section 8205 (2), Title 9, Delaware Code, relating to the salaries of the members of the Board of Assessment, is hereby amended by striking out the words and figures "Kent County, \$2,500." and inserting the words and figures "Kent County, \$4,800."

Section 11. Section 9501 (2), Title 9 of the Delaware Code, relating to the salary of Coroners, is amended to read as follows:

(2) In Kent County, \$4,000.

Section 12. Section 8206, Title 9, Delaware Code, is amended by repealing Subsection (b) of said Section.

Approved October 16, 1961.

CHAPTER 223

AN ACT TO AMEND CHAPTER 186, VOLUME 23, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF ELLENDALE", TO PROVIDE FOR PAYMENT OF SALARIES TO ALL THE TOWN COMMISSIONERS.

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

Section 1. Section 9, Chapter 186, Volume 23, Laws of Delaware, is amended by adding a new paragraph to read as follows:

The Secretary-Treasurer and Tax Collector, being the same person, shall receive as compensation for his services the sum of One Hundred Fifty Dollars (\$150.00) per annum and the remaining four Commissioners shall receive as compensation for their services the sum of Seventy-five Dollars (\$75.00) each per annum. These salaries to be payable annually between December 15 and December 31 of each year. Provided, that if a Commissioner fails to complete his term in any one year, then the salary due, if any, shall be pro-rated to cover the time he has served. The provision herein contained shall become effective January 1, 1960.

Approved October 20, 1961.

CHAPTER 224

AN ACT TO AMEND THE CHARTER OF THE CITY OF MILFORD, CHAPTER 162, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, CONCERNING THE TIME FOR APPOINTMENT OF OFFICERS BY THE CITY COUNCIL AND SALARY INCREASES BASED ON MERIT.

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

Section 1. Section 11 (A), Chapter 162, Volume 37, Laws of Delaware, as amended, is repealed and a new Section 11 (A) enacted in lieu thereof to read as follows:

Section 11 (A). The Council shall by ordinance at the annual meeting appoint by a majority vote, a Vice-Mayor who shall be a member of the Council, a Secretary, and a Treasurer. At the next regular meeting following the annual meeting the Council shall by ordinance appoint an Alderman, Acting Alderman, Auditors, Board of Health, City Solicitor, Police Force and such other officers, employees and agents of the City which by it may be deemed proper and necessary for the proper conduct and management of the City. Any officer may be removed at any time by the City Council for sufficient cause.

Section 2. Section 11 (B), Chapter 162, Volume 37, Laws of Delaware, is repealed and a new Section 11 (B) enacted in lieu thereof to read as follows:

Section 11 (B). The Council shall by ordinance at the next regular meeting following the annual meeting fix the salaries and compensation of employees, officers and agents of the City, and the time and manner of his or her payment. No officer, employee or agent of the City shall in any form have, take, or receive from the City any compensation in any form in addition to the salary or compensation fixed by Council.

Approved October 20, 1961.

CHAPTER 225

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE PERTH COMMUNITY AND CIVIC ASSOCIATION, 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 a new organization known as the Perth Community and Civic Association, Inc.

Approved October 20, 1961.

CHAPTER 226

**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 WOMAN'S CLUB OF CLAYMONT
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 the Woman's Club of Claymont.

Approved October 20, 1961.

CHAPTER 227

AN ACT TO AMEND TITLE 14, DELAWARE CODE, ENTITLED "EDUCATION" BY PROVIDING FOR SABBATICAL LEAVE FOR PROFESSIONAL EMPLOYEES OF THE SCHOOL DISTRICTS, THE SPECIAL SCHOOL DISTRICTS, THE BOARD OF EDUCATION OF THE CITY OF WILMINGTON, AND THE STATE BOARD OF EDUCATION.

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

Section 1. Chapter 13, Title 14, Delaware Code is amended by adding a new Section as follows:

§ 1324. Sabbatical leave

Sabbatical leave may be granted to any properly certified professional employee under the following conditions and provisions:

(1) After seven years of service as a fully-certified professional employee defined as a teacher, nurse, supervisor, director, principal, superintendent, coordinator, psychologist and any other professional employee in public education in the State of Delaware, provided that at least five consecutive years of such service shall have been in the employ of the school board from which leave of absence is sought, unless such board in its discretion shall allow a shorter period of time.

(2) For purposes of professional improvement or for the recovery of health after prolonged illness.

(3) The period of leave shall not be shorter than one-half school term nor longer than one full school term.

(4) While on leave the employee shall not be allowed to engage in full-time gainful employment, except by written agreement with the leave-granting board. However, this provision shall not preclude the employee from receiving grants such as scholarships, gifts, fellowships, part-time employment,

or other grants of aid as frequently provided by colleges, universities, governmental agencies, corporations, trusts, or other individuals to students or other persons engaged in study or travel for purposes of professional improvement.

(5) The professional employee shall agree in writing to return to service to the leave-granting board for a period of at least one full school year following the completion of his leave.

(6) Request for sabbatical leave shall be presented in writing to said leave-granting board at a regular meeting of such board before April 1, for leave to begin at the opening of the next term, and before November 1, for leave to begin at the opening of the second semester of the term.

(7) At the end of any such period of leave of absence the employee shall present evidence of his professional improvement in such terms as shall have been agreed upon between said employee and said leave-granting board at the time when such leave was granted. Such evidence may consist of college transcripts, degrees earned, or written reports by the recipient of the leave of absence.

(8) Said leave-granting board shall accept the employee into full-time employment upon his return from leave and assign him to the position from which he left or to a similar position. In no case may assignment be made so as to invalidate the employee's certification status or to bring about a demotion in position or salary.

(9) For purposes of salary increments and pension eligibility and computation, a year of leave shall be considered a year of experience in covered employment under the provisions of local or State salary and pension programs, except that not more than two years of leave shall be applied toward salary increments and pension credits to any person. Failure of an employee to return to service of said leave-granting board shall be cause for forfeiture of salary increments and pension credits for the period of the leave.

(10) School boards may set a limit on the number of employees who may be granted leave each year, provided that, in any district having fewer than 20 professional employees, one eligible applicant may be granted leave each year.

Approved October 20, 1961.

CHAPTER 228

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 AMOUNT OF FINES IMPOSED BY ALDERMAN, NUMBER OF MEETINGS OF COUNCIL, PAY OF COUNCILMEN AND LEGAL AUTHORITY.

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. Section 3, Chapter 649, Volume 18, Laws of Delaware, is amended by striking the words "twenty-five dollars" from line 19 under Duty of Alderman and his powers and inserting in lieu thereof the words "one hundred dollars".

Section 2. Section 11, Chapter 649, Volume 18, Laws of Delaware, is amended by striking and repealing the second sentence and inserting in lieu thereof a new sentence to read as follows:

There shall be twelve stated meetings in every year of the said Council, to wit: On the first Tuesday in each month.

Section 3. Section 13, Chapter 649, Volume 18, Laws of Delaware, is amended by striking the words "one dollar" from the last line of this Section and inserting in lieu thereof the words "five dollars".

Section 4. Section 23, Chapter 649, Volume 18, Laws of Delaware, is amended by striking the words "Chapter 12 of the Revised Code of 1852" in line 21 of this Section, and inserting in lieu thereof the words "The Delaware Code as amended".

Section 5. Senate Bill No. 136, 121st General Assembly is hereby repealed.

Approved October 20, 1961.

CHAPTER 229

AN ACT TO AMEND CHAPTER 25, TITLE 12 OF THE DELAWARE CODE RELATING TO FEES AND TAXES TO BE CHARGED BY THE REGISTERS OF WILLS IN NEW CASTLE COUNTY, KENT COUNTY AND SUSSEX COUNTY.

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

Section 1. Chapter 25, Title 12 of the Delaware Code is amended by repealing and striking out all of Sections 2521, 2522 and 2523 and inserting in lieu thereof the following:

Section 2521. The charges of the Registers of Wills in New Castle County, Kent County and Sussex County, for the specified services, shall be as follows—

For filing petition for granting letters of administration or testamentary	\$ 1.00
For granting letters of administration under seal, taking bond and making registry thereof, if the estate is under \$100.00	1.25
Over \$100.00 and less than \$500.00	2.00
Over \$500.00 and less than \$1,000.00	3.00
Over \$1,000.00 and less than \$5,000.00	5.00
Over \$5,000.00 and less than \$10,000.00	8.00
Over \$10,000.00 and less than \$20,000.00	12.00
Over \$20,000.00 and less than \$50,000.00	15.00
Over \$50,000.00 and less than \$75,000.00	20.00
Over \$75,000.00 and less than \$100,000.00	25.00
Each additional \$100,000.00 over the first \$100,000.00.....	10.00
Taking and registering probate of will	2.00
For granting letters testamentary under seal, same as for letters of administration	
Copy of will annexed to letters testamentary	1.00
	(per page)
Entering renunciation	1.00
Making and registering order for advertising letters of administration or testamentary	2.00
Hand bills	2.00

Filing inventory, and making registry of such filing and of appraised value of goods and chattels therein	1.00
For recording and indexing accounts	2.00
For adjusting, settling and certifying accounts, one per cent of the amount of 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) not in excess of	
\$2,000,000.00, plus \$10.00 for each additional	
\$ 100,000.00 of net personal estate in excess of	
\$2,000,000.00	10.00
Entering caveat	1.00
Issuing citation	1.00
Issuing subpoena to give evidence, all witnesses named before the issuing of the subpoena to be named therein .....	.50
Issuing an attachment	1.00
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	1.00
	(per page)
Affixing seal of office to any writing not hereinbefore mentioned, and for which no other fee is allowed	1.00
Making search	1.00
Copy not before provided for	1.00
	(per page)

Section 2. It is the intent and purpose of this Act to provide a uniform schedule of charges for the Registers of Wills throughout the State of Delaware. The above charges shall be considered to be taxes and shall not be restricted by any limitations applicable to fees.

Section 3. This Act shall become effective upon its approval by the Governor or enactment otherwise into law and shall apply to all charges by Registers of Wills made thereafter.

Approved November 6, 1961.

CHAPTER 230

AN ACT ESTABLISHING A SCHOOL CROSSING GUARD UNIT UNDER THE JURISDICTION OF THE LEVY COURT FOR NEW CASTLE COUNTY.

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

Section 1. Title 9, Delaware Code, is amended by adding a new Chapter as follows:

CHAPTER 27. SCHOOL CROSSING GUARDS**§ 2701. Establishment of school crossing guard unit for New Castle County**

(a) The Levy Court of New Castle County shall appoint and maintain, within each school district, after approval of each school district in New Castle County, school crossing guards, in such number as may, in the judgment of the school district be necessary for the safe passage of school children over the public streets and highways of New Castle County outside the City of Wilmington.

(b) All guards appointed under this Chapter shall reside within the respective school districts for which they are appointed. If any person appointed under this Section removes from the place he or she is required by law to reside, his office shall thereupon become vacant.

§ 2702. Duties; compensation; uniform

(a) The school crossing guards appointed under this Chapter shall be stationed at locations adjacent to the schools or at any other locations deemed necessary at such times during the day as the school board or board of trustees of each school district shall prescribe, for the purpose of assisting school children in safe passage across streets and highways.

(b) The guards shall have the right to stop, control and guide vehicular traffic near any pedestrian crosswalk in order to permit children to cross safely the streets and highways.

(c) The guards shall be subject to such rules and regulations as the Levy Court may prescribe, and their compensation shall be fixed by the Levy Court.

(d) The Levy Court shall provide and maintain an appropriate uniform to be paid for from County funds.

§ 2703. Coordination with school boards

In the selection and assigning of crossing guards the Levy Court shall seek the advice and assistance of the school boards of the respective districts in which the crossing guards shall be employed.

§ 2704. Levy and collection of tax

(a) In order to carry out the provisions of this subchapter, the Levy Court of New Castle County may levy in any school district with respect to which school crossing guards are furnished by the Levy Court, an annual tax based upon the full annual cost of the salaries and maintenance of school crossing employed with said school district.

(b) Such taxes shall be collected by the same collector, at the same time and in the same manner as other County taxes.

Approved November 6, 1961.

CHAPTER 231

**AN ACT TO AMEND CHAPTER 19, TITLE 10, DELAWARE
CODE, RELATING TO JUDICIAL REPORTS.**

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

Section 1. § 1965, Title 10, Delaware Code, is hereby amended by striking the figures "\$4,750" as they appear on the sixth and tenth lines of said Section and substituting and enacting in lieu thereof the figures "\$5,750".

Approved November 6, 1961.

CHAPTER 232

AN ACT TO AMEND CHAPTERS 31 AND 33, PART III, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION, BY CHANGING THE NAME OF THE "UNEMPLOYMENT COMPENSATION COMMISSION" TO "EMPLOYMENT SECURITY COMMISSION."

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

Section 1. Chapters 31 and 33, Part III, Title 19, Delaware Code, are amended by striking out the words "Unemployment Compensation Commission" wherever the same now appear therein and inserting in lieu thereof the words "Employment Security Commission."

Section 2. The Employment Security Commission shall make such changes in its rules, regulations and official forms as may be necessary to reflect the change made in Title 19 by Section 1 of this Act.

Section 3. This Act shall be deemed to become effective as soon as the Employment Security Commission can make, conveniently and economically, the changes directed by Section 2 hereof, but in any event not later than one year after the date of its enactment into law.

Approved November 6, 1961.

CHAPTER 233

AN ACT TO AMEND TITLE 9, DELAWARE CODE, BY ADDING THERETO A NEW CHAPTER 27 CONCERNING TRENCHES AND EXCAVATION IN THE STATE OF DELAWARE.

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. Title 9, Delaware Code is hereby amended by adding thereto a new Chapter 27 to read as follows:

CHAPTER 27**TRENCHES AND EXCAVATIONS****§ 2701.**

(a) The Levy Courts of New Castle County, Kent County, and Sussex County, and each incorporated municipality in each of the said counties, in order to provide for the safety of the citizens of the various counties and the State of Delaware, shall adopt and promulgate a code containing suitable rules and regulations controlling, regulating, and supervising all trench, ditch, channel, shaft and other excavation work involving depths and widths which present a hazard to the workmen performing the job.

(b) The Levy Courts of New Castle County, Kent County, and Sussex County, and each incorporated municipality in each of the said counties, are hereby authorized, empowered, and directed on or before January 1, 1962, to adopt and promulgate the above described safety code for trenches and excavation. Such code shall contain suitable rules and regulations controlling, regulating, and supervising all trenching, ditching, channel, shaft and other excavation work performed, constructed, or installed in or on any property or State owned lands by any builder, contractor, State agency, or private citizen.

(c) Provided, further, that each municipality may elect to adopt the code of the Levy Court in its county and, provided further that each municipality may adopt additional regulations as required by its own particular conditions, but that in

no case shall the rules and regulations be any less restrictive than those adopted by the Levy Courts of the three (3) respective counties.

(d) The Levy Courts of New Castle County, Kent County, and Sussex County, and each incorporated municipality in each of the said counties, are hereby authorized and empowered to fix a reasonable fee for the issuance of a permit for work under the code which is to be performed under their respective jurisdictions. Contract work in which several applications of the code will be performed under one agreement shall be considered as one permit.

(e) The code to be promulgated in accordance with this Act shall be determined by the aforementioned Levy Courts and municipalities after consultation with and in cooperation with other State agencies involved in excavation work, contractors' organizations, labor organizations, and any other interested agency or group which shall be notified by means of public announcement of the intent to formulate such a code.

(f) Enforcement of the code when adopted by the various aforementioned Levy Courts and municipalities shall rest with those Levy Courts and municipalities, except that enforcement of the code with respect to the work of a State, City, or County agency, whether by contract or its own forces, may be delegated to that agency.

(g) Each code promulgated and adopted under this Act shall contain a penalty clause of not more than a \$50.00 fine and not less than a \$25.00 fine for each infraction with such penalty continued on a daily basis until the terms of the Code are complied with.

(h) The Levy Courts of New Castle County, Kent County, and Sussex County, and each incorporated municipality in each of the said counties, are hereby authorized and empowered to revise in accordance with the terms of this Act the codes adopted on or before January 1, 1962, at any time subsequent thereto when changing conditions and situations within their county or municipality may require such revision.

Approved December 6, 1961.

Note: Codified as Chapter 84, Title 16, Del. Code.

CHAPTER 234

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BLADES SCHOOL FOR SUPPLIES AND RE-
PAIRS.**

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

Section 1. The sum of \$1,222.94 is hereby appropriated to the Blades School for the fiscal year beginning July 1, 1961, and ending June 30, 1962, for the following items of expense:

Fuel Oil	\$ 508.35
Custodial Supplies	164.85
Textbooks	232.51
Lights and Power	147.80
Emergency Repairs to School Heating Unit	169.43
	<hr/>
	\$1,222.94

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

Approved December 7, 1961.

CHAPTER 235

AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE, ENTITLED "STATE POLICE", RELATING TO EXPANDING THE STATE POLICE FORCE, PROVIDING FUNDS THEREFOR.

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

Section 1. Chapter 83, § 8301, Title 11, Delaware Code, is amended by adding thereto the following:

There shall be not more than 250 police officers on active duty.

Section 2. Pursuant to the provisions in Section 1 above, the State Highway Department is directed to increase the manpower of the Delaware State Police by an additional 70 officers, as follows: an increase of 35 officers for the fiscal year beginning July 1, 1961, and a further increase of 35 officers for the fiscal year beginning July 1, 1962.

Section 3. Forty officers of the 70 additional officers shall be assigned to New Castle County throughout each of the two fiscal years beginning July 1, 1961, and July 1, 1962. The remaining 30 new officers shall be assigned to troops in Kent and Sussex Counties at the discretion of the department.

Section 4. In addition to any other funds appropriated to the State Highway Department and if not otherwise provided for in the annual appropriation act, there is hereby appropriated to the State Highway Department the sum of \$203,550.00 for the fiscal year beginning July 1, 1961, to carry out the provisions of this Act.

Section 5. The said appropriation shall be expended during the Fiscal Year beginning July 1, 1961, as follows:

Salaries	\$154,000.00
Operations	49,550.00
	<hr/>
	\$203,550.00

Section 6. This act is a supplemental appropriation and the State Treasurer is directed to pay the funds hereby appropriated upon warrants signed by the proper officers of the State Highway Department, out of funds in the General Fund not otherwise appropriated.

Approved December 12, 1961.

CHAPTER 236

AN ACT TO AMEND SECTION 9308, TITLE 9, DELAWARE CODE, RELATING TO EMPLOYEES OF THE COMPTROLLER OF NEW CASTLE COUNTY.

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

Section 1. Section 9308, Title 9, Delaware Code is amended by adding after the words "one machine operator," the words "one Junior Accountant".

Approved December 12, 1961.

CHAPTER 237

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE COUNTY MON- EYS TO BRANDYWINE HUNDRED FIRE CO. NO. 1, MILL CREEK FIRE CO. NO. 1 AND MINQUADALE FIRE CO., INC., FOR THE MAINTENANCE OF A RES- CUE SQUAD.

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

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

Brandywine Hundred Fire Co. No. 1
 Mill Creek Fire Co., No. 1
 Minquadale Fire Co., Inc.

Section 2. The said sum of Five Hundred (\$500.00) Dol- lars, to each shall be paid by the Levy Court of New Castle County to the said Brandywine Hundred Fire Co. No. 1, Mill Creek Fire Co., No. 1 and Minquadale Fire Co., Inc. on the first day of July of each year.

Approved December 12, 1961.

Note: Codified as § 2008, Title 9, Del. Code.

CHAPTER 238

**AN ACT TO AMEND SECTION 5121, TITLE 30, DELAWARE
CODE OF 1953, RELATING TO STATE REVENUE BY
INCREASING THE AMOUNT OF THE GASOLINE TAX.**

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

Section 5121, Title 30, Delaware Code of 1953, is amended
by substituting the figure "6" for the figure "5" as the same
appears in line 1 thereof.

Approved December 15, 1961.

CHAPTER 239

**AN ACT TO AMEND SECTION 7706, TITLE 11, DELAWARE
CODE TO DENY PAROLE TO PERSON SENTENCED TO
LIFE IMPRISONMENT.**

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

Section 1. Section 7706, Title 11, Delaware Code, is amended by repealing said Section and enacting in lieu thereof a new Section as follows:

§ 7706. Life term prisoners ineligible for parole

Any person who is sentenced to imprisonment for life for any offense against this State shall not be eligible for parole during such imprisonment.

Approved December 18, 1961.

CHAPTER 240

AN ACT TO AMEND SECTION 4501, TITLE 10, DELAWARE CODE, RELATING TO COMPENSATION OF JURY COMMISSIONERS AND TRAVEL EXPENSES.

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

Section 1. Amend Section 4501, Title 10, Delaware Code, by striking Section 4501 as it now appears and inserting in lieu thereof a new Section to read as follows:

§ 4501. Appointment, qualifications and compensation of Jury Commissioners

The judges of the Superior Court shall annually, in the month of March of each year, appoint two suitable persons, both of whom shall not at any time be of the same political party, in each county of this State to be Jury Commissioners for the county in which they respectively reside. They shall each receive for their services the sum of \$1000 per annum together with expenses of travel at the rate of 8 cents per mile, said travel expense not to exceed the sum of \$500 for each commissioner per annum to be paid quarterly by the Treasurer of the county wherein they reside upon warrants drawn by the Superior Court sitting in and for the county. The Commissioners shall, before entering upon their duties, be severally sworn to faithfully and impartially discharge their duties as such commissioners.

Approved December 20, 1961.

CHAPTER 241

AN ACT TO AMEND SECTION 522 (a), TITLE 10, DELAWARE CODE, INCREASING THE NUMBER OF BAILIFFS FOR THE SUPERIOR COURT IN NEW CASTLE COUNTY.

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

Section 1. Amend Section 522 (a), Title 10, Delaware Code, by striking the word "four" as it appears in line three and inserting in lieu thereof the word "seven".

Approved December 20, 1961.

CHAPTER 242

AN ACT TO AMEND CHAPTER 56, TITLE 29, DELAWARE CODE, RELATING TO STATE JUDICIARY PENSIONS BY PROVIDING PENSION BENEFITS FOR SURVIVING WIDOWS.

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

Section 1. Section 5603, Title 29, Delaware Code, is hereby amended by adding new subsections (d) and (e) thereto reading as follows:

(d) Whenever any member of the State Judiciary shall die while in office, or shall die after retirement on a pension payable under the provisions of this Chapter, and shall leave a widow surviving him, an annual pension shall be paid thereafter to such surviving widow as long as she lives and remains unmarried.

(e) Whenever any member of the State Judiciary shall die during a period of involuntary retirement after having served at least 12 years as a judge but before having reached the age of 65, and shall leave a widow surviving him, an annual pension shall be paid thereafter to such surviving widow as long as she lives and remains unmarried.

Section 2. Section 5604, Title 29, Delaware Code, is hereby amended by designating the existing paragraph of said Section as Subsection (a), and by adding thereto a new Subsection (b) reading as follows:

(b) The amount of the annual pension paid to any widow of a deceased member of the State Judiciary shall be an amount equal to two-thirds of the annual pension such member of the State Judiciary, if he dies while in office, would have been entitled to receive if he had retired for disability on the day of his death, or shall be an amount equal to two-thirds of the pension of the deceased member of the State Judiciary if he died after having retired on pension. The amount of an annual pension paid to any widow of a deceased member of the State

Judiciary who shall die during a period of involuntary retirement after having served at least 12 years as a judge but before having reached the age of 65, shall be an amount equal to two-thirds of the annual pension such member of the State Judiciary would have been entitled to receive if he had lived to the age of 65. Such pensions shall be paid in equal monthly installments.

Approved December 20, 1961.

CHAPTER 243

**AN ACT TO AMEND TITLE 14, SECTIONS 311 AND 1904,
DELAWARE CODE, RELATING TO NOTICES OF
SCHOOL ELECTIONS.**

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

Section 1. Title 14, § 311 (a) (2), Delaware Code, is amended to read:

By notices published in 2 newspapers of the county at least once a week for 3 weeks before the election, the last such publication to be not less than 5 days before the day of the election. If any school district is located in more than one county, notices shall be published in one newspaper in each county in which the district is located.

Section 2. Title 14, § 1904 (a) (2), Delaware Code, is amended to read:

By notices published in two newspapers of the county at least once a week for three weeks before the election, the last such publication to be not less than five days before the day of the election. If the school district is located in more than one county, notices shall be published in one newspaper in each county in which the district is located.

Section 3. Chapter 47, Volume 53, Laws of Delaware, is repealed.

Approved December 21, 1961.

CHAPTER 244

**AN ACT TO AMEND CHAPTER 428, 50 DELAWARE LAWS,
INCREASING THE AMOUNT OF TAXES COLLECTIBLE
BY THE TOWN OF ELSMERE.**

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. Chapter 428, 50 Delaware Laws, is amended by striking the words and figures "Seventy-Five Thousand Dollars (\$75,000.00)" as the same appear on line five of Section 31, thereof and inserting in lieu thereof the words and figures "One Hundred Thousand Dollars (\$100,000.00)".

Approved December 21, 1961.

CHAPTER 245

**AN ACT TO AMEND SECTION 2507, TITLE 12, DELAWARE,
RELATING TO CLERKS EMPLOYED BY REGISTER OF
WILLS.**

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

Section 1. § 2507, Title 12, Delaware Code, is amended by striking out in line two of paragraph (1) of said Section the word "eight" and substituting in lieu thereof the word "ten".

Approved December 21, 1961.

Note: Cross-reference: 49 Del. Laws, Chapter 55.

CHAPTER 246

AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE CODE, ENTITLED "HORSE RACING" AND CHAPTER 5, TITLE 28, DELAWARE CODE, RELATING TO HARNESS RACING BY PROVIDING FOR THE DISPOSITION OF OUTSTANDING PARI-MUTUEL TICKETS NOT CLAIMED WITHIN A PERIOD OF ONE YEAR FOLLOWING THE MEET.

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

Section 1. Chapter 3, Title 28, Delaware Code, is hereby amended by adding a new Section 368 which shall read as follows:

§ 368. Disposition monies for unclaimed pari-mutuel tickets

All sums held by any licensee for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within a period of one year following the last day of the meet shall be paid by certified check to the Commission. If the Commission finds such payment correct it shall transmit the check to the State Treasurer.

Section 2. Chapter 5, Title 28, Delaware Code, is hereby amended by adding a new Section 558 which shall read as follows:

§ 558. Disposition monies for unclaimed pari-mutuel tickets

All sums held by any licensee for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within a period of one year following the last day of the meet shall be paid by certified check to the Commission. If the Commission finds such payment correct it shall transmit the check to the State Treasurer.

Section 3. The provisions of this Act shall affect only those sums arising as a result of pari-mutuel tickets sold subsequent to the effective date of this Act.

Section 4. The provisions of this Act shall affect only licensees whose total contributions to all pari-mutuel and totalizator pools in any one calendar year shall exceed the sum of Four Million Dollars (\$4,000,000).

Approved December 21, 1961.

CHAPTER 247

AN ACT TO APPROPRIATE THE SUM OF \$33,000 TO THE DELAWARE COMMISSION ON INTERSTATE COOPERATION FOR THE FISCAL YEAR ENDING JUNE 30, 1962, FOR MEMBERSHIP IN THE SOUTHERN REGIONAL EDUCATION BOARD.

WHEREAS, the State of Delaware has, by action of the General Assembly, been a member of the Southern Regional Education Board, and

WHEREAS, one of the obligations of membership is the sharing of expenses of said Board, and

WHEREAS, the General Assembly has not yet given advance notice of the intention of the State of Delaware to withdraw from said Board and has a moral commitment to honor this obligation for the coming fiscal year, NOW THEREFORE,

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

Section 1. The sum of \$33,000 is hereby appropriated to the Commission on Interstate Cooperation for the fiscal year ending June 30, 1962, in addition to any other sums heretofore appropriated, for the purpose of paying the obligations of the State of Delaware to the Southern Regional Education Board.

Section 2. This is a supplementary appropriation act and the sum hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved December 21, 1961.

CHAPTER 248

**AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT
OF PUBLIC WELFARE FOR AID TO DISABLED
GRANTS.**

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

Section 1. There is hereby appropriated to the Department of Public Welfare the sum of \$15,000 for the fiscal year ending June 30, 1962, for the purpose of paying AID TO DISABLED GRANTS.

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

Approved December 21, 1961.

CHAPTER 249

AN ACT MAKING AN APPROPRIATION TO THE CIVIL WAR CENTENNIAL COMMISSION CREATED BY SENATE JOINT RESOLUTION NO. 2, 120TH GENERAL ASSEMBLY, FOR THE FISCAL YEAR ENDING JUNE 30, 1962.

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

Section 1. The sum of Three Thousand Dollars (\$3,000.00) is hereby appropriated to the Civil War Centennial Commission as created by Senate Joint Resolution No. 2, 120th General Assembly for the fiscal year ending June 30, 1962, for Operations.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid from moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved December 21, 1961.

Note: See Chapter 258 of this volume.

CHAPTER 250

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. to have been used for the fiscal year beginning July 1, 1960, for the operation and maintenance of its ambulance in the public service.

Section 2. 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, 1961, and beginning July 1, 1962, to be used for the operation and maintenance of its ambulance in the public service.

Section 3. Said sum of Seven Hundred Fifty Dollars (\$750.00) 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 Seven Hundred Fifty Dollars (\$750.00) by the State Treasurer to said Post.

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 December 21, 1961.

CHAPTER 251

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE TREASURER FOR THE STATE EM-
PLOYEES' PENSION PLAN—SURVIVORS' PENSIONS
(SPOUSE) FOR THE FISCAL YEAR ENDING JUNE 30,
1962.**

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

Section 1. The amount of \$14,000 is hereby appropriated to the State Treasurer for the fiscal year ending June 30, 1962, to be expended for Survivors' Pensions (Spouse) under the State Employees' Pension Plan.

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

Approved December 21, 1961.

CHAPTER 252

AN ACT TO AMEND TITLE 10, CHAPTER 11, DELAWARE CODE, RELATING TO THE JUVENILE COURT OF KENT AND SUSSEX COUNTIES BY PROVIDING FOR AN ADDITIONAL JUDGE FOR THE COURT.

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

Section 1. Title 10, § 1101, Delaware Code, is amended by striking out the words "Judge" means the Judge of the Juvenile Court of Kent and Sussex Counties and inserting the words "Judge" means the Judges of the Juvenile Court of Kent and Sussex Counties.

Section 2. Title 10, § 1105, (a) and (b) Delaware Code, are amended to read as follows:

§ 1105. Appointment of Judges; terms; vacancy; restriction

(a) The Governor shall appoint and commission two Judges of the Court, one of whom shall be a resident of Kent County and one of whom shall be a resident of Sussex County.

(b) The Judges shall be appointed for terms of twelve years and shall be eligible for reappointment. They shall serve until their successors have been appointed and confirmed.

Section 3. Title 10, § 1106, Delaware Code, is amended to read as follows:

§ 1106. Salaries of Judges

The salaries of the Judges shall be \$12,500.00 per annum, payable monthly by the State Treasurer out of the General Fund of the State.

Section 4. Title 10, § 1109, Delaware Code, is amended by striking out the words "verified by the Judge of" as the same appears in line six of said Section and inserting therefore the words "verified by a Judge".

Section 5. The term of any additional Judge appointed pursuant to this Act shall commence forty days after this Act becomes law.

Approved December 21, 1961.

CHAPTER 253

**AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS
FOR THE EXPENSES OF THE STATE GOVERNMENT
FOR THE FISCAL YEAR ENDING JUNE 30, 1962 TO
ENABLE THE STATE TO PAY THE STATE'S SHARE
OF SOCIAL SECURITY CONTRIBUTION DUE FOR THE
FISCAL YEARS ENDING JUNE 30, 1961 AND JUNE 30,
1962.**

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

Section 1. There is appropriated to the State Tax Department the sum of \$332,000.00 for the fiscal year ending June 30, 1962. Of this amount, \$210,000.00 is to be used to pay the State's share of Social Security contributions due and payable during the fiscal year which ended June 30, 1961, and not paid; and the balance of \$122,000.00 to be used to pay the increased State's share of Social Security contributions for year ending June 30, 1962, necessitated by an increase in contribution rate.

Section 2. This Act is a supplementary appropriation and the money hereby appropriated shall be paid out of monies of the General Fund of the State of Delaware not otherwise appropriated.

Approved December 21, 1961.

CHAPTER 254

AN ACT TO AMEND SECTION 9701, TITLE 10, DELAWARE CODE, RELATING TO FEES OF THE JUSTICE OF THE PEACE.

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

Section 1. Section 9701, Title 10, Delaware Code, is amended by striking out the words "heard and judgment rendered thereon" from the first and second lines of the last paragraph thereof.

Approved December 21, 1961.

CHAPTER 255

AN ACT TO AMEND THE DELAWARE CODE PERTAINING TO THE STATE HIGHWAY DEPARTMENT BY SUBSTITUTING THE DIRECTOR OF OPERATIONS FOR THE CHIEF ENGINEER OF THE DEPARTMENT WITH RESPECT TO THE PERFORMANCE OF CERTAIN DUTIES.

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

Section 1. Sections 506, 507 (a), 512, 519 (b), 521, 522, 523 of Title 9, Delaware Code, and Sections 101, 156 (b), 158, 507, of Title 17, Delaware Code, and Section 401, Title 21, Delaware Code, Section 704, Title 23, Delaware Code, and Sections 302 (b), 302 (c), 302 (d), 303, Title 29, Delaware Code, are amended by substituting "Director of Operations" for "Chief Engineer" wherever the words "Chief Engineer" appear in said Sections.

Approved December 21, 1961.

CHAPTER 256

**AN ACT RELATING TO FORT CHRISTINA STATE PARK,
RENAMING IT THE FORT CHRISTINA MONUMENT,
TRANSFERRING CUSTODY OF IT TO THE PUBLIC
ARCHIVES COMMISSION AND MAKING A TRANSFER
OF FUNDS FOR ITS OPERATION.**

WHEREAS, the first permanent settlement in Delaware was made by the Kingdom of Sweden in 1638, and

WHEREAS, this settlement was at "the Rocks" on the Christina River now within the City of Wilmington, Delaware, where a tercentenary celebration was held in 1938, and

WHEREAS, part of the said celebration was the creation of Fort Christina State Park at this historic site and the acceptance of a notable monument by Carl Milles as a gift from the People of Sweden, and

WHEREAS, the Public Archives Commission is charged by law with the administration of historic sites and inasmuch as the State Highway Department and the State Park Commission have agreed through resolutions formally adopted by them to transfer custody of this historic site to the Public Archives Commission, NOW THEREFORE,

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

Section 1. Title 29, Chapter 33, Delaware Code, is amended by adding thereto a new Section as follows:

§ 3357. Fort Christina Monument

The land acquired at "The Rocks" on the Christina River in the City of Wilmington, for the purpose of creating there a State Park to mark perpetually the place where the first Swedish settlers landed and the site of Fort Christina, the first permanent settlement in this State as well as the first permanent settlement in the Delaware River Valley, shall be known and

designated as Fort Christina Monument. The Public Archives Commission shall have jurisdiction, control and maintenance of Fort Christina Monument.

Section 2. § 4722, Title 7, Delaware Code, is hereby repealed.

Section 3. The sum of ten thousand dollars (\$10,000) is hereby transferred from the appropriations to the State Highway Department—Maintenance Division, Repairs and Replacements, as appearing in Chapter 117, Volume 53, Laws of Delaware, to the Public Archives Commission for the operation of Fort Christina Monument.

Approved December 21, 1961.

CHAPTER 257

**AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE
CODE RELATING TO THE EXEMPTION OF THE
SWANWYCK ESTATES CIVIC ASSOCIATION 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:

Swanwyck Estates Civic Association.

Approved December 21, 1961.

CHAPTER 258

AN ACT PROVIDING FOR THE APPOINTMENT OF A CIVIL WAR CENTENNIAL COMMISSION TO COMMEMORATE THIS EVENT IN THE STATE OF DELAWARE.

WHEREAS, the Civil War required great sacrifices from the citizens of Delaware in life, manpower, natural resources and wealth; and

WHEREAS, this internal conflict resulted in the consolidating of our Nation, it is proper that the one hundredth anniversary of this momentous event be commemorated; and

WHEREAS, the Federal Government has established a Civil War Centennial Commission to mark this anniversary during the years 1961-1965 and has called upon the States to participate in a proper observance, and

WHEREAS, the 120th General Assembly of the State of Delaware attempted to create a Civil War Centennial Commission by Senate Joint Resolution No. 2, but the resolution through oversight was never approved by the Governor, and

WHEREAS, it is desirable to correct this oversight, NOW THEREFORE,

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

Section 1. There is hereby created and continued a Commission to be known as The Civil War Centennial Commission of the State of Delaware, which shall continue to exist until December 31, 1965.

Section 2. The members appointed to the Commission pursuant to Senate Joint Resolution No. 2 of the 120th General Assembly shall continue to serve and shall serve without remuneration from the time of their original appointment until December 31, 1965, or until their successors are appointed.

Section 3. In selecting successor members for the Commission, the Governor shall appoint them on a non-political basis and he shall give preferential consideration to those active, interested or associated with the study of the Civil War.

Section 4. All previous acts of the Commission are hereby ratified.

Section 5. The purpose of the Commission shall be the planning and execution of plans for the successful commemoration of the one hundredth anniversary of the Civil War.

Section 6. The Commission shall make a final report and submit it to the General Assembly within six months of the completion of its duties.

Approved December 21, 1961.

CHAPTER 259

AN ACT CREATING A DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS IN THE STATE, TRANSFERRING THE UNEMPLOYMENT COMPENSATION COMMISSION TO SAID DEPARTMENT, ESTABLISHING A MEDIATION SERVICE, TRANSFERRING THE INDUSTRIAL ACCIDENT BOARD TO SAID DEPARTMENT, ABOLISHING THE LABOR COMMISSION OF DELAWARE AND TRANSFERRING THE POWERS AND DUTIES THEREOF TO SAID DEPARTMENT, AND PRESCRIBING THE POWERS AND DUTIES OF SAID DEPARTMENT AND ITS DIVISIONS; PROVIDING FOR PUNISHMENT FOR VIOLATIONS AND ENFORCEMENT.

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

Section 1. Chapter 1, Title 19, Delaware Code, is repealed and a new Chapter 1, enacted in lieu thereof.

CHAPTER 1. DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

§ 101. Definitions; exclusions

(a) As used in this Chapter—

“Board” shall mean the Industrial Accident Board.

“Service” shall mean the State Mediation Service.

“Commission” shall mean Unemployment Compensation Commission.

“Department” shall mean the Department of Labor and Industrial Relations created and established by Section 102 of this Chapter.

“Director” shall mean the Director of the State Mediation Service.

"Employer" includes any person, excepting those provided for in subsection (b) of this Section, acting directly or indirectly in the interest of any employer in relation to any employee but shall not include the United States or the State of Delaware or any political subdivision thereof.

"Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

"Member" means a member of the Department of Labor and Industrial Relations.

(b) Persons in the following occupations and employers of persons engaged in these occupations to the extent thereof, shall not be deemed to be within the scope of this Chapter and are hereby specifically excepted from all the provisions of this Chapter; baby sitting, domestic help, agriculture, fishing and hunting.

§ 102. Establishment of Department

(a) There is hereby established a Department of Labor and Industrial Relations consisting of five members who shall be appointed by the Governor, by and with the advice and consent of the Senate, at least two of whom shall be members of one of the two major political parties and at least two of whom shall be members of the other of the two major political parties. One member shall be a resident of Sussex County, one a resident of Kent County, one a resident of New Castle County outside the city of Wilmington and one a resident of the State at large. Such members shall have been residents of the State for at least five years immediately prior to their appointment, and removal of residence from the jurisdiction for which the appointment was made shall disqualify the member from the Department.

(b) One member shall be appointed for a term to expire on June 30, 1962; one for a term to expire on June 30, 1963; one for a term to expire on June 30, 1964; one for a term to expire on June 30, 1965; and one for a term to expire on June 30, 1966. Thereafter, members shall be appointed for a term of five years.

(c) Vacancies in the Department caused by such removal of residence or for any other cause shall be filled by appointment by the Governor, by and with the advice and consent of the Senate, for the unexpired term.

(d) During his term of membership in the Department, no member shall serve as an officer or committee member of any political party organization.

(e) The Governor may at any time, after notice and hearing, remove any member for gross inefficiency, neglect of duty, malfeasance or nonfeasance in office.

(f) The Department shall have a chairman who shall be designated by the Governor from among its members. Whenever the term of the Chairman expires or whenever there is a vacancy in such office for any cause, the Governor shall designate a new Chairman.

(g) Any four members shall constitute a quorum. No vacancy shall impair the right of the remaining members to exercise all of the powers of the Department.

(h) The members shall receive no compensation for their services, other than travel expenses.

§ 103. Office; hearings; expenses; Division of Department; employees; salaries

(a) The Department shall keep such suitable office as shall best meet the convenience of the Department and the public. The Department or its authorized representative may hold hearings at any place within the State that the convenience of the Department and of the parties in interest may require.

(b) In addition to such other sections or divisions as may be otherwise provided by law, the members of the Department may set up within the Department such sections or divisions as they may deem necessary for the exercise of the powers and the performance of the duties of the Department. The Department, subject to the provisions of any law applicable to the appointment or compensation of employees of the State of

Delaware, is hereby authorized and empowered to appoint such executive secretaries, assistants, accountants, attorneys and other employees as may be necessary for the exercise of the powers and the performance of the duties of the Department.

§ 104. Inclusion of Unemployment Compensation Commission within Department

The Unemployment Compensation Commission referred to in Chapters 31 and 33 of this Title, and all of its records, property and personnel are hereby transferred to and included within the Department as a constituent Commission therein. The Unemployment Compensation Commission as a separate division within the Department, shall continue to perform such functions and discharge such duties as, prior to the enactment hereof, were conferred or imposed upon it by law.

§ 105. Inclusion of Industrial Accident Board within Department

The Industrial Accident Board referred to in Chapter 21 of Title 19, Delaware Code, and all of its records, property and personnel are hereby transferred to and included within the Department as a constituent Board therein. The Industrial Accident Board, as a separate division within the Department, shall continue to perform such functions and discharge such duties as, prior to the enactment hereof, were conferred or imposed upon it by law.

§ 106. Abolition of the Labor Commission of Delaware

The Labor Commission of Delaware, mentioned in Chapter 1 of this Title as the same existed prior to the passage of this Act, is hereby abolished. The Department shall succeed to all of the powers and duties of the Labor Commission of Delaware; and all of the records, property and rights to appropriated money of the Labor Commission of Delaware are hereby transferred to the Department. Nothing contained herein shall affect any right, claim, duty or liability accrued or existing prior to the effective date of this Act.

§ 107. Appointment of officials and employees; Reports

The Department may, by a majority vote of the whole Department, make all appointments of officials or employees which may be made under any law relating to the conditions,

regulation, or inspection of minor children, or the condition, regulation or inspection of labor of females in this State. The officers or employees so appointed shall make quarterly reports to the Department.

§ 108. Removal of officials and employees

When, in the opinion of the majority of the whole Department, any official or employee appointed or engaged in the Department does not perform his duty in a satisfactory and efficient manner, the Department may remove the official or employee and appoint a new official or employee in his stead. No official shall be removed from office until he has had a fair and impartial public hearing, and has been furnished with a copy of the charges and specifications of complaints upon which the action of the Department has been based, if such charges and specifications are requested. This Section shall not apply to the members of the Industrial Accident Board nor to any member or employee of the Unemployment Compensation Commission.

§ 109. State Child Labor Inspector; appointment; term; vacancy; duties

(a) The Department shall appoint some suitable person to be the State Child Labor Inspector, who shall serve for a term of four (4) years from the first day of May in the year of his appointment, and whose duties shall be as prescribed in this Chapter and Chapter 5 of this Title.

(b) Any vacancy in the office of the State Child Labor Inspector for any cause other than expiration of term shall be filled by the Department for the balance of the unexpired term.

(c) The State Child Labor Inspector shall have no other gainful occupation than the performance of his duties as set forth in this Chapter and Chapter 5 of this Title.

(d) The State Child Labor Inspector may visit and inspect at any time any establishment in this State to ascertain whether any children are employed therein contrary to the provisions of Chapter 5 of this Title and the Inspector shall make complaint against and shall prosecute any person violating any of the provisions of such Chapter.

§ 110. Labor Inspector; appointment; term; duties

(a) The Department shall appoint one Labor Inspector to carry out the purposes of Chapter 3 of this Title. The term of office of the Labor Inspector shall be four (4) years from the first day of May in the year of his appointment. Any vacancy in the office of Labor Inspector for any cause other than expiration of term shall be filled by the Department for the balance of the unexpired term.

(b) The Labor Inspector shall be an assistant to the State Child Labor Inspector and shall be under the jurisdiction of the Department.

§ 111. Preparation of certificates; papers; and abstracts

The Department shall formulate and have printed certificates and papers required in the issuing of employment certificates and the abstracts of the law relating to the hours of child labor and conditions and hours of females in this State.

§ 112. Duties and powers of the Department

In addition to such other duties and powers which may be conferred upon them by law, the Department shall have the power, jurisdiction, duty and authority:

(a) To administer all labor laws in the State of Delaware;

(b) To direct to the attention of the Attorney General of the State of Delaware, with a request for enforcement, violations of all labor laws in this State;

(c) To direct to the attention of the Attorney General of the State of Delaware with a request for the necessary enforcement, action, all violations under the terms of this Act;

(d) To make investigations and collect and compile statistical information with respect to and report upon the conditions of labor generally, and upon all matters relating to the enforcement and effect of the provisions of this Act;

(e) To propose to the Industrial Accident Board such rules, or changes in rules, as may be deemed advisable, either procedural or substantive;

(f) To do all in their power to promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees; provided, however, that neither the Department nor any of its representatives shall have the authority, under either this Section or Sections 117 to 121, inclusive, of this chapter, to make any public recommendation for the settlement of any specific labor dispute, or to make any public statement as to the merits of such dispute, prior to the final settlement thereof.

(g) To promote voluntary apprenticeship through cooperation with the United States Department of Labor.

(h) To make, amend, and repeal regulations necessary for the internal administration of the Department, and for the proper conduct of any necessary hearings before the Department or its authorized agents. The members of the Department shall not be bound by technical rules of evidence in the conduct of such hearings.

§ 113. Rules relating to accidents and industrial diseases

(a) The Department shall have the power to make, modify, and repeal rules for the prevention of accidents or of industrial or occupational diseases in every employment or place of employment or such rules for the construction, repair and maintenance of places of employment as shall render them safe. Such rules when made shall have the force and effect of law and shall be enforced in the same manner as the provisions of this Act.

(b) Before any rule is adopted, amended, or repealed, there shall be a public hearing thereon, notice of which shall be published at least once, not less than ten days prior thereto, in such newspaper or newspapers as the Department may prescribe. All rules and all amendments and repeals thereof shall, unless otherwise prescribed by the Board, take effect thirty days after the first publication thereof and shall be filed in the office of the Secretary of State.

(c) Every rule adopted and every amendment or repeal thereof shall be published in such manner as the Department may determine and a copy shall be delivered to every person making application therefor. The text of each rule, or amendment thereto shall be included in an appendix to the annual report of the Department next following the adoption or amendment of such rule.

(d) If there should be practical difficulties or unnecessary hardship in carrying out a rule of the Department made pursuant to this Section, the Department may, after public hearing, make variation from such requirement if the spirit of the rule and law shall be observed. Any person affected by such rule, or his agent, may petition the Department for such variation stating the grounds therefor. The Department shall fix a day for a hearing on such petition and give reasonable notice thereof to the petitioner. A properly indexed record of all variations made shall be kept in the office of the Department and shall be open to public inspection.

(e) Any person aggrieved by a rule made pursuant to this Section may petition the Department for a review of the reasonableness or validity of such rule. The Department may join in one proceeding all petitions alleging invalidity or unreasonableness of the same rule. The Department may order a hearing if necessary to determine the issues raised. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the Department may determine. The decision of the Department shall be final unless within thirty (30) days after the decision is filed with the Department, one of the parties commences an action as provided in Section 113 of this Chapter.

(f) In the formulation of rules and regulations under this Section, the Department shall seek the advice of the Industrial Accident Board.

§ 114. Inspection of records; duty to furnish information

(a) The members of the Department and their authorized representatives shall have the power and authority to enter at reasonable times, so as not to unduly hinder the conduct of the business, any place of employment for the purpose of

inspecting records and collecting facts and statistics relating to the employment of workers and of making inspections for the proper enforcement of all labor laws of the State. No employer or owner shall refuse to admit the members of the Department, or their authorized representatives, to his place of employment, provided the admission requested is not at an unreasonable time.

(b) Any person who hinders or delays the members of the Department, or their authorized representatives in the performance of their duties, in the enforcement of this Act or any law which it is the power or duty of the Department to enforce; or who refuses to admit, at reasonable times, the members of the Department, or their authorized representatives to any place of employment; or who fails to give information lawfully required for the proper enforcement of any law, upon demand of the members of the Department, or their authorized representatives; and any employer who fails or refuses to make records relating to the employment of workers accessible, or who falsifies such records or who refuses to furnish a sworn statement thereof, upon demand of the Department or their authorized representatives, shall be deemed to have violated this Section.

§ 115. Power as to witnesses; seal; evidence; procedure

(a) The Department, and any officer of the Department designated by the Department, in the performance of any duty or the execution of any power prescribed by law, shall have the power to administer oaths, certify to official acts, take and cause to be taken depositions of witnesses, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, payrolls, documents, records and testimony. In case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, the Department shall be authorized to request the Attorney General of the State of Delaware to prosecute such person before the Superior Court of the State of Delaware. If such person shall be found guilty he shall be deemed to have been in contempt of that Court and shall be punished by that Court in the same fashion as that Court punishes any contempt thereof.

(b) The Department shall provide itself with a suitable seal which shall be judicially noticed.

§ 116. Court review

(a) Any person whose interest is affected thereby may commence an action in the Superior Court of the State of Delaware, in any of the three counties against the Department as defendant to determine the reasonableness and validity of any rule made pursuant to Section 113 of this Act, provided that no such action may be brought except as an appeal from the determination of the Department and within the time for such appeal, both as provided in Section 113, Subsection (e) of this Act. Such action and pleadings thereon shall be governed by the laws and rules of practice applicable to other civil actions.

§ 117. Declaration of policy

It is hereby declared as the public policy of this State that the best interests of the people of the State are served by the prevention or prompt settlement of labor disputes; that strikes and lock-outs and other forms of industrial strife, regardless where the merits of the controversy lie, are forces productive ultimately of economic waste; that the interests and rights of the consumers and the people of the State, while not direct parties thereto, should always be considered, respected and protected; and that the voluntary mediation of such disputes under the guidance and supervisions of a governmental agency will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the State. To carry out such policy, the necessity for the enactment of the provisions of this Act is hereby declared as a matter of legislative determination.

§ 118. Establishment of a State Mediation Service; director

There is hereby established in the Department of Labor and Industrial Relations a State Mediation Service. The Chairman of the Department shall appoint from among the other members a Director of the Mediation Service, who shall hold office at the pleasure of the Chairman.

§ 119. Objective

It shall be the objective of the Service hereby established to take such steps as will most effectively and expeditiously carry out the policy declared in Section 117 of this Act, and the powers and duties conferred and imposed upon the Service by this Act or by law shall at all times be performed and discharged with the accomplishment of such objective as the ultimate goal.

§ 120. Powers and duties

(1) Upon his own motion, in an existing, imminent or threatened labor dispute, the Director may, and, upon the request of the parties or either party to the dispute, the Director must take such steps as he may deem expedient to effect a voluntary, amicable and expeditious adjustment and settlement of the differences and issues between employer and employees which have precipitated or culminated in or threaten to precipitate or culminate in such labor dispute. To this end, it shall be the duty of the Director: (a) to arrange for, hold, adjourn or reconvene a conference or conferences between the disputants or one or more of their representatives or any of them; (b) to invite the disputants or their representatives or any of them to attend such conference and submit, either orally or in writing, the grievances of and differences between the disputants; (c) to discuss such grievances and differences with the disputants and their representatives; and (d) to assist in negotiating and drafting agreements for the adjustment in settlement of such grievances and differences and for the termination or avoidance, as the case may be, of the existing or threatened labor dispute. In carrying out any of its work under this Act, the Director may designate one of the members of the Department or an employee of the Department to act in his behalf and may delegate to such designee one or more of his duties hereunder and, for such purpose, such designee shall have all of the powers hereby conferred upon the Director in connection with the discharge of the duty or duties so delegated.

(2) The Director may also appoint and designate other persons or groups of persons to act for and on his behalf and may delegate to such persons or groups of persons any and all

of the powers conferred upon him by this Chapter so far as it is reasonably necessary to effectuate the purposes of this Act. Such persons shall serve without compensation but shall be reimbursed for any necessary expenses.

§ 121. Arbitration

Whenever a controversy shall arise between any employer and his employees which is not settled either in conference between representatives of the parties or through mediation in the manner provided by this Act, such controversy may, by agreement of the parties, be submitted to arbitration, one person to be selected by the employer, one person to be selected by the employees, and a third selected by the representatives of the employer and employees, and in the event of any such appointment or selection not being made upon the request of the parties in the controversy, the Director may select the third person to arbitrate the matter submitted; provided, however, that the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the policy or purpose of this Act, or of any provision thereof, nor shall failure or refusal to arbitrate constitute a basis for any action at law or suit in equity.

§ 122. Strikes

Nothing in this Act shall be construed to interfere with, impede or diminish in any way the right of employees to strike or engage in other lawful concerted activities.

§ 123. Rules

The Director of the Service shall have power to adopt, alter, amend, or repeal such rules in connection with the voluntary mediation of labor disputes as may be necessary for the proper administration and enforcement of the provisions of this Act.

§ 124. Construction

Nothing contained in this Act shall be construed as interfering with, impeding or diminishing in any way any right guaranteed by law or by the Constitution of the State or of the United States.

§ 125. Enforcement

It shall be the duty of the Attorney General of the State of Delaware upon request of the Department of Labor and Industrial Relations, or any of its authorized representatives, to prosecute any violations of the law or of any rule which it is made the duty of the Department to enforce; provided the Department may, upon its own motion, bring all necessary suits and institute such prosecutions as may be necessary properly to enforce this Act, and shall not be required to give bond for costs or otherwise, in the event of appeal.

§ 126. Penalties

Any person who violates or fails or refuses to comply with any provision of any of the foregoing Sections of this Act, or any lawful order of the Department or any judgment or decree made by any Court in connection with the provisions of this Act for which no penalty has been otherwise provided, shall be guilty of a misdemeanor and upon conviction thereof in the Superior Court shall be fined not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), or shall be imprisoned for a term not exceeding six months, or both, for each such offense; and each day such violation, omission, failure, or refusal continues after notification or entry of the decree of a Court shall be deemed a separate offense. Any person who shall knowingly testify falsely, under oath, or shall knowingly make, give, or produce any false statements or false evidence, under oath to the Department or their authorized representatives, shall be deemed guilty of perjury.

§ 127. Annual report; recommendations as to legislation needed

The Department shall annually, on or before the First day of February, file with the Governor a report covering the activities of the Department during the preceding calendar year, accompanied by recommendations with reference to such changes in the law applying to and affecting industrial and labor conditions as the Department may deem advisable.

§ 128. State and Federal cooperation

The Department may and it is hereby authorized to assist and cooperate with the Wage-Hour and Public Contracts Divisions and the United States Department of Labor, in the enforcement within this State of the Fair Labor Standards Act of 1938, approved June 25, 1938, and subject to the regulations of the Administrator of such Divisions, as the case may be, and the laws of the State applicable to the receipt and expenditures of moneys, may be paid or reimbursed by said Divisions, for the reasonable cost of such assistance and cooperation.

§ 129. Severability

If any provisions of this Act, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 2. This Act shall become effective ninety (90) days after its enactment.

Approved December 28, 1961.

CHAPTER 260

AN ACT TO AMEND TITLE 22, DELAWARE CODE, RELATING TO MUNICIPALITIES.

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

Section 1. Title 22, Delaware Code, is amended by adding thereto a new Chapter to read:

CHAPTER 8. HOME RULE

SUBCHAPTER I. GENERAL PROVISIONS

§ 801. Definitions

(a) "Municipal Corporation". As used in this Chapter, the term "municipal corporation" shall include all cities, towns and villages, now or hereafter created under any general or special law of this State for general governmental purposes which possess legislative, administrative and police powers for the general exercise of municipal functions, and which carry on such functions through a set of elected and other officials.

(b) "Qualified Voter". As used in this Chapter, "qualified voter" shall mean those persons who, under the terms of a municipal charter, shall be authorized to vote in elections within that municipal corporation.

(c) "Chief Executive Officer". As used in this Chapter, the term "Chief Executive Officer" shall mean the Mayor if such there be, or if there be none, then it shall mean the President of the legislative body of a municipal corporation, or if there be none, then it shall mean the presiding officer of the legislative body of a municipal corporation.

(d) "Charter Amendment". As used in this Chapter, the term "charter amendment" means language which will amend, adopt, or repeal a municipal charter.

§ 802. Applicability of chapter, grant of power

Every municipal corporation in this State containing a population of at least 1000 persons as shown by the last official federal decennial census may proceed as set forth in this Chapter to amend its municipal charter, and is hereby granted, subject to the conditions and limitations imposed by this Chapter, the authority to amend its charter so as to have and assume all powers which, under the Constitution of this State, it would be competent for the General Assembly to grant by specific enumeration and which are not denied by statute. This grant of power does not include the power to enact private or civil law governing civil relationships except as an incident to an exercise of an independent municipal power, nor does it include power to define and provide for the punishment of a felony.

SUBCHAPTER II. METHOD OF EXERCISING POWER**§ 811. How amendments may be initiated**

The amendment of a charter shall be proposed either by a resolution of the legislative body of a municipal corporation, three-quarters of all members elected thereto concurring, or by a charter commission of seven members, elected by the qualified voters of the municipal corporation from their membership at large, pursuant to petition for such an election bearing the signatures of at least ten per centum of the qualified voters of the municipal corporation and filed with the clerk or other chief recording officer of the legislative body of the municipal corporation. The charter commission candidates who receive the most votes shall constitute the commission. On the death, resignation or inability of any member of a charter commission to serve, the remaining members shall elect a successor. The commission shall have authority to propose the amendment of the charter as specified in the petition, to hold public hearings thereon, and to arrange for putting the proposed amendment on the ballot or voting machine to be used at the next referendum election.

The legislative body of the municipal corporation in which the amendment of a charter is proposed by a charter commission is hereby given the authority to provide by ordinance or

resolution for that procedure which it deems necessary to conduct the election of a charter commission, and for enabling the charter commission to exercise the functions specified above. The legislative body of the municipal corporation may, if it defaults in the exercise of this authority, be compelled, by judicial mandate and at the instance of at least ten signers of a petition filed under this Section, to exercise such authority.

§ 812. Publication of proposed charter, charter amendment or repeal proposition and resolution

At least thirty days before an election thereon, notice shall be given by publication in a newspaper of general circulation within the municipal corporation that copies of a proposed charter, charter amendment or repeal proposition and resolution are on file in the office of the clerk or other chief recording officer of the legislative body of the municipal corporation, and that a copy will be furnished by him to any qualified voter or taxpayer of the municipal corporation upon request.

§ 813. Referendum

(a) **Conduct of Election; Ballots; Expenses.** On the day and during the hours specified for any referendum, the proposed charter amendment or amendments shall be submitted to the qualified voters of the municipal corporation. The official or officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall perform the same duties so far as relevant to the referendum election on the proposed charter amendment or amendments. It is the intent of this Section that the referendum election shall be conducted generally according to the procedures and practices observed for regular municipal elections, except as specifically or necessarily modified by the provisions of this subheading. The wording specified in the proposal for a charter amendment or amendments shall be placed on the ballots or voting machines used at the referendum election. The expenses of the referendum election and all necessary or proper expenses of a charter commission shall be defrayed by the municipal corporation.

(b) **Officials to Tally and Certify Result.** The official or officials charged with the duty to arrange for and conduct the referendum, promptly following the closing of the polls, shall

tally the results thereof, and shall forthwith certify the results of the referendum to the chief executive officer of the municipal corporation.

(c) Proclamation of Result; Effective Date of Amendment. The chief executive of the municipal corporation shall proclaim the result of the referendum within ten days after receiving certification from the official or officials who tally the vote. If a majority of those who vote on any question submitted to the voters of the municipal corporation shall cast their votes in favor of the proposed charter amendment or amendments, it shall be adopted, provided, however, that no charter amendment so adopted will be effective until the Chief Executive Officer files copies thereof with the Governor, President Pro Tem of the Senate, Speaker of the House, Secretary of State, and the Director of the Legislative Reference Bureau, and until the General Assembly shall have been in session thirty calendar days after such filing. During said thirty-day period, failure of the General Assembly by statute to negate such charter amendment by a two-thirds majority of all members elected to each House thereof shall be deemed to be an assent by the General Assembly thereto and the charter amendment shall be as effective as if enacted into law by a statute of this State. Neither shall a charter amendment be effective until final adjudication of an action brought for judicial review of charter referendum pursuant to Section 820 of this Chapter.

§ 814. Each proposed amendment may be submitted for separate vote

Alternative restatements of amendments may be submitted and the one receiving the larger vote shall prevail if the amendment otherwise qualifies for adoption.

§ 815. Codification of amendments

The exact text of any amendment or amendments to the Charter of any municipal corporation, adopted as in this chapter specified, shall thereafter be included in any subsequent edition or codification of the charter of the municipal corporation, until altered, modified or repealed by a subsequent amendment or amendments to the charter.

SUBCHAPTER III — JUDICIAL REVIEW

§ 820. Judicial review of election

(a) Not later than twenty days after the result of a referendum has been proclaimed by the Chief Executive Officer of a municipal corporation, any person resident therein may seek judicial review of the election by filing a verified complaint in the Superior Court of the County in which at least part of the municipal corporation is located. The complaint shall allege that the referendum was conducted unlawfully, and shall set forth with particularity the unlawful acts which are the basis of the complaint.

(b) Notice of the pendency of an action for judicial review of an election shall be given to the Chief Executive Officer of the municipal corporation, the Governor, President Pro Tem of the Senate, Speaker of the House, Secretary of State, and Director of the Legislative Reference Bureau by sending to each a copy of the verified complaint by registered or certified mail on the same date that the action is filed in the Superior Court. Notice mailed to the Chief Executive Officer of the municipal corporation shall not, however, supplant or be a substitute for service of process.

(c) When the verified complaint is filed, the case shall proceed, insofar as possible, as other civil cases in the Superior Court. However, the Superior Court may adopt special rules to govern review under this Section. Cases brought hereunder shall be accorded the same precedence as civil actions arising under the provisions of 19 Del. C. 3323 (a).

(d) The Court's jurisdiction shall be confined solely to the lawfulness of the election. No person shall have standing in law or equity to attack the legality of substantive provisions of a municipal charter amended by referendum until the General Assembly has failed to negate the charter amendment in accordance with the provisions of Section 813 (c) nor while an action for review of the referendum is pending.

(e) If, after hearing the evidence, the Court concludes that the referendum was conducted lawfully, the result of the election as proclaimed by the Chief Executive Officer of the

municipal corporation shall be affirmed. Otherwise, the election shall be declared a nullity, unless the Court is persuaded the irregularity did materially affect the result of the election. Court costs shall be imposed or apportioned among the litigants as the Court deems just.

(f) The Court's order under foregoing paragraph (e) shall not be appealable to the Supreme Court.

SUBCHAPTER IV. PROVISION FOR TRANSITION IN EVENT OF CHARTER REPEAL

§ 825. Termination of home rule; charter statute

A municipal legislative body or charter commission which proposes the termination of home rule charter status by repeal of a home rule charter shall incorporate in the proposition to be submitted to the qualified voters a specification of the form of government under which the municipal corporation would thereafter operate in the event of repeal, whether it be a form prescribed by general law for municipalities of its population class or one of such optional forms as may have been authorized by general law for municipalities of its population class. A municipal legislative body or charter commission proposing charter repeal shall also, by resolution of that body, determine when the transition to the new form of government would take place in the event of repeal and make such other provision, as may be appropriate, to effect an orderly transition from home rule charter to non-home rule charter status.

SUBCHAPTER V. LEGISLATION INCREASING MUNICIPAL FINANCIAL BURDENS

§ 830. Amendments relating to bonded indebtedness and taxing powers

(1) No municipal corporation, the charter of which imposes a limitation on the indebtedness of the municipal corporation shall amend its charter, pursuant to this Chapter, so as to permit it to raise the limitation on its total indebtedness, except that any municipal corporation which may amend its charter pursuant to the provisions of this Chapter may adopt a charter amendment, pursuant to the provisions of this

Chapter, which provides that: (a) capital improvement bonds may be authorized payable in not more than thirty years from date of issue, (b) the bonds may be issued from time to time, as long as the total bonded indebtedness of the municipal corporation does not exceed 15 per centum of the total assessed value of all the real estate subject to taxation located within the municipal corporation, (c) any other provision relating to the issuance and payment of the bonds which is not inconsistent with (a) and (b) of this subsection.

(2) No municipal corporation, the charter of which imposes a limitation on the taxing power of the municipal corporation shall amend its charter, pursuant to this Chapter, so as to permit the municipal corporation to increase the amount of money that may be raised by taxes or to permit the levying of any new taxes, except that any such municipal corporation which may amend its charter pursuant to this Chapter may adopt a charter amendment pursuant to the provisions of this Chapter which provides that the municipal corporation may raise, in addition to the taxes necessary to service the bonded indebtedness of the municipal corporation, by taxes upon real estate, a sum of money not in excess of 2 per centum of the total assessed value of all the real estate subject to taxation located within the municipal corporation.

SUBCHAPTER VI. LIMITATIONS AND EXCEPTIONS

§ 835. Amendments prohibited

(1) This Chapter shall not permit the amending of a municipal charter so as to:

(a) permit the changing of any term of any elected official until the incumbent has completed the term to which he was elected;

(b) permit any charter amendment in controvention of any general statute of the State of Delaware;

(c) change the qualifications of those entitled to vote at municipal elections;

(d) change the date for holding of municipal elections;

(e) enlarge or otherwise alter the power or procedure whereby a municipal corporation may enlarge its boundaries.

(2) No municipal corporation charter which permits non-resident persons to vote in any municipal election or to hold any municipal office shall be amended, pursuant to this Chapter, so as to eliminate or limit the right of non-resident persons to vote or hold office; nor shall the percentage of non-resident officials allowed or required be changed.

(3) No municipal corporation charter which provides a method of appeal to the Superior Court for any matter shall be amended, pursuant to this Chapter, so as to eliminate or restrict any such appeal.

§ 836. Filing of existing Charter

In order for any municipal corporation to proceed under the provisions of this Chapter, it shall file before June 1, 1963, with the Secretary of State and with the Director of the Legislative Reference Bureau, a complete copy of its then existing charter. The copy shall show by appropriate citations the source of each section of the charter. The citations shall show the original source of each section of the charter and the source of all amendments thereto. The copy of the charter shall include a certificate from an attorney-at-law licensed to practice law in Delaware that he has made a careful search of the local acts of the Legislature relating to the municipal corporation and is of the opinion that the copy of the charter and the citations are true and correct. There shall also be a certificate of the Chief Executive Officer attested with the seal of the municipal corporation that he verily believes the copy of the charter is true and correct. All subsequent amendments to the charter adopted by action of the General Assembly shall be filed within twenty days of becoming law.

Approved December 28, 1961.

CHAPTER 261

AN ACT TO CREATE A STATE HUMAN RELATIONS COMMISSION, DEFINE ITS POWERS AND DUTIES AND APPROPRIATE FUNDS THERETO.

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

Section 1. Title 31, Delaware Code, is amended by adding thereto a new chapter to read as follows:

CHAPTER 30. STATE HUMAN RELATIONS COMMISSION**§ 3001. Creation; composition; vacancies; compensation**

(a) There is created a State Human Relations Commission which shall consist of 28 members. Each county of the State shall be represented by 7 members and 7 members shall be selected without regard to the county in which they reside. The members shall be appointed by the Governor and shall be broadly representative of various racial and cultural groups of the State. Seven of the original members shall be appointed for a term of one year, 7 for a term of two years, 7 for a term of three years and 7 for a term of four years. Thereafter, all appointments shall be made for terms of four years.

(b) In the event of death, removal or resignation of a member, his successor shall be appointed to serve for the unexpired term.

(c) Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

§ 3002. Chairman and executive committee; meetings

(a) The Governor shall designate one of the members of the Commission to serve as its chairman.

(b) The chairman of the Commission may appoint an executive committee of not less than seven members. The chairman shall serve as chairman of the executive committee.

(c) There shall be a meeting of the executive committee or of the Commission at least once a month.

§ 3003. Secretary and other personnel

The Commission may engage an executive secretary to devote his full time to the work of the Commission at such compensation as shall be set by the Commission. The Commission may employ such additional personnel as are required for the work of the Commission at such compensation as shall be set by the Commission.

§ 3004. Powers and duties

The Commission shall cooperate with the Governor, the General Assembly, public agencies, officials, firms, corporations, civic groups and individuals in promoting amicable relationships among the various racial and cultural groups within the State. To this end the Commission may:

(1) Act as conciliator in matters involving race, color, creed, national origin or ancestry.

(2) Make such investigations, surveys and studies as are pertinent to the performance of its duties.

(3) Make recommendations to the Governor and General Assembly concerning needed legislation.

Section 2. The sum of \$5,000.00 is appropriated for the fiscal year ending June 30, 1962, to the Human Relations Commission for the purpose of carrying out the provisions of this Act.

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

Approved December 28, 1961.

CHAPTER 262

AN ACT TO AMEND CHAPTER 41, TITLE 16, DELAWARE CODE, REGARDING ICE CREAM TO INCLUDE DEFINITIONS, STANDARDS, REGULATORY PROVISIONS AND PENAL PROVISIONS REGARDING FROZEN SWEETENED PRODUCTS.

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

Section 1. Chapter 41, Title 16, Delaware Code, is amended to read as follows:

CHAPTER 41. FROZEN SWEETENED PRODUCTS**§ 4101. Definitions and standards**

(a) (1) As used in this Chapter, "ice cream" means any frozen sweetened milk product which is stirred during the process of freezing and includes every frozen milk product which contains not less than 10% by weight of milk fat and not less than 20% by weight of total milk solids, or skim milk solids, except as provided below, and which in any manner simulates the textures or characteristics of ice cream, no matter under what coined or trade name it may be sold. Ice cream shall be made from a combination of one or more of the following ingredients, viz., milk fat, milk solids not fat, sugars, and flavoring, with or without eggs, coloring, water, malted milk, fruit juices, fruit, properly prepared and cooked cereal, cocoa, chocolate, nuts, maple syrup, cakes or confections; and with or without added stabilizer or emulsifier or both composed of wholesome edible material. It shall contain not more than one-half of one per cent by weight of stabilizer, not more than 0.2 per cent by weight of emulsifier. When chocolate, cocoa, fruit, properly prepared and cooked cereal, nuts, maple syrup, malted milk, cakes or confections are used for the purpose of flavoring, the weights of milk fat and total milk solids shall not be less than 10 per cent and 20 per cent respectively of the remainder obtained by subtracting the weight of such ingredients from the weight of the finished ice cream; but in no case

is the weight of milk fat or total milk solids to be less than 8 per cent and 16 per cent respectively of the weight of the finished ice cream.

(2) The finished ice cream shall contain not less than 1.6 pounds of total food solids to the gallon and weigh not less than 4.5 pounds to the gallon.

(b) As used in this Chapter, "frozen custard," "French ice cream," and "French custard ice cream" means any product which conforms to the definition and standard of identity prescribed for "ice cream" in Section 4101 (a) of this Chapter, except that: the total weight of egg yolk solids therein is not to be less than 1.4 per cent of the weight of the finished product: Provided, however, that when chocolate, malted milk, cocoa, fruit, nuts, properly prepared and cooked cereal, maple syrup, cakes or confections are used, the content of egg yolk solids may be reduced in proportion to such ingredient or ingredients added under the conditions prescribed in Section 4101 (a) of this Chapter, for reduction in milk fat and total milk solids; but in no case is the content of egg yolk solids to be less than 1.12 per cent.

(c) As used in this Chapter, "ice milk" means any product which conforms to the definition and standard of identity prescribed in Section 4101 (a) of this Chapter for ice cream, except that:

(1) Its content of milk fat is not less than 2 per cent but not more than 7 per cent.

(2) Its content of total milk solids is not less than 11 per cent.

(3) The quantity of total food solids per gallon shall not be less than 1.3 pounds.

(4) The provision for reduction in milk fat and total milk solids from addition of bulky flavor ingredients in Section 4101 (a) of this Chapter does not apply.

(d) As used in this Chapter, "sherbet" or "fruit sherbet" means any product which contains any mature fruit or the

juice of any mature fruit and shall otherwise conform to the definition and standard of identity prescribed for ice cream in Section 4101 (a) of this Chapter except that:

(1) The titratable acidity of the finished fruit sherbet, calculated as lactic acid, shall not be less than 0.35 per cent.

(2) The content of milk fat and non-fat milk solids therein shall be such that the weight of milk fat is not less than 1 per cent and not more than 2 per cent, and the weight of total milk solids is not less than 2 per cent and not more than 5 per cent of the weight of the finished fruit sherbet.

(3) The quantity of fruit ingredients used shall be such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be, (including water necessary to reconstitute partially or wholly dried fruits or fruit juices or their original moisture content), shall not be less than 2 per cent in the case of citrus sherbets, 6 per cent in the case of berry sherbets, and 10 per cent in the case of sherbets prepared with other fruits. For the purposes of the subsection, tomatoes and rhubarb are considered as kinds of fruit.

(4) The provisions for the reduction in milk fat and total milk solids from addition of chocolate, malted milk, cocoa, fruit, nuts, properly prepared and cooked cereal, maple syrup, cakes or confections in Section 4101 (a) of this Chapter, shall not apply, and Subsection 4101 (a) of this Chapter shall not apply.

(e) As used in this Chapter, "ice" or "water ice" means any frozen sweetened product which is stirred during the process of freezing not conforming to the Definitions and Standards set forth in Section 4101 (a), (b), (c), and (d) of this Chapter and shall contain any mature fruit or the juice of any mature fruit. Water ice shall be made from a combination of one or more of the following ingredients, viz., sugars, flavoring, with or without eggs, coloring water, fruit juices, fruit; and with or without wholesome edible acid in such quantity as seasons the finished food; and with or without added stabilizer composed of wholesome, edible material. It shall contain not more than one-half of one per cent by weight of stabilizer.

The titratable acidity of the finished water ice, calculated as lactic acid, shall not be less than 0.35 per cent. The quantity of fruit ingredients used shall be such that in relation to the weight of the finished water ice, the weight of fruit or fruit juice as the case may be, (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is not less than 2 per cent in the case of citrus ices, 6 per cent in the case of berry ices and 10 per cent in the case of ices prepared with other fruits.

(f) (1) As used in this Chapter, "quiescently frozen confections" means a clean and wholesome frozen, sweetened, flavored product in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). This confection may be acidulated with harmless organic acid, may contain milk solids, may be made with or without added harmless pure or imitation flavoring, with or without added harmless coloring. The finished product may contain not more than one-half of one (1/2%) per cent by weight of stabilizer composed of wholesome edible material. The finished product shall contain not less than seventeen (17%) per cent by weight of total food solids.

(2) This confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled, and purveyed to the consumer in its original factory-filled package.

(3) In the production of quiescently frozen confections, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of ten (10%) per cent.

(g) 1) As used in this Chapter, "quiescently frozen dairy confections" means a clean and wholesome frozen product made from water, milk products and sugar, with added harmless pure or imitation flavoring, with or without added harmless coloring, with or without added stabilizer and with or without added emulsifier; and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). It shall contain not less than thirteen (13%) per cent by weight of total milk solids, not

less than thirty-three (33%) per cent by weight of total food solids, not more than one-half of one (1/2%) per cent by weight of stabilizer, and not more than one-fifth of one (1/5%) per cent of weight by emulsifier. Stabilizer and emulsifier must be composed of wholesome, edible material.

(2) This confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled, and purveyed to the consumer in its original factory-filled package.

(3) In the production of quiescently frozen confection, no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of ten (10%) per cent.

§ 4102. Conformity with Federal Standards

(a) It is expressly declared to be the intent of the General Assembly in the passage of this Chapter that Delaware law substantially conform with the Federal regulations promulgated under the authority of the United States Secretary of Health, Education and Welfare, prescribing definitions and standards for frozen desserts, published pursuant to Section 701, 52 Stat. 1055; 21 U. S. C. § 371. It is further intended that provisions of this Chapter be construed in a manner similar to the corresponding Federal regulation, aforesaid, whenever possible.

(b) Should Definitions and Standards promulgated under the authority of the United States Secretary of Health, Education and Welfare, be established so that the Definitions and Standards prescribed in Section 4101 of this Chapter are not in substantial conformity therewith, the State Board of Agriculture shall have the power to adopt, and may adopt, pursuant to public hearing, rules and regulations which are in the public interest establishing definitions and standards for frozen desserts in substantial conformity with existing or new regulations promulgated under the authority of the United States Secretary of Health, Education and Welfare, prescribing definitions and standards of identity for frozen desserts.

(c) Public hearings as herein provided shall be held only upon reasonable notice to all interested parties as provided by law in like cases and provided that with each rule or regulation

adopted there shall be filed and available upon request to any interested person the findings of fact supporting such rule or regulation. A copy of each proposed rule or regulation of the State Board of Agriculture shall be printed, generally distributed, and specially distributed to any person who signifies their interest theretofore or thereafter. No rule or regulation shall take effect or be effective until 30 days after general distribution or such longer time as the Secretary of Agriculture shall deem to be in the public interest. Rules and regulations promulgated in accordance with this authority shall have the force and effect of law and supersede all local ordinances and regulations inconsistent therewith. Any interested person aggrieved by any rule or regulation promulgated in accordance with this authority may have an appeal within 20 days after the effective date of such rule or regulation, by petition to the Court of Chancery and may appeal from the decision of the Court of Chancery as provided for in other cases.

(d) Upon adoption of the rules and regulations by the State Board of Agriculture, as herein provided, the provisions of Section 4191 of this Chapter, which are inconsistent with such rules and regulations shall be deemed to be of no effect.

§ 4103. Sale, possession, etc. of adulterated or misbranded products

No person shall sell, distribute, offer for sale, or have in possession for selling or distribution any product for which a definition and standard is prescribed in this Chapter which is adulterated or misbranded, except as permitted by Section 4104 of this Chapter. It shall be unlawful to sell, offer for sale, expose for sale, or have in possession with intent to sell, any product herein provided for in any container or package which is not plainly and distinctly marked with the name and the address of the plant of the manufacturer thereof or in lieu of such name and address, the name and address of the distributor preceded or followed by the words "distributed by" or "distributor." Packages bearing a distributor's name and address in lieu of the actual name and address of the manufacturer must bear a code identifying the manufacturer and the plant where manufactured. Such code shall be recorded with the State Board of Health and the State Board of Health shall provide

facilities for recording such codes. Such code record must be kept for five years from the date of sale of the product by both the manufacturer and the distributor and such record shall be open to inspection by the State Board of Agriculture.

§ 4104. Exceptions

(a) Nothing contained in this Chapter shall be construed to prohibit the selling and distributing by any person doing business in this State, of ice cream, frozen custard, French ice cream, French custard ice cream, ice milk, fruit sherbet, sherbet, water ice, ice, a quiescently frozen confection or a quiescently frozen dairy confection or mixtures or compounds thereof containing less than the standards prescribed in Section 4101 of this Chapter, in states where a lesser percentage of milk fats or milk solids is allowed, and such person shall have the right to manufacture and possess the aforesaid products, mixtures or compounds containing less than the standards prescribed in such Section, only for the purpose of selling and distributing the same in other states.

(b) Nothing contained in this Chapter shall be construed to prohibit the selling and distributing or having in possession for sale or distribution by any person of any product for which a definition and standard is prescribed in this Chapter if such prohibition would be in violation of the Constitution of the United States of America or in violation of the Constitution of the State of Delaware.

§ 4105. Quality of ingredients and coloring

All ingredients used in any product for which a definition and standard is prescribed in this Chapter, shall be of good quality and free from rancid or harmful preparations and no coloring shall be used except those certified by the United States Department of Health, Education and Welfare.

§ 4106. Adulterations; prohibited and permitted ingredients

(a) Any product for which a definition and standard is prescribed in this Chapter shall be deemed to be adulterated within the meaning of this Chapter if in purity or quality it

fails to meet standards set forth in this Chapter, or if it contains any substance or compounds known or likely to be harmful to health, as determined by the State Board of Health.

(b) A product shall also be deemed to be adulterated within the meaning of this Chapter if it is any frozen sweetened product regardless of the name under which it is manufactured, sold, or offered for sale, which is made in imitation or resemblance of or is manufactured in a manner similar to the process used in manufacturing but is not ice cream, frozen custard, French ice cream, French custard ice cream, ice milk, sherbet, fruit sherbet, ice, water ice, a quiescently frozen confection, or a quiescently frozen dairy confection.

(c) Nothing contained in this Chapter shall be construed to prohibit the use of condensed or evaporated milk, milk powder, homogenized milk fats, gelatin or vegetable gums.

(d) It shall be unlawful for any person, personally or by or through an agent, servant or employee, to sell, offer for sale, expose for sale, or have in possession with intent to sell, ice milk packaged in containers of greater than one-half gallon capacity if the ice milk or any of its ingredients contains added color or any ingredient added for the purpose of imparting a characterizing flavor.

§ 4107. Misbranded

Any mixtures or preparations which do not conform to the standards set forth in this Chapter, shall be deemed to be misbranded if marked or labeled "ice cream," "sherbet," "fruit sherbet," "ice milk," "frozen custard," "French ice cream," "French custard ice cream," "ice," "water ice," "quiescently frozen confection," or "quiescently frozen dairy confection" and sold or represented to be such.

§ 4108. Violations and penalties

Any person and the officers or employees of any corporation, violating any of the provisions of this Chapter shall, for the first offense, be fined not less than \$50, and for each subsequent offense \$100, to be collected as fines of like amount are now collected.

§ 4109. Enforcement agency

The State Board of Agriculture shall be charged with the enforcement of the provisions of this Chapter and may bring action in the Superior Court. Nothing contained in this Section shall be construed to prevent any individual from prosecuting anyone violating any of the provisions of this Chapter or of rules or regulations made pursuant to Section 4108 of this Chapter in the Superior Court.

§ 4110. Severability

It is hereby declared to be the legislative intent that if this Chapter cannot take effect in its entirety because of the decision of any Court holding unconstitutional any part, sentence or clause hereof, the remaining provisions of the Chapter shall be given full force and effect as completely as if the part held unconstitutional had not been included herein.

It is hereby declared as the intent of the Legislature that every other part, sentence or clause of this Chapter would have been enacted had such unconstitutional provision not been included herein.

Approved December 28, 1961.

CHAPTER 263

**AN ACT MAKING SUPPLEMENTARY APPROPRIATION TO
THE SUPREME COURT FOR THE FISCAL YEAR END-
ING JUNE 30, 1962.**

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

Section 1. In addition to any other sums which have been appropriated or will be appropriated to the Supreme Court, the sum of \$1,500 is hereby appropriated to the Supreme Court for the fiscal year ending June 30, 1962, to be expended for Salaries and Wages of Employees.

Section 2. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of the moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved December 28, 1961.

CHAPTER 264

AN ACT TO AMEND SECTION 343, TITLE 8, DELAWARE CODE, TO PROVIDE THAT THE SECTION HAS NO APPLICATION TO THE QUESTION OF SERVICE OF PROCESS ON A FOREIGN CORPORATION.

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 343, Title 8, Delaware Code, is hereby amended by adding at the end of the Section, a new sentence to read as follows:

The provisions of this Section shall have no application to the question of whether any foreign corporation is subject to service of process and suit in this State under Section 353 of this Title.

Section 2. Section 343, Title 8, Delaware Code, as hereby amended, shall be effective immediately and shall apply to any suit or proceeding commenced after this Act becomes law regardless of when the cause of action sued upon may have accrued.

Approved December 28, 1961.

CHAPTER 265

AN ACT TO AMEND SECTION 353, TITLE 8, DELAWARE CODE, RELATING TO SERVICE OF PROCESS ON UNQUALIFIED FOREIGN CORPORATIONS DOING BUSINESS IN THIS STATE BY DEFINING WHAT SHALL CONSTITUTE SUCH DOING OF BUSINESS FOR SUCH PURPOSE BY ANY FOREIGN CORPORATION OTHER THAN AN INSURANCE COMPANY.

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 353, Title 8, Delaware Code, is hereby amended adding at the end of Subsection (a) thereof a new paragraph to read as follows:

The provisions of Section 343 of this Title shall not apply in determining whether any foreign corporation is transacting business in this State within the meaning of this Section; and the transaction of business or business transacted in this State, by any such foreign corporation, wherever those words are used in this Section, shall mean the course or practice of carrying on any business activities in this State, including, without limiting the generality of the foregoing, the solicitation of business or orders in this State. The provisions of this Section shall not apply to any insurance company doing business in this State.

Section 2. Section 353, Title 8, Delaware Code, as hereby amended, shall be effective immediately and shall apply to any action, suit or proceeding commenced after this Act becomes law regardless of when the cause of action sued upon may have accrued.

Approved December 28, 1961.

CHAPTER 266

AN ACT APPROPRIATING MONEY TO THE BOOKER T. WASHINGTON SCHOOL.

WHEREAS, the Booker T. Washington School in the New Castle Special School District is a school for mentally retarded children,

WHEREAS, a problem is created by certain of these children who are characterized as "Runners",

WHEREAS, "Runners" leave the school grounds upon dismissal as quickly as they can on occasion endangering their lives in front of automobiles, and

WHEREAS, a four or five foot fence would correct the problem,

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

Section 1. There is appropriated to the Booker T. Washington School in the New Castle School District \$3,300.00 to be used for the construction of a fence.

Section 2. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware to the Booker T. Washington School in the New Castle Special School District.

NOTE: This bill became a law on July 11, 1961, without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 267

**AN ACT TO AMEND § 2527, TITLE 24, DELAWARE CODE,
RELATING TO PHARMACY BY PROVIDING FOR SUS-
PENSION OF LICENSES.**

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

Section 1. § 2527, Title 24, Delaware Code, is amended to read:

**§ 2527. Refusal to issue license; revocation; suspension; causes;
notice and hearing**

(a) The Board may refuse to grant a license to any person guilty of felony, misdemeanor or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy.

(b) The Board may, after due notice and hearing, revoke a license for the causes listed in Subsection (a) of this Section, or revoke any license which has been procured by fraud.

(c) Upon due notice and hearing, the Board may revoke or suspend any license or permit granted pursuant to this Chapter, if the Board determines that the licensee, holder of the permit, or a person employed by such holder has violated any provision of this Chapter, any regulation promulgated pursuant to § 2588 of this Chapter, or any law of this State or of the United States.

Approved December 29, 1961.

CHAPTER 268

AN ACT TO AMEND CHAPTER 11, TITLE 10, DELAWARE CODE KNOWN AS THE JUVENILE COURT ACT FOR KENT AND SUSSEX COUNTIES BY CLARIFYING THE POWER OF THE COURT RELATING TO THE CUSTODIAL CARE OF A CHILD PENDING FINAL DETERMINATION, AND IN THE MATTER OF EXAMINATIONS AND TREATMENT.

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

Section 1. § 1174, Title 10, Delaware Code, is repealed and a new Section 1174 enacted in lieu thereof to read as follows:

§ 1174. Custodial care of children pending final determination

(a) During a continuance for study, a Judge or Master may release a child on his own, or the recognizance of the person charged with his care, to appear before the Court when required.

(b) Following a finding of delinquency, a Judge or Master may cause a 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 study and until final determination of his case in any manner ordered by a Judge or Master.

(c) Following a finding of probable cause for the arrest, a Judge or Master may cause a child who has attained his 16th birthday and who is alleged to have thereafter violated a penal law, to be detained in any manner ordered by the Judge or Master, pending a study to determine whether he should be referred to the Superior Court.

Section 2. § 1179, Title 10, Delaware Code, is repealed and a new Section 1179 enacted in lieu thereof to read as follows:

§ 1179. Examinations; treatment; payment

(a) The Court may order any person within its jurisdiction examined by a licensed practitioner in the appropriate field, and may order the costs thereof paid under § 1109 hereof.

(b) If the Examiner shall certify that treatment would be in the interest of the examined person and the State, the Court may order such treatment, and may order the costs thereof paid as aforesaid.

(c) The Court may, after reasonable opportunity to be heard, order the examined person, or the person legally liable for his support, to repay the Court for its outlay on his behalf, such sum, in such manner, within his ability as the Court determines.

(d) Failure without just cause to obey any proper ORDER authorized herein may be processed as contempt.

Approved December 29, 1961.

CHAPTER 269

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE UNIVERSITY OF DELAWARE.**

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

Section 1. The sum of \$59,675.00 is hereby appropriated to the University of Delaware for the fiscal year ending June 30, 1962, for Operations.

Section 2. This Act is a supplementary appropriation and the money hereby appropriated shall be paid out of moneys of the General Fund of the State of Delaware not otherwise appropriated.

Approved December 29, 1961.

CHAPTER 270

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE MENTAL HYGIENE CLINIC FOR THE FISCAL
YEAR ENDING JUNE 30, 1962.**

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

Section 1. The sum of \$45,000 is hereby appropriated to the Mental Hygiene Clinic for the fiscal year ending June 30, 1962, to be used for Salaries and Wages of Employees.

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

Approved December 29, 1961.

CHAPTER 271

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

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 \$10,000 for each of the fiscal years beginning July 1, 1961, and ending June 30, 1962, and beginning July 1, 1962, and ending June 30, 1963, 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, leveling spoil, straightening, cleaning out and draining the tax ditches of Kent County, subject to the priority imposed by Section 3 of this Act.

Section 2. For the purpose 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, 1961, and ending June 30, 1962, and beginning July 1, 1962, and ending June 30, 1963, 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, leveling spoil, straightening, cleaning out and draining the tax ditches of Kent County, subject to the priority imposed by Section 3 of this Act.

Section 3. The moneys made available under this Act shall be used first, each fiscal year, as required for work on those tax ditches of Kent County located outside the limits of watershed areas which are now or may be established in the State pursuant to the provisions of the Act of the Congress of the United States known as the Watershed Protection and Flood Prevent Act (Public Law 566, 83rd Congress, 68 Stat. 666) as amended by the Act of August 7, 1956 (Public Law 1018, 84th Congress, 70 Stat. 1088), but any portion of said moneys which is not needed for work on such tax ditches may be used by the State Soil Conservation Commission for work on those

tax ditches of Kent County located within the limits of any such watershed area or areas.

Section 4. For work on the tax ditches of Kent County located outside the limits of watershed areas established as aforesaid, the Board of Soil District Supervisors of the Soil Conservation District of Kent County shall make certification to the State Soil Conservation Commission that said Board of Soil District Supervisors has collected or received from farmers and others benefiting from such clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, leveling spoil, straightening, cleaning out and draining said tax ditches, a specified sum of money to be used on said project. Then, upon approval and certification by the State Soil Conservation Commission to them, the State Treasurer and the Levy Court of Kent County shall each pay to the Board of Soil District Supervisors of the Soil Conservation District of Kent County the sum of \$0.50 for every \$1.00 or more, so certified as having been collected or received by said Board of Soil District Supervisors from farmers and others benefiting from such work or said tax ditches.

The sums of money so paid from time to time to said Board of Soil District Supervisors of the Soil Conservation District of Kent County shall be used by said Board on such tax ditches for which contributions from farmers and others benefiting from such work have been collected and received as shall be determined by the said Board of Soil District Supervisors.

Section 5. Any balance of the moneys hereby appropriated, which is not needed for work on the tax ditches under Section 4 hereof, may be used by the State Soil Conservation Commission as the local share or as a contribution toward the local share to supplement Federal funds made available to pay the costs of construction and installation of tax ditches of Kent County, located within the limits of any watershed area or areas established under the aforesaid Act of Congress and as determined under said Act; and such moneys may also be used by the State Soil Conservation Commission to pay or help pay through the medium of contracts or agreements for work, labor, services or materials used for construction operations supplementing or protecting tax ditch installations with-

in said watersheds. Said moneys shall be paid from time to time by the State Treasurer and the Levy Court of Kent County to the Soil Conservation District of Kent County for these purposes, or directly to contractors and suppliers furnishing work, labor, services and materials for such projects, or shall be paid or otherwise made available to other State Agencies for work, labor, services and materials for certain portions of such projects, as shall be determined by the Commission, and upon certification by the Commission that such payments are proper and for the purposes authorized by this Section of this Act.

Section 6. This Act shall be known as a supplementary appropriation Act and the money hereby appropriated on the part of the State shall be paid out of the General Fund of the State of Delaware.

Approved December 29, 1961.

CHAPTER 272

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

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 \$22,500 for each of the fiscal years beginning July 1, 1961, and ending June 30, 1962, and beginning July 1, 1962, and ending June 30, 1963, 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, leveling spoil, straightening, cleaning out and draining the tax ditches of Sussex County, subject to the priority imposed by Section 3 of this Act.

Section 2. For the purpose 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, 1961, and ending June 30, 1962, and beginning July 1, 1962, and ending June 30, 1963, 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, leveling spoil, straightening, cleaning out and draining the tax ditches of Sussex County, subject to the priority imposed by Section 3 of this Act.

Section 3. The moneys made available under this Act shall be used first, each fiscal year, as required for work on those tax ditches of Sussex County located outside the limits of watershed areas which are now or may be established in the State pursuant to the provisions of the Act of the Congress of the United States known as the Watershed Protection and Flood Prevention Act (Public Law 566, 83rd Congress, 68 Stat. 666) as amended by the Act of August 7, 1956 (Public Law 1018, 84th Congress, 70 Stat. 1088), but any portion of said moneys which is not needed for work on such tax ditches

may be used by the State Soil Conservation Commission for work on those tax ditches of Sussex County located within the limits of any such watershed area or areas.

Section 4. For work on the tax ditches of Sussex County located outside the limits of watershed areas established as aforesaid, the Board of Soil District Supervisors of the Soil Conservation District of Sussex County shall make certification to the State Soil Conservation Commission that said Board of Soil District Supervisors has collected or received from farmers and others benefiting from such clearing banks, removing obstructions, installing permanent-type structures, installing culverts and related structures, leveling spoil, straightening, cleaning out and draining said tax ditches, a specified sum of money to be used on said project. Then, upon approval and certification by the State Soil Conservation Commission to them, the State Treasurer and the Levy Court of Sussex County shall each pay to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County the sum of \$0.50 for every \$1.00 or more, so certified as having been collected or received by said Board of Soil District Supervisors from farmers and others benefiting from such work or said tax ditches.

The sums of money so paid from time to time to said Board of Soil District Supervisors of the Soil Conservation District of Sussex County shall be used by said Board on such tax ditches for which contributions from farmers and others benefiting from such work have been collected and received as shall be determined by the said Board of Soil District Supervisors.

Section 5. Any balance of the moneys hereby appropriated, which is not needed for work on the tax ditches under Section 4 hereof, may be used by the State Soil Conservation Commission as the local share or as a contribution toward the local share to supplement Federal funds made available to pay the costs of construction and installation of tax ditches of Sussex County, located within the limits of any watershed area or areas established under the aforesaid Act of Congress and as determined under said Act; and such moneys may also be used by the State Soil Conservation Commission to pay or help pay through the medium of contracts or agreements for work, labor, services or materials used for construction operations

supplementing or protecting tax ditch installations within said watersheds. Said moneys shall be paid from time to time by the State Treasurer and the Levy Court of Sussex County to the Soil Conservation District of Sussex County for these purposes, or directly to contractors and suppliers furnishing work, labor, services and materials for such projects, or shall be paid or otherwise made available to other State Agencies for work, labor, services and materials for certain portions of such projects, as shall be determined by the Commission, and upon certification by the Commission that such payments are proper and for the purposes authorized by this Section of this Act.

Section 6. This Act shall be known as a supplementary appropriation Act and the money hereby appropriated on the part of the State shall be paid out of the General Fund of the State of Delaware.

Approved December 29, 1961.

CHAPTER 273

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BUDGET COMMISSION FOR THE UNDERTAK-
ING OF A SURVEY OF THE AUDITING PROCEDURES
OF THE STATE OF DELAWARE.**

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

Section 1. The sum of Fifty Thousand Dollars (\$50,000.00) is hereby appropriated to the Budget Commission for the engaging of competent independent professional assistance in making a study of the auditing procedures of the State of Delaware.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid from moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. The moneys appropriated herein and not expended shall not revert to the General Fund until the completion of the study authorized herein or until June 30, 1963, whichever first occurs.

Approved December 29, 1961.

CHAPTER 274

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS
TO THE STATE PLANNING OFFICE FOR OPERATIONS
FOR THE FISCAL YEAR ENDING JUNE 30, 1962, AND
FOR THE UNDERTAKING OF A DEVELOPMENT PLAN
FOR THE STATE.**

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

Section 1. The sum of Twenty-five Thousand Dollars (\$25,000.00) is hereby appropriated to the State Planning Office for Operations during the fiscal year ending June 30, 1962.

Section 2. The sum of Fifty Thousand Dollars (\$50,000.00) is hereby appropriated to the State Planning Office for the preparation and distribution of a comprehensive plan for the development of the State.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid from moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 4. The moneys appropriated in Section 2 of this Act, and not expended shall not revert to the General Fund until completion of the plan herein authorized or until June 30, 1963, whichever first occurs.

Approved December 29, 1961.

CHAPTER 275

AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 1962, FOR PURPOSES OF VOCATIONAL TRAINING AND VOCATIONAL REHABILITATION.

WHEREAS, the appropriation for Vocational Training for 1961-62 was reduced; and

WHEREAS, such reduction will cause a 45% decrease in the adult programs during the 1961-62 school year over last year in the areas of agriculture, homemaking, distributive occupations, technical courses, trade extension, apprenticeship training, practical nurse education, firemen training, custodial training, supervisory and management training, and special class for fisheries; and

WHEREAS, recent demands have increased the need for these adult training programs for the employed as well as re-training opportunities for the unemployed; and

WHEREAS, the State funds are needed to match the federal funds now available for these types of classes; and

WHEREAS, the Division of Vocational Rehabilitation has not been able to provide service to all disabled persons requesting such service; and

WHEREAS, funds are needed by the Vocational Rehabilitation Division to finance case services, NOW, THEREFORE,

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

Section 1. There is hereby appropriated to the State Board of Education for the fiscal year ending June 30, 1962, the sum of \$20,000 for Vocational Training and the sum of \$7,800 for the Vocational Rehabilitation Division.

Section 2. The funds herein appropriated shall be used only for the purposes set forth in Section 1.

Section 3. Any unused portion of the sums appropriated by this Act shall on June 30, 1962, revert to the General Fund of the State of Delaware; provided, however, that no funds shall revert which have been encumbered as provided in Section 6521, Title 29, Delaware Code.

Section 4. This is a supplementary appropriation, and the funds hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved December 29, 1961.

CHAPTER 276

AN ACT APPROPRIATING MONEYS TO THE STATE SOIL CONSERVATION COMMISSION FOR THE CONSTRUCTION AND IMPROVEMENT OF TAX DITCHES AND OTHER DITCHES IN NEW CASTLE COUNTY.

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 \$10,000 for each of the fiscal years beginning July 1, 1961, and ending June 30, 1962, and beginning July 1, 1962, and ending June 30, 1963, 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, constructing ditches, leveling spoil, straightening out and draining the existing public group ditches, tax ditches and other ditches in New Castle County as may be approved by the Commission.

Section 2. For the purpose of this Act, the Levy Court of New Castle County shall appropriate to the Soil Conservation Commission the further sum of \$10,000 for each of the fiscal years beginning July 1, 1961, and ending June 30, 1962, and beginning July 1, 1962, and ending June 30, 1963, 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, constructing ditches, leveling spoil, straightening, cleaning out and draining the public group ditches, tax ditches and other ditches in New Castle County as may be approved by the Commission.

Section 3. The moneys made available under this Act may be used by the State Soil Conservation Commission to pay or help pay the costs of construction and installation of tax ditches and public group ditches in New Castle County, which said tax ditches shall be organized under the provisions of Title 7, Chapter 41, Delaware Code, and which said public group ditches shall be ditches providing drainage for groups of landowners and for landowners and portions of state highways and for which necessary permanent rights-of-way for construc-

tion and maintenance operations shall have been donated to the State of Delaware or to New Castle County. Said moneys shall be paid from time to time by the State Treasurer and the Levy Court of New Castle County to the Soil Conservation District of New Castle County for these purposes, or directly to contractors and suppliers furnishing work, labor, services, and materials for such projects, or shall be paid or otherwise made available to other State agencies for work, labor, services, and materials for certain portions of such projects, as shall be determined by the Commission, and upon certification by the Commission that such payments are proper and for the purposes authorized by this Section of this Act.

Section 4. This Act shall be known as a supplementary appropriation Act and the money hereby appropriated on the part of the State shall be paid out of the General Fund of the State of Delaware.

Approved December 29, 1961.

CHAPTER 277

AN ACT TO AMEND CHAPTER 27, TITLE 18, DELAWARE CODE, RELATING TO THE RATE OF SPECIAL TAX ON GROSS PREMIUMS OF FIRE INSURANCE COMPANIES FOR THE PURPOSE OF ASSISTING IN MAINTAINING FIRE COMPANIES.

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

Section 1. § 2705, Title 18, Delaware Code, is amended by striking out and repealing the figure "2%" as it appears in the fifth line thereof and substituting and enacting in lieu thereof the figure "3 and 1/2%".

Approved January 1, 1962.

CHAPTER 278

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LEWES" BEING CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, RELATIVE TO THE POWER OF THE COMMISSIONERS TO BORROW MONEY.

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. That Section 15 (A), Chapter 170, Volume 43, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of said Section and inserting in lieu thereof the following:

(A) Commissioners of Lewes may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof whenever in the opinion of the Commissioners, such borrowing shall be expedient to provide funds for the execution of any lawful purpose within the provisions and scope of the charter powers of the Corporation. And said Commissioners may, from time to time, borrow money and issue bonds and certificates of indebtedness as aforesaid, without any special legislation authority other than that contained in this Section, provided however, that the amount of indebtedness permitted to be incurred pursuant to this Section shall not at any time exceed in the aggregate the total sum of Fifteen per centum (15%) of the value of the real property situate within the limits of the Town of Lewes as shown by the last assessment preceding the creation of the indebtedness, and provided further that the borrowing of any money pursuant to this Section shall be authorized by the Commissioners of Lewes and shall be approved by the electors of the Town in the manner and at the time following.

Section 2. That Chapter 170, Volume 43, Laws of Delaware, as amended, is hereby further amended by inserting therein a new Section to be designated as Section 15A as follows:

15A. The Commissioners of Lewes shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of the Town of Lewes, the sum or sums of, not exceeding Thirty Thousand Dollars (\$30,000.00), in any one fiscal year, when, in the opinion of the majority of the said Commissioners, the needs of the said Town demand it. Said Commissioners may secure said sum or sums of money so borrowed by promissory notes of the Town of Lewes, duly authorized by resolution of said Commissioners, and signed by the Mayor and attested by the Secretary, either with or without the corporate seal of the Town affixed as is requested by the bank or person advancing the money on said notes, and no Officer nor Commissioner shall be personally liable for the payment of such notes because it is signed by them as Officers of the Town of Lewes, and is authorized by the resolution of the Commissioners; provided however, any sum of money borrowed on the faith and credit of the Town of Lewes, as aforesaid, in any fiscal year, shall be paid out of the general funds of the City, at the minimum rate of Ten per centum (10%) per fiscal year and shall be completely paid at the end of ten (10) fiscal years following the first fiscal year which said money was borrowed with interest thereon.

Approved January 2, 1962.

CHAPTER 279

AN ACT TO REINCORPORATE THE TOWN OF BOWERS.

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. Existence

(a) The Town of Bowers is hereby continued as a municipal corporation of this State.

Section 2. Limits and Bounds; annexation**(a) Description**

The corporate limits and bounds of the Town of Bowers, Delaware are as follows:

BEGINNING at a point in mid-stream of the Murderkill River which flows northeasterly from Frederica and above to the Delaware Bay at Bowers, opposite the mouth of Rowlands Ditch which is the second ditch just west of the old Johnson's and/or Davidson's Wharf along said river, thence from the mid-stream point and crossing the northerly portion of the river to the said ditch and up and with the stream thereof with lands now or late of the Gibson heirs, now of others, also with lands now or late of I. W. Betts, and George W. Hall in a general direction bearing north 81 degrees and 30 minutes west a distance of about (1670) feet more or less to a point in the middle of land now of the U. S. Coast Guard Range and Channel Light Station which sets about (5)) feet south of the middle of West Main Street in Bowers, thence turning and running across W. Main Street and across the southerly intersection of Bay View Avenue in a sub-division known and described as Bay View Heights, which is not in the corporate limits of said town and also running across land now or late of B. Hollinger, Howard Ney, George W. Hall and others, bearing generally north 15 degrees east about (3600) feet to a point in Town Line ditch and also the line ditch between lands formerly of the Lindale heirs, now of Wm. Webb, and land formerly of the T.

D. Hubbard heirs and now of George W. Hall, thence with and down said town line ditch in a northeasterly direction about (600) feet to the west shore line of St. Jones River, thence continuing further about (85) feet more or less to a new point in or near the middle of the stream of said St. Jones River, thence down and with the middle of said river and crossing a small islet at the mouth of the river to another new point opposite the medium low water line of a point now known as Town Point, thence turning and crossing the southerly portion of the mouth of St. Jones River in a general southerly and southeasterly direction to the medium or average low water line of the Delaware Bay at Town Point, thence following along and with the average low water line of said Delaware Bay, in a southerly and southeasterly direction to a point in or near the middle of the stream of the aforesaid Murderkill River, being a new point now established opposite the shore line of the Bay along South Bowers, thence with the middle of the stream of said Murderkill River running up thereof in a westerly and southwesterly direction to the new point of the said beginning in the middle of the stream of said river opposite the mouth of Rowlands Ditch.

(b) Plot

The above description, courses and distances, includes the territorial limits of the Town of Bowers as set forth in Chapter 207, Volume 24, Laws of Delaware, and all annexations which have been authorized by the General Assembly subsequent to the enactment of the previous Charter and prior to the passage of this Act. The description set forth above shall be plotted and the plot shall be recorded in the office of the Recorder of Deeds, in and for Kent County, in Dover, Delaware, and shall be evidence in all courts of law and equity in this State. Subsequent plots may be prepared and when recorded, as aforesaid, shall also be evidence in all courts.

(c) Annexation

The corporate boundaries of the Town of Bowers may be enlarged by the annexation of contiguous territory. Annexation shall be accomplished by written agreement between the owners of the land to be annexed and a majority of the mem-

bers elected to Council. The agreement shall include a survey description of the lands to be annexed, shall be executed by the owners of the land and by the Mayor and Secretary of the Council, shall recite that the described lands are annexed to the Town of Bowers and shall be executed as deeds conveying real estate. Upon the agreement being recorded in the Recorder of Deeds Office in Dover, Delaware, the annexed lands shall become a part of the Town of Bowers just as other lands now within the Town.

Section 3. Government

(a) Town Council

The Government of the Town of Bowers and the exercise of all powers conferred by this Charter except as otherwise provided herein shall be vested in a Town Council, consisting of five members, to be chosen for two year terms as hereinafter provided. They shall serve without compensation. Each of the five 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 resident of the Town. 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

(a) Terms

Three of the councilmen shall be elected for the term of two years each, in every even numbered year and two of the councilmen shall be elected for the term of two years each, in every odd numbered year. Councilmen holding office at the time of the enactment of this Charter shall continue to hold office until the expiration of their old terms. On the first Monday in March in each and every year, the successors of the members of the Council whose terms shall have expired, shall be chosen to serve the term of two years. The members of the Council shall serve until their successors are duly elected and qualified.

(b) Vacancy

In case of vacancy created in any office of the 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 for Councilman

(a) Nominations

Nominations of candidates for Councilman shall be by petition of the person desiring to be a candidate and filed with the Secretary of the Council on or before 4:30 p. m., prevailing time, on the second Monday preceeding the annual Town election. Whenever a petition nominating a person for the office of councilman 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 Council shall judge the qualifications of the candidate so nominated on the second Monday preceeding the annual Town election and after 4:30 o'clock p. m. prevailing time of that said day.

Section 6. Time and Manner of Holding Elections

(a) Date, Notice, Ballots

Annual Town elections shall be held on the first Monday in the month of March from 1:00 o'clock P. M. until 4:00 o'clock P. M., prevailing 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 not less than seven days prior to the day of such annual election. The Council shall have prepared sufficient ballots which will entitle all eligible voters to vote at such election and 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.

(b) Election Board

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 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.

(c) Persons qualified to vote, manner of voting

At such election every person, male or female, above the age of twenty-one years who shall have been a bona fide resident of the Town of Bowers for at least thirty days immediately preceeding any such election, shall have one vote, if all Town taxes, assessments 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.

(d) Disputed Voter

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 Bowers, 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.

(e) Counting Votes, Tie

Upon the close of the election the votes shall be read and counted in public 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 break the tie by lot.

(f) **Certificates of Election, Preservation of Ballots**

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 twenty days.

Section 7. Organization

(a) **Oaths; Officers**

The 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 Council shall select a Mayor, a Vice-Mayor, a Secretary and a Treasurer from their own number to serve until the next annual organization meeting. They also may choose an Assistant Secretary and an Assistant Treasurer outside their number to serve until the next annual organization meeting. The Assistant Secretary and Assistant Treasurer shall receive such compensation as may be set by Council. The Assistant Secretary and Assistant Treasurer may be the same person.

(b) **Employees**

The Council at such annual organization meeting shall also appoint and set the compensation for, 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

(a) **Regular Meetings**

The Town Council shall hold one regular meeting every month and such meeting shall be held on the first Monday of each and every month at a time and place within the corporate limits of the Town of Bowers as designated by the Council.

(b) Special Meetings

Special meetings may be called by the Mayor and shall be called by him upon the written request of any three members of the Council. The Secretary shall thereafter give notice to all members of the Council of the time and place of such special meeting and the subjects to be considered thereat. The 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) Quorum

A majority of the members elected to the Council shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council.

Section 10. Rules and Minutes of Town Council

(a) Rules

The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

Section 11. Mayor, Alderman, Justice of the Peace

(a) Duties

The Mayor of Bowers 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 Council. He shall receive all communications and complaints and present the same to the

Council. He shall sign all deeds necessary and contracts made by the Council and shall countersign all checks and warrants authorized by the 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 Council, and shall have all and every power conferred, and perform the duties imposed upon him by this Charter or the ordinance of the Town.

(b) Mayor can vote in Council

As a councilman of Bowers, 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.

(c) Powers of Justice of the Peace

As Mayor of the Town of Bowers he shall have all powers of a Justice of the Peace within said Town in criminal matters, and shall have jurisdiction and cognizance of all breaches of the peace and all other offenses, established by State law or by ordinance of Council, committed within the limits of the Town as far as arrest and hold to bail and fine and imprisonment of offenders. He shall have jurisdiction and cognizance of all fines and penalties prescribed by this Chapter, 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 statute or ordinance; which, in any event, shall not exceed a fine of \$500.00, and shall not commit to prison for a longer term than thirty days. The jails or correctional institutions of Kent County may be used for imprisonment under the provisions of this Charter.

(d) Civil Jurisdiction

As Mayor of the Town of Bowers, 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, boardwalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the Town under the provisions of this Charter. 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 Kent 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.

(e) Turn over of records

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 the office of Mayor of the Town of Bowers. He shall also pay over to the Treasurer all money in his hands belonging to the Town.

(f) Alderman

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 elect some suitable person to be Alderman to perform these duties, who may or may not be a Justice of the Peace and who must reside in the Town, to serve at the pleasure of the Town Council. He shall have all the powers and duties given to the Mayor under Sub-sections c, d and e of this Section. 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.

(g) Justice of Peace to serve as Alderman

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, or are temporarily unavailable, the nearest available Justice of the Peace who may or may not reside in the Town shall perform these said duties. All fines collected by a Justice of the Peace for violation of municipal ordinances shall inure to the Town.

(h) Appeals

Appeals of convictions under this Section shall be as appeals from decisions of Justice of the Peace under State law.

Section 12. The Secretary

(a) Duties

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 Council and public, under such regulations as the Council may prescribe.

(b) Assistant Secretary

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 Council.

Section 13. The Treasurer

(a) Duties

The Treasurer shall be custodian of all the Town funds and shall deposit them in such banking institutions as may be designated by the Council. The Treasurer shall pay out no

money except upon check or warrant countersigned by the President or Secretary and authorized by the 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 Council at all times. He shall make such reports as required by the Council and shall file a bond with corporate surety with the 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 Council.

(b) Assistant Treasurer

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 Council.

Section 14. Audit

(a) Audit

There shall be an annual audit of the books and accounts of the Town by an auditing committee appointed by the 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 Council.

Section 15. Police Force

(a) Organization

It shall be the duty of the Council to appoint a Police Force, consisting of a Chief of Police and such number of subordinates as the Council may deem necessary. The 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 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 Council from time to time, prescribe.

(b) Authority of Police Officers

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 a county constable, and in the case of a pursuit of an offender their power and authority shall be without territorial limitation.

(c) Imprisonment

Every person sentenced to imprisonment as provided herebefore shall be delivered by a member of the Police Force or other police officer to the Kent County Correctional Institution, to be there imprisoned for the term of the sentence.

(d) Detention of Suspects

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 reasonable 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 Kent 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; Assessor, Tax Collector

(a) Assessor, Assessment

The Council shall appoint annually in March of each year an Assessor to make a just, true and impartial annual assessment of all real estate within the limits of the Town of Bowers 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 last day in June of each year deliver to the 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 first Monday in August 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.

(b) Tax Collector

The Council shall appoint annually, in March each year, a Tax Collector, who shall not be a member of Council, to collect all taxes levied by the Town. He shall receive such compensation as may be set by Council. Compensation may be either an annual salary or a percentage of collections or a combination of both. The Tax Collector shall post bond, with corporate surety, as approved by Council, for the faithful performance of his duties as Tax Collector. The Tax Collector shall promptly account to Council for all sums collected by him, at such times as Council may direct, but not less than annually.

(c) Levy of Taxes, Amount

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 Ten Thousand Dollars (\$10,000.00). The Town Council is likewise authorized and empowered to levy and collect in the same manner as taxes against real estate, a personal tax on all persons who are citizens of the Town not to exceed in any one year, the sum of five dollars (\$5.00) for each person so assessed.

(d) Tax List

Immediately after the regular meeting in August of each year, the 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 Council shall at once deliver to the Tax Collector the tax list with a warrant to collect same immediately.

(e) Tax Bill

The Tax Collector 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.

(f) Penalties

On all taxes paid after the last day of September in the year in which levied, a penalty in the sum of two per cent per month shall be added until the taxes shall be paid.

(g) List of Unpaid Taxes, Liens

The Tax Collector 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. All taxes due and payable on real estate shall be a lien on the real estate against which they are levied until paid.

Section 17. Budget

Annually each year but not later than the fifteenth day of March, the Town Council may adopt a budget containing the financial plan for the ensuing fiscal year. The budget, if adopted, 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 if the budget is adopted, 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

(a) 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 one year 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 its 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

(a) Generally

The Town of Bowers, 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 the 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, acquire within or without its corporate limits for any purpose, 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.

(b) All other powers

It shall have all other municipal powers and functions, rights, privileges and immunities 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; not inconsistent with any general laws of the State; and all actions, suits and proceedings shall be brought in the name of the "TOWN OF BOWERS".

(c) Enumeration not exclusive

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 and implied thereby, or appropriate to the exercise thereof, it is intended that the TOWN OF BOWERS, shall have and may exercise all powers, not contrary to general State law, 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

- (a) Vice; exhibitions; racing; vehicles; animals; privies; vagrants

By ordinance, rules, regulations, resolutions, and by-laws or amendments to the same, THE TOWN OF BOWERS, 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 or 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.

- (b) Streets; beach; strand; gutters; nuisances

THE TOWN shall, in a like manner, have the power to ascertain the boundaries of all streets, avenues, highways, lanes, alleys, strands or beaches; to prevent and remove all encroachments on public streets, avenues, highways, lanes, alleys, beach or beach strands to regulate, clean and keep in repair, the streets, highways, lanes, alleys, beach, beach strands, board-

walks, 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, highways 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 public beach, strand, street, sidewalk or avenue, and to remove the same where already erected, at the expense of 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 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 provided for in Section 21, 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.

- (c) Contracts; franchises; permits; public places; peddlers

THE TOWN 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 right 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 constructions and operation of railways route, grant franchises to and enter into contract or contracts with other public carrier or for the construction and operation of sewer or other sanitary systems of drainage or for the erection of wharves or piers; to regulate, protect and improve the public places of every description in said Town; to prescribe and regulate the places of vending or exposing for sale of any and all articles of merchandise from wagons or other vehicles.

(d) Trees, Grading, Building Code, Zoning, Ashes, Inspections, Sewers, Waters

THE TOWN 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; to regulate and control the manner of building or removing of dwelling houses, chimneys or other buildings, and to establish a code for the same; to 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 Chapter 3, Title 22, Delaware Code, entitled "Municipal Zoning Regulations", and any amendments thereto; 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 injuries 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; to regulate and prohibit swimming, bathing or boating in the waters within the limits of the town; and to enforce Chapter 21, Title 23, Delaware Code.

(e) Fire Regulations

THE TOWN shall, in like manner, 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. In their interpretation and application, the regulations promulgated under this Section shall be held to be the minimum requirements for the safeguarding of life and property from the hazards of fire and explosion. The Town may, in lieu of adopting its own regulations, enforce the regulations as promulgated by the State Fire Prevention Commission pursuant to Chapter 66, Title 16, Delaware Code, as amended. The Town shall have the power to condemn, under the provisions of Chapter 61, Title 10, Delaware Code, buildings and structures which are a fire and health hazard. The Council may appropriate annually such sums as deemed desirable to any duly organized fire company operating within the Town.

(f) Maintenance of Lots

THE TOWN 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.

(g) License Fees

THE TOWN 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.

(h) Business License

THE TOWN 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.

(i) Other Ordinances Generally

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

(a) Generally

In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, or unsanitary conditions, as these terms shall 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 BOWERS, 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

(a) Generally

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.

(b) Notice to Repair

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. Opening or vacating streets

(a) Generally

THE TOWN shall have the power and authority to locate, lay out and open new streets and to widen or abandon the 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 offer 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.

(b) Hearings

At said hearings, the Town Council shall hear objections to the proposed resolution and to hear testimony as to any damages which might be sustained by any owners of property affected thereby, and shall set what they deem to be just and reasonable compensation to any person or persons who shall be deprived of property by virtue thereof. Such compensation, if any be set, shall be paid by the Treasurer of the Town, on a warrant drawn upon him by the authority of Town Council if a street is to be laid out, opened or widened no payment shall be made until delivery of a good and sufficient deed conveying a fee simple title of the street unto "The Town of Bowers" which title shall be clear and free of all liens and incumbrances.

(c) Condemnation

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, as amended.

Section 24. Jetties, Bulkheads, Embankments and Boardwalks

(a) Generally

The Town 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.

(b) **Condemnation**

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

(a) **Generally**

The Town 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 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 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**(a) Generally**

The Town 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, as amended.

Section 27. Power to Borrow Money and Issue Bonds**(a) Right to Borrow Money**

The Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Bowers, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvement of highways, streets, lanes, the strand, sea walls, boardwalks or docks, or the paving, curbing or erection of gutters or sidewalks; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost or the share of the City of the cost of any permanent municipal improvements; provided, however, that the borrowing of the money therefor shall have been authorized by the Council and shall have been approved by the electors in the manner and at the time as hereafter set forth.

(b) Approval by Electors, Resolution

Council by resolution shall propose to the electors of the Town by resolution that the stated amount of the money shall be borrowed for any of the above purposes. The resolution shall state the amount of the money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the Council and in their possession, and shall fix a time and place for hearing on the said resolution.

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.

(b) Condemnation

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(b) Approval by Electors, Resolution

Council by resolution shall propose to the electors of the Town by resolution that the stated amount of the money shall be borrowed for any of the above purposes. The resolution shall state the amount of the money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the Council and in their possession, and shall fix a time and place for hearing on the said resolution.

(c) Notice of Hearing

Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper of general circulation in the Town.

(d) Second Resolution

A Second Resolution shall then be passed by Council ordering a special election to be held not less than thirty days and not more than sixty days after said hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second Resolution calling the special election shall ipso facto be considered Council's determination to proceed in the matter in issue.

(e) Notice of Election

The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper of general circulation in the Town within thirty days prior to the election, and posted in at least three public places within the Town at least 30 days prior to the election.

(f) Votes

At the special election, every owner of property whether individual, partnership, or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election, and the said vote may be cast either in person or by proxy.

(g) Ballots

The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots at not less than five days prior to the date of the special election. The Council shall conduct the election.

(h) Result

The Council shall publicly count the votes for and against the proposed loan; and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan, which said certificates shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(i) Form of Bonds, Sale thereof

The form of bond or certificate of indebtedness, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council after said special election. The bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be prescribed by the Council for at least one month before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Bowers shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

(j) Maximum Bonded Debt

The bonded indebtedness shall not at any time exceed in the aggregate the total sum of Ten (10%) per centum of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

Approved January 2, 1962.

CHAPTER 280

AN ACT TO AMEND CHAPTER 227, VOLUME 51, LAWS OF DELAWARE ENTITLED "AN ACT TO AMEND CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, BY EXTENDING TO THE BOARD OF PUBLIC WORKS THE AUTHORITY TO CONSTRUCT, OPERATE AND REGULATE A SEWAGE DISPOSAL PLANT AND AN IMPROVED SEWERAGE SYSTEM AND AUTHORIZING THE COMMISSIONERS OF LEWES TO ISSUE BONDS TO FINANCE THE PROJECT" BY PROVIDING FOR AN ASSESSMENT TO RETIRE THE BONDS IN ACCORDANCE WITH THEIR TERMS.

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

Section 1. Section 1 of Chapter 227, Volume 51, Laws of Delaware, is amended by striking all of the second sentence of sub-paragraph 4 (d) thereof and substituting therefor the following:

(d) The said Board may make rules regulating the tapping of public sewers by owners or lessees of abutting properties and shall provide for the granting of permits for the same and for the payment of such equitable tapping fees, front-foot assessments, sewerage rents and sewerage taxes as the said Board may deem proper, and it shall prescribe the manner of installation and the material to be used in the construction and repair of all public and private drains or sewers.

Section 2. Section 1 of Chapter 227, Volume 51, Laws of Delaware, is amended by striking all of sub-paragraph 4 (f) therefrom and substituting in lieu thereof the following:

(f) All sewerage rents, taxes, or assessments laid, imposed or assessed by the Board of Public Works for the Town of Lewes remaining unpaid and in arrears for thirty days after they become due, shall be and constitute a lien upon the premises (whether leasehold rights or fee simple title in real estate) to which the sewerage facilities were connected, or, in the case

of front-footage assessments, upon the properties subject to such assessments as hereinafter provided, and all such liens shall have preference and priority to all liens of recognizance, mortgage and judgment on such 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 sewerage rents, taxes and assessments. In case of the sale under execution process of any lands and premises or leasehold interests upon which such liens for sewerage rent, taxes and assessments shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer making the same and the said real estate or leasehold interest so sold shall be discharged therefrom.

Section 3. Section 1 of Chapter 227, Volume 51, Laws of Delaware, is amended changing the period at the end of sub-paragraph 4 (g) to a comma and adding thereto the following:

(g) and the lien of a front-footage assessment shall remain a lien for a period of thirty years and no longer, dating from the expiration of thirty days after the date on which said assessment becomes due and payable.

Section 4. Section 1 of Chapter 227, Volume 51, Laws of Delaware, is amended by striking all of sub-paragraph 4 (h) therefrom and substituting therefor the following:

(h) Liens on real property for the non-payment of sewerage rents, taxes, assessment charges or any other charge, fee or tax imposed pursuant to this Chapter may be recorded in the Office of the Recorder of Deeds, in and for Sussex County, in the following manner. A certificate signed by the President of the Board of Public Works attested by the General Manager of the said Board and under the corporate seal of the Municipality shall be prepared, containing therein the name of the owner or lessee of the real property and the last known post office address of the said owner or lessee, a description of the property subject to the lien sufficient to identify it, an itemization of the taxes, fees or charges constituting the lien, the amount of the taxes, fees or charges in arrears and the year or years for which the taxes, fees or charges were levied, the

date from which interest is to be calculated, and the date when an itemized bill of such taxes, fees or charges was sent to the said property owner or lessee. The certificate, when completed, as aforesaid, shall be recorded in the Office of the Recorder of Deeds, in and for Sussex County in the Mortgage Records of the said County and shall be properly indexed by the Recorder. If the said Certificate is recorded, the amount of any taxes, fees or charges together with any interest or penalty shall be collected by foreclosure of the lien in the same manner and by the same procedure and subject to the same Rules of the Superior Court relating to pleading and practice as are provided for the foreclosure of a mortgage on real property and with the same costs and charges, together with a collection charge not to exceed five per centum of the amount of the lien with interest.

Section 5. Section 8 of Chapter 227, Volume 51, Laws of Delaware, is amended by striking all of said Section and substituting in lieu therefor the following:

If bonds are issued pursuant to this act, the Board of Public Works of the Town of Lewes may prescribe and assess against the properties abutting or fronting on any public street within the said Town along which the Board of Public Works may construct a sewer main, force main or interceptor sewer line, a reasonable charge based upon the front footage of the property fronting or abutting thereon, as the Board of Public Works may deem proper (whether such property is owned in fee simple or by leasehold) to defray all or any part of the cost of construction of said sewer mains, force mains or interceptor sewer lines and pumping stations. Such assessments, if made, shall become due and payable upon the expiration of thirty days from the date the same shall have been posted in a public place in the Office of the Board of Public Works of the Town of Lewes, and a copy thereof shall have been sent by the Board of Public Works to the owner or lessee of the property against which said assessment is made. The Board of Public Works may, in its discretion, provide by appropriate regulation, either for the immediate payment of said assessment or for the payment of such assessment, with interest, over a period not to exceed thirty years. If bonds are issued pursuant to this Act, the Board of Public Works of the Town of Lewes

shall prescribe and collect reasonable rates, fees or charges for the services rendered by the sanitary sewer system and shall revise such rates, fees or charges from time to time whenever necessary so that such sanitary system 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 sanitary sewer system, including reserves therefor.

Approved January 2, 1962.

CHAPTER 281

AN ACT TO AMEND CHAPTER 55, TITLE 14, DELAWARE CODE, RELATIVE TO APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR THE PURPOSE OF ESTABLISHING SCHOLARSHIPS AT THE UNIVERSITY OF DELAWARE.

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

Section 1. § 5501 (a) (b) (c) and (d), Chapter 55, Title 14, Delaware Code, is amended by striking out all of § 5501 (a) (b) (c) and (d) and inserting in lieu thereof the following § 5501 (a) (b) (c) and (d).

a. That there is hereby appropriated the sum of Fifty Thousand Dollars (\$50,000.00) annually to the Delaware College, University of Delaware for the purpose of establishing scholarships at Delaware College, University of Delaware.

b. The minimum number of scholarships to be awarded in each and every year shall be forty (40).

c. The committee to award such scholarships shall be three in number, and shall be composed of one member of the faculty at Delaware College, one member of the Athletic Council at Delaware College, and one member of the Alumni Association of Delaware College. The said committee shall be appointed by the Board of Trustees of the University of Delaware for such term or terms as the said Board may deem advisable.

d. The State Treasurer is hereby authorized and directed to pay to the University of Delaware for Delaware College the said sum of Fifty Thousand Dollars (\$50,000.00) in each and every year upon warrant or warrants signed by the Chairman and Secretary of the Committee.

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

Approved January 5, 1962.

CHAPTER 282

**AN ACT TO APPROPRIATE MONIES TO THE KENT
COUNTY DEPARTMENT OF ELECTIONS FOR THE
CREATION OF ADDITIONAL ELECTION DISTRICTS.**

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

Section 1. There is hereby appropriated to the Kent County Department of Elections for use during the period ending June 30, 1962, the sum of \$1,000 to be used by the Department for Salaries and Wages and Office Expense for the purpose of creating additional election districts.

Section 2. This Act is a supplemental appropriation Act and the funds herein appropriated are to be paid by the State Treasurer out of any funds in the General Fund not otherwise appropriated.

Approved January 5, 1962.

CHAPTER 283

AN ACT PROVIDING FOR A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE HOMEBOUND AND DEAF PROGRAMS FOR THE FISCAL YEAR ENDING JUNE 30, 1962.

WHEREAS, insufficient funds were provided in the general appropriation to the State Board of Education for the programs for the Homebound and Deaf for the fiscal year ending June 30, 1962; AND

WHEREAS, additional funds are needed to carry out such programs for the remainder of the present school year; NOW THEREFORE,

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

Section 1. There is hereby appropriated to the State Board of Education the sum of \$12,500 for the program for the Homebound, and \$15,000 for the program for the Deaf for the fiscal year ending June 30, 1962.

Section 2. This Act is a supplementary appropriation and the funds appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from funds not otherwise appropriated.

Section 3. Any funds hereby appropriated that remain unexpended on June 30, 1962, shall revert to the General Fund of the State.

Approved January 5, 1962.

CHAPTER 284

AN ACT TO APPROPRIATE FUNDS TO THE YOUTH SERVICES COMMISSION OF THE STATE OF DELAWARE FOR THE CONSTRUCTION OF A MAXIMUM SECURITY UNIT.

WHEREAS, the Youth Services Commission has in its custody certain delinquent Juveniles who are not responsive to the "open" type institutional care provided at the Ferris School for Boys and who must be accorded intensive treatment in a secure setting, AND

WHEREAS, the Commission concurs in the dissatisfaction and disapproval expressed by members of the General Assembly at the overcrowding and lack of adequate treatment in the three available detention rooms at Ferris School, AND

WHEREAS, the Commission has no other facility to contain these juveniles except to request the Family Court to transfer such juveniles to the First Offenders Building at the New Castle County Correctional Institute at which location no treatment program is presently available, AND

WHEREAS, the Commission will have no adequate and proper facilities for treatment of such juveniles for at least two to three years assuming the construction of improved training school facilities including a maximum security intensive treatment unit, THEREFORE,

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

Section 1. There is hereby appropriated to the Youth Services Commission of the State of Delaware the sum of \$40,428 for the construction of a maximum security intensive treatment unit at Ferris School for Boys, to be located in the existing building used for dining hall and gymnasium.

Section 2. This Act is a supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved January 5, 1962.

CHAPTER 285

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE FISCAL YEAR ENDING JUNE 30,
1962, TO BE USED FOR THE PURCHASE OF NEW BOAT
ENGINES.**

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

Section 1. The sum of \$16,500 is hereby appropriated to the Delaware Commission of Shell Fisheries for the fiscal year ending June 30, 1962, to be used for the purchase of two new engines for the watch boat "Delaware".

Section 2. This is a supplementary appropriation and the sum hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved January 5, 1962.

CHAPTER 286

AN ACT TO AMEND CHAPTER 55, TITLE 11, DELAWARE CODE, IN RESPECT TO CRIMINAL PROCEDURE IN THE COURT OF COMMON PLEAS FOR KENT COUNTY.

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. § 5501, Chapter 55, Title 11, Delaware Code, is amended to read as follows:

(a) The proceedings in all criminal cases in the Court of Common Pleas for Kent County shall be by information and without indictment by grand jury. The accused shall have the right to trial by petit jury as provided by Subchapter V of Chapter 15, Title 10.

(b) The Court shall have the power to receive pleas of guilty from persons charged with misdemeanors, and to impose sentence or probation according to law, as fully as is now done by the Superior Court.

(c) From any order, rule, decision, judgment or sentence of the Court in a criminal action, the accused shall have the right of appeal to Superior Court of Kent County as provided in the 28th Section of the 4th Article of the Constitution of the State of Delaware. Such appeals to the Superior Court shall be reviewed on the record and shall not be tried de novo. The Superior Court shall have power to make appropriate rules to carry the provisions of this Section into effect.

Approved January 8, 1962.

CHAPTER 287

AN ACT TO AMEND CHAPTER 56, TITLE 11, DELAWARE CODE, IN RESPECT TO CRIMINAL PROCEDURE IN THE COURT OF COMMON PLEAS FOR SUSSEX COUNTY.

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. § 5601, Chapter 56, Title 11, Delaware Code, is amended to read as follows:

(a) The proceedings in all criminal cases in the Court of Common Pleas for Sussex County shall be by information and without indictment by grand jury. The accused shall have the right to trial by petit jury as provided by Subchapter V of Chapter 16, Title 10.

(b) The Court shall have the power to receive pleas of guilty from persons charged with misdemeanors, and to impose sentence or probation according to law, as fully as is now done by the Superior Court.

(c) From any order, rules, decision, judgment or sentence of the Court in a criminal action, the accused shall have the right of appeal to the Superior Court of Sussex County as provided in the 28th Section of the 4th Article of the Constitution of the State of Delaware. Such appeals to the Superior Court shall be reviewed on the record and shall not be tried de novo. The Superior Court shall have power to make appropriate rules to carry the provisions of this Section into effect.

Approved January 8, 1962.

CHAPTER 288

AN ACT TO AMEND CHAPTER 15, TITLE 10, DELAWARE CODE, RELATING TO THE COURT OF COMMON PLEAS FOR KENT COUNTY.

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

Section 1. Section 1505, Title 10, Delaware Code, is hereby amended to read as follows:

§ 1505. Payment of expenses

Except as otherwise provided in this Chapter, all expenses necessary for the equipment and operation of the Court shall be paid by the Levy Court of Kent County upon approval by the Judge.

Section 2. Chapter 15, Title 10, Delaware Code, is amended by striking out Section 1506 therein and inserting in lieu thereof a new Section 1506 to read as follows:

§ 1506. Temporary assignment of Superior Court Judge

(a) In the event the Judge of the Court of Common Pleas for Kent County shall be disabled, disqualified or unable for any other reason to preside over said Court at any time, the President Judge of the Superior Court, after notice thereof, shall thereupon designate and assign one of the Judges of the Superior Court to sit in and hold said Court of Common Pleas during the disability, disqualification or absence of the Judge thereof.

(b) Upon written request therefor made by the Judge of the Court of Common Pleas for Kent County, the President Judge of the Superior Court may designate and assign one of the Judges of the Superior Court to sit in said Court of Common Pleas to hear and decide such causes therein and for such period of time as said President Judge shall designate.

(c) In either case it shall be the duty of the Superior Court Judge so designated to serve according to such designation as a Judge of said Court of Common Pleas.

Section 3. Chapter 15, Title 10, Delaware Code, is amended by striking out all of Section 1521 therein and inserting in lieu thereof a new Section 1521 to read as follows:

§ 1521. Appointment of clerk and other officers and employees; terms; compensation

(a) The Judge shall appoint a Clerk for the Court and such other officers and employees as he deems necessary to perform the business of the Court.

(b) The Clerk or other officers and employees shall hold office at the pleasure of the Judge and shall receive such salary or salaries as are fixed from time to time by the Judge.

(c) The salary of the Clerk shall be paid in equal monthly installments by the Levy Court of Kent County, and the salary or compensation of the other officers and employees of the Court shall be paid by the Levy Court of Kent County upon presentation of bill for such salary or compensation approved by the Judge.

(d) The Judge may from time to time appoint and remove at pleasure a skilled and competent stenographer to be designated as Court Reporter, who shall report all evidence, opinions and other matters which the Judge may require and shall perform such other duties as the Judge may prescribe. The Court Reporter shall receive such salary or compensation for his services and such expenses as the Judge shall determine, which shall be paid by the Levy Court of Kent County. The Judge, may regulate the charges to be made by the Court Reporter for the furnishing of transcripts of evidence, opinions, records, arguments or hearings.

Section 4. Section 1522, Title 10, Delaware Code, relating to the amount of the bond of the Clerk of the Court, is amended by striking out the figures "\$2,000" now appearing therein and inserting in lieu thereof the figures "\$5,000".

Section 5. Chapter 15, Title 10, Delaware Code, is amended by striking out all of Section 1524 therein and inserting in lieu thereof a new Section 1524 to read as follows:

§ 1524. Deputy Clerk

The Judge may appoint a Deputy Clerk who shall hold such office at the pleasure of the Judge and who, during his tenure in said office, shall have, exercise, and perform the powers and duties of the Clerk in case of the absence or inability of the Clerk. The Deputy Clerk so appointed should give like bond as the Clerk, and shall receive such compensation, to be paid by the Levy Court of Kent County as the Judge shall determine.

Section 6. Section 1541, Title 10, Delaware Code, is amended to read as follows:

§ 1541. Civil jurisdiction; amount in controversy

(a) The Court shall have jurisdiction in Kent County in all civil actions at law arising *ex contractu* or *ex delicto*, where the value of the matter or thing in controversy, exclusive of interest, does not exceed the sum of \$2,500.

(b) The amount claimed by the plaintiff, where the claim is for a sum certain and not in excess of \$2,500, exclusive of interest, shall be conclusive as to jurisdiction of the Court.

(c) In all actions at law, whether *ex contractu* or *ex delicto*, not involving any sum certain, the plaintiff shall file with his statement of claims a certificate as to the amount of damages claimed or the value of the thing or matter in controversy, which statement and certificate shall be conclusive as to jurisdiction of the Court.

(d) The Court shall have and may exercise the same jurisdiction and powers in all civil actions as is vested in justices of the peace for Kent County.

Section 7. Section 1542, Title 10, Delaware Code, is amended to read as follows:

§ 1542. Causes transferred from Superior Court

The Court shall have jurisdiction to receive, hear, try and dispose of all such arguments, cases, matters and business as, by certificate of the Judges of the Superior Court, may be as-

signed or transferred to it by the Superior Court of Kent County, pursuant to the rules of the Court made for that purpose, provided they come within the jurisdiction of the Court of Common Pleas.

Section 8. Section 1568, Title 10, Delaware Code, is hereby repealed.

Section 9. Section 1572, Title 10, Delaware Code, is amended to read as follows:

§ 1572. Appeal in civil actions

From any order, rule, decision, or judgment of the Court in a civil action, the aggrieved party shall have the right of appeal to the Superior Court of the State of Delaware in and for Kent County in the same manner as is provided by law as to causes tried before justices of the peace, except that appeals to the Superior Court shall be reviewed on the record and shall not be tried de novo. The Superior Court shall have power to make rules to carry the provisions of this Section into effect.

Section 10. Chapter 15, Title 10, Delaware Code, is amended by adding at the end thereof a new Subchapter to read as follows:

SUBCHAPTER V. TRIALS.

§ 1581. Trial by jury

(a) In all civil and criminal cases tried in the Court of Common Pleas, there shall be a right to trial by regular jury, such right to correspond in every respect to the right as it exists in the Superior Court.

(b) Trials by jury in the Court of Common Pleas shall be in accordance with the statutes and rules which apply to trials by jury in the Superior Court.

(c) Juries used for trials in the Court of Common Pleas shall be drawn from the panel of jurors summoned for service in the Superior Court.

§ 1582. Record

A stenographic record shall be kept of all evidence taken in the Court of Common Pleas.

Approved January 8, 1962.

CHAPTER 289

AN ACT TO AMEND CHAPTER 27, TITLE 11, DELAWARE CODE, IN RESPECT TO THE CRIMINAL JURISDICTION OF THE COURT OF COMMON PLEAS FOR KENT COUNTY.

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. § 2701, Title 11, Delaware Code, is amended by striking out all of Subsection (c) therein and inserting in lieu thereof a new Subsection (c) to read as follows:

(c) The Court of Common Pleas for Kent County shall have original and exclusive jurisdiction to hear, try and finally determine all misdemeanors alleged to have been committed in Kent County, except where Justices of the Peace and/or the Juvenile Court of Kent and Sussex Counties have concurrent or original jurisdiction now or hereafter provided by statute. The Superior Court shall have no original jurisdiction in respect to misdemeanors committed in Kent County.

Approved January 8, 1962.

CHAPTER 290

AN ACT TO AMEND CHAPTER 16, TITLE 10, DELAWARE CODE, RELATING TO THE COURT OF COMMON PLEAS FOR SUSSEX COUNTY, IN RESPECT TO EXPENSES OF THE COURT, THE TEMPORARY ASSIGNMENT OF A SUPERIOR COURT JUDGE TO SIT IN THE COURT; PROVIDING FOR A COURT REPORTER FOR THE COURT AND AN OFFICE SECRETARY FOR THE JUDGE; INCREASING THE BOND OF THE CLERK; APPOINTMENT, QUALIFICATION AND COMPENSATION OF DEPUTY CLERK; INCREASING THE CIVIL JURISDICTION OF THE COURT, AND RELATING TO CAUSES TRANSFERRED FROM THE SUPERIOR COURT; PROVIDING FOR APPEALS IN CIVIL ACTIONS TO SUPERIOR COURT ON THE RECORD; PROVIDING FOR TRIAL BY JURY IN CIVIL AND CRIMINAL CASES; AND IN OTHER RESPECTS.

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 16, Title 10, Delaware Code, is amended by striking out all of Section 1605 therein and inserting in lieu thereof a new Section 1605 to read as follows:

§ 1605. Payment of expenses

Except as otherwise provided in this Chapter, all expenses necessary for the equipment and operation of the Court shall be paid by the Levy Court of Sussex County upon the approval by the Judge.

Section 2. Chapter 16, Title 10, Delaware Code, is amended by striking out Section 1606 therein and inserting in lieu thereof a new Section 1606 to read as follows:

§ 1606. Temporary assignment of Superior Court Judge

(a) In the event the Judge of the Court of Common Pleas for Sussex County shall be disabled, disqualified or unable for any other reason to preside over said Court at any time, the

President Judge of the Superior Court, after notice thereof shall thereupon designate and assign one of the Judges of the Superior Court to sit in and hold said Court of Common Pleas during the disability, disqualification or absence of the Judge thereof.

(b) Upon written request therefor made by the Judge of the Court of Common Pleas for Sussex County, the President Judge of the Superior Court may designate and assign one of the Judges of the Superior Court to sit in said Court of Common Pleas to hear and decide such causes therein and for such period of time as said President Judge shall designate.

(c) In either case it shall be the duty of the Superior Court Judge so designated to serve according to such designation as a Judge of said Court of Common Pleas.

Section 3. §1621, Title 10, Delaware Code, is amended by adding the following subsections at the end thereof:

(e) The Judge may from time to time appoint and remove at pleasure a skilled and competent stenographer to be designated as Court Reporter, who shall report all evidence, opinions and other matters which the Judge may require and shall perform such other duties as the Judge may prescribe. The Court Reporter shall receive such salary or compensation for his services and such expenses as the Judge shall determine, which shall be paid by the Levy Court of Sussex County. The Judge may regulate the charges to be made by the Court Reporter for the furnishing of transcripts of evidence, opinions, records, arguments or hearings.

(f) The Judge may appoint and remove at pleasure one competent stenographer to be designated as office secretary, whose duties shall be to render such Judge such clerical, stenographic, typewriting and secretarial services as may be required, and who shall receive such compensation, to be paid by the Levy Court of Sussex County, as said Judge shall from time to time determine.

Section 4. § 1622, Title 10, Delaware Code, relating to the amount of the bond of the Clerk of the Court, is amended

by striking out the figures "\$2,000" now appearing therein and inserting in lieu thereof the figures "\$5,000".

Section 5. Chapter 16, Title 10, Delaware Code, is amended by striking out all of Section 1624 therein and inserting in lieu thereof a new Section 1624 to read as follows:

§ 1624. Deputy Clerk

The Judge may appoint a suitable member of the clerical staff of the Court to be Deputy Clerk, who shall hold such office at the pleasure of the Judge and who, during his tenure in said office, shall have, exercise and perform the powers and duties of the Clerk in case of the absence or inability of the Clerk. The Deputy Clerk so appointed shall give like bond as the Clerk, and shall receive such compensation, to be paid by the Levy Court of Sussex County, as the Judge shall determine.

Section 6. § 1641, Title 10, Delaware Code, is amended to read as follows:

§ 1641. Civil jurisdiction; amount in controversy

(a) The Court shall have jurisdiction in Sussex County in all civil actions at law arising ex contractu or ex delicto, where the value of the matter or thing in controversy, exclusive of interest, does not exceed the sum of \$2,500.

(b) The amount claimed by the plaintiff, where the claim is for a sum certain and not in excess of \$2,500, exclusive of interest, shall be conclusive as to jurisdiction of the Court.

(c) In all actions at law, whether ex contractu or ex delicto, not involving any sum certain, the plaintiff shall file with his statement of claim a certificate as to the amount of damages claimed or the value of the thing or matter in controversy, which statement and certificate shall be conclusive as to jurisdiction of the Court.

(d) The Court shall have and may exercise the same jurisdiction and powers in all civil actions as is vested in justices of the peace for Sussex County.

Section 7. § 1642, Title 10, Delaware Code, is amended to read as follows:

§ 1642. Causes transferred from Superior Court

The Court shall have jurisdiction to receive, hear, try and dispose of all such arguments, cases, matters and business as, by certificates of the Judges of the Superior Court, may be assigned or transferred to it by the Superior Court of Sussex County, pursuant to the rules of the Court made for that purpose, provided they come within the jurisdiction of the Court of Common Pleas.

Section 8. § 1668, Title 10, Delaware Code, relating to trial by jury in civil cases, is hereby repealed.

Section 9. § 1672, Title 10, Delaware Code, is amended to read as follows:

§ 1672. Appeal in civil actions

From any order, rule, decision, or judgment of the Court in a civil action, the aggrieved party shall have the right of appeal to the Superior Court of the State of Delaware in and for Sussex County in the same manner as is provided by law as to causes tried before justices of the peace, except that appeals to the Superior Court shall be reviewed on the record and shall not be tried de novo. The Superior Court shall have the power to make rules to carry the provisions of this Section into effect.

Section 10. Chapter 16, Title 10, Delaware Code, is amended by adding at the end thereof a new subchapter to read as follows:

SUBCHAPTER V. TRIALS.

§ 1681. Trial by jury

(a) In all civil and criminal cases tried in the Court of Common Pleas, there shall be a right to trial by regular jury, such right to correspond in every respect to the right as it exists in the Superior Court.

(b) Trials by jury in the Court of Common Pleas shall be in accordance with the statutes and rules which apply to trials by jury in the Superior Court.

(c) Juries used for trials in the Court of Common Pleas shall be drawn from the panel of jurors summoned for service in the Superior Court.

§ 1682. Record

A stenographic record shall be kept of all evidence taken in the Court of Common Pleas.

Approved January 8, 1962.

CHAPTER 291

AN ACT TO AMEND CHAPTER 27, TITLE 11, DELAWARE CODE, IN RESPECT TO THE CRIMINAL JURISDICTION OF THE COURT OF COMMON PLEAS FOR SUSSEX COUNTY.

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. § 2701, Title 11, Delaware Code, is amended by striking out all of Subsection (h) therein and inserting in lieu thereof a new Subsection (h) to read as follows:

(h) The Court of Common Pleas for Sussex County shall have original and exclusive jurisdiction to hear, try and finally determine all misdemeanors alleged to have been committed in Sussex County, except where Justices of the Peace and/or the Juvenile Court of Kent and Sussex Counties have concurrent or original jurisdiction now, or hereafter provided by statute. The Superior Court shall have no original jurisdiction in respect to misdemeanors committed in Sussex County.

Approved January 8, 1962.

CHAPTER 292

AN ACT MAKING AN APPROPRIATION TO TOWNSEND CONSOLIDATED SCHOOL NO. 81, TOWNSEND, DELAWARE, FOR THE PURPOSE OF MAKING REPAIRS TO THE SCHOOL BUILDING.

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

Section 1. The sum of \$1,500.00 is hereby appropriated to Townsend Consolidated School No. 81, Townsend, Delaware, to make repairs to the school building.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1962, shall revert to the General Fund of the State.

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

Approved January 8, 1962.

CHAPTER 293

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BOARD OF FISH AND GAME COMMISSIONERS
FOR THE SALARIES AND WAGES OF EMPLOYEES
FOR THE FISCAL YEAR ENDING JUNE 30, 1962.**

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

Section 1. The sum of \$7,000.00 is hereby appropriated to the Board of Fish and Game Commissioners to be used for the salaries and wages of employees for the fiscal year ending June 30, 1962.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury and any funds that remain unexpended on June 30, 1962, shall revert to the General Fund of the State.

Approved January 8, 1962.

CHAPTER 294

AN ACT TO AMEND SECTION 29, CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE POWER TO BORROW MONEY.

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. Paragraph 7, Section 29, Chapter 237, Volume 51, Laws of Delaware, is amended by striking the same as it now appears and inserting a new paragraph in lieu thereof to read as follows:

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 may be sold either at public or private sale. The Council 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 Bridgeville 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.

Approved January 8, 1962.

CHAPTER 295

AN ACT TO AMEND TITLE 10, SECTION 2704, DELAWARE CODE, TO PROVIDE AN ADDITIONAL CONSTABLE FOR SUSSEX COUNTY.

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

Section 1. Section 2704, Title 10, Delaware Code, is amended by adding thereto a new subsection as follows:

(g) The Levy Court of Sussex County shall annually appoint an additional constable, in Broad Creek Hundred, Sussex County, who shall be appointed from the Second Election District of the Fourth Representative District. The term of office of the constable so appointed shall be for one year.

Section 2. The appointment created by this Act shall be made within 30 days after this Act becomes law.

Approved January 8, 1962.

CHAPTER 296

AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF PAYING SALARIES TO MEET THE PROVISIONS OF EMPLOYMENT CONTRACTS OF CERTAIN PROFESSIONAL EMPLOYEES OF THE STATE DEPARTMENT OF PUBLIC INSTRUCTION FOR THE FISCAL YEAR ENDING JUNE 30, 1961.

WHEREAS, Chapter 299, Volume 52, Laws of Delaware, failed to appropriate sufficient funds to pay the full contracted salaries of certain professional employees in the State Department of Public Instruction for the fiscal year ending June 30, 1961; AND

WHEREAS, such contracts contained salaries not in excess of the salary schedules contained in the then existing statutes appearing in Chapter 602 and Chapter 632 of Volume 50, Laws of Delaware, and Chapter 57, Volume 51, Laws of Delaware, or such salary as set by the State Board of Education in accordance with § 107 (a), Title 14, Laws of Delaware; NOW THEREFORE,

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

Section 1. There is hereby appropriated to the State Board of Education the sum of \$5,000 for the purpose of paying salaries of certain professional employees of the State Department of Public Instruction to meet the provisions of employment contracts issued by the State Board of Education for the fiscal year ending June 30, 1961, such salaries to be paid to the positions contracted for as follows:

State Director of Music	\$ 840
State Director of Physical, Health and Driver Education	1,080
State Director of Agriculture	540
State Director of Lunch Program	500
State Supervisor, Rural New Castle County.....	300
State Supervisor, Sussex County	300

State Supervisor of Special Classes	300
State Supervisor of Special Classes and Physically Handicapped	300
State Supervisor of Special Schools	300
State Supervisor of Group Testing Program	300
State Supervisor of Physical Education	240
Total.....	<u>\$5,000</u>

Section 2. This Act is a supplementary appropriation and the funds so appropriated shall be paid from the General Fund of the State of Delaware.

Approved January 8, 1962.

CHAPTER 297

AN ACT APPROPRIATING MONEY TO THE 308 WEST RESIDENCE.

WHEREAS, by the 51 Delaware Laws, Chapter 322, as amended by 52 Delaware Laws, Chapter 274, the old Detention Home at 308 West Street, Wilmington, was released to The Prisoners Aid Society of Delaware for the use and purpose of operating the same as a temporary residence to assist for short periods of time persons placed upon probation or parole or released at termination of sentence from our Correctional Institutions, so that in a program of Prevention and Rehabilitation, they may adjust to the Community under a degree of supervision while becoming contributing, law-abiding citizens; and

WHEREAS, 308 West Committee of The Prisoners Aid Society has operated said 308 West Residence since March 1958, for the purpose set forth in the foregoing Acts of the General Assembly; and

WHEREAS, the intermediate program offered by the 308 West Residence project has received commendation from the Welfare Council of Delaware, and has received national and international recognition as a method of rehabilitation and reduction of crime, as evinced by a three-year grant from the National Institutes of Mental Health of the United States Public Health Service of the Department of Health, Welfare, and Education; and

WHEREAS, because of the expiration of the United States Government grant as of December 31, 1961, partial financing by the State of Delaware will be necessary to continue the Program for the period commencing January 1, 1962, until the report of the Commission, appointed by the Governor to make an overall State-wide study and survey of the State's Correctional services with recommendations, is presented and considered by the General Assembly:

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

fourths of all Members elected to each House thereof concurring therein):

Section 1. That the sum of Five Thousand (\$5,000) Dollars be and the same is hereby appropriated to the 308 West Residence to cover the expenses of the 308 West Residence in operating this program as provided by 51 Delaware Laws, Chapter 322, said sum to be paid to the 308 West Residence commencing January 1, 1962, in such amounts as requested and upon warrants signed by the Treasurer of the 308 West Residence.

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

Section 3. The 308 West Residence Committee shall make its Report with Recommendations to the Governor and the General Assembly with respect to said Rehabilitation Project in 1962, as soon as practicable and feasible.

Approved January 8, 1962.

CHAPTER 298

**AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD
OF EDUCATION FOR IMPROVING FIRE PROTECTION
FACILITIES IN THE BUILDING KNOWN AS ARDEN
SCHOOL IN ARDEN SCHOOL DISTRICT NO. 3 IN NEW
CASTLE COUNTY.**

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

Section 1. The State Board of Education shall compensate in the amount of \$838.00 the Board of Trustees of Arden School District No. 3 for necessary improvements in fire protection facilities in the building known as Arden School in Arden School District No. 3 in New Castle County.

Section 2. To carry out the provisions of this Act, the sum of \$838.00 is hereby appropriated to the State Board of Education for the fiscal year beginning July 1, 1961.

Section 3. This Act is a Supplementary Appropriation and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved January 8, 1962.

CHAPTER 299

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE HARRINGTON SPECIAL SCHOOL DISTRICT
FOR ERECTION OF A FIRE ESCAPE.**

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

Section 1. The sum of \$1272.50 is hereby appropriated to the Harrington Special School District for the fiscal year beginning July 1, 1961, and ending June 30, 1962, for the erection of a fire escape.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of any monies of the General Fund of the State of Delaware not otherwise appropriated.

Approved January 8, 1962.

CHAPTER 300

**AN ACT AGREEING TO A PROPOSED AMENDMENT TO
ARTICLE IV OF THE CONSTITUTION OF THE STATE
OF DELAWARE RELATING TO THE COMPOSITION
OF THE SUPERIOR COURT AND ORPHANS' COURT
SO AS TO REPEAL THE PROVISION LIMITING THE
NUMBER OF JUDGES OF SUCH COURTS.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 120th General Assembly as follows:

**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. AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 120th 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 February 14, 1961.

CHAPTER 301

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE STATE JUDICIARY SO AS TO REPEAL PROVISIONS LIMITING THE NUMBER OF JUDGES OF THE SUPERIOR COURT AND ORPHANS' COURT AND TO PERMIT THE GENERAL ASSEMBLY TO AUTHORIZE APPOINTMENT OF ADDITIONAL MEMBERS OF THE JUDICIARY.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 120th General Assembly as follows:

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 thereof 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. AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 120th 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 February 14, 1961.

CHAPTER 302

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

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 120th 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 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.
AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 120th 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 February 14, 1961.

CHAPTER 303

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE SUPERIOR COURT ACTING AS BOARDS OF CANVASS.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 120th General Assembly as follows:

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. AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 120th 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 February 14, 1961.

CHAPTER 304

AN ACT AGREEING TO A PROPOSED 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."

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 120th General Assembly as follows:

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. AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 120th 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 April 26, 1961.

CHAPTER 305

**AN ACT PROPOSING AMENDMENTS TO ARTICLE IV OF
THE CONSTITUTION OF THE STATE OF DELAWARE
RELATING TO APPEALS IN CRIMINAL MATTERS
FROM INFERIOR COURTS.**

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

Section 1. Article IV, Section 28 of the Constitution of the State of Delaware is amended by striking out the second paragraph thereof and substituting the following:

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal from an inferior court in which no jury is available to the Superior Court or any statutory court in which trial by jury is provided by this Constitution or by statute; provided, however, that there shall be an appeal to the Superior Court or to any statutory court in which trial by jury is provided for by statute from all causes tried in inferior courts in which the sentence shall be imprisonment exceeding one (1) month or a fine exceeding One Hundred Dollars (\$100.00).

CHAPTER 306

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV,
SECTION 13, OF THE CONSTITUTION OF THE STATE
OF DELAWARE, RELATING TO DESIGNATION OF
JUDGES OF ANY COURT OF COMMON PLEAS TO SIT
IN THE SUPERIOR COURT.**

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

Section 1. Article IV, Section 13, of the Constitution of the State of Delaware is amended by adding to said Section a new Subsection (3) as follows:

(3) Upon written request made by the President Judge of the Superior Court or, in his absence or incapacity, by the Senior Associate Judge thereof, to designate one or more of the Judges of any Court of Common Pleas to sit in the Superior Court and to hear and decide such causes in such Court and for such period of time as shall be designated. It shall be the duty of such Judge so designated to serve according to such designation as a Judge of the Superior Court.

CHAPTER 307

**AN ACT PROPOSING AMENDMENTS TO ARTICLE IV OF
THE CONSTITUTION OF THE STATE OF DELAWARE
RELATING TO APPEALS TO THE SUPREME COURT.**

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

Section 1. Article IV, Section 11 of the Constitution of the State of Delaware is amended by adding the following immediately after the paragraph designated (1) (b):

(1) (c) To receive appeals from all statutory courts in which the General Assembly shall have provided for trial by jury in civil cases and to determine finally all matters of appeal in the interlocutory or final judgments and all other proceedings of said courts 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) (d) To receive appeals from all statutory courts in which the General Assembly shall have provided for trial by jury in criminal cases, upon application of the accused in all cases in which the sentence shall be imprisonment exceeding one (1) month or a fine exceeding One Hundred Dollars (\$100.00), 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 courts in criminal causes: Provided, however, that cases of prosecution under Section 8 of Article V of this Constitution shall be governed by the provisions of that Section.

CHAPTER 308

**AN ACT PROPOSING AMENDMENTS TO ARTICLE IV OF
THE CONSTITUTION OF THE STATE OF DELAWARE
RELATING TO APPEALS IN CIVIL MATTERS FROM
INFERIOR COURTS TO COURTS WHERE JURY TRIALS
ARE AVAILABLE.**

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

Section 1. Article IV of the Constitution of the State of Delaware is amended by adding a new Section thereto as follows:

§ 28 A. Appeals from inferior courts in civil cases; jury trial

In civil cases appeals from inferior courts in which trial by jury is not provided for by statute shall be taken to such court as the General Assembly may direct and for which the General Assembly has provided by statute for trial by jury, and shall be by trial de novo; provided, however, that in the absence of such direction and statute such appeals shall be taken to the Superior Court.

CHAPTER 309

AN ACT TO AMEND TITLE 11, DELAWARE CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE" RELATIVE TO RECOMMENDATION OF MERCY, INFLICTION OF CAPITAL PUNISHMENT AND EXECUTION DAY FOR CAPITAL PUNISHMENT.

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

Section 1. Title 11, Delaware code, is amended by enacting a new Section 3901 to read as follows:

§ 3901. Recommendation of mercy

In all cases where the penalty for crimes prescribed by the laws of this State is death, if the jury, at the time of rendering their verdict, recommends the defendant to the mercy of the Court, the Court may, if it seems proper to do so, impose the sentence of life imprisonment instead of death.

Section 2. Title 11, Delaware Code, is amended by enacting a new Section 3909 to read as follows:

§ 3909. Infliction of capital punishment

(a) Punishment of death shall, in all cases, be inflicted by hanging by the neck.

(b) Such punishment shall be inflicted within the prison or workhouse enclosures in the county where the criminal is convicted, except when otherwise ordered, and as privately as the nature of the case will permit, but in the presence of a jury of twelve citizens of the county, to be summoned by the governing board or authority of the prison in which the execution is to occur to witness such execution, and of such other persons as the board or authority deems proper to invite. Not over thirty persons in all shall be present at such execution. In addition to the above number, newspaper representatives having proper credentials from their paper, approved by the President Judge of the Superior Court, Resident Judge, Attorney General or his deputy, shall be admitted.

(c) No persons, other than those specifically named in this Section, shall be permitted to view the executing justice, or to view the result of the executing justice until the person executed has been properly prepared for burial.

(d) Whoever neglects or fails to perform his duties as prescribed in this Section shall be fined \$50.

Section 3. Title 11, Delaware Code, is amended by enacting a new Section 3910 to read as follows:

§ 3910. Execution day for capital punishment; suspension

(a) Capital punishment shall be inflicted at such time as the court appoints, but not less than ten days after sentence.

(b) The Governor may suspend the execution until a more distant day to be appointed by him, and from day to day, as he deems his duty to require.

NOTE: This bill became a law on December 18, 1961 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 310

AN ACT TO AMEND TITLE 11, DELAWARE CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE" BY RESTORING CAPITAL PUNISHMENT.

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

Section 1. Section 107, Title 11, Delaware Code, is amended to read as follows:

§ 107. Capital punishment abolished; exception

Punishment by death for any crime in this State is abolished, provided, however, that this Section shall not apply to murder in the first degree.

Section 2. Section 571, Title 11, Delaware Code, is repealed and a new Section 571 is enacted in lieu thereof to read as follows:

§ 571. Murder in the first degree

Whoever commits the crime of murder with express malice aforethought, or in perpetrating, or attempting to perpetrate the crime of rape, kidnapping or treason, is guilty of murder in the first degree and of a felony and shall suffer death.

Section 3. No offense committed or forfeiture of penalty incurred prior to the date of this Act shall be affected by the passage of this Act, but Chapter 347, Volume 51, Delaware Laws shall be continued in full force and effect as to all such offenses, penalties and forfeitures.

NOTE: This bill became a law on December 18, 1961 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 311

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE ROSE HILL-MINQUADALE SCHOOL DISTRICT,
SCHOOL DISTRICT NO. 47.**

WHEREAS, the Rose Hill-Minquadale School District, School District No. 47 contracted and did purchase land from the State Highway Department for the sum of \$50,478.44 for the Lord De La Warr High School, which said sum of money was raised in part from School Bonds, and

WHEREAS, the State Highway Department contracted and did purchase from the said School District a parcel of land situated on New Castle Avenue and Landers Lane for the widening of New Castle Avenue for the sum of \$3,638.16, and

WHEREAS, it was the intent of the parties to apply the sum of \$3,638.16 as a credit against the sum of \$50,478.44, and

WHEREAS, the transactions were handled separate and a part from one another with the result that the sum of \$3,638.16 was paid to the Treasurer of the State Board of Education and deposited by him in the General Fund.

NOW THEREFORE,

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

Section 1. The sum of \$3,638.16 is hereby appropriated to the Rose Hill-Minquadale School District, School District No. 47, to reimburse the said school district for monies paid into the General Fund of the State of Delaware, such monies to be used by the school board for school purposes.

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

Section 3. Any Act or Acts inconsistent with this Act are to the extent of such inconsistencies repealed.

Approved January 9, 1962.

CHAPTER 312

AN ACT TO AMEND 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:

§ 131. Subchapter IV, Chapter 1, Title 23, Delaware Code, is hereby amended by striking out the figures "\$3.75" in the seventh line and inserting in lieu thereof the figures "\$4.25".

Approved January 9, 1962.

CHAPTER 313

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) AND ISSUE BONDS AND NOTES THEREFOR FOR USE BY THE STATE SOIL CONSERVATION COMMISSION TO PARTICIPATE IN THE CONSTRUCTION AND MAINTENANCE OF STRUCTURAL MEASURES IN WATERSHEDS WHICH ARE NOW OR MAY BE ESTABLISHED IN THE STATE OF DELAWARE PURSUANT TO THE PROVISIONS OF THE ACT OF THE CONGRESS OF THE UNITED STATES KNOWN AS THE "WATERSHED PROTECTION AND FLOOD PREVENTION ACT".

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, Secretary of State and State Treasurer of the State of Delaware, hereinafter sometimes referred to as the "issuing officers", are hereby authorized, fully empowered and directed to borrow upon the full faith and credit of the State of Delaware a sum of money not in excess of One Million Five Hundred Thousand Dollars (\$1,500,000.00) which shall be used for the following purposes:

(a) The sum of Eighteen Thousand Dollars (\$18,000.00) for the maintenance of the Bear Hole Tax Ditch located in Sussex County.

(b) Such sum as necessary to reimburse those taxpayers who have contributed to the Nanticoke River Tax Ditch located in Kent and Sussex Counties, and to pay off the outstanding indebtedness now existing or incurred in the construction of said tax ditch.

(c) All sums thereafter remaining and not used or expended pursuant to paragraphs "a" and "b" above shall be used as needed for participation in the construction and maintenance of structural measures in watersheds which are now or may in the future be established in the State of Delaware pursuant

to the Provisions of the Act of Congress of the United States known as "The Watershed Protection and Flood Prevention Act" (Public Law 566, 83rd Congress, 68 Statute 666) as amended by the Act of August 7, 1956 (Public Law 1018, 84th Congress, 70 Statute 1088).

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 purposes stated above or for such other purpose or purposes as may be authorized by the General Assembly.

For the purpose of borrowing said sum, the Issuing Officers are hereby authorized to issue bonds of the State of Delaware in an aggregate principal amount not exceeding \$1,500,000.00.

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 4 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, 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 \$1,500,000.00.

Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. 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 purpose 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 of 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 and 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 or a facsimile of the

Great Seal of the State engraved or printed thereon. The signature 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 "Delaware Watersheds Improvement and Maintenance Bond of 1961".

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.

In addition to any money appropriated by any other Act, there is hereby appropriated to the State Soil Conservation Commission the sum of \$1,500,000.00 or so much thereof as shall be received from the sale of the bonds and notes authorized hereby, which shall be used for the purposes set forth herein. 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 sum 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 fiscal year ending June 30, 1963, 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 fiscal year ending June 30, 1963. 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, 1963 and 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 January 10, 1962.

Note: This Act will appear in Title 17, Delaware Code as Section 7310.

CHAPTER 314

AN ACT TO ADD A NEW CHAPTER TO TITLE 3, DELAWARE CODE, TO BE CALLED CHAPTER 67, TO REGULATE THE DISTRIBUTION OF BIOLOGICAL PRODUCTS CONTAINING LIVING, ATTENUATED OR KILLED ORGANISMS OR VIRUSES FOR THE TREATMENT OR PREVENTION OF DISEASES OF POULTRY.

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

§ 6701. Definitions

For the purpose of this Title, unless the context otherwise requires—

“Board” means the State Board of Agriculture.

“Person” includes individual, partnership, corporation, cooperative or association.

“Distribute” means to offer for sale, sell, barter or otherwise supply biologicals.

“Distributor” means any person who distributes.

“Sell” or “sale” includes exchange.

“Biological product” means living, attenuated or killed organisms or viruses for the treatment or prevention of diseases of poultry.

“Safety” means that the biological product is not harmful for the purposes intended.

“Potency” means that the biological product possesses sufficient power to protect poultry against the disease or diseases represented by the registrant.

§ 6702. Registration

(a) Each biological product shall be registered with the Board before being distributed in this State. The application for registration shall be submitted on forms furnished by the

Board and, if the Board so requests, shall be accompanied by three complete packages of biological product and/or a label or other printed matter describing the product. Upon acceptance by the Board, a certificate of registration shall be furnished to the applicant permitting the sale or distribution of the biological product. All registrations shall expire on July 1 of each year.

(b) The safety and potency requirements for each product for which registration is sought shall be the standards or requirements established or approved by the United States Department of Agriculture.

If no such standards have been set by the United States Department of Agriculture, then the applicant shall state on his application for registration the minimum potency of the products as on file with the United States Department of Agriculture. In the event that no minimum potency of the product is on file with the United States Department of Agriculture, the applicant shall state the minimum potency of the product.

(c) A distributor shall not be required to register any biological product which is already registered under this Act by another person.

(d) The Board is empowered to refuse registration of any application not in compliance with the established safety and potency requirements, and it may cancel any registration subsequently found not to be in compliance; provided, however, that no registration shall be refused or cancelled until the registrant shall have been given an opportunity to be heard before the Board and to amend his application in order to comply with the requirements of the Act.

(e) Any registrant whose application for registration has been refused or whose registration is cancelled shall have a right of appeal from the decision of the Board to the Superior Court of the State of Delaware; provided, however, that any appeal shall be made within 15 days from the date of the refusal or cancellation.

(f) The Board shall notify in writing the applicant or registrant of its refusal to register any product or of the cancellation of any registration giving the reasons therefor in each instance.

(g) For each biological product registered, the Board shall charge a fee of \$10.00.

§ 6703. Reports

A report of sale or distribution of the biological product may be required when the Board deems it to the best interest of the State and the poultry industry. However, no disclosure shall be made of the operation of any person.

§ 6704. Penalties

(a) Any person failing to comply with the provisions of this Act shall be fined not less than \$100.00 or more than \$1000.00. The Board may apply for and the Court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any provisions of this Act.

(b) Any person who knowingly buys, receives or uses any product not registered in accordance with this Act shall be fined not less than \$100.00 or more than \$1000.00.

(c) Any member or employee of the Board, who improperly discloses any knowledge or information acquired in the performance of his duties under this Act shall be fined not less than \$100.00 or more than \$1000.00.

§ 6705. Effective Date

This Act shall take effect and be in force 6 months after its enactment.

Approved January 10, 1962.

CHAPTER 315

AN ACT TO AMEND CHAPTER 5, TITLE 24, DELAWARE CODE, ENTITLED CHIROPODY, BY INCLUDING PODIATRY WITHIN SAID CHAPTER.

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

Section 1. Chapter 5, Title 24, Delaware Code, is amended by striking from the Chapter the word "Chiropody" wherever that word appears in Chapter 5 including but not limited to the Title of the said Chapter and substituting therefor the words "Chiropody and/or "Podiatry".

Section 2. Chapter 5, Title 24, Delaware Code, is amended by adding a new Section after Section 515 to be known as Section 516 as follows:

For purposes of disability insurance, workmen's compensation, standard health and accident, sick, and other insurance policies, if the chiropodist and/or podiatrist is authorized by law to perform the particular services, he shall be entitled to compensation for his services.

Approved January 11, 1962.

CHAPTER 316

AN ACT TO AMEND CHAPTER 11, TITLE 10, DELAWARE CODE, OF 1953, ENTITLED JUVENILE COURT OF KENT AND SUSSEX COUNTIES, BY CHANGING THE NAME OF THE JUVENILE COURT OF KENT AND SUSSEX COUNTIES TO THE FAMILY COURT OF KENT AND SUSSEX COUNTIES.

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

Section 1. That from and after the passage of this Act the Juvenile Court of Kent and Sussex Counties shall be known as the Family Court of Kent and Sussex Counties.

Section 2. The Family Court of Kent and Sussex Counties shall have all the rights and powers and all the duties and obligations heretofore or hereafter created, which are, or shall be vested in, or imposed upon the Juvenile Court of Kent and Sussex Counties. All appropriations heretofore or hereafter made to the Juvenile Court of Kent and Sussex Counties shall inure to the benefit of the Family Court of Kent and Sussex Counties.

Approved January 11, 1962.

CHAPTER 317

AN ACT TO AMEND CHAPTER 237, VOLUME 46, LAWS OF DELAWARE, AS AMENDED, RELATING TO PENSION BENEFITS FOR SURVIVING SPOUSES OF EMPLOYEES OF THE MAYOR AND COUNCIL OF WILMINGTON.

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

Section 1. Chapter 237, Volume 46, Laws of Delaware, as amended, is further amended by adding at the end thereof a new Section to be known as Section 19 to read as follows:

Section 19. The surviving spouse of any employee who has retired or become eligible to retire under this Chapter shall, until death or remarriage of such surviving spouse, receive a pension equal to one-half the amount which

(a) a retired employee was or shall be receiving at the time of his death, or

(b) an unretired employee was or shall be entitled to receive if he had retired on the day of his death.

Approved January 11, 1962.

CHAPTER 318

AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE CODE, RELATING TO PENSION BENEFITS FOR SURVIVING SPOUSES OF EMPLOYEES OF THE LEVY COURT OF NEW CASTLE COUNTY.

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

Section 1. Chapter 17, Title 9, Delaware Code, is amended by adding thereto a new Section to be known as Section 1718 to read as follows:

§ 1718. Benefits payable to surviving spouse

The surviving spouse of any employee who has retired or become eligible to retire under this Chapter shall, until death or remarriage of such surviving spouse, receive a pension equal to one-half the amount which

(a) a retired employee was or shall be receiving at the time of his death, or

(b) an unretired employee was or shall be entitled to receive if he had retired on the day of his death.

Approved January 11, 1962.

CHAPTER 319

AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO PROVIDE FOR THE MERGER AND CONSOLIDATION OF ONE OR MORE MUTUAL INSURANCE COMPANIES INTO A SURVIVING OR NEW MUTUAL INSURANCE COMPANY.

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

Section 1. Title 18, Delaware Code of 1953, is amended by adding thereto the following new Chapter:

**CHAPTER 8. MERGER AND CONSOLIDATION OF
MUTUAL INSURANCE COMPANIES**

§ 801. Merger and consolidation of Mutual Insurance Companies authorized

Any two or more mutual insurance companies incorporated under the laws of this State may, in the manner hereinafter provided, be merged into one such company, hereinafter designated as the surviving company, or consolidated into a new company to be formed under this Chapter.

§ 802. Approval of joint plan of merger or consolidation

(a) The board of directors of each of the companies which desire to merge or consolidate shall, by resolution adopted by at least a majority of all the members of each board, approve a joint plan of merger or consolidation, as the case may be, setting forth the terms and conditions of the merger or consolidation and the mode of carrying the same into effect, and such other details and provisions as are deemed necessary.

(b) The board of directors of each company upon approving such plan of merger or consolidation in accordance with the provisions of this Section, shall, by resolution, direct that the plan be submitted to a vote of the members of such company entitled to vote thereon, at an annual or special

meeting of the members. Not less than 15 days before such annual or special meeting, written notice shall be given respectively to each member. The notice shall state the place, day, hour and purpose of the meeting and a copy or a summary of the plan of merger or consolidation, as the case may be, shall be included in or enclosed with such notice.

(c) The plan of merger or consolidation to form a surviving, or new company shall be ratified upon receiving the affirmative vote of two-thirds of all the votes cast by members represented at the meeting of each of the companies which desire to merge or consolidate.

§ 803. Articles of merger or consolidation

Upon the approval pursuant to the provisions of this Chapter of the plan of merger or consolidation by the members of the companies desiring to merge or consolidate, articles of merger or consolidation, as the case may be, shall be executed under the seal of each company and verified by a duly authorized officer of each company and shall set forth:

(1) The name of the surviving or new company.

(2) The time and place of the meeting of the directors at which the plan of merger or consolidation was proposed, and except where pursuant to the provisions of this Chapter a plan of merger is not submitted to a vote of the members of the surviving company, the time and place of the meeting of the members of each company at which the plan of merger or consolidation, as the case may be, was ratified, the kind and period of notice given to the members and the total vote by which the plan was adopted.

(3) In the case of a merger into a surviving company, any changes desired to be made in the articles of the surviving company or in the case of a consolidation into a new company, all of the statements required by law to be set forth in the original articles in the case of the formation of a company.

(4) The number, names and addresses of the persons to be the first directors of the surviving or new company.

(5) The plan of merger or consolidation.

§ 804. Advertisement

The company shall advertise its intention to file articles of merger or consolidation, as the case may be, with the Secretary of State. Advertisement shall appear in a newspaper of the county where the company involved has its principal office at least ten days prior to the day on which the articles of merger or consolidation are to be presented to the Secretary of State and shall set forth briefly:

(1) The name and the location of the principal place of business of each of the companies intending to merge or consolidate.

(2) The name of the location of the principal place of business of the surviving or new company.

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this Chapter.

(4) The purpose or purposes of the surviving or new company.

(5) The time when the articles of merger or consolidation will be delivered to the Secretary of State.

§ 805. Filing of articles of merger or consolidation; payment of fees; approval by Secretary of State

The articles of merger or consolidation, as the case may be, the proof of publication of the advertisement required by this Chapter and a certificate or certificates from the proper department or departments evidencing payment by the corporation of all taxes and charges as required by law shall be delivered to the Secretary of State.

The Secretary of State shall examine such articles of merger or consolidation, such proof of publication and such certificate or certificates herein required to be delivered therewith to determine whether they contain all the information and are in the form required by this Chapter, and also whether the name of the surviving or new company, as the case may be, conforms with the requirements of law for the name of such a

company, or if the name is not the same as either or any of the merging or consolidating companies, whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public.

After all the fees, taxes and other charges have been paid as required by law, except for the cost of an examination made by the State Insurance Commissioner pursuant to the provisions of this Chapter to determine whether to approve the merger or consolidation, the Secretary of State, if the articles of merger or consolidation and the proof of publication contain the information and are in the form required by this Chapter, shall forthwith, but not prior to the day specified in the advertisement of the intention to file the articles, endorse his approval thereon and shall forthwith transmit them to the State Insurance Commissioner.

If the Secretary of State shall disapprove the articles of merger or consolidation pursuant to this Chapter, he shall forthwith give notice thereof to the companies stating in detail his reasons for doing so and stating how such company can remedy the non-conformance with the provisions of this Chapter. Upon remedying the defects, such company may in the same manner file the same or amended articles, whichever the particular case may require.

§ 806. Approval of articles of merger or consolidation by the State Insurance Commissioner

The State Insurance Commissioner shall immediately upon the receipt from the Secretary of State of the articles of merger or consolidation conduct such examination as he may deem necessary to ascertain from the best sources of information at his command:

- (1) Whether the name of the surviving or new company is likely to mislead the public.
- (2) Whether consolidation or merger is made for legitimate purposes.
- (3) Whether the interests of the policy holders or creditors are adequately protected.

(4) Whether the surviving or new company meets all the requirements of this Chapter and violates none of its prohibitions. The cost of such examination and any other charges of the State Insurance Commissioner bearing upon the filing of the articles of merger or consolidation shall be assessed upon the companies in the manner provided by law for assessments by the State Insurance Commissioner of costs of examinations or other charges.

Within 30 days after the receipt of the articles of merger or consolidation from the Secretary of State, the State Insurance Commissioner shall, upon the basis of the facts disclosed by the investigation provided for by this Section, either approve or disapprove such articles. He shall immediately notify the Secretary of State in writing of his action. If he shall approve the articles of merger or consolidation, he shall endorse his approval thereon and shall return them to the Secretary of State.

If the State Insurance Commissioner disapproves the articles of merger or consolidation, he shall return them to the Secretary of State, stating in detail his reasons for doing so. The Secretary of State shall immediately give notice to the companies desiring to merge or consolidate of the action of the State Insurance Commissioner and of the reasons therefor as stated to him by said State Insurance Commissioner. Such companies may within 30 days after the Secretary of State sends them notice of the disapproval of their articles of merger or consolidation appeal from such disapproval to the Governor who shall hear such appeal promptly and shall within 30 days thereafter decide the matter and certify his decision to the State Insurance Commissioner. The decision of the Governor shall be conclusive, and not subject to review. The State Insurance Commissioner shall act in accordance therewith.

§ 807. Issuance of certificate of merger or consolidation

Immediately upon receipt of the approved articles of merger or consolidation from the State Insurance Commissioner, the Secretary of State shall file the articles and shall issue to the surviving or new company or its representative a certificate of merger or consolidation. A copy of the approved articles

of merger or consolidation shall be sent by the Secretary of State to the State Insurance Commissioner.

§ 808. Effect of merger or consolidation

Upon the merger or consolidation becoming effective the several companies parties to the plan of merger or consolidation shall be a single company, which in the case of a merger, shall be that company designated in the plan of merger as the surviving company, and in the case of a consolidation, shall be the new company provided for in the plan of consolidation. The separate existence of all the constituent companies parties to said agreement, or of all such constituent companies except the one into which the other or others of such constituent companies have been merged, as the case may be, shall cease and the constituent company shall become a new company or be merged into one of such companies, as the case may be, in accordance with the provisions of said agreement.

All the property, real, personal and mixed, of each of the companies parties to the plan of merger or consolidation and all debts or obligations due to any of them, including subscriptions to shares and other choses in action belonging to either or any of them, shall be taken and be deemed to be transferred to and vested in the surviving or new company, as the case may be, without further act or deed. The surviving or new company shall thenceforth be responsible for all the liabilities and obligations of each of the companies so merged or consolidated; but the liabilities of the merging or consolidating companies or of their directors or officers shall not be affected, nor shall the rights of creditors thereof or of any person dealing with such companies or any liens upon the property of such companies be impaired by such merger or consolidation, and any claim existing or action or proceeding pending by or against any of such companies may be prosecuted to judgment as if such merger or consolidation had not taken place, or the surviving or new company may be proceeded against or substituted in its place. In the case of a merger, the articles of incorporation of the surviving company shall be deemed to be amended to the extent, if any, that changes in its articles are stated in the articles of merger; and in the case of a consolidation, the statements set forth in the articles of consolidation

and which are required or permitted to be set forth in the articles of incorporation of companies formed under the general corporation laws of this State shall deem to be the articles of incorporation of the new company.

§ 809. Effective date of merger or consolidation

Upon the issuance of the certificate of merger or consolidation by the Secretary of State, the merger or consolidation shall be effective. The certificate of merger or consolidation shall be conclusive evidence of the performance of all conditions precedent to such consolidation or merger and the creation or existence of a new or surviving company except as against the State.

Approved January 11, 1962.

CHAPTER 320

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO MIDDLETOWN SCHOOL NO. 60 FOR OPERATIONAL
EXPENSES.**

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

Section 1. The sum of \$1601.30 is hereby appropriated to Middletown School No. 60 for the fiscal year beginning July 1, 1961 and ending June 30, 1962, for operational expenses.

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

Approved January 11, 1962.

CHAPTER 321

AN ACT TO AMEND TITLE 17, DELAWARE CODE, ENTITLED "HIGHWAYS", RELATING TO THE COST AND EXPENSE OF ALTERING AND RELOCATING PUBLIC UTILITIES OWNED AND/OR OPERATED BY A MUNICIPALITY OR BY ANY GOVERNMENTAL BODY OR SUBDIVISION OF THE STATE OF DELAWARE.

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

Section 1. Title 17, Delaware Code, is hereby amended by adding thereto a new Section 145 to read as follows:

§ 145. Any alterations or relocation of poles, manholes, conduits, sewer pipes, water pipes, water distribution facilities of any kind or other structures and appliances and their appurtenances owned and/or operated by a public utility of a municipality, or by any governmental body or subdivision of the State of Delaware, placed within the right of way of a public highway required by reason of the construction, reconstruction, relocation, repair or maintenance of the highway shall be made by and at the sole expense of the State Highway Department.

Approved January 16, 1962.

CHAPTER 322

AN ACT TO AMEND CHAPTER 11, TITLE 10, DELAWARE CODE, RELATING TO THE APPOINTMENT AND SALARIES OF CLERKS AND PROBATION OFFICERS OF THE JUVENILE COURT OF KENT AND SUSSEX COUNTIES.

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

Section 1. § 1121, Title 10, Delaware Code, is amended to read as follows:

§ 1121. Appointment and Salaries of Clerks

The Judge or Judges of the Juvenile Court of Kent and Sussex Counties shall appoint such administrative personnel as may be needed by the Court. The salaries shall be as set by the Judges. The administrative personnel shall be selected in accordance with their qualifications, training, experience and ability to fill the position and shall receive an annual salary payable by the State Treasurer out of the General Fund of the State.

Section 2. § 1131, Title 10, Delaware Code, is amended to read as follows:

§ 1131. Appointment; Salary; Term of Probation Officers

The Judge or Judges of the Juvenile Court of the State of Delaware in and for Kent and Sussex Counties shall appoint such Probation Officers as may be needed. The salaries shall be set by the Judges. The Probation Officers shall be selected in accordance with their qualifications, training, experience and ability and shall receive an annual salary, payable by the State Treasurer out of the General Fund of the State and shall hold office at the pleasure of the Judge or Judges.

Approved January 23, 1962.

CHAPTER 323

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE JUVENILE COURT OF KENT AND SUSSEX
COUNTIES AND TO THE FAMILY COURT OF NEW
CASTLE COUNTY FOR THE FISCAL YEAR ENDING
JUNE 30, 1962.**

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

Section 1. The sum of \$8,000.00 is hereby appropriated to the Juvenile Court of Kent and Sussex Counties for the fiscal year ending June 30, 1962, for Salaries and Wages of Employees.

Section 2. The sum of \$10,000.00 is hereby appropriated to the Family Court of New Castle County for the fiscal year ending June 30, 1962, for Salaries and Wages of Employees.

Section 3. This Act is a supplementary appropriation and the money hereby appropriated shall be paid out of monies of the General Fund of the State of Delaware not otherwise appropriated.

Approved January 24, 1962.

CHAPTER 324

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE NEW CASTLE COUNTY LAW LIBRARY FOR
THE FISCAL YEAR ENDING JUNE 30, 1961.**

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

Section 1. There is hereby appropriated to the New Castle County Law Library the sum of \$1600 for books and publications.

Section 2. This is a Supplementary Appropriation Act and the sums hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved January 24, 1962.

CHAPTER 325

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN BY PROVIDING FOR CREDIT FOR OTHER EMPLOYMENT.

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

Section 1. Chapter 55, Title 29, Delaware Code, is amended by inserting a new Section as follows:

§ 5530. Credit for certain other employment; limitations

Credit shall be granted for computation of retirement benefits payable under the provisions of this Chapter at the rate of one year for each year of service in professional educational employment when such service was performed for another State, municipality, the federal government, or an accredited private school or college, to any school teacher, professional administrative or supervisory employee or school nurse employed in any public school, the State Department of Public Instruction, the University of Delaware or Delaware State College.

Time credited under this Section shall only be considered as time in covered employment in establishing eligibility to retire on the basis of 30 years of service to the State of Delaware.

Time so credited for eligibility or computation of retirement benefits shall not exceed 4 years.

Approved January 24, 1962.

CHAPTER 326

**AN ACT TO INCREASE THE FEE CHARGED BY A MOTOR
VEHICLE DEALER FOR TEMPORARY LICENSE
PLATES.**

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

Section 1. § 2130 (a), Title 21, Delaware Code, is amended by striking the figure "\$1" as it appears therein and inserting in lieu thereof the figure "\$2".

Approved January 24, 1962.

CHAPTER 327

AN ACT TO AMEND CHAPTER 14 OF TITLE 16 OF THE DELAWARE CODE IN RELATION TO THE ESTABLISHMENT OF WATER AND/OR SEWER AUTHORITIES.

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

Section 1. Section 1402 (a) of Title 16 of the Delaware Code, is hereby repealed and a new Subsection (a) enacted in lieu thereof to read as follows:

(a) After a favorable majority referendum vote at a Special Election in the municipality or in each of the municipalities creating an Authority, which referendum election shall be held on the same date in each of such municipalities, the governing body of a municipality may, by ordinance or resolution, or the governing bodies of two or more municipalities may by ordinances or resolutions, signify their intention to create an Authority to acquire, construct, reconstruct, extend, repair, improve, maintain and operate a project under an appropriate name and title, containing the word "Authority", which shall be a public body politic and corporate.

Notice of the holding of such referendum election shall be authorized by resolution of the governing body of each municipality published once a week, for at least three consecutive weeks in at least one newspaper circulating in the municipality. Such notice shall set out in summary form the purpose, the date and place of holding the referendum election, and the hours the polls will be open.

At said referendum election every resident and non-resident taxable of the municipality, of the age of twenty-one years, or upwards who has, by the time of voting, paid all municipal taxes theretofore assessed to him and/or assessed against the property he owns at the time of the referendum election, shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar, of taxes paid by him according to the last municipal assessment and tax payment records preced-

ing the referendum election. The Judge of the election shall note on the outside of each ballot, before he deposits the ballot in the ballot box, the number of votes to which each voter is entitled, in accordance with municipal assessment and tax payment records.

In cases of jointly owned property, the votes of the owners of shares therein shall be in accordance with their respective shares, or if all owners appear at the polls and so consent, all of the votes may be cast by the owner of any share, except that the spouse first present at the polls may cast all the votes in reference to property held by husband and wife as tenants by the entirety. Life tenants shall have the entire vote as to the property so held, and holders of remainder interest only shall have no vote by reason thereof.

The Clerk of each municipality shall provide sufficient ballots which shall have printed thereon "For" and "Against". The election shall be conducted in conformity with the provisions governing general elections as provided in Chapter 49 of Title 15 of the Delaware Code.

Section 2. Paragraph (1) of Section 1406, Title 16, of the Delaware Code, is hereby repealed and a new paragraph (1) enacted in lieu thereof to read as follows:

- (1) To have perpetual existence.

Approved January 24, 1962.

CHAPTER 328

AN ACT TO AMEND CHAPTER 277 OF VOLUME 49, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL", AS AMENDED, BY GIVING AUTHORITY TO THE MAYOR AND COUNCIL TO SELL BONDS AT EITHER PUBLIC OR PRIVATE SALE.

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 15, Chapter 277, Volume 49, Laws of Delaware, as amended, is further amended by striking out all of that paragraph which, as the said Section was originally enacted, was the fifteenth paragraph thereof and inserting in lieu thereof a new paragraph as follows:

The form of the bonds or certificates of indebtedness, and the attached coupons, if any, the time or times of payment, the time or times of the payment of interest, the rate of interest, the classes, the series, the maturities, the registration, any callable or redeemable provision, the denomination and name and other relative or pertinent matters shall all be determined by the Council. The bond or bonds or certificates of indebtedness may be sold at either public or private sale.

Approved January 24, 1962.

CHAPTER 329

AN ACT TO AMEND CHAPTER 148, VOLUME 48, DELAWARE LAWS, KNOWN AS THE SCHOOL BUILDING PROGRAM ACT OF 1951 TO AUTHORIZE BETHEL SCHOOL DISTRICT NO. 99, A PART OF THE LAUREL SPECIAL SCHOOL DISTRICT AS OF NOVEMBER 5, 1960, TO EXPEND CERTAIN FUNDS RAISED PURSUANT TO SAID ACT.

WHEREAS, the School construction program for Bethel School District No. 99, now a part of the Laurel Special School District, heretofore approved by the State Board of Education pursuant to the School Building Program Act of 1951 has been substantially completed; AND

WHEREAS, the bonds authorized by said Act for said school building program have been sold by both the State of Delaware and Bethel School District No. 99, and the proceeds thereof deposited in the 1951 School Construction Account of Bethel School District No. 99, now a part of the Laurel Special School District; AND

WHEREAS, there remains in said 1951 School Construction Account of Bethel School District No. 99, now a part of the Laurel Special School District, a balance which has not been expended or committed, in the amount of \$13,267.58; AND

WHEREAS, there is continued and pressing need for certain construction for public school purposes in the Laurel Special School District, and authority to expend some of the aforesaid balance for additional facilities needed in said District would make it unnecessary for the State and the District to sell additional bonds for such purpose;

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. Laurel Special School District is hereby authorized to expend an amount not exceeding \$13,267.58, the unex-

pendent balance in the 1951 School Construction Account of the Bethel School District No. 99, now a part of the Laurel Special School District, under the School Building Program Act of 1951, being Chapter 148, Volume 48, Delaware Laws (of which 83-1/3 per cent is State Funds and 16-2/3 per cent is District funds), for the purpose of supplementing the funds already provided under Chapter 345, Volume 52, Delaware Laws.

Section 2. The authority hereby granted in this Act shall expire on December 31, 1963.

Approved January 24, 1962.

CHAPTER 330

AN ACT TO AMEND CHAPTER 9, TITLE 18, DELAWARE CODE, RELATING TO VALUATION AND NONFORFEITURE 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 paragraphs (3), (4), (5) and (6) and inserting the following paragraphs (3), (4), (5), (6) and (7) in lieu thereof:

(3) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the Company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the Insurance Commissioner;

(4) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the Insurance Commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;

(5) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies;

(6) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961 and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies;

(7) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the Insurance Commissioner.

Section 2. § 903 (c), Title 18, Delaware Code, is amended by striking out the last paragraph and inserting in lieu thereof:

Reserves according to the Commissioners' reserve valuation method for (i) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (ii) annuity and pure endowment contracts, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this Subsection, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

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

Except as provided in the third paragraph of this Subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums to cover impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (1) the then present value of the future guaranteed

benefits provided for by the policy; (2) 2% of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (3) 40% of the adjusted premium for the first policy year; (4) 25% of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. In applying the percentages specified in (3) and (4) above, no adjusted premium shall be deemed to exceed 4% of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of this Subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this Subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (A) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (B) the adjusted premiums for such term insurance, the foregoing items (A) and (B) being calculated separately and as specified in the first two paragraphs of this Subsection except that, for the purposes of (2), (3) and (4) of the first such paragraph, the amount of

insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (B) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (A).

Section 4. § 951, Title 18, Delaware Code, is amended by striking out Subsection (e) and inserting in lieu thereof:

(e) Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowances for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in Subsections (b), (c), (d), and (d-1) of this Section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provision of Subsection (b) of this Section, additional benefits payable (1) in the event of death or dismemberment by accident or accidental means, (2) in the event of total and permanent disability, (3) as reversionary annuity or deferred reversionary annuity benefits, (4) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this Section would not apply, (5) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (6) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this Section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

Approved January 25, 1962.

CHAPTER 331

AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE; APPROPRIATING MONEY FOR SAID PURPOSE; 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 of 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" shall include, but not be limited to, the acquisition, construction, reconstruction, alteration, remodeling or enlargement of school buildings, the acquisition or installation of apparatus or equipment or educational supplies suitable for the use of such buildings, the acquisition of machinery necessary for the maintenance of such buildings or school grounds, the acquisition of land required as sites for such buildings, or for playgrounds, including land or rights in land needed to provide access to such sites and to provide suitable playgrounds, and the grading or other improvement of such sites, land or rights in land, including the construction of any sewers or water mains needed to connect such buildings to any publicly owned sewer system or water system, the acquisition of temporary buildings or facilities for school purposes to be used until such time as permanent school buildings or facilities shall become available. The cost of such school construction shall not include any expenses in connection with the holding of any referendum for such school construction.

The disposition of any temporary school buildings or facilities acquired under this Act shall be in accordance with the law and any 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 larger 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 specified 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 eight million one hundred and seventy-eight thousand three hundred dollars (\$8,178,300), 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 eight million one hundred and seventy-eight thousand three hundred dollars (\$8,178,300) may be paid, the Governor, the State Treasurer, and the Secretary of 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 amount not exceeding eight million one hundred and seventy-eight thousand three hundred dollars (\$8,178,300).

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. 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. 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 may be renewed from time to time by the issuance and sale of new notes. Said notes shall bear interest at a rate not exceeding three per cent per annum. All such notes shall mature and be paid not later than one year from date of issuance. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed eight million one hundred and seventy-eight thousand three hundred dollars (\$8,178,300). 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 a facsimile of the Great Seal of the State engraved or printed 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 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 fiscal year beginning July 1, 1961, 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 Twenty-First 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 eight million one hundred and seventy-eight thousand three hundred dollars (\$8,178,300), 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	\$ 12,000	\$ 7,200	\$ 4,800
Bridgeville #220*	40,000	40,000	.....
Alfred I. duPont #7	2,450,200	1,470,120	980,080
Felton #54	15,000	9,000	6,000
Frankford #206*	28,700	28,700	.....
Greenwood #91	100,000	60,000	40,000
Greenwood #222*	200,000	200,000	.....
Wm. W. M. Henry #133*	723,600	723,600	.....
Laurel Special	400,000	240,000	160,000
Lord Baltimore #28	100,000	60,000	40,000
Milford Special	1,500,000	900,000	600,000

Milford Special—Benjamin Banneker School*			
	250,000	250,000	.....
Millsboro #204*	58,000	58,000	.....
New Castle Special	45,000	27,000	18,000
Newark Special	4,000,000	2,400,000	1,600,000
Caesar Rodney Special—Kent County Facilities for Trainables*			
	240,000	240,000	.....
Rehoboth School District #200*			
	80,000	80,000	.....
Rose Hill-Minquadale #47			
	982,800	589,680	393,120
Wilmington	920,000	552,000	368,000
Wilmington—Facilities for Trainables*			
	65,000	65,000	.....
	<hr/>	<hr/>	<hr/>
	\$12,210,300	\$8,000,300	\$4,210,000

The asterisk (*) following the name of a school in table above indicates that a local share is not required before the State share will be expended for the construction of such school.

There is also appropriated to the State Board of Education the sum of one hundred seventy-eight thousand dollars (\$178,000) to cover the cost of supervisory and auditing services of the school construction enumerated in the foregoing table.

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 not later than two years after the effective date of this Act.

No school construction shall be started under authority of this Act later than two years after the effective date of this Act; and no moneys shall be borrowed by the State under authority of this Act later than two years after the effective date of this Act, except such moneys as are necessary to complete school construction started prior to two years after the effective date of this Act.

Section 15. No school construction shall be paid with funds appropriated by this Act or with funds for which a State share is provided by this Act if such construction does not conform with the formula for school construction established by the State Board of Education.

Section 16. Any school district which is entitled under the provisions of either Chapter 175, Volume 52, or this Act to an apportionment of a State share and which is required to provide a local share is hereby authorized to issue its bonds for the purpose of raising money to pay its local share and raising such additional amount, if any, as such school district may desire to expend for school construction. If such bonds are issued, they shall be issued by the Board of Trustees or Board of Education of the school district pursuant to the provisions of Chapter 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. A copy of the referendum notice shall be submitted to the State Board of Education at the time when the votes are canvassed by such State Board of Education. Instead of issuing bonds as hereinbefore provided, any school district may pay its local share by using the proceeds of the sale of bonds heretofore authorized or issued, or by using gifts or any other moneys on hand which are not required by law to be used for some other purpose.

Section 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 dissolution of 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 preliminary and 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. No certificate of necessity shall be amended after the date of successful local school district referendum. 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, 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, except that the construction funds shall be used only as originally authorized in the certificates of necessity issued to the original districts.

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. Any sum of money which has been appropriated to any school district by the State of Delaware under the provisions of this Act which remains unexpended one year after pupil occupancy of any school building constructed under the provisions of this Act shall revert to the State of Delaware and shall be deposited to a special account to be applied against future school construction bond requirements. This applies to the State share only.

Any sum of money which has been appropriated by any local school district under the provisions of this Act which remains unexpended one year after pupil occupancy of any school building constructed under the provisions of this Act shall be deposited to the debt service account of the school district to be used only for purposes of retirement of school district bonds and interest thereon.

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 at all times be composed of the active 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 Boards 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 exclusive of the ex-officio 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 preliminary and final plans for school construction under this Act.

Section 25. The final plans, specifications and estimates of costs of school construction under this Act shall be approved by the State Board of Education. No School Building Commission shall change or alter the final plans as approved without the written consent of the State Board of Education or its designated representatives.

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, with consent of State Board of Education or its designated representatives, 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 therefore, 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 the school construction program in such school district.

Section 28. The School Building Commission of the school district shall, with the approval of the Secretary of the State Board of Education, designate a person to serve as Secretary of the said School Building Commission. Such Secretary shall be the accountant of such School Building Commission. The School Building Commission shall cause such Secretary to inaugurate and maintain a system of accounting which shall show in detail the expenditures of the School Building Commission, the cost of school construction, and such other details as the State Board of Education may from time to time require. Each School Building Commission shall have power to employ an engineer or engineers, an architect or architects, and such other employees as it shall deem essential to the proper and expeditious performance of its duties under this Act, 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.

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 and local School Building Commission is authorized to acquire such land upon the approval of the State Board of Education or designated representatives.

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 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 1961 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 1961.

Approved January 25, 1962.

CHAPTER 332

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED.

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 2 (B), Chapter 42, Volume 53, Laws of Delaware, as amended, entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" is hereby amended by striking out all of said Section and substituting in lieu thereof the following:

(B) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and City Council. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City and to the territory proposed to be annexed and shall contain the committee's recommendations whether or not to proceed with the proposed annexations and the reasons therefor. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the City and to the territory proposed to be annexed within thirty (30) days after receiving the report, a second resolution shall then be passed by the City Council proposing to the property owners and residents of both the City and the territory proposed to be annexed that the City proposes to annex certain territory contiguous to its then limits and territory. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the City or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the committee, the resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds

of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one year from the date that the resolution failed to receive the required affirmative vote. The second resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the City Council setting forth the above information shall be printed in a newspaper published in the City of Seaford at least one week prior to the date set for the public hearing, or, if no newspaper is published in the City, publication shall be had in a newspaper having a general circulation both in the City and in the territory proposed to be annexed, or, at the discretion of the City Council, the said resolution shall be posted in five (5) public places both in the City and in the territory proposed to be annexed.

Section 2. Section 2 (D), Chapter 42, Volume 53, Laws of Delaware, as amended, entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" is hereby amended by striking out all of said Section and substituting in lieu thereof the following:

(D) The notice of the time and place of holding the said special election shall be printed within thirty (30) days immediately preceding the date of the special election in at least two (2) issues of a newspaper published in the City, or, if no newspaper is published in the City, the notice may be printed within thirty (30) days immediately preceding the date of the special election in two (2) issues of a newspaper having a general circulation in the City and in the territory proposed to be annexed, or, in the discretion of the City Council the said notice may be posted in five (5) public places both in the City and in the territory proposed to be annexed, at least fifteen (15) days prior to the date of the special election.

Approved January 26, 1962.

CHAPTER 333

AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX COUNTY, TO BORROW A SUM NOT IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND TO ISSUE BONDS THEREFOR, TO BE EXPENDED FOR THE ACQUISITION OF STRUCTURES ON LAND LEASED BY SAID LEVY COURT, AND FOR THE CONSTRUCTION AND MAINTENANCE OF AN ADDITION TO THE PRESENT COURT HOUSE, AS WELL AS ALTERATIONS TO THE SAID PRESENT COURT HOUSE, AND TO AUTHORIZE THE SAID LEVY COURT TO EXERCISE THE RIGHT OF EMINENT DOMAIN FOR SAID PURPOSES.

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

Section 1. That the Levy Court of Sussex County shall be and is hereby granted full power and authority to purchase and acquire certain buildings on a tract of land now owned by the said Levy Court, and leased to various individuals, companies and firms, and to construct an addition to the present Court House with all necessary appurtenances thereto, said structure when completed shall be known as the Court House, in and for Sussex County, or an addition thereto.

The Levy Court of Sussex County is authorized to enter into contracts and agreements with persons, firms, or corporations, relative to the purchase of said buildings, constructing and equipping of a Court House and an addition thereto, for Sussex County, and to this end may require of said firms, persons or corporations, proper security for the faithful performance of the work to be done. The said Levy Court may engage the services of competent architects who shall prepare proper plans and specifications, and the said Levy Court shall award any contract or contracts to the lowest responsible bidder or bidders, but with the right to reject any and all bids.

Section 2. The said Levy Court may acquire said buildings or interest therein, either by purchase or by the exercise of the right of eminent domain, which is hereby expressly

granted. Whenever the Levy Court cannot agree with the lessee or lessees, of the said land, buildings or other property, necessary to be taken, for the purpose thereof, the said Levy Court may apply to the Superior Court sitting in and for Sussex County, or any Judge of said Court, for the appointment of five freeholders of said County, who shall go upon the said lands and enter into said buildings, and assess the damage of said lessee or lessees, fairly and impartially, and the said freeholders shall certify their findings and award to all known parties in interest, and make a report of their findings to be filed in the said Superior Court or with the said Judge, as the case may be, appointing them. The said Levy Court, before making the said application, shall give to the said lessee or lessees of the property involved, at least ten days' notice in writing, of the intent of the application, if such lessee is within the State, and if such lessee or lessees is unknown, or without the State, or if under legal disability and having no legal representative within the State, then such notice shall be published in some newspaper in Sussex County, at least ten days prior to the intended application, and such publication shall be deemed to be sufficient notice. The said freeholders appointed as aforesaid, shall be sworn or affirmed before some officer authorized to administer oaths or affirmation, before entering upon the premises, faithfully and impartially to perform the duties assigned them. They shall give five days' notice in writing to the lessee or lessees of the premises, or the property so proposed to be condemned or to their guardian or guardians duly appointed within the State, and to the said Levy Court, of the time of their meeting to view the premises; if the lessee or lessees be unknown or without the State, or if under legal disability, and having no legal representative within the State, publication of such last mentioned notice shall be made in some newspaper in Sussex County, at least ten days prior to the said meeting, and such publication shall be sufficient notice thereof. The said freeholders or commissioners shall keep a record of their proceedings with their findings and awards, and return the same to the Superior Court or Judge, as the case may be, and shall certify their findings and awards to the lessee or lessees, of the property and to the Levy Court; if the Levy Court or any known party in interest is dissatisfied with such findings or awards, it or he may, on application to the said

Court or Judge, within fifteen days after such findings and awards have been made and filed, require the appointment of a Commission of Review, which shall consist of five freeholders appointed in like manner and with like instructions, as were contained in the first Commission, provided that if a review be granted, upon the application of a person or persons, in interest, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return of the Commission of Review, varies in the damages assessed from the return of the original Commission, the said Court or Judge shall, upon application of the Levy Court or any party in interest, appoint a second Commission of Review within ten days after the filing of such return. If a Review be not applied for in due time, the return of the original petition shall be conclusive as the amount of damages; if the return of any two Commissions corresponds as to the amount of such damages, such amount shall be conclusive, but if there be more than one return, and none conclusive under the foregoing provisions the said Superior Court or said Judge shall confirm such one of them as it or he may deem most just and the return so confirmed shall be conclusive. The said Superior Court or said Judge may set aside a return for gross inequality or inequity, in which case it or he shall issue another Commission in its place, and the said Court or Judge shall have power to fill any vacancies in a Commission.

Upon the institution of condemnation proceedings by petition and notice aforesaid, the said Levy Court may, in its discretion, state in said petition that the possession, right to enter, or occupancy of said land or interest is necessary to the project without delay, and the title to said land in fee simple absolute, or such less estate or interest therein, as may be specified, shall immediately pass and vest to the said Levy Court, and said lands or interest therein shall be deemed to be condemned and taken for the use of said Sussex County, and the right to just compensation therefor shall vest in and to the person or persons entitled thereto. In the event of an immediate taking as herein specified, the said Court or Judge shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner, and to make such orders in respect to incumbrances, leases, taxes, rights, assessments, insurance or

other charges, if any, as shall be just and equitable. The right to take possession and title in advance of final order of judgment in condemnation proceedings as provided herein shall be in addition to any right, power or authority conferred by the Laws of the State of Delaware under which such proceedings may be conducted and shall not be construed as limiting or modifying any such right, power or authority.

Section 3. That the Levy Court of Sussex County be and it is hereby authorized and empowered to borrow upon the faith and credit of said County, as herein provided, a sum not exceeding five hundred thousand (\$500,000.00) dollars, to be expended in acquiring the leasehold interests, lands, buildings, to erect an addition to the present Court House, and to alter the present Court House, and for the construction of said addition, as well as the cost for altering the present Court House in Sussex County, and for the purpose of securing the payment of such sum to issue bonds in such denominations and bearing such rate of interest not exceeding four per cent per annum, and in such form as the Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year after the date of issuance thereof.

Section 4. The Levy Court shall decide upon and determine the class and time of maturity of said bonds and the aggregate of each class, provided that the maturity date of said bonds shall in no event be later than July 1, A. D. 1981. Said bonds may, at the option of the Levy Court, contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five (5) years from the date thereof, at a premium not exceeding five per cent.

Section 5. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County, and shall be under the seal used by the Levy Court of Sussex County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be the duty of the Receiver of Taxes and County Treasurer to keep a record of said bonds.

Section 6. Said bonds or any part thereof may be sold when and as the Levy Court shall by resolution determine and until sold shall remain in the custody of the Receiver of Taxes and County Treasurer. Whenever in the judgment of the Levy Court it shall be deemed advisable that any part or all of said bonds shall be sold, said Levy Court may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of the Levy Court for effecting the sale or negotiation of said bonds.

Section 7. Said bonds, principal and interest shall be payable at the Farmers Bank of the State of Delaware, at Georgetown, Delaware, out of the money from time to time appropriated for that purpose by the Levy Court of Sussex County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the Farmers Bank when and as the same shall become due, and pay said bonds when and as the respective classes mature in accordance with the foregoing. The said Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of said bonds in addition to the amount necessary to pay the interest upon the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as may from time to time become due under the provisions of this Act.

Section 8. All of said bonds shall bear the same date and shall be numbered serially. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the Receiver of Taxes and County Treasurer in the Farmers Bank of the State of Delaware, at Georgetown, Delaware, to the credit of the Levy Court of Sussex

County, in a separate account and payments thereof shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this Section provided, shall be used for any other purpose than those hereinbefore stated; and provided further that the purchasers or holders of said bonds shall not be bound to see to or to be affected by the application of said money realized from the sale of said bonds. Said bonds shall contain such provisions, not inconsistent with the requirements of this Act, as the Levy Court may deem expedient. Said bonds shall be exempt from all State, County and Municipal or other taxation.

Approved January 29, 1962.

CHAPTER 334

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED BY THE STATE BOARD OF EDUCATION FOR THE SUPERVISION AND THE AUDITING OF THE SCHOOL CONSTRUCTION PROGRAM PROVIDED FOR UNDER CHAPTER 345, VOLUME 52, LAWS OF DELAWARE, AND TO ISSUE NOTES AND BONDS THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE SAID BOARD.

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 \$435,000.00 which shall be used by the State Board of Education for the supervision and the auditing of the School Construction Program provided for under Chapter 345, Volume 52, Laws of Delaware. A portion or all of the funds appropriated herein may be used to retain the Delaware School Auxiliary Association or other qualified persons, associations, firms or corporations to supervise or audit said program. For the purpose of borrowing said sum, the Issuing Officers are hereby authorized to issue bonds of the State of Delaware in an aggregate principal amount not exceeding \$435,000.00. 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 purpose 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, 1962. The total amount of notes outstanding at any one time, shall not exceed \$435,000.00 or, if any bonds shall have been issued pursuant to this Act, the amount by which \$435,000.00 shall exceed the amount of such bonds. If the aggregate amount of bonds or notes issued pursuant to this Act shall exceed \$435,000.00, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

The 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 the notes shall be paid out of the proceeds of the sale of the 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 bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The 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 the bonds or notes and legality and validity of the bonds or notes and of the principal debt and interest represented thereby, and the legality and validity of the 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 of the bonds or notes.

Section 5. The bonds issued under the authority of this Act shall be in denominations of \$1,000 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 bonds shall be numbered consecutively, and shall bear such dates as the Issuing Officers shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the Issuing Officers, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

The 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, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said Issuing Officers.

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

The 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 or shall have a facsimile of the Great Seal thereon. The facsimile signatures of the Governor and the Secretary of State may be engraved or printed on the 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 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 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 Board of Education Bond of 1961".

Section 7. The 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 the 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 publications of such notice of sale shall be necessary; and the 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 the 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 the 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. In addition to any moneys appropriated by any other Act there is hereby appropriated to the State Board of Education the sum of \$435,000.00, or so much thereof as shall be received from the sale of the bonds and notes authorized hereby, which shall be used for the purpose 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 11. 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 fiscal year ending June 30, 1962, 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 fiscal year ending June 30, 1962. 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 12. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year beginning July 1, 1961, and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item pro-

visions for the payment of interest and principal maturities of the bonds issued under the authority of this Act, and such of the revenue of the State of Delaware as are not prohibited by constitutional provisions 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 January 31, 1962.

Note: See Chapter 371 for change of date in section 2.

CHAPTER 335

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COSTS OF THE IMPROVEMENT OF THE INDIAN RIVER BAY CHANNEL VIA PEPPER'S CREEK IN SUSSEX COUNTY, AND AUTHORIZING AND EMPOWERING THE SAID COMMISSION TO ACT AS THE AGENCY OF THE STATE OF DELAWARE TO DO ALL THINGS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES GOVERNMENT RELATIVE TO THE STATE'S CONTRIBUTION TO SAID IMPROVEMENT.

WHEREAS, the channel leading from Indian River Bay via Pepper's Creek to Dagsboro, has by reason of natural elements shoaled from said river for all of its distance up to the town of Dagsboro so that except there be extreme tides it has become impossible for boats drawing more than four feet of water to land their passengers and freight at any of the docks or wharves in or near the said town of Dagsboro; and

WHEREAS, it has become necessary for said channel to be dredged so that all shipping may have safe and sure passage from said channel to the said docks and wharves in or near the said town of Dagsboro; and

WHEREAS, The United States Government, through its proper agencies is prepared to expend the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000.00) for said project, provided the State of Delaware will authorize and empower the proper State authorities to make necessary contracts with the United States Government and others; to secure all lands, easements, and rights-of-ways and spoil disposal areas for the initial work and for subsequent maintenance; to hold and save the United States free from claims for damages resulting from the improvements; and to give assurance satisfactory to the Secretary of War that suitable terminal facilities will be provided and maintained, open to all on equal terms,

NOW THEREFORE, in order to avail the State of Delaware of the offer on the part of the government of the United States

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

Section 1. That the Delaware Commission of Shell Fisheries is hereby authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States and to do all other things necessary to be done in order that the State of Delaware may avail itself of the offer of the Federal government to improve the channel in Sussex County.

Section 2. That the sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, Thirty-five Thousand Dollars (\$35,000.00) of which sum so appropriated shall be paid the proper agency of the United States Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned therein, and Five Thousand Dollars (\$5,000.00) of which appropriation shall be used for other purposes necessary to be done or performed on the part of the State of Delaware.

The amount so appropriated shall be paid out of the State Treasury of the State of Delaware upon warrants duly signed and approved by the proper officers of the Delaware Commission of Shell Fisheries.

Section 3. This bill shall be known as a Supplementary Appropriation Bill, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated. The funds hereby appropriated shall revert to the General Fund of the State Treasury if the United States Government fails, neglects or refuses to carry out its offer of expending the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000.00) to improve said channel by June 30, 1963. In the event the United States Government does carry out its said offer to improve said channel and any part of said sum hereby appropriated remains unexpended after the completion of the purposes of this Act, the unexpended part thereof shall revert to the General Fund of the State Treasury.

Approved February 1, 1962.

CHAPTER 336

AN ACT TO AMEND SECTIONS 3902 AND 3903, TITLE 14, DELAWARE CODE, RELATING TO TEACHERS' RETIREMENT AND DISABILITY PENSIONS.

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

Section 1. Section 3902, Title 14, Delaware Code, is repealed and a new Section 3902 enacted in lieu thereof to read as follows:

§ 3902. Retirement benefits

Teachers who were inactive in their profession on April 23, 1945, who, prior to that date, taught in the public schools of this State for 25 years or more and are no longer capable of teaching, and teachers who were inactive in their profession on April 23, 1945, who, prior to that date, taught in the public schools of this State for 15 years or more and who attain the age of 65, shall be entitled to receive a pension out of the fund continued by Section 3901 of this Title for the duration of their respective lives. The amount of such pension shall be determined by the number of years of teaching service, as follows:

15 years of service, \$125 per month;

16 to 20 years of service, \$130 per month;

21 to 25 years of service, \$140 per month;

26 or more years of service, \$150 per month.

Section 2. Section 3903, Title 14, Delaware Code, is amended by striking out the sum of \$75 in the seventh line and by inserting in lieu thereof the sum of \$125.

Section 3. This amendment shall be effective July 1, 1961.

Approved February 15, 1962.

CHAPTER 337

AN ACT TO AMEND CHAPTER 529, VOLUME 50, DELAWARE LAWS, KNOWN AS THE SCHOOL BUILDING PROGRAM ACT OF 1955, TO AUTHORIZE NEW CASTLE SPECIAL SCHOOL DISTRICT TO EXPEND CERTAIN FUNDS RAISED PURSUANT TO SAID ACT.

WHEREAS, the school construction program for New Castle Special School District heretofore approved by the State Board of Education pursuant to the School Building Program Act of 1955 has been substantially completed; AND

WHEREAS, the bonds authorized by said Act for said school building program have been sold by both the State of Delaware and New Castle Special School District, and the proceeds thereof deposited in the 1955 School Construction Account of New Castle Special School District; AND

WHEREAS, there remains in said 1955 School Construction Account of New Castle Special School District, a balance which has not been expended or committed, in excess of \$45,000.00; AND

WHEREAS, there is continued and pressing need for certain construction for public school purposes in the New Castle Special School District, and authority to expend some of the aforesaid balance for additional facilities needed in said District would make it unnecessary for the State and the District to sell additional bonds for such purpose; 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. New Castle Special School District is hereby authorized to expend an amount not exceeding \$45,000.00 from the unexpended balance in the 1955 School Construction Account of the New Castle Special School District, under the School Building Program Act of 1955, being Chapter 529, Volume 50, Delaware Laws, (of which sixty per cent is State funds and forty per cent is District funds), for the purpose of construct-

ing central administrative offices and to purchase necessary equipment, furniture and supplies for such facilities in the New Castle Special School District.

Section 2. Said expenditure shall be made when the State Board of Education determines the necessity therefor and issues its certificate of necessity, and has approved the final plans, specifications and estimates, and as authorized by the School Building Commission of said District. To the extent it is feasible to do so, the procedure set forth in Chapter 529, Volume 50, Delaware Laws, for the expenditure of funds for the school construction program shall be followed.

Section 3. The authority hereby granted in this Act shall expire on December 31, 1963.

Approved February 16, 1962.

CHAPTER 338

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO CONSTRUCT AND MAINTAIN A DAM ACROSS THE MILLSBORO POND ADJACENT TO INDIAN RIVER; ESTABLISHING THE POWER OF THE DEPARTMENT TO ACQUIRE SAID DAM SITE AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. The State Highway Department is hereby authorized and empowered to construct, reconstruct, maintain and repair a Dam across the Millsboro Pond at the site of a presently existing dam, adjacent to the Indian River.

Section 2. The Department is further authorized and empowered to acquire by purchase or otherwise, on such terms and conditions as it may deem proper, or by the exercise of the powers of eminent domain such public lands or parts thereof or rights therein, and any fee absolute or any lesser interest in such private property as it may deem necessary for the carrying out of the provisions of this Act, including any fee simple absolute in, easements upon or the benefit of restrictions upon, abutting property to preserve and protect the dam site.

Section 3. As a matter of legislative intent, the General Assembly hereby finds, determines and declares, that a pressing public need exists for providing an adequate dam across the Millsboro Mill Pond as a means of water conservation and to protect the adjacent highway.

Section 4. There is hereby appropriated to the State Highway Department the sum of \$45,000 for the purpose of carrying out the provisions of this Act. This Act is a supplementary appropriation and the monies hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Section 5. Nothing contained herein nor any action taken by the Department pursuant to the authority contained in this

Act shall be deemed an admission by or on behalf of the State of Delaware that it lacks title to any property, real or personal, condemned pursuant to this Act, the purpose of this Act being to enable the State to acquire title to the dam at Millsboro Mill Pond if it does not already have such title or other interest in said dam.

Approved February 20, 1962.

Note: Section 1 of this Act will appear as Section 145, Title 17, Delaware Code; Sections 2-5 will appear as a note under § 146.

CHAPTER 339

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BOARD OF GAME AND FISH COMMISSIONERS
FOR THE FISCAL YEAR ENDING JUNE 30, 1962, FOR
THE PURCHASE OF RECORDS' POND.**

WHEREAS, Records' Pond and the overlying lands have been appraised as follows: salable high lands around perimeter of Pond—\$16,000; area of Pond under water—\$1,500; present value of dam flood gates and spillway—\$20,000; one acre parcel northwest side of bridge—\$2,500; and

WHEREAS, it is a desirable site for a recreational boating and fishing area,

NOW THEREFORE,

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

Section 1. There is hereby appropriated to the Board of Game and Fish Commissioners for the fiscal year ending June 30, 1962, the sum of \$40,000 for the purchase of Records' Pond, sometimes known as Laurel Pond and the lands overlying the same.

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 20, 1962.

CHAPTER 340

AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE, RELATING TO HOUSE TRAILERS SUBJECT TO A TRAILER TAX.

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

Section 1. Chapter 19, Title 14, Delaware Code, is amended by striking said Section 1930 in its entirety and enacting in lieu thereof a new Section as follows:

§ 1930. Definition

As used in this Subchapter—

“House trailer” includes any vehicle not propelled by its own power generally capable of being drawn on a public highway by a motor vehicle which is or can be used as a home or living abode of one or more persons either temporarily or permanently, including vehicles not capable of immediate motion due to the removal of wheels, connection to tanks or pipes not a part of the trailer and other temporary and correctable conditions. A house trailer not actually used as a residence for 30 days or more in any calendar year shall not be subject to the tax provided by this Subchapter.

Section 2. Section 1933, Title 14, Delaware Code, is amended by adding thereto a new Subsection as follows:

(e) In the event a trailer owner uses the same trailer as a residence at more than one location within this State, he shall pay the tax provided by this Subchapter to the Receiver of Taxes at the place of his legal residence. No other Receiver of Taxes shall attempt to collect said tax if said tax has been paid in the County of legal residence. For purpose of this Subchapter legal residence shall mean voting residence.

Approved March 14, 1962.

CHAPTER 341

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, 1962", BEING CHAPTER 117, VOLUME 53, LAWS OF DELAWARE, BY TRANSFERRING MONIES FROM SALARIES IN DIVISION I TO DIVISION II—OTHER COSTS IN JOHN M. CLAYTON NO. 97.

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

Section 1. Chapter 117, Volume 53, Laws of Delaware is hereby amended by transferring the sum of \$5,768.33 from the appropriation item SALARIES "Teachers" under Division I to the item "A. 1," under Division II—OTHER COSTS in John M. Clayton No. 97.

Approved March 14, 1962.

CHAPTER 342

AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DISASTER, RECOVERY AND REHABILITATION AND SETTING FORTH PROCEDURES TO BE USED IN ADMINISTERING DISASTER RECOVERY AND REHABILITATION FUNDS.

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

Section 1. There is hereby appropriated to the Governor the sum of \$500,000 to be used by the Governor for disaster recovery and rehabilitation, to be known as the Governor's Disaster Recovery and Rehabilitation Fund.

Section 2. The funds appropriated herein shall be disbursed upon vouchers signed by the Secretary of State and approved by the Governor.

Section 3. The Governor may receive and disburse on vouchers signed by the Secretary of State, sums of money from the United States Federal Government for disaster recovery and rehabilitation.

Section 4. The Governor and the Secretary of State are hereby authorized and empowered to do all things necessary and proper to provide for disaster recovery and rehabilitation.

Section 5. The sums hereby appropriated shall not revert to the General Fund at the end of any fiscal year, but shall remain available until used.

Section 6. This Act is a supplemental appropriation Act and the moneys hereby appropriated shall be appropriated out of any moneys in the General Fund not otherwise appropriated.

Approved March 14, 1962.

Note: Sections 3 and 4 of this Act will appear as Section 5702, Title 7, Delaware Code.

CHAPTER 343

AN ACT TO AMEND CHAPTER 87, SECTION 8708, TITLE 10, DELAWARE CODE, RELATING TO FEES OF THE REGISTER IN CHANCERY.

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

Section 1. § 8708, Title 10, Delaware Code, is hereby repealed and a new Section 8708 enacted in lieu thereof to read as follows:

§ 8708. Register in Chancery

The fees charged by the Register in Chancery shall be as prescribed in the Rules of the Court of Chancery.

Approved March 26, 1962.

CHAPTER 344

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE JOINT VETERANS CLAIMS COMMITTEE FOR THE FISCAL YEAR ENDING JUNE 30, 1962, TO PAY EXPENSES OF OPERATION AND CERTAIN CLAIMS OF VETERANS AS DETERMINED PURSUANT TO CHAPTER 82, VOLUME 53, LAWS OF DELAWARE.

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

Section 1. The sum of \$8,682.49 is hereby appropriated to the Joint Veterans Claims Committee for the fiscal year ending June 30, 1962, to pay expenses of operation and claims of veterans as determined pursuant to Chapter 82, Volume 53, Laws of Delaware.

Section 2. This Act is a Supplementary Appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware from monies not otherwise appropriated.

Section 3. Thirty days after the Governor has approved this Act the Joint Veterans Claims Committee shall be abolished.

Section 4. All money not used within thirty days after the Governor has approved this Act shall revert to the General Fund of the State of Delaware.

Section 5. All records now in custody or control of the Joint Veterans Claims Committee and its clerk shall within thirty days after the Governor has approved this Act, be transferred to the custody of the Public Archives Commission.

Approved March 30, 1962.

CHAPTER 345

AN ACT TO ENABLE THE STATE OF DELAWARE TO OBTAIN FROM THE FEDERAL GOVERNMENT AVAILABLE DISASTER RELIEF AND ASSISTANCE.

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

Section 1. Title 7 of the Delaware Code is hereby amended by adding thereto a new Chapter as follows, to be numbered Chapter 57 and to be entitled "Disaster Relief and Assistance."

CHAPTER 57. DISASTER RELIEF AND ASSISTANCE**§ 5701. Declaration of Policy and Intent**

It is hereby declared to be the policy and purpose of the State of Delaware to obtain from the Federal Government all available relief and assistance to alleviate suffering and damage resulting from major disasters, such as flood, storm, hurricane, fire, drought, or other catastrophe, in any part of the State, and to repair or restore essential public facilities that have been damaged or destroyed by a major disaster, and, to that end, to cooperate fully with the Federal Government and its agencies.

§ 5702. Authority of Governor or Designated Representative to Act for State

(a) The Governor, or such officer, agency or department of the State as shall be designated in writing by the Governor to act as the State's representative, is hereby authorized to enter into such agreements with the Federal Government, or an agency thereof, as the Governor or such designated representative shall deem necessary to obtain available relief and assistance from the Federal Government, or its agencies, and to do all other acts or things necessary or convenient to obtain such assistance or to carry out the powers expressly granted by this Chapter and to effectuate its purpose, including the power to act in the acquisition of lands or interests in lands privately owned.

(b) Neither the Governor nor such designated representative shall commit the State to any financial obligation except to the extent of available appropriations; provided, however, that any such agreement authorized by Subsection (a) hereof may specify:

(1) That the State will agree to hold and save the United States and its agents free from any claim for damages which may arise out of the performance of such works and projects to be undertaken by the Federal Government or its agencies pursuant to any such agreement, other than claims arising from the tortious acts of agents or employees of the Federal Government; and

(2) That the State will furnish or provide, free of cost to the United States, all lands, easements, rights-of-way, and other areas or interests in land within the State of Delaware required for or in connection with the performance of the work or project to be undertaken by the Federal Government, or its agencies, in respect of such agreement, and for the maintenance thereafter of such work or project.

§ 5703. Costs and Expense; Fund to be Charged

Such sums as may be required, whether in payment of the costs of necessary legal proceedings, as compensation to property owners, or in furtherance of the provisions of any agreement authorized by § 5702 or this Chapter, shall be charged against any special or emergency appropriation made by the Legislature in connection with the work or project which is the subject matter of the Agreement with the Federal Government or its agencies.

Approved March 30, 1962.

CHAPTER 346

AN ACT TO AMEND SECTION 1118 (8), TITLE 30, CODE OF DELAWARE, RELATING TO THE DELAWARE STATE INCOME TAX LAW, BY PROVIDING AN ALTERNATIVE METHOD FOR THE DEDUCTION OF LOSSES RESULTING FROM CERTAIN DISASTERS.

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

Section 1. Section 1118 (8), Title 30, Delaware Code, is amended by inserting immediately preceding the text of said Subsection by adding the letter "(a)".

Section 2. Section 1118 (8), Title 30, Delaware Code, is amended by adding the following paragraph at the end thereof to read:

(b) In the case of any loss attributable to a disaster, and sustained during the period following the close of the income year and on or before the time prescribed by law for filing the income tax return for the income year (determined without regard to any extension of time); and which occurred in an area declared by the President of the United States by Executive Order to be a disaster area, at the election of the taxable may be deducted for the income year immediately preceding the income year in which the disaster occurs, provided such losses are legal deductions on the Federal income tax return of the taxable for the same income year. The extent of allowance for such losses under this paragraph shall be the same as those allowable for the purposes of the Federal income tax.

Section 3. This Act shall be effective January 1, 1962.

Approved March 30, 1962.

CHAPTER 347

AN ACT MAKING AN APPROPRIATION FOR DISASTER RECOVERY AND REHABILITATION AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY AND ISSUE BONDS AND NOTES THEREFOR.

WHEREAS, the funds appropriated to the Governor's Disaster Recovery and Rehabilitation Fund are insufficient to undertake many of the recovery and rehabilitation projects needed; AND

WHEREAS, the State of Delaware having already been declared a disaster area and eligible to receive Federal funds for disaster recovery and rehabilitation; AND

WHEREAS, such funds are not yet available but can be expected to be available in the near future; AND

WHEREAS, it is imperative to the economy of the State and is necessary for the protection of property from further damage, to commence to undertake disaster recovery and rehabilitation immediately without waiting for Federal funds to become available, 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. Within the appropriation under Section 2 of the Act, the Governor and Secretary of State are hereby authorized and empowered to expend such sums as may be necessary to undertake disaster recovery and rehabilitation projects, which are necessary as a result of the coastal storm of March 6 and 7, 1962, and which can reasonably be calculated to be eligible for Federal participation or reimbursement, including but not limited to the construction, reconstruction, building or rebuilding of roads, streets, sewers, water lines, boardwalks, sea walls, retaining walls, jettys, groins, sand dunes, sidewalks, curbs, or facilities of a public nature. Projects may be undertaken directly by the State, or sums may be appropriated to an instrumentality of the State for a specific project.

Section 2. There is hereby appropriated to the Governor of the State of Delaware the sum of \$1,500,000, to become part of the Governor's Disaster Recovery and Rehabilitation Fund established by Chapter 342, Volume 53, Laws of Delaware, or so much thereof as may be necessary, to be expended 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 during the fiscal year ending June 30, 1962. Any sums of money which remain unexpended at the end of any fiscal year shall not revert to the General Fund of the State of Delaware but shall remain available until the purposes of this Act are fulfilled.

Section 3. In the event that the United States Federal Government reimburses the State or any instrumentality of the State for any of the funds appropriated herein, or for any of the projects undertaken pursuant to this Act, then the funds so reimbursed shall become a part of the Governor's Disaster Recovery and Rehabilitation Fund as established by Chapter 342, Volume 53, Laws of Delaware. Upon completion of all the recovery and rehabilitation projects, as approved pursuant to Chapter 342, Volume 53, Laws of Delaware, or upon certification by the Governor that a portion or all of such moneys in such fund are no longer required for disaster recovery and rehabilitation, the sums remaining in said fund shall be expended to retire any notes issued pursuant to the Act and any sums then remaining shall be expended to retire any bonds issued pursuant to this Act.

Section 4. 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 \$1,500,000, which shall be used for the purposes set forth in this Act.

The 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

\$1,500,000. The bonds shall be issued in such series and amounts as the Issuing Officers shall determine.

Section 5. 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 4 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, 1964. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed \$1,500,000.

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 6. 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 7. 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 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 8. 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, 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 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 or shall have a facsimile 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 said bonds.

Section 9. For the purpose of designation and identification, any bond issued under the authority of this Act shall be known and styled "Disaster Recovery and Rehabilitation Bond of 1962."

Section 10. 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 fact 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 11. 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, pro-

vided 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 12. 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 13. 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 fiscal years ending June 30, 1962, or June 30, 1963, 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 fiscal year ending June 30, 1963. 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 14. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year beginning July 1, 1962, 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 March 30, 1962.

CHAPTER 348

AN ACT TO AMEND CHAPTER 83, TITLE 16, DELAWARE CODE, ENTITLED BUILDING CODE FOR RURAL NEW CASTLE COUNTY, BY INCLUDING INDUSTRY AND INDUSTRIAL BUILDINGS WITHIN THE BUILDING CODE.

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

Section 1. Section 8301, Chapter 83, Title 16, Delaware Code, is amended by repealing Section 8301 and enacting a new Section 8301 in lieu thereof to read as follows:

§ 8301. Promulgation of Building Code

The Levy Court of New Castle County shall promulgate rules and regulations, to be known as the Building Code for rural New Castle County, providing for matters concerning, affecting or relating to construction, alteration, repairs, removal, demolition, equipment, use or occupancy, location and maintenance of buildings or structures erected or to be erected in New Castle County, outside of the city limits of the City of Wilmington and outside of incorporated towns or cities and excluding farm properties.

Section 2. Section 8312, Chapter 83, Title 16, Delaware Code, is repealed and a new Section 8312 enacted in lieu thereof, to read as follows:

§ 8312. Fees for Permits

The fees for issuing permits shall be prescribed by the Levy Court of New Castle County, subject to the following limitations, such limitations to be applicable only to buildings of an industrial concern used in furtherance of its general businesses and to buildings built by industrial concerns for use of their employees.

(a) The basis for establishing permit costs shall be limited to the building and its functional parts, i. e., architectural, structural, heating and air conditioning, ventilation, electrical lighting, plumbing and drainage.

(b) The maximum fee for any one permit shall be \$2,000.00.

Section 3. Section 8317, Chapter 83, Title 16, Delaware Code, is amended by striking out the words "nor to properties used for industrial purposes" from lines 3 and 4 and inserting in lieu thereof "nor to structures used for industrial purposes but shall be applicable to buildings of an industrial concern used in furtherance of its general businesses and to buildings built by industrial concerns for use of their employees."

Approved April 17, 1962.

Note: On May 21, 1962, this Act was declared to be unconstitutional by opinion of the Delaware Supreme Court. In re Opinion to the Governor concerning the Constitutionality of Senate Bills 308, 357, 358 and House Bill 504; Delaware Supreme Court No. 30, 1962; 50 Del.....; 181 A2d 215.

CHAPTER 349

**AN ACT TO AMEND § 2121, TITLE 21, DELAWARE CODE,
RELATING TO MOTOR VEHICLE LICENSE PLATES
TO REQUIRE THE INSERTION OF CERTAIN WORDS
THEREON.**

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

Section 1. § 2121 (b), Title 21, Delaware Code, is hereby amended by adding at the end of said Sub-section a new sentence as follows:

Each number plate and special plate may have displayed thereon, in addition to all other numbers or letters required by this Sub-section the words: "THE FIRST STATE".

Approved April 13, 1962.

CHAPTER 350

AN ACT TO AMEND SECTION 4301, TITLE 29, DELAWARE CODE, RELATING TO APPOINTMENT OF NOTARIES PUBLIC.

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

Section 1. Section 4301 (a), Title 29, Delaware Code, is repealed and a new Section 4301 (a) enacted in lieu thereof to read as follows:

(a) In addition to the Notaries Public authorized to be appointed under Sections 4302-4304 of this Title, the Governor may appoint as many Notaries Public as he may decide is necessary and proper in each county of the State.

Approved April 13, 1962.

CHAPTER 351

**AN ACT TO AMEND TITLE 30, DELAWARE CODE OF 1953,
RELATING TO THE INCOME TAX AND PROVIDING
FOR THE DECLARATION AND PAYMENT OF ESTI-
MATED INCOME TAX.**

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

Section 1. Chapter 11, Title 30, Delaware Code of 1953, is amended by adding thereto a new Subchapter VIII to read:

**SUBCHAPTER VIII. DECLARATION OF ESTIMATED
INCOME TAX****§ 1201. Declaration of Estimated Income Tax**

(a) Every taxable who in any taxable year commencing after December 31, 1961, can reasonably expect to receive net income taxable under Chapter 11 of this Title, in excess of \$6,000, from sources other than salaries or wages from which a withholding for Delaware Income Tax is made under provisions of Chapter 11, Subchapter VII, of this Title, shall file with the State Tax Department a declaration of his estimated tax for such taxable year.

(b) In the declaration the taxable shall state:

(1) The amount which he estimates as the tax due under Section 1111 of this Title, with respect to the taxable year;

(2) The amount which he estimates as the credits to which he will be entitled for taxes withheld under Chapter 11, Subchapter VII, of this Title during the taxable year;

(3) The excess of paragraph (1) over paragraph (2), which for the purposes of this Subchapter shall be considered the estimated tax for the taxable year; and

(4) Such other information as the commissioner may prescribe.

(c) The declaration shall be filed on or before May 31 of the taxable year, except that if the requirements of Section 1201 of this Subchapter are first met—

(1) After April 1, and before July 2, the declaration shall be filed on or before August 31; or

(2) After July 1, and before October 2, the declaration shall be filed on or before November 30;

(3) After October 1, the declaration shall be filed on or before February 28 of the succeeding year.

(d) The Commissioner shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax.

(e) A taxable may make amendments to any declaration of estimated tax in compliance with regulations prescribed by the Commissioner.

(f) If on or before February 28 of the succeeding year, a taxable shall file a return for the year for which the declaration is required and shall pay in full the amount computed on the return as payable, then, under regulations prescribed by the Commissioner, if the declaration is not required to be filed during the taxable year but is required to be filed on February 28, such return shall, for the purposes of this Section, be considered as such declaration, if the tax shown on the return, reduced by credits permitted in (b) above, is greater than the estimated tax shown in a declaration previously made or in the last amendment thereof, such return shall, for the purposes of this Section, be considered as the amendment of the declaration permitted by this Section to be filed on or before February 28.

(g) In the case of a husband and wife, a single declaration of estimated tax may be made by them jointly; but in such case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made unless at the time when the declaration is due, the husband and wife are lawfully married and are not separated by a decree of

divorce or separate maintenance. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

§ 1202. Rates

The rates of tax to be applied and used in computing the amount of tax due on the declaration of estimated tax, shall be the rates of tax imposed by Section 1111, of this Title.

§ 1203. Payment of estimated tax

(a) The estimated tax declared under Section 1201 of this Subchapter shall be paid as follows:

(1) If the declaration is filed on or before May 31 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of filing of the declaration, the second on August 31, the third on November 30 of the taxable year, and the fourth on February 28 of the succeeding taxable year.

(2) If the declaration is filed after May 31, and not after August 31 of the taxable year, and is not required by Section 1201 to be filed on or before May 31 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of filing the declaration, the second on November 30, and the third on February 28 of the succeeding taxable year.

(3) If the declaration is filed after August 31, and not after November 30 of the taxable year, and is not required by Section 1201 to be filed on or before August 31 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of filing of the declaration, and the second on February 28 of the succeeding taxable year.

(4) If the declaration is filed after November 30 of the taxable year, and is not required by Section 1201 to be filed on

or before November 30 of the taxable year, the estimated tax shall be paid in full at the time of filing of the declaration.

(5) If the declaration is filed after the time prescribed in Section 1201 including extensions of time for such filing, paragraph (1), (2) and (3) of this Subsection shall not apply, and there shall be paid at the time of such filing all the installments which would have been payable on or before such time if the declaration had been filed within the time prescribed in Section 1201, and the remaining installments shall be paid at the times which, and in the amounts which, they would have been payable if the declaration had been so filed.

(6) If any amendment is filed, the remaining installments, if any, shall be ratably increased or decreased as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment. If any amendment is made after November 30 of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(7) At the election of the taxable, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(b) The application of this Section to estates of deceased persons, and to other taxables having taxable years of less than 12 months, shall be in accordance with regulations prescribed by the Commissioner.

§ 1204. Farmers

In the case of a taxable whose estimated gross income from farming for the taxable year is equal to at least two-thirds of his total gross income from all sources for the taxable year, in lieu of the time prescribed in Section 1201 of this Subchapter, the declaration for the taxable year may be made at any time on or before February 28 of the succeeding year. If such taxable makes a declaration of estimated tax after November 30 of the taxable year, and on or before February 28 of the succeeding taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

§ 1205. Fiscal Years

The provisions of Sections 1201, 1203 and 1204 of this Subchapter shall be applicable in all respects to taxables reporting on a fiscal year basis, except that there shall be substituted for the months specified in such sections, the months corresponding thereto in accordance with regulations prescribed by the Commissioner.

§ 1206. Credit of Payments

All payments of estimated tax made by any taxable pursuant to Section 1203 of this Subchapter shall be deemed and credited as payments on account of the tax imposed on income for the taxable year under Section 1111 of this Title.

§ 1207. Penalty for Under-statement of Declaration

(a) In the case of any under-payment of estimated tax, except as provided in Subsection (b) of this Section, there shall be added to the tax due under Chapter 11, of this Title for the taxable year, an amount determined at the rate of four per cent per annum upon the amount of the under-payment for the period of the under-payment. For the purposes of this Subsection "the amount of the under-payment" shall be the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to seventy per cent, or sixty-six and two-thirds per cent in the case of a farmer referred to in Section 1204 of this Subchapter of the tax shown on the return for the taxable year, or, if no return is filed seventy per cent or sixty-six and two-thirds per cent, as the case may be, of the tax for such year over the amount, if any, of the installment paid on or before the last date prescribed for such payment. For the purposes of this Subsection "the period of under-payment" is the period from the date the installment was required to be paid to the 30th day of the fourth month following the close of the taxable year, or with respect to any portion of the under-payment, to the date on which such portion is paid, whichever is earlier. A payment of estimated tax on any installment date shall be considered a payment of any previous installment only to the extent that such payment exceeds the amount of the installment upon such installment date.

(b) Notwithstanding the provisions of Subsection (a), above, the addition to the tax with respect to any under-payment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment shall equal or exceed the lesser of (1) or (2) as follows—

(1) The amount which would have been required to be paid on or before such date if the estimated tax were the lesser of (i) or (ii) as follows—

(i) The tax shown on the return of the taxable for the preceding taxable year, if a return showing a liability for tax was filed by the taxable for the preceding taxable year, and such preceding year was a taxable year of twelve months, or

(ii) An amount equal to the tax computed, at the rates applicable to the taxable year on the basis of the taxable's status with respect to his personal exemption and deductions for spouse and dependents for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

(2) An amount equal to ninety per cent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid.

(c) For the purposes of applying this Section the estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under Section 1201 (b) of this Subchapter, and the amount of credit allowed under said Section 1201 (b) for the taxable year shall be deemed a payment of the estimated tax, and an equal part of such amount shall be deemed paid on each installment date, determined under Section 1203 for such taxable year, unless the taxable shall establish the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

(d) For the purposes of Subsections (a) and (b) of this Section, the term "tax" means the tax imposed by Chapter 11, of this Title, reduced by the credit against the tax allowed under this Title.

§ 1208. Not Applicable to Estates or Trusts

The provisions of this Subchapter shall not apply to an estate or trust.

§ 1209. Administration by Commissioner

The administration of this Subchapter is hereby vested in the Commissioner. All forms necessary and proper for the enforcement of this Subchapter shall be prescribed and furnished by the State Tax Department. The Commissioner may prescribe rules and regulations, not inconsistent with the law, to carry into effect the provisions of this Subchapter, which regulations and rulings, when reasonably designed to carry out the intent and purpose of this Subchapter, shall be prima facie evidence of its proper interpretation.

Section 2. Sections 2 and 3 of Chapter 104, Volume 53, Laws of Delaware, are hereby repealed.

Approved April 17, 1962.

CHAPTER 352

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, SO AS TO PROVIDE THAT DISTRIBUTIONS OF STOCK PURSUANT TO AN ORDER ENFORCING THE ANTI-TRUST LAWS SHALL NOT BE TREATED AS A DIVIDEND BUT AS A GAIN TO THE EXTENT THE BASIS OF THE UNDERLYING STOCK IS EXCEEDED.

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

Section 1. Chapter 11, Title 30, Delaware Code, is amended by adding the following new Section:

§ 1148. Distributions of Stock pursuant to order enforcing the Anti-trust Laws

Notwithstanding Section 1101, a distribution of divested stock as defined in Section 1111 of the Internal Revenue Code of 1954, as amended, (U. S. Code, Title 26), shall not be deemed to be a distribution out of the earnings and profits of the distributing corporation, but the fair market value of such divested stock shall be applied against and reduce the basis of the stock with respect to which the distribution was made (but not below zero) and, to the extent that such value exceeds such basis, the excess shall be treated as capital gain. Where the stock with respect to which the distribution was made has been held for six months or more, only fifty percent of the capital gain shall be taken into account in computing net income.

Section 2. Section 1132 of Chapter 11, Title 30, Delaware Code, is amended by adding the following new paragraph:

(9) In the case of stock which was acquired in a distribution to which Section 1148 was applicable, the basis shall be its fair market value on the date of distribution.

Section 3. The amendments made by this Act shall apply only with respect to distributions made after the date of its enactment.

Approved April 19, 1962.

CHAPTER 353

AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY PROVIDING FOR THE STANDARDIZATION OF SCHOOL CONSTRUCTION PLANS AS A BASIS FOR STATE AID AND BY PROVIDING FOR ALTERNATIVE SCHOOL CONSTRUCTION PLANS IN DISTRICT REFERENDA.

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

Section 1. Title 14, Delaware Code, is hereby amended by enacting and adding a new Chapter thereto as follows:

CHAPTER 20. STANDARD SCHOOL CONSTRUCTION

§ 2001. Definitions

As used in this Chapter—

“District” means either a School District or a Special School District, or both;

“School Board” means either a Board of School Trustees of a School District or a Board of Education of a Special School District, or both.

§ 2002. Establishment of Standard Formula

The State Board of Education shall establish a standard school construction formula which shall be uniform throughout the State. The standard formula so established shall take into consideration the different educational requirements at the various grade levels and the number of pupils for whom the facilities are planned.

§ 2003. Determination of Costs for State Aid

The State Board of Education shall use the standard school construction formula for determining the cost of school construction, either new or additions, for the various Districts. Such costs shall be used as the base upon which State Aid for school construction to the various Districts shall be allocated.

§ 2004. Construction of Facilities Exceeding the Standard Formula

The provisions of this Chapter shall not be construed so as to prevent the State Board of Education from approving school construction requests submitted by Districts when such requests vary from the standard formula, provided, however, that when the costs of the facilities so approved exceed the costs determined by the standard formula, the voters in the District so affected shall have the power to authorize and limit by referendum the expenditure of funds to the amount based on the standard formula, such referendum to be held in accordance with the provisions of Chapter 21 of this Title. The following words shall be written or printed on the ballots used in such election:

A. Vote for One

For the bond issue in the amount of \$.....
as determined from the standard formula by
----- the State Board of Education
----- Against the bond issue.

B. Vote for One

For the bond issue in the amount of \$.....
----- as recommended by the School Board.
----- Against the bond issue.

The amounts of the proposed bond issues shall be inserted in the appropriate spaces on the ballot.

In the event that each of the proposals for the bond issue receives a majority of the votes cast, the proposal receiving the higher number of votes shall be deemed to be the proposal authorized. Otherwise, the conduct of the election shall be the same as that set forth in Chapter 21 of this Title.

Section 2. Any Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Approved April 24, 1962.

CHAPTER 354

**AN ACT TO AMEND CHAPTER 331, VOLUME 53, LAWS OF
DELAWARE, TO PROVIDE ADDITIONAL FUNDS FOR
CAPITAL IMPROVEMENTS.**

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. Section 13 of Chapter 331, Volume 53, Laws of Delaware, is amended by adding to the table contained therein the following entry:

Name of District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Marshallton #77	\$905,000	\$543,000	\$362,000

Section 2. Chapter 331, Volume 53, Laws of Delaware, is further amended by changing the words and figures showing the totals, Maximum Total Cost, Maximum State Share, and Maximum Local Share in Section 13 and in other Sections of said Chapter to reflect the amounts of the increase as authorized in Section 1 of this amendment.

Approved April 25, 1962.

CHAPTER 355

AN ACT TO AMEND CHAPTER 25 OF TITLE 14 OF THE DELAWARE CODE IN RELATION TO THE CREATION OF NEW HIGH SCHOOL DISTRICTS.

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

Section 1. Section 2507 (a) of Title 14 of the Delaware Code, is hereby amended to read as follows:

(a) The State Board of Education may create new High School Districts, outside of the City of Wilmington. No High School District so created shall include any part of any present Special School District, without the expressed written consent of the Board of Education of such Special School District, signed by its president and attested by its secretary. Any High School District super-imposed on two or more School Districts, or one or more School Districts and one or more Special School Districts, may be divided by the State Board of Education into two or more High School Districts, one of which shall retain the name of the original High School District, after a referendum conducted by the School Board of the affected High School District. Said referendum shall be conducted in the same manner as are other school referendums as provided in Chapter 11 of this title. All personal property of the former High School District shall be apportioned upon the basis of high school enrollments in the resulting High School Districts as of September 30, next. In the event that the Boards of the new High School Districts cannot come to an agreement on such distribution, the Superintendent of the Department of Public Instruction shall make the distribution which shall be final.

The notice of referendum shall distinctly state that in case the division is effected the School Board of the New School District retaining the name of the original High School District shall continue to pay the principal of and interest on existing bonded indebtedness of the former High School District, and shall bill the new High School District or Districts for a portion or portions of such indebtedness as the same becomes due on the basis of assessed valuations until such indebtedness has been

paid. The new High School Board shall levy and collect taxes on all of the taxable property (or per capita) of the new High School District in the amount of such bill to provide the funds for the payment of such principal and interest. The School Board of the High School District retaining the name of the original High School District, may, if necessary, maintain an action therefor against the School Board of the new High School District or Districts.

The notice of referendum shall also state that the rate of tax for current expenses in the resulting High School Districts shall be continued but shall not exceed the rate authorized by referendum in the original High School District prior to the division without new referendum to authorize such taxes.

Section 2. Title 14, Section 2507 (b), Delaware Code, is hereby amended by adding at the end thereof the following:

Upon the division of a High School District, the School Board of the original High School District shall immediately be dissolved and interim School Boards for the resulting High School Districts composed of 5 members shall be appointed by the State Board of Education, and these shall serve until new School Boards are elected and shall qualify. The new School Boards shall be composed of 5 members who shall be elected at an election to be held on the second Saturday of May following the date when this section is made applicable to the Districts. The provisions of Chapter 3 of this title shall govern such first election, except as otherwise herein provided:

(1) At the first election, 5 members of the School Board of the District shall be elected, 1 of whom shall be elected for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years, and 1 for 5 years from the first day of July next succeeding their election. The person receiving the highest number of votes shall be elected for a term of 5 years; the person receiving the next highest number of votes, for a term of 4 years; the person receiving the third highest number of votes, for a term of 3 years; the person receiving the fourth highest number of votes, for a term of 2 years; and the person receiving the fifth highest number of votes, for a term of 1 year.

(2) At each annual election thereafter, the successor of every member of the School Board of the District shall be elected by the qualified voters of the District for a term of 5 years from the first day of July next succeeding his election and until his successor qualifies.

Section 3. Title 14, Section 2507, Delaware Code, is hereby amended by adding thereto a new Subsection (i) to read as follows:

(i) Subsections (g) and (h) of this Section shall become null and void in the event of a division of the Henry C. Conrad High School District, provided, however, in such event there shall be on the School Board of each new District at least one member residing in each other school district located wholly or in part within the new High School District.

Approved April 25, 1962.

CHAPTER 356

AN ACT TO AMEND CHAPTER 11 OF TITLE 14 OF THE DELAWARE CODE IN RELATION TO THE CONSOLIDATION OF SCHOOL DISTRICTS.

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

Section 1. Section 1108 (a) of Title 14 of the Delaware Code, is hereby amended to read as follows:

(a) The State Board of Education may, when in the Board's judgment it is practicable and desirable consolidate two or more School Districts or a School District and a Special School District or two Special School Districts or a High School District and one or more School Districts which are contiguous, provided that before doing so it shall post a notice of the proposed change four weeks prior thereto on the front door of the school house or school houses and in at least ten other prominent and conspicuous places in the District or Districts concerned. At the expiration of the four-week period, the question of consolidation shall be submitted by referendum to the voters of the District or Districts affected.

Section 2. Section 1108 (b) of Title 14 of the Delaware Code, is hereby amended to read as follows:

(b) The notice of the referendum shall distinctly state that in case the consolidation is effected, the outstanding bonds of the consolidating Districts, if any, shall be assumed by the consolidated District and paid in accordance with one of the following methods—the specific method, to be selected by the School Boards of the affected Districts, shall be stated in the referendum notice:

(1) The bonds of each of the consolidating Districts, if any, shall become the common obligation of all of the residents of the consolidated District, and the principal and interest on the outstanding bonds shall be paid according to the original terms as to principal and interest by means of a common tax levied uniformly throughout the consolidated District.

(2) The bonds of each of the consolidating Districts, if any, shall continue to remain the obligations of the residents of the respective School Districts, as each District was constituted prior to consolidation, until the bonds of each respective former District have been paid according to the original authorization with respect to principal and interest.

The notice of the referendum shall also state that the rate of tax for current expenses in the consolidated District shall not be in excess of the highest rate that was authorized in any of the Districts to be consolidated, without a new referendum to authorize such taxation. Where there is a consolidation of a High School District and one or more School Districts, the rate of tax for current expenses in the consolidated District shall not be in excess of the highest rate which was authorized in any of the School Districts to be consolidated plus the then authorized rate of taxes for current expenses of the High School District, without a new referendum to authorize such taxation.

The notice of the referendum shall further state that in the case of consolidation, all new bonds issued by the consolidated District shall become the common obligation of the residents of the consolidated District.

In case any School Districts consolidate under method (2) of this Section, the Board of the consolidated District shall be responsible for preparing and maintaining the list of taxable property and capitations for each of the respective Districts, as each was constituted prior to consolidation, and shall continue to levy the taxes to pay for the principal and interest on the bonded indebtedness of each respective District, and the Receiver of Taxes of the County shall deposit such tax monies in the approved manner to the account of the Board of the consolidated District. The Board of the consolidated District shall keep such accounts as are necessary showing the receipts from such taxes and payments made on bonded indebtedness and interest of each School District.

Approved April 25, 1962.

CHAPTER 357

**AN ACT TO AMEND PART III, TITLE 19, DELAWARE CODE,
RELATING TO UNEMPLOYMENT COMPENSATION, BY
CHANGING CERTAIN OF THE ELIGIBILITY PROVIS-
IONS THEREOF.**

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

Section 1. § 3314 (3), Title 19, Delaware Code, is amended by adding thereto an additional sentence, to read:

Provided that no unemployed individual shall become ineligible for benefits solely because he regularly attends a vocational training course which the Commission has approved and which it continues from time to time to approve for the individual. The Commission may approve such course for an individual only if (a) reasonable employment opportunities for which the individual is fitted by training and experience do not exist in the locality or are severely curtailed; (b) the training course relates to an occupation or skill for which there are expected to be in the immediate future reasonable employment opportunities in the locality; (c) the training course is determined by the Commission to be reasonably calculated to meet the purposes of this Subsection; and (d) the individuals, in the judgment of the Commission, have the required qualifications and aptitudes to complete the course successfully.

Section 2. The first paragraph of § 3315 (3), Title 19, Delaware Code, is amended to read:

(3) If he has refused to accept an offer of work for which he is reasonably fitted, or has refused to accept a referral to a job opportunity when directed to do so by a local employment office of this State or another State, and the disqualification shall begin with the week in which the refusal occurred and shall continue for the duration of the period of unemployment during which such refusal occurred; provided that no individual shall be disqualified under this Subsection for refusing to accept an offer of work or a referral while he is attending a vocational training course approved by the Commission if the acceptance

of such offer or referral would prevent him from completing the course. No individual otherwise qualified to receive benefits shall lose the right to benefits by reason of a refusal to accept a referral or new work if—

Approved April 25, 1962.

CHAPTER 358

AN ACT TO AMEND CHAPTER 67, TITLE 21, DELAWARE CODE, RELATING TO DRIVING A VEHICLE WITHOUT THE CONSENT OF THE OWNER.

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. § 6702, Title 21, Delaware Code, is amended to read as follows:

§ 6702. Driving vehicle without consent of owner

(a) No person shall drive a vehicle not his own, without the consent of the owner thereof, and with intent temporarily to deprive the owner of his possession of such vehicle, but without intent to steal the vehicle. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person.

(b) Whoever violates this Section shall be fined not less than \$100 nor more than \$500, or imprisoned not more than 90 days, or both; for each subsequent like offense he shall be fined not less than \$200 and imprisoned for not less than 30 days nor more than two years.

Approved April 26, 1962.

CHAPTER 359

AN ACT TO AMEND TITLE 11, DELAWARE CODE, CHAPTER 23, RELATING TO SEARCH AND SEIZURE.

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. Title 11, Delaware Code, Sections 2301, 2304, 2305, 2306 and 2307 are hereby amended by striking out the words "house and place" wherever they appear in said Sections, and substituting in lieu thereof the words "house, place, conveyance or person".

Section 2. Chapter 23, Title 11, Delaware Code, is hereby amended by adding thereto a new Section 2310 to read:

§ 2310. Short form of Affidavit, Application and Search Warrant

(a) The following shall be sufficient form of affidavit and application for search warrant:

IN THE (NAME OF COURT)

STATE OF DELAWARE

IN THE MATTER OF:

(NAME OF PERSON, HOUSE,
PLACE OR THING TO BE
SEARCHED)

} AFFIDAVIT AND
APPLICATION
FOR SEARCH

STATE OF DELAWARE

.....COUNTY

} SS.

Be it remembered that on this.....day of
....., A. D. 19....., before me (name of judge or
justice of peace and designation of court), personally appeared
(name and rank of affiant and designation of police department
of which affiant is a member), who being by me duly sworn (or
affirmed) deposes (or depose) and says (or say):

That he (or they) has (or have) reason to believe and does (or do) believe that in the (house, place, conveyance, or person known as.....designate and describe briefly,) the owner (s) (or occupant (s)) of which is (are) (name and owner or owners, occupant or occupants) there has been and/or there is now located and/or concealed certain property in said house, place, conveyance and/or on the person or persons of the occupants thereof, consisting of property, papers, articles, or things which are the instruments of a criminal offense, and/or obtained in the commission of a crime, and/or designated to be used in the commission of a crime, and not reasonably calculated to be used for any other purpose and/or the possession of which is unlawful and, in particular, (describe the property or person expected to be found) which said property, papers, articles, or things were, are, or will be possessed and/or used in violation of Title 11, Chapter....., Section....., Delaware Code, in that (Designate offense by name and brief statement of its commission).

And that the facts tending to establish probable cause for believing that the foregoing grounds for the application exist are as follows:

(State briefly only. Also, if authority is sought to search a dwelling house in the night time, set forth briefly the facts which show that the night time search is necessary to prevent the escape or removal of the person or thing to be searched for.)

WHEREFORE, this (these) affiant (s) prays (or pray) that a search warrant may be issued authorizing a search of the aforesaid (house, place, conveyance, person or persons, or occupant or occupants) in the manner provided by law.

.....
Affiant

.....
Affiant

SWORN to (or affirmed) and subscribed before me this
.....day of....., A. D. 19.....

.....
(Judge or Justice of Peace—
Designate name, title, and court)

(b) The following shall be a sufficient form of search warrant where search of a dwelling house in the night time is not authorized.

IN THE (NAME OF COURT)

STATE OF DELAWARE

IN THE MATTER OF:

(NAME OF PERSON, HOUSE,
PLACE OR THING TO BE
SEARCHED)

} SEARCH WARRANT

THE STATE OF DELAWARE TO: (Name, and rank of person or persons directed to make search and designation of police department of which such persons are members) with the assistance of any police officer or constable or any other necessary or proper person or persons or assistance.

GREETINGS:

Upon the annexed affidavit and application or complaint for a search warrant, as I am satisfied that there is probable cause to believe that certain property, namely (describe the property) used or intended to be used for.....

.....,
is being concealed on the (premises) (person) described in the annexed affidavit and application or complaint;

NOW THEREFORE, YOU ARE HEREBY COMMANDED within ten days of the date hereof to search the above-named person, persons, house, conveyance, or place for the property specified in the annexed affidavit and application, and to search any occupant or occupants found in the house, place, or conveyance above named for such property, serving this warrant and making the search in the daytime, or in the night time if the property to be searched is not a dwelling house, and, if the property, papers, articles, or things, or any part thereof, be found there, to seize it, prepare a written inventory of the property seized, and to return the property and this warrant to me forthwith with the written inventory and the person or persons in whose custody or possession the property was found to be dealt with according to law.

DATED the.....day of.....,
A. D. 19.....

.....
(Judge or Justice of Peace—
designate name, title, and court)

(c) The following shall be sufficient form of search warrant where search of a dwelling house in the night time is authorized:

IN THE (NAME OF COURT)

STATE OF DELAWARE

IN THE MATTER OF:

(NAME OF PERSON, HOUSE,
PLACE OR THING TO BE
SEARCHED)

} SEARCH WARRANT

THE STATE OF DELAWARE TO: (name and rank of person or persons directed to make search and designation of police department of which such persons are members) with the assistance of any police officer or constable or any other necessary or proper person or persons or assistance.

GREETINGS:

Upon the annexed affidavit and application or complaint for a search warrant, as I am satisfied that there is probable cause to believe that certain property, namely (describe the property) used or intended to be used for.....

.....,
is being concealed on the premises) (person) described in the annexed affidavit and application or complaint; and that search of the premises in the night time is necessary in order to prevent the escape or removal of the person or thing to be searched for;

NOW THEREFORE, YOU ARE HEREBY COMMANDED forthwith to search the above-named person, persons, house, place or conveyance for the property specified in the annexed affidavit and application, and to search any occupant or occu-

pants found in the house, place, or conveyance above named for such property serving this warrant and making the search in the daytime, or in the night time and, if the property, papers, articles, or things, or any part thereof, be found there, to seize it, prepare a written inventory of the property seized and to return the property and this warrant to me forthwith with the written inventory and the person or persons in whose custody or possession the property was found to be dealt with according to law.

DATED the.....day of.....,
A. D. 19.....

.....
(Judge or Justice of Peace—
Designate name, title, and court)

Approved April 26, 1962.

CHAPTER 360

AN ACT TO AMEND CHAPTER 71, TITLE 10, DELAWARE CODE, REDEFINING THE WORD "NUISANCE".

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

Section 1. § 1701, Title 10 of the Delaware Code, is amended to read as follows:

§ 7101. Definitions

As used in this Chapter—

"Nuisance" means any place, as defined in this Section, in or upon which lewdness, assignation, prostitution, or illegal gambling is conducted, permitted, continued, or exists and the personal property and contents used in conducting or maintaining any such place for any such purpose;

"Person" or "whoever" includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee;

"Place" includes any building, erection, or place or any separate part or portion thereof, or the ground itself.

Approved April 26, 1962.

CHAPTER 361

AN ACT TO AMEND TITLE 11, DELAWARE CODE OF 1953, CHAPTER 3, SUBCHAPTER XXXV, ENTITLED "LOTTERIES, GAMBLING AND BETTING" BY PROVIDING PENALTIES FOR VIOLATIONS OF SECTIONS 661, 662, 663, 664, 665, 666, 667, 669, AND 670.

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

Section 1. Title 11, Delaware Code of 1953, Chapter 3, Subchapter XXXV entitled "Lotteries, Gambling and Betting" be and the same is hereby amended by adding a new Section at the end of said Subchapter as follows:

§ 670 (A). Penalties

Whoever shall be convicted of violating Sections 661, 662, 663, 664, 665, 666, 667, 669 and 670 of this Chapter shall, for a first offense, be fined not more than \$500, or imprisoned not more than 6 months, or both; for a second offense, be fined not more than \$3,000, or imprisoned not more than 1 year or both; and for a third and all subsequent offenses, be fined not more than \$5,000, and imprisoned not more than 3 years.

Section 2. All parts of said Sections of Title 11, Chapter 3, Sub-Chapter XXXV which are inconsistent herewith be and the same are hereby repealed.

Approved April 26, 1962.

CHAPTER 362

AN ACT TO AMEND CHAPTER 51, TITLE 6, DELAWARE CODE, RELATING TO THE WEIGHT FOR BREAD LOAVES.

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

Section 1. Section 5127, Title 6 of the Delaware Code, is amended by striking out Section 5127 as it now appears and inserting in lieu thereof a new Section 5127 to read as follows:

§ 5127. Bread

1. Each loaf of bread and each unit of a twin or multiple loaf of bread, made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, may be of any weight.

2. The net weight shall be shown on a label in legible printing at least 1/4 inch in height. The net weight as stated shall be within reasonable variations or tolerances that shall be promulgated by regulation by the director. It shall be placed adjacent to the brand name in a conspicuous place in contrasting color.

3. The provisions of this Section shall not apply to biscuits, buns, or rolls, weighing 4 ounces or less, or to "stale bread" sold and expressly represented at the time of sale as such.

Approved April 30, 1962.

Note: This supersedes part of Chapter 187.

CHAPTER 363

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO USE TWENTY-FOUR ACRES OF STATE OWNED LANDS IN SUSSEX COUNTY, NOW BEING USED BY THE STATE BOARD OF CORRECTIONS.

WHEREAS, The Sussex County Division of the State Highway Department is located within the limits of the Town of Georgetown, and

WHEREAS, there are insufficient facilities and space to efficiently operate, the Division Headquarters within the Town of Georgetown, and

WHEREAS, the Division Headquarters must be centrally located in Sussex County for proper administration and operation, and

WHEREAS, the State Board of Corrections has the use of approximately 300 acres of State lands on Route No. 113, which is centrally located in Sussex County, and

WHEREAS, the State Highway Department desires to establish an administration and maintenance headquarters for its Sussex County Division on twenty-four acres of the State owned lands under the use of the State Board of Corrections,

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

Section 1. The following described real estate owned by the State of Delaware located in Sussex County is hereby transferred from the use of the State Board of Corrections to the use of the State Highway Department for the purpose of establishing an administration and maintenance headquarters for the Sussex County Division of the State Highway Department:

All that certain tract, piece or parcel of land situated in Georgetown Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

BEGINNING at the Southeast intersection of the right of ways of Route No. 113 and Route No. 431; thence South

38°15' East 1000 feet along and with the right of way of Route No. 113 to a point; thence North 25°14' East 1300 feet to a point; thence North 38°15' West 1000 feet to a point on the right of way of Route No. 431; thence South 25°14' West 1300 feet along and with the right of way of Route 431, home to the place of beginning, containing in all twenty-four (24) acres of land more or less.

Approved April 30, 1962.

CHAPTER 364

AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO THE PUBLIC SERVICE COMMISSION AND TO THE REQUIREMENT FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AND THE ISSUANCE OF SUCH CERTIFICATE ON THE BASIS OF GRANDFATHER RIGHTS.

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

Section 1. § 162, Title 26, Delaware Code, is amended by adding at the end of the present Title thereto the following punctuation and language:

“; Grandfather Rights of Motor Carriers of Freight, Property and/or Commodities for Hire”

Section 2. § 162, Title 26, Delaware Code, is further amended by adding the following language after the word “of” and before the word “sections” in the first sentence thereof:

“Sub-section (b) of this section and of”

Section 3. § 162, Title 26, Delaware Code, is further amended by designating the section in its present form, with the amendments set forth in Sections 1 and 2 of this Act, as Sub-section (a) and by placing “(a)” at the beginning of said Sub-section.

Section 4. § 162, Title 26, Delaware Code, is further amended by adding thereto a new paragraph to be known as § 162 (b) as follows:

(b) If any individual, co-partnership, association, corporation, joint stock company, agency or department of the State, cooperative, or the lessee, trustees or receivers thereof (or the predecessor in interest of any such person, party or legal entity), was in bona fide operation within the State of Delaware on July 1, 1961 in the transportation by motor vehicle of property, freight and/or commodities of any kind

whatsoever for hire in intra-state commerce between places located within the State of Delaware (or if engaged in furnishing seasonal service only was in bona fide operation on July 1, 1961 ordinarily covered by its operation, but with respect to such person, party or legal entity, there was not in existence any Certificate of Public Convenience and Necessity issued by the Commission authorizing such operations, the Commission shall issue a Certificate of Public Convenience and Necessity authorizing such person, party or legal entity to transport by motor vehicle such property, freight and/or commodities for hire without further proceedings, such Certificate to identify by number and date of issuance the Certificate under which the Applicant is carrying on such operation, if the application for such Certificate of Public Convenience and Necessity is filed with the Commission on a form approved by the Commission within 120 days after the effective date of this Act. Pending the determination of any such application the continuance of such operation without a Certificate of Public Convenience and Necessity shall be lawful. Interruptions of service in such operations under which such person, party or legal entity, or the predecessor in interest thereof, had no control, shall not be considered in determining whether or not there has been an abandonment of any of such operations. In issuing any Certificate of Public Convenience and Necessity hereunder, the Commission, in its discretion, may define and/or limit the territory or territories in the State of Delaware within which the transportation authorized by the Certificate may be conducted thereunder, but in no case shall such territory or territories be smaller than the territory or territories in the State of Delaware in which the Applicant was in actual bona fide operation on July 1, 1961. The application for a Certificate of Public Convenience and Necessity under this sub-section shall be verified and shall contain such information as the Commission deems necessary to show that the Applicant on the effective date of this sub-section was in actual bona fide operations, actively and substantially carried on and that Applicant was not engaged merely in isolated, incidental, intermittent, sporadic and infrequent operations. The Commission may adopt and approve such form as it deems necessary for this purpose.

Section 5. Upon this Act becoming effective, no transportation by motor vehicle of property, freight and/or commodities

for hire in intra-state commerce between places located within the State of Delaware which has taken place prior to July 1, 1961 shall be deemed to have been illegal or unlawful or unauthorized by reason of the fact that there was not in existence any Certificate of Public Convenience and Necessity issued by the Commission authorizing such transportation.

Approved June 18, 1962.

CHAPTER 365

AN ACT TO FURTHER AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT RELATING TO THE GOVERNMENT OF THE CITY OF WILMINGTON", BEING CHAPTER 178, VOLUME 18, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 740, VOLUME 19, LAWS OF DELAWARE, AS FURTHER AMENDED BY CHAPTER 143, VOLUME 43, LAWS OF DELAWARE, BY PROVIDING FOR THE APPOINTMENT OF A DEPUTY CITY CLERK TO ACT IN THE ABSENCE OF THE CITY CLERK.

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 1 of An Act entitled "An Act relating to the Government of the City of Wilmington" being Chapter 178, Volume 18, Laws of Delaware, as amended by Chapter 740, Volume 19, Laws of Delaware, as further amended by Chapter 143, Volume 43, Laws of Delaware, is amended by adding a new sentence thereto to read as follows:

In case of the absence, incapacitation or otherwise inability to serve of the City Clerk, there shall be appointed by the Council a Deputy City Clerk, who shall serve only during the absence, incapacitation or inability to serve of the City Clerk, and who shall be empowered to act in place of the City Clerk.

Approved May 2, 1962.

CHAPTER 366

AN ACT TO AMEND SECTION 6704, TITLE 29, DELAWARE CODE, RELATING TO DEPOSITS TO ACCOMPANY BIDS FOR THE FURNISHING OF SUPPLIES, WORK, STATIONERY, PRINTING AND BINDING.

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

Section 1. Section 6704, Title 29, Delaware Code, is amended by striking the last two sentences as they now appear and inserting in lieu thereof two new sentences to read as follows:

Every such proposal or bid shall be accompanied by a duly certified check or cash or surety bond of the bidder or bidders for 10% of the amount of the proposal or bid. Such check, cash or surety bond shall be returned to the bidder upon the execution of the contract for which it was presented.

Approved May 9, 1962.

CHAPTER 367

AN ACT AUTHORIZING THE DELAWARE COMMISSION FOR THE BLIND TO CONTRACT WITH ANY PUBLIC LIBRARY FOR THAT LIBRARY TO RENDER SPECIAL LIBRARY SERVICES TO THE BLIND THROUGHOUT THE STATE OF DELAWARE AND TO RECEIVE REIMBURSEMENT FROM THE DELAWARE COMMISSION FOR THE BLIND FOR THE COST OF SUCH SERVICES.

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

Section 1. The Delaware Commission for the Blind shall have full authority to contract with any public library for that library to render library service to the blind throughout the State of Delaware. The Delaware Commission for the Blind shall have authority to reasonably compensate such public library for the cost of the service it renders under such contract.

Section 2. There is appropriated from the General Fund of the State of Delaware to the Delaware Commission for the Blind for payment for library services to the blind of the State of Delaware in accordance with Section 1 of this Act the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for the fiscal year beginning July 1, 1962, and ending June 30, 1963.

Approved May 9, 1962.

CHAPTER 368

AN ACT MAKING APPROPRIATIONS TO THE STATE BOARD OF EDUCATION FOR ADDITIONAL COSTS IN THE TRANSPORTATION OF SCHOOL CHILDREN.

WHEREAS, the funds available for the payment of transportation costs for the school year ending June 30, 1961, were insufficient to meet the total cost of the year; and,

WHEREAS, it was necessary to withhold from each school bus contractor one day's payment, NOW THEREFORE,

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

Section 1. The sum of \$7,420.65 is hereby appropriated to the State Board of Education for the purpose of paying the contractors the amounts still due for work performed in the school 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 funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved May 9, 1962.

CHAPTER 369

AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE CODE RELATING TO THE ATTORNEY GENERAL BY PROVIDING FOR THE APPOINTMENT OF TWO ADDITIONAL DEPUTY ATTORNEYS GENERAL IN NEW CASTLE COUNTY.

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

Section 1. § 2502 (a) (2) Title 29, Delaware Code, is amended by repealing the subsection and substituting a new subsection in lieu thereof to read as follows:

(2) The Attorney General may appoint from the practicing members of the bar of this State four (4) lawyers resident in New Castle County. One of these shall be the Deputy Attorney General for New Castle County and the others shall be Assistant Deputy Attorneys General for New Castle County.

Approved May 9, 1962.

CHAPTER 370

AN ACT TO AMEND SECTION 2305 (3), TITLE 12, DELAWARE CODE OF 1953, RELATING TO DECEDENTS' ESTATES.

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

Section 1. Section 2305 (3), Title 12, Delaware Code of 1953, is amended by striking the figure "\$500" where it appears in line 2, and inserting in lieu thereof the figure "\$1500." .

Section 2. This Act shall become effective upon its approval by the Governor or enactment otherwise into law.

Approved May 14, 1962.

CHAPTER 371

AN ACT TO AMEND CHAPTER 334, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED BY THE STATE BOARD OF EDUCATION FOR THE SUPERVISION AND THE AUDITING OF THE SCHOOL CONSTRUCTION PROGRAM PROVIDED FOR UNDER CHAPTER 345, VOLUME 52, LAWS OF DELAWARE, AND TO ISSUE NOTES AND BONDS THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE SAID BOARD."

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. Section 2, Chapter 334, Volume 53, Laws of Delaware, is hereby amended by striking out the figures "1962" as they appear therein and substituting in lieu thereof the figures "1964".

Approved May 14, 1962.

CHAPTER 372

**AN ACT MAKING AN APPROPRIATION TO THE STATE
FIRE PREVENTION COMMISSION FOR THE TRAIN-
ING OF VOLUNTEER FIREMEN.**

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

Section 1. There is hereby appropriated to the State Fire Prevention Commission the sum of Five Thousand Dollars to be expended by the said Commission to pay the expenses of a training school for volunteer firemen to be conducted during Calendar Year 1962 by the State Fire Prevention Commission.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved May 14, 1962.

CHAPTER 373

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE STATE HOSPITAL FOR THE DISTRIBUTION OF FEDERAL SURPLUS FOODS TO NEEDY PERSONS IN THE STATE OF DELAWARE.

WHEREAS, the Delaware State Hospital received \$25,000.00 for the operation of this program during the current fiscal year and \$5,000.00 to reimburse expenses incurred in operating the program during the last two months of the previous fiscal year, AND

WHEREAS, approximately 300,000 pounds of food valued at approximately \$90,000.00 is being issued to approximately 7,000 families each month, AND

WHEREAS, this is twice the amount of food and almost twice the number of people originally estimated, thereby increasing the cost of operating the program by approximately 50% to a monthly average figure of \$3,000.00, NOW THEREFORE,

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

Section 1. The sum of \$11,000.00 is hereby appropriated to the Delaware State Hospital for the fiscal year ending June 30, 1962, to be used for the purpose of distributing federal surplus foods to needy persons in the State of Delaware.

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

Approved May 14, 1962.

CHAPTER 374

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE SUPERIOR COURT OF THE STATE OF DELA-
WARE FOR TRAVEL AND OFFICE EXPENSE.**

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

Section 1. There is hereby appropriated to the Superior Court of the State of Delaware for the fiscal year ending June 30, 1962, the sum of \$550.00 to be utilized \$300.00 for office expense and \$250.00 for travel.

Section 2. This Act is a supplementary appropriation Act and the moneys herein appropriated shall be paid out of moneys in the General Fund not otherwise appropriated.

Approved May 14, 1962.

CHAPTER 375

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EXAMINERS AND REGIS-
TRATION OF ARCHITECTS.**

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

Section 1. The sum of \$796.14 is hereby appropriated to the State Board of Examiners and Registration of Architects for the fiscal year ending June 30, 1962, for Office Expense.

Section 2. This Act is a supplementary appropriation and the money hereby appropriated shall be paid out of moneys of the General Fund of the State of Delaware not otherwise appropriated.

Approved May 14, 1962.

CHAPTER 376

AN ACT TO AMEND TITLE 29, CHAPTER 25, DELAWARE CODE, RELATING TO THE ATTORNEY GENERAL.

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

Section 1. Section 2502, Title 29, Delaware Code, is amended by striking Paragraph (3) in Subsection (a) and inserting in lieu thereof the following:

(3) The Attorney General may appoint from the practicing members of the Bar of this State two lawyers resident in Kent County to be his deputies for Kent County, one of these shall be Deputy Attorney General for Kent County and the other shall be Assistant Deputy Attorney General for Kent County.

Section 2. Section 2503 (a), Title 29, Delaware Code, is amended by striking the words "the salary of the Deputy Attorney General for Kent County shall be \$6500 per annum", and inserting in lieu thereof the following:

"the salary of the Deputy Attorney General for Kent County shall be \$6500 per annum, and the salary of the Assistant Deputy Attorney General for Kent County shall be \$6000 per annum".

Approved May 14, 1962.

CHAPTER 377

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE 8 OF THE CONSTITUTION OF THE STATE OF DELAWARE ENTITLED "REVENUE AND TAXATION".

WHEREAS, an amendment to Article 8 of the Constitution of the State of Delaware was proposed to the 120th General Assembly as follows:

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., AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 120th General Assembly, 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 said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective April 17, 1962.

CHAPTER 378

AN ACT TO AMEND ARTICLE THREE OF THE CONSTITUTION OF THE 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 concurring therein):

Section 1. Article 3 of the Constitution of the State of Delaware is amended by striking Section 18 in its entirety and substituting a new Section 18 as follows:

Section 18. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes law, be presented to the Governor; if he approves, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law; but in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor.

For purposes of return of Bills not approved by the Governor the General Assembly shall be considered to be continuously in Session until final adjournment and the Clerk of the House of Representatives and the Secretary of the Senate shall be deemed proper recipients of such returned bills during recess or adjournment of the General Assembly other than final adjournment.

No bill shall become a law after the final adjournment of the General Assembly, unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills, over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor, and before the same shall take effect be approved by him, or being disapproved by him, shall be re-passed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill. Every order and resolution to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment and those matters dealing solely with the internal or administrative affairs of the General Assembly, shall be presented to the Governor, and before the same shall take effect be approved by him, or being disapproved by him, shall be re-passed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill.

Note: This Act is merely proposing an amendment to Article 3 of the Constitution.

CHAPTER 379

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE PRESIDENT PRO TEMPORE, SPEAKER, AND OTHER OFFICERS; ABSENCE OF PRESIDING OFFICERS.

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 7, Article 11 of the Constitution of the State of Delaware is amended by repealing said Section 7 and inserting in lieu thereof a new section as follows:

Section 7. The Senate at the first annual session of every new General Assembly shall choose one of its members president pro tempore, who shall preside in the absence of the Lieutenant-Governor, or in case the latter shall become Governor or while he continues in the exercise of the office of Governor by reason of disability of the Governor. The Senate shall also choose its other officers and in the absence of the Lieutenant-Governor and its president pro tempore may, from time to time, as occasion may require, appoint one of its members to preside. The House of Representatives at such first annual session shall choose one of its members speaker and also choose its other officers, and in the absence of the speaker may from time to time, as occasion may require, appoint one of its members to preside.

Note: Proposal to amend Constitution.

CHAPTER 380

AN ACT TO AMEND SECTIONS 6913, 6914, AND 6915, TITLE 29, DELAWARE CODE RELATING TO WAGES.

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

Section 1. Sections 6913, 6914 and 6915 are repealed and a new section is substituted as follows:

§ 6913. Wage Provisions in Public Construction Contracts

(a) The advertising specifications for every contract in excess of \$2,000.00 to which the State of Delaware or any sub-division thereof is a party, and for which the State appropriated any part of the funds for construction, alteration and/or repair including painting and decorating of public buildings or public works located within the geographical limits of the State of Delaware, and which requires or involves the employment of mechanics and/or laborers, shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Department of Labor and Industrial Relations of the State of Delaware to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the construction work in the city, town, village or other civil subdivision of the State in which the work is to be performed. Determination of the prevailing wage rates shall be based on the average of the actual wages paid to a majority of the employees employed in the type construction work involved, and performing the work in the county for which a prevailing wage is being determined. Every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such

laborers and mechanics, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work; and a further stipulation that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contractor to be paid laborers and mechanics on the work and rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractor, or their agents.

Section 2. This Act shall take effect thirty days after its enactment, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the enactment of this Act.

Approved May 16, 1962.

CHAPTER 381

AN ACT TO AMEND CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION, BY PROVIDING FOR AN ATTORNEY'S FEE FOR AN INJURED EMPLOYEE.

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

Section 1. Chapter 21, Title 19, Delaware Code, is amended by adding thereto a new section to read:

§ 2127. Attorney's fees

Subject to approval by the Board, a reasonable attorney's fee, in the amount of 30% of the award or \$500., whichever is smaller, may be allowed any employee awarded compensation under Part II of this Title, and taxed as costs against a party.

Approved May 16, 1962.

CHAPTER 382

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF KENT COUNTY TO REIMBURSE CORNELIA DANIELS AND MARIE H. DANIELS PROPERTY TAXES PAID IN ERROR.

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

Section 1. The Levy Court of Kent County is hereby authorized and directed to pay to Cornelia Daniels and Marie H. Daniels, jointly, the sum of \$37.50, which was paid in error for the tax years 1958, 1959 and 1960 on real estate conveyed to the Dover Special School on January 30, 1958.

Approved May 18, 1962.

CHAPTER 383

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF KENT COUNTY TO REIMBURSE GLENN A. RICHTER AND MARGARET C. RICHTER PROPERTY TAXES PAID IN ERROR.

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

Section 1. The Levy Court of Kent County is hereby authorized and directed to pay to Glenn A. Richter and Margaret C. Richter, jointly, the sum of \$56.60 which was paid in error for the tax years 1957, 1958 and 1959.

Approved May 18, 1962.

CHAPTER 384

AN ACT TO AMEND CHAPTER 3, TITLE 14, DELAWARE CODE, RELATING TO SCHOOL BOARD ELECTIONS BY PROVIDING AN ALTERNATE METHOD OF SELECTING BOARD MEMBERS IN CONSOLIDATED DISTRICTS.

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

Section 1. § 324, Title 14, Delaware Code, is amended by adding thereto new sub-sections as follows:

(f) Notwithstanding the above provisions of this Section, in the case of the consolidation of two or three existing districts, each presenting education Grades 1 through 12, and if this Chapter shall be applicable to the consolidated district, and if all of the Boards of the Districts being consolidated elect, not less than 10 days, nor more than 90 days before any referendum to approve consolidation of the Districts, the consolidated Board shall be constituted pursuant to the following:

(1) The consolidated Board shall consist of all of the members of the consolidating Boards.

(2) The terms of members of the consolidated Board shall at first continue as designated by prior election or appointment on the consolidating Boards.

(3) When the terms of members expire, their successors shall be elected in accord with the procedures for election as set forth in Title 14, Delaware Code, Chapter 3, except that the elections shall be held for Board members from the separate areas previously designated as school districts. In the case of a consolidation of two districts, two members shall be elected, one from each of the previous districts, and in the case of the consolidation of three districts, three members shall be elected, one from each of the previous districts.

(4) In the fourth calendar year, following the calendar year of the consolidation, no members shall be elected to fill expiring terms.

(5) In the fifth calendar year following the calendar year of the consolidation, one person shall be elected for a term of three years. In the sixth year, one person shall be elected for a term of three years, and one person for a term of four years. In the seventh year, one person shall be elected for a term of four years, and one person for a term of five years. As each term herein described shall expire, the subsequent elections shall be for terms of five years and election shall be from the consolidated district at large.

(6) In the event that a district not offering education, Grades 1 through 12, should seek to consolidate with a consolidated district as described in this section, such consolidation shall not alter the structure of the Board as herein constituted and for carrying out the provisions of Paragraph (3) of this section, this newly consolidating area shall become a part of that previous district to which it is adjacent.

Approved May 18, 1962.

CHAPTER 385

AN ACT TO AMEND SECTION 5143 TITLE 30, DELAWARE CODE, RELATING TO REFUNDS OF MOTOR FUEL TAXES.

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

Section 1. Section 5143 (b) of Title 30, Delaware Code, is hereby stricken and deleted from Section 5143, Title 30, of the Delaware Code.

Section 2. Section 5143 (d) of Title 30, Delaware Code, is hereby amended by striking therefrom the words "and also the duplicate statement furnished by the seller at the time of sale above described".

Section 3. The sections and sub-sections of Section 5143, Title 30, Delaware Code, shall be renumbered in accordance with the deletions set out in this Act.

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

Approved May 18, 1962.

CHAPTER 386

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS FOR THE USE OF THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE, TO ISSUE BONDS AND NOTES THEREFOR, AND TO MAKE AN APPROPRIATION 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, shall borrow upon the faith and credit of the State of Delaware a sum of money not in excess of \$1,800,000 which shall be used for the following purpose:

To be expended by the Board of Trustees of Delaware State College for the construction of a Science Building and for the furnishing and equipping of same, and for the expansion, renovation, and equipping of the Sanitary Sewer System \$1,800,000.

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.

For the purpose of borrowing said sum, the Issuing Officers are hereby authorized to issue bonds of the State of Delaware in an aggregate principal amount not exceeding \$1,800,000.

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 4 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, 1962.

The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed \$1,800,000.

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 purpose 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 and 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 or a facsimile of the Great Seal of the State engraved or printed 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 "Delaware State College Improvement Bond of 1962".

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.

In addition to any moneys appropriated by any other Act, there is hereby appropriated to the Board of Trustees of Delaware State College the sum of \$1,800,000 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 sum 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 fiscal year ending June 30, 1963, 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 fiscal year ending June 30, 1963. 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, 1963, 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 May 18, 1962.

Note: This Act may be located as a note under § 7312, Title 29, Del. Code.

CHAPTER 387

**AN ACT TO AMEND § 5103, TITLE 31, DELAWARE CODE,
BY INCREASING THE MEMBERSHIP OF THE YOUTH
SERVICES COMMISSION AND MAKING CERTAIN
CHANGES IN THE COMPENSATION AND DUTIES OF
THE COMMISSION.**

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

Section 1. Amend § 5103, Title 31, Delaware Code, to read:

§ 5103. Commission; appointment; qualifications; terms; and vacancies

(a) The Commission shall be managed by nine members who shall be appointed by the Governor and the following shall be ex-officio members: the Executive Director of the State Department of Public Welfare, the Superintendent of the Governor Bacon Health Center, the Director of the Family Court of New Castle County and the Chief Probation Officer of the Juvenile Court of Kent and Sussex Counties. The ex-officio members shall not have a vote in the proceedings of the Commission.

(b) The members of the Commission shall be appointed for terms of four years, commencing from the date of their appointment.

(c) The members of the Commission shall be, during their term of office, citizens of this State. One member shall be a resident of the City of Wilmington, one a resident of New Castle County outside the City of Wilmington; one a resident of Kent County; one a resident of Sussex County; and five from the State at Large. No more than five members shall be affiliated with the same political party.

(d) Any vacancy occurring in the Commission by reason of death, resignation or otherwise, shall be filled by the Governor for the unexpired term.

Approved May 22, 1962.

CHAPTER 388

AN ACT TO AMEND CHAPTER 331, VOLUME 53, LAWS OF DELAWARE, TO PERMIT SCHOOL DIRECTORS TO ISSUE BOND ANTICIPATION NOTES IN CONNECTION WITH CAPITAL IMPROVEMENTS.

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. Section 16, Chapter 331, Volume 53, Laws of Delaware, is amended by adding the following new paragraphs at the end thereof:

After a favorable local referendum authorizing the sale of local school bonds and in anticipation of the issuance of said bonds, the Board of Trustees or Board of Education of a school district may issue and sell notes of the school district 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 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, 1964. Said notes shall be signed by the President and one member of the Board of Trustees or Board of Education of the district and shall be payable at the Farmers Bank of the State of Delaware in the county in which the district is located. All provisions of law pertaining to local school bonds and not inconsistent with the provisions of this Act shall apply to notes issued hereunder.

The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed that portion of the total authorized bonded indebtedness of the school district for which bonds have been authorized by local referendum within the district.

Said note may be redeemed at par and accrued interest prior to their maturity if the right of the school district 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.

Approved May 22, 1962.

CHAPTER 389

AN ACT TO AMEND TITLE 26, SECTION 113, DELAWARE CODE, TO EXEMPT CERTAIN MOTOR VEHICLES FROM INSPECTION FEES IMPOSED BY THE PUBLIC SERVICE COMMISSION.

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

Section 1. Section 113 (a), Chapter 1, Title 26, Delaware Code, is hereby amended by adding a new subparagraph to read as follows:

(16) The Public Service Commission may waive the equipment or vehicle inspection fees provided by subparagraphs (10) and (11) of this section for the following classes of motor vehicles:

(i) Any vehicle engaged in the interstate carriage of freight, property and/or commodities and subject to the safety regulations and inspections of the Interstate Commerce Commission, provided the owner or operator of said vehicle shall furnish annually to the Public Service Commission a copy of his Interstate Commerce Commission Operating Right Certificate or Permit.

(ii) Any vehicle engaged in interstate carriage of commodities specified as "exempt commodities" by the Interstate Commerce Commission but nevertheless subject to Interstate Commerce Commission safety inspections and regulations.

Approved May 22, 1962.

CHAPTER 390

AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS.

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

Section 1. § 904, paragraph (b), Title 4, Delaware Code, is amended by striking out the following language:

"shall, in addition to the payment of costs, be fined not more than \$50, and, on failure to pay such fine and costs, shall be imprisoned not less than 5 nor more than 30 days." and substituting the following:

"shall, in addition to the payment of costs, be fined for the first offense, not less than \$100 nor more than \$500, and on failure to pay such fine and costs, shall be imprisoned for 30 days. For each subsequent like offense, be fined not less than \$500 nor more than \$1,000, and on failure to pay such fine and costs shall be imprisoned for 60 days".

Section 2. § 904, paragraph (c), Title 4, Delaware Code, is amended by striking out the following language:

"shall, in addition to the payment of costs, be fined not more than \$100, and, on failure to pay such fine and costs, shall be imprisoned not less than 5 nor more than 30 days." and substituting the following:

"shall, in addition to the payment of costs, be fined for the first offense, not less than \$100 nor more than \$500, and on failure to pay such fine and costs, shall be imprisoned for 30 days. For each subsequent like offense, be fined not less than \$500 nor more than \$1,000 and on failure to pay such fine and costs, shall be imprisoned for 60 days."

Approved May 22, 1962.

CHAPTER 391

AN ACT TO AMEND SECTION 3105 (b), TITLE 20, DELAWARE CODE, ENTITLED "CIVIL DEFENSE POWERS OF THE GOVERNOR" AND RELATING TO STATE CIVIL DEFENSE AUXILIARY POLICE.

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

Section 1. Section 3105 (b), Title 20, Delaware Code, is amended by adding a new sub-paragraph to read as follows:

(13) Establish a State Civil Defense Auxiliary Police for use during a civil defense emergency or disaster and provide for the appointment, deployment, removal, qualification, training and number thereof. Such State Civil Defense Auxiliary Police shall be administered by the Department of Civil Defense. The Superintendent of the Delaware State Police shall prescribe training and practice exercises therefor.

Approved May 23, 1962.

CHAPTER 392

AN ACT ADOPTING, ON BEHALF OF THE STATE OF DELAWARE, THE INTERSTATE COMPACT ON MENTAL HEALTH, WHICH DEALS IN CERTAIN DETAIL WITH THE CARE AND TREATMENT OF THE MENTALLY ILL AND MENTALLY DEFICIENT, REGARDLESS OF RESIDENCE OR CITIZENSHIP; PROVIDING FOR A COMPACT ADMINISTRATOR FOR DELAWARE AND SETTING FORTH HIS DUTIES; AUTHORIZING THE DELAWARE COMPACT ADMINISTRATOR TO ENTER INTO CERTAIN SUPPLEMENTARY AGREEMENTS WITH APPROPRIATE OFFICIALS OF OTHER STATES PARTY TO SAID CONTRACT; PROVIDING FOR CERTAIN FINANCIAL ARRANGEMENTS; AND PROVIDING FOR CERTAIN DISTRIBUTION BY THE SECRETARY OF STATE OF DELAWARE OF DULY AUTHENTICATED COPIES OF THIS ACT.

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

Section 1. Title 16, Delaware Code, is amended by adding thereto a new Chapter to read as follows:

**CHAPTER 61. INTERSTATE COMPACT ON
MENTAL HEALTH**

**SUBCHAPTER I. INTERSTATE COMPACT ON
MENTAL HEALTH**

§ 6101. Interstate Compact on Mental Health

The Interstate Compact on Mental Health is hereby enacted into law and entered into by this State with all other States legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting States solemnly agree that:

ARTICLE I

The party States find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party States find that

the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party States to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognized the paramount importance of patient welfare and to establish the responsibilities of the party States in terms of such welfare.

ARTICLE II

As used in this compact:

(a) "Sending State" shall mean a party State from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving State" shall mean a party State to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party State or political subdivision thereof by the care and treatment of mental illness or mental deficiency.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending State, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

ARTICLE III

(a) Whenever a person physically present in any party State shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that State irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another State whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No State shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this Article unless the sending State has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving State an opportunity to examine the patient if said authorities so wish; and unless the receiving State shall agree to accept the patient.

(d) In the event that the laws of the receiving State establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same

priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

ARTICLE IV

(a) Whenever, pursuant to the laws of the State in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving State. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending State shall have reason to believe that after-care in another State would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving State to investigate the desirability of affording the patient such after-care in said receiving State, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending State and the appropriate authorities in the receiving State, find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving State.

(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this Article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

ARTICLE V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party State, that State shall promptly notify all appropriate authorities within and without the jurisdiction of the escapee in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the State where found pending disposition in accordance with law.

ARTICLE VI

The duly accredited officers of any State party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all States party to this compact, without interference.

ARTICLE VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving State shall have the effect of making the person a patient of the institution in the receiving State.

(b) The sending State shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party States may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party State, or between a party State and its subdivision, as to the payment of costs, or responsibilities therefore.

(d) Nothing in this compact shall be construed to prevent any party State or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party State or subdivision thereof may be responsible to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party State and a non-party State relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

ARTICLE VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving State may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending State, the court of competent jurisdiction in the sending State shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving State may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending State in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in paragraph (a) of this Article shall include any guardian, trustee, legal committee, conservator, or other person or agency denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

ARTICLE IX

(a) No provisions of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the

commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of States party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

ARTICLE X

(a) Each party State shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his State and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving State. The compact administrator or his duly designated representative shall be the official with whom other party States shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party States shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XI

The duly constituted administrative authorities of any two or more party States may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the States concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party State of any obligation which it otherwise would have under other provisions of this compact.

ARTICLE XII

This compact shall enter into full force and effect as to any State when enacted by it into law and such State shall thereafter be a party thereto with any and all States legally joining therein.

ARTICLE XIII

(a) A State party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the Governors and compact administrators of all other party States. However, the withdrawal of any State shall not change the status of any patient who has been sent to said State or sent out of said State pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

ARTICLE XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State party thereto, the compact shall remain in full force and effect as to the remaining States and in full force and effect as to the State affected as to all severable matters.

SUBCHAPTER II. EFFECTUATION

§ 6102. Compact Administrator

The State Psychiatrist shall be the compact administrator and, acting jointly with like officers of other party States, shall have power to promulgate rules and regulations to carry out

more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the Governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this State and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this State thereunder.

§ 6103. Supplementary Agreements

The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other States pursuant to Articles VII and XI of the compact. In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of this State or require or contemplate the provision of any service by this State, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

§ 6104. Financial Arrangements

The compact administrator, subject to the approval of the Budget Commission, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this State by the compact or by any supplementary agreement entered into thereunder.

§ 6105. Authenticated copies of chapter

Duly authenticated copies of this Act shall, upon its approval, be transmitted by the Secretary of State to the Governor of each State, the Attorney General and the Secretary of State of the United States, and the Council of State Governments.

Approved May 23, 1962.

CHAPTER 393

**AN ACT TO AMEND CHAPTER 41 OF TITLE 21 OF THE
DELAWARE CODE PERTAINING TO DRIVING REGU-
LATIONS FOR MOTOR VEHICLES.**

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

Section 1. Section 4139 (a) of Title 21 of the Delaware Code, is amended to read as follows:

(a) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from a cross-over on a divided highway shall yield the right of way to all vehicles approaching on such highway.

Section 2. Section 4139 of Title 21 of the Delaware Code, is amended by adding thereto a new paragraph (c) as follows:

(c) Whenever a Yield sign, notifying drivers to yield the right of way, has been erected by the proper State or local authorities as provided in this Title, it shall be unlawful for a driver of any vehicle on the highway or street whose traffic is regulated by such sign to fail to yield the right of way to any vehicle approaching on or from another highway, street, or merging roadway or to a pedestrian legally crossing the roadway. Any such driver, having so yielded, shall not proceed or enter into, upon or across such highway, street or merging roadway until such movement can be made in safety.

Approved May 23, 1962.

CHAPTER 394

AN ACT TO AMEND TITLE 12, SECTION 3526, DELAWARE CODE, RELATING TO ALLOCATIONS OF CORPORATE DISTRIBUTIONS BETWEEN PRINCIPAL AND INCOME OF TRUSTS.

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

Section 1. Section 3526 of Title 12 of the Delaware Code, is amended by adding thereto a new Subsection (d) to read as follows:

(d) In the case of any corporate distribution received by a trustee prior to July 2, 1959, if the instrument creating the trust does not expressly or by necessary implication provide otherwise, the trustee's allocation as trust income or trust principal of any property, tangible or intangible, received by the trustee as a corporate distribution upon or with respect to shares of stock held in trust, including but not limited to shares of the same class or corporation, shall be conclusively presumed for all purposes to have been an allocation made in accordance with the terms of the trust instrument if, in the case of an allocation to trust income, such allocation would have satisfied the standards or requirements of paragraph (1) of Subsection (a), and, in the case of an allocation to trust principal, such allocation would have satisfied the standards or requirements of paragraph (2) of Subsection (a); provided, however, that this Subsection (d) shall not affect or apply to any allocation of a corporate distribution which was paid, delivered or distributed by the trustee to either an income beneficiary or a principal beneficiary prior to the enactment of this Subsection.

Approved May 23, 1962.

CHAPTER 395

AN ACT TO AMEND SECTION 4503, TITLE 21, DELAWARE CODE, RELATING TO MAXIMUM GROSS WEIGHT OF MOTOR VEHICLES.

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

Section 1. Amend Section 4503 (j), Title 21, Delaware Code, by deleting the number and word "60,000 pounds" and inserting in lieu thereof the words "the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the table in Subsection (1) ;"

Section 2. Amend Section 4503 by deleting Subsection (1) as it now appears and inserting in lieu thereof a new Subsection (1) as follows:

(1) The total gross weight imposed on the highway by any group of two or more consecutive axles of a vehicle or of any combination of vehicles shall not exceed that given in the following table for the respective distance between the centers of the first and last axles of said two or more consecutive axles:

TABLE FOR MAXIMUM GROSS WEIGHTS

Distance in feet between first and last axles of any group	Maximum load in pounds carried on any groups
Less than 4 feet	20,000
4 feet	36,000
5 feet	36,000
6 feet	36,000
7 feet	36,000
8 feet	36,000
9 feet	36,000
10 feet	36,000
11 feet	36,000
12 feet	36,470
13 feet	37,420

14 feet	38,360
15 feet	39,300
16 feet	40,230
17 feet	41,160
18 feet	42,080
19 feet	42,990
20 feet	43,900
21 feet	44,800
22 feet	45,700
23 feet	46,590
24 feet	47,470
25 feet	48,350
26 feet	49,220
27 feet	60,000
28 feet	60,000
29 feet	60,000
30 feet	60,500
31 feet	61,500
32 feet	62,500
33 feet	63,400
34 feet	64,400
35 feet	65,300
36 feet	66,200
37 feet	67,200
38 feet	68,100
39 feet	69,000
40 feet	70,000
41 feet	70,800
42 feet	71,700
43 feet	72,600
44 feet or more	73,280

Approved May 23, 1962.

CHAPTER 396

AN ACT TO AMEND SECTION 4502, TITLE 21, DELAWARE CODE, RELATING TO THE MAXIMUM HEIGHT AND LENGTH OF VEHICLES.

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

Section 1. Amend Section 4502 (b), Title 21, Delaware Code, by deleting the first paragraph as it now appears and inserting in lieu thereof a new paragraph to read as follows:

No vehicle, unladen or with load, shall exceed a height of 13'6".

Section 2. Further amend Section 4502 (b) by deleting the fourth paragraph in its entirety.

Section 3. Amend Section 4502 (c), Title 21, Delaware Code, by deleting the number "50" wherever it appears and inserting in lieu thereof the number "55".

Approved May 23, 1962.

CHAPTER 397

AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO STATE SUPPORTED SALARY SCHEDULES FOR SCHOOL EMPLOYEES BY ADDING A SALARY SCHEDULE FOR ATTENDANTS AND AIDES.

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

Section 1. Chapter 13, Title 14, Delaware Code, is amended by adding a new Section at the end thereof to read as follows:

§ 1324. Salary Schedule for Attendants and Aides

(a) Each school district that has classes for the trainable mentally handicapped and or, classes for the orthopedically handicapped as provided for in Section 1703 of this Chapter may employ such attendants and or aides as required subject to the qualifications promulgated by the certifying board.

(b) Attendants and or aides actually working and paid for 10 months per year shall receive annual salaries in accordance with the following schedule:

Years of Experience	Bus and Class	
	Attendants	Class Aides
0	1800	2200
1	1900	2400
2	2000	2600
3	2100	2800
4 and above	2200	3000

(c) All attendants or aides employed under (a) hereinabove for in excess of 10 months per year and paid accordingly shall receive 10% of the amount designated in (b) above for each month per year additionally worked over the 10 month basic period.

Section 2. This Act shall become effective July 1, 1962.

Approved May 25, 1962.

CHAPTER 398

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS FOR THE USE OF THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST 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, shall borrow upon the faith and credit of the State of Delaware a sum of money not in excess of \$1,015,000.00 which shall be used for the following purpose:

To be expended by the State Board of Trustees of the Delaware State Hospital at Farnhurst for the construction and equipping of the following facilities:

- (a) Mental Hygiene Clinic Administration Building to be constructed and equipped in New Castle County.
- (b) Day Care Center for severely Retarded Persons to be constructed and equipped in the vicinity of Dover.
- (c) Geriatric Building to be constructed and equipped to house approximately 100 patients to replace the now condemned "Black Cottage" on the grounds of the Delaware State Hospital \$1,015,000.00.

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.

For the purpose of borrowing said sum, the Issuing Officers are hereby authorized to issue bonds of the State of Delaware in an aggregate principal amount not exceeding \$1,015,000.00.

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 4 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, 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 \$1,015,000.00.

Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. 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 \$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, 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 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 or a facsimile of the Great Seal of the State engraved or printed 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 "State Hospital Capital Improvement Bond of 1962".

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.

In addition to any moneys appropriated by any other Act, there is hereby appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst the sum of \$1,015,000.00, or so much thereof as shall be received from the sale of the bonds and notes authorized hereby, which shall be used for the purposes set forth herein. Any of said funds remaining unexpended as of June 30, 1965, shall revert and be deposited to the credit of the State Treasurer in a special account to be applied against future construction bond requirements of the State.

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 fiscal year ending June 30, 1963, 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 fiscal year ending June 30, 1963.

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, 1962 and fiscal year or biennium shall contain under the Debt Service Item provision 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 provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved May 25, 1962.

Note: This Act will appear as a note under § 7313, Title 29, Delaware Code.

CHAPTER 399

AN ACT TO AMEND TITLE 29, SECTION 6702, DELAWARE CODE, RELATING TO CONTRACTS FOR SUPPLIES OR WORK.

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

Section 1. Title 29, Section 6702, Delaware Code is amended by adding thereto an additional sub-section as follows:

(c) The provisions of this Section shall not apply to contracts for the transportation of school children for the school year ending June 30, 1963.

Approved May 25, 1962.

Note: This Act will appear as a note under § 6702, Title 29, Delaware Code.

CHAPTER 400

**AN ACT TO AMEND SECTION 1708, TITLE 14, DELAWARE
CODE, RELATING TO FORM OF APPROPRIATION.**

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

Section 1. Section 1708, Title 14, Delaware Code, is amended by adding a new letter and words under the letter "L" and word "cafeteria" in sub-section (a) as follows:

M. Attendants and Aides.

Approved May 25, 1962.

CHAPTER 401

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1963.**

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 limitations 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 1963, 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.

The several amounts hereby appropriated are as follows:

AGENCIES	YEAR ENDING JUNE 30, 1963
LEGISLATIVE AND ELECTIONS	
DELAWARE COMMISSION ON INTERSTATE COOPERATION	
Office Expense	100.00
Fees	6,100.00
Travel	600.00
Legislative Travel Only	6,900.00
Delaware River Basin Advisory Committee..	5,000.00
Southern Regional Education Compact	33,000.00
Total	51,700.00

DEPARTMENTS OF ELECTION—
NEW CASTLE COUNTY

Salary for Board Members	9,000.00
Salaries and Wages of Employees	65,800.00
Office Expense	14,500.00
Travel	1,900.00
Operations	50,000.00
Registration and Election Officers	108,000.00
Total	249,200.00

DEPARTMENT OF ELECTIONS—KENT COUNTY

Salary of Board Members	6,000.00
Salaries and Wages of Employees	8,200.00
Office Expense	6,500.00
Travel	500.00
Operations	3,500.00
Registration and Election Officers	22,660.00
Repairs and Replacements	450.00
Total	47,810.00

DEPARTMENTS OF ELECTIONS—SUSSEX COUNTY

Salary of Board Members	6,000.00
Salaries and Wages of Employees	21,500.00
Office Expense	11,500.00
Travel	1,000.00
Registration and Election Officers	23,000.00
Repairs and Replacements	2,000.00
Equipment	500.00
Total	65,500.00

Total Department of Elections 362,510.00

LEGISLATIVE REFERENCE BUREAU

Salary of Executive Director	6,000.00
Salaries and Wages of Employees	9,000.00
Office Expense	2,400.00
Travel	300.00
Equipment	600.00
Total	18,300.00

GENERAL ASSEMBLY

Salaries—House Members	105,000.00
Salaries—Senate Members	54,000.00
Total	159,000.00

COMMISSION ON MODERNIZATION OF STATE LAWS

Salaries and Wages of Employees	200.00
Office Expense	500.00
Travel	600.00
Total	1,300.00

DELAWARE CODE REVISION COMMISSION

Salaries of Commissioners	4,800.00
Operations	12,500.00
Total	17,300.00

STATE ELECTION COMMISSIONER

Salaries and Wages of Employees	17,760.00
Office Expense	4,742.00
Travel	600.00
Repairs and Replacements	600.00
Total	23,702.00

TOTAL LEGISLATIVE AND ELECTIONS..	633,812.00
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EXECUTIVE AND FINANCIAL

GOVERNOR

Salary of Governor	17,500.00
Salaries and Wages of Employees	22,500.00
Office Expense	3,500.00
Governor's Conference	500.00
Contingent Expense	4,000.00
Repairs and Replacements	500.00
Equipment	1,000.00
Travel	6,000.00
Total	55,500.00

SECRETARY OF STATE

Salary of Secretary of State	8,000.00
Salaries and Wages of Employees	116,000.00
Office Expense	7,300.00
Magistrate Bonds	400.00
Printing and Binding Session Laws	30,000.00
Dissolution Account	9,000.00
Departmental Supplies	50,000.00
Travel	3,400.00
Repairs and Replacements	3,000.00
Equipment	1,500.00
Total	228,600.00

STATE TREASURER

Salary of Treasurer	6,000.00
Salary of Deputy Treasurer	5,000.00
Salaries and Wages of Employees	60,000.00
Office Expense	32,986.00
Travel	1,300.00
Repairs and Replacements	500.00
Equipment	500.00
Lost and Outdated Checks	2,500.00
Total	108,786.00

BUDGET COMMISSION

Salary of Chief Accountant	7,500.00
Salaries and Wages of Employees	93,540.00
Office Expense	62,000.00
Travel	3,600.00
Repairs and Replacements	5,100.00
Equipment	5,000.00
Audit Survey	20,000.00
Total	196,740.00

AUDITOR OF ACCOUNTS

Salary of Auditor	6,000.00
Salary of Deputy Auditor	5,000.00
Salaries and Wages of Employees	45,000.00
Office Expense	4,500.00
Travel	1,300.00

Repairs and Replacements	1,000.00
Equipment	500.00
Total	63,300.00
REVENUE COLLECTOR	
Salary of Collector	2,500.00
Office Expense	75.00
Travel	625.00
Total	3,200.00
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	25,000.00
Office Expense	5,000.00
Operations—Insurance Premium	400,000.00
Travel	1,000.00
Repairs and Replacements	600.00
Equipment	600.00
Total	446,700.00
STATE TAX DEPARTMENT	
Salaries of Board Members	1,500.00
Salary of Commissioner	8,000.00
Salaries and Wages of Employees	448,485.00
Office Expense	128,000.00
Travel	8,100.00
Repairs and Replacements	6,300.00
Equipment	15,300.00
Social Security Department	
Salaries	6,000.00
Operations	2,500.00
Total	624,185.00
STATE BANK COMMISSIONER	
Salaries and Wages of Employees	53,640.00
Office Expense	2,483.00
Travel	6,175.00
Repairs and Replacements	1,400.00
Total	63,698.00

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Salaries of Commissioners	3,000.00
Salary of Executive Secretary	8,800.00
Salaries and Wages of Employees	91,200.00
Office Expense	17,000.00
Travel	7,000.00
Repairs and Replacements	2,200.00
Equipment	100.00

Total 129,300.00

DELAWARE RACING COMMISSION

Salaries of Commissioners	4.00
Salaries and Wages of Employees	2,100.00
Office Expense	2,438.00
Travel	800.00

Total 5,342.00

DELAWARE HARNESS RACING COMMISSION

Salaries of Commissioners	3.00
Salaries and Wages of Employees	6,500.00
Office Expense	2,467.00
Travel	3,500.00

Total 12,470.00

BOND ISSUING OFFICERS

Expense of Issuing Bonds	24,000.00
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Total 24,000.00

TOTAL EXECUTIVE AND FINANCIAL... 1,961,821.00

JUDICIAL AND LEGAL

COURT OF CHANCERY

Salary of Chancellor	20,500.00
Salaries of Vice-Chancellors	40,000.00
Salaries and Wages of Employees	38,780.00
Chancellor for Reporting	200.00
Office Expense	2,500.00
Travel	2,000.00
Repairs and Replacements	500.00

Equipment	925.00
Chancellor's Report	4,750.00
Total	110,155.00

SUPERIOR COURT

Salary of President Judge	20,500.00
Salaries of Associate Judges	120,000.00
Salaries and Wages of Employees	105,100.00
Kent Resident Judge for Reporting	200.00
Office Expense	5,000.00
Reports	4,750.00
Travel—Room Rent	7,500.00
Repairs and Replacements	2,500.00
Equipment	3,500.00
Total	269,050.00

COMMON PLEAS COURT—KENT COUNTY

Salary of Judge	12,500.00
Total	12,500.00

COMMON PLEAS COURT—SUSSEX COUNTY

Salary of Judge	17,500.00
Total	17,500.00

NEW CASTLE COUNTY LAW LIBRARY

Salaries and Wages of Employees	3,700.00
Office Expense	300.00
Repairs and Replacements	1,000.00
Books and Publications	7,450.00
Total	12,450.00

KENT COUNTY LAW LIBRARY

Salaries and Wages of Employees	5,900.00
Office Expense	350.00
Repairs and Replacements	1,850.00
Books and Publications	5,500.00
Total	13,600.00

SUSSEX COUNTY LAW LIBRARY

Salaries and Wages of Employees	300.00
Office Expense	75.00
Books and Publications	4,000.00
Repairs and Replacements	800.00
Total	5,175.00

SUPREME COURT

Salary of Chief Justice	22,500.00
Salaries of Associate Justices	44,000.00
Salaries and Wages of Employees	22,120.00
Office Expense	8,750.00
Travel	1,200.00
Repairs and Replacements	1,000.00
Total	99,570.00

FAMILY COURT OF KENT AND SUSSEX COUNTIES

Salaries of Judges	25,000.00
Salaries and Wages of Employees	45,000.00
Total	70,000.00

FAMILY COURT OF NEW CASTLE COUNTY

Salaries of Judges	35,000.00
Salaries and Wages of Employees	170,000.00
Office Expense	6,000.00
Travel	1,100.00
Repairs and Replacements	1,500.00
Equipment	400.00
Total	214,000.00

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	34,000.00
Office Expense	6,500.00
Travel	4,000.00
Operations	5,700.00
Repairs and Replacements	5,000.00
Equipment	1,000.00
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Total	127,200.00

BOARD OF POST-MORTEM EXAMINERS

Salary of Medical Examiner	15,000.00
Salaries and Wages of Employees	11,000.00
Office Expense	1,870.00
Travel	1,600.00
Operations	400.00
Repairs and Replacements	500.00
Equipment	3,500.00
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Total	33,870.00

TOTAL JUDICIAL AND LEGAL 985,070.00

DEBT SERVICE

STATE OBLIGATIONS

Redemptions	13,048,000.00
Interest	6,238,762.00
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Total State Obligations	19,286,762.00

COUNTY OBLIGATIONS

Redemptions	105,000.00
Interest	15,112.00
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Total County Obligations—Paid by State 120,112.00

TOTAL DEBT SERVICES 19,406,874.00

REGULATORY BOARDS

MEDICAL COUNCIL OF DELAWARE

Salaries of Members	320.00
Salaries and Wages of Employees	2,700.00
Office Expense	2,000.00
Travel	750.00

Total 5,770.00

STATE BOARD OF PHARMACY

Salaries of Board Members	1,500.00
Salaries and Wages of Employees	3,500.00
Office Expense	1,000.00
Travel	2,000.00

Total 8,000.00

STATE BOARD OF DENTAL EXAMINERS

Salaries of Board Members	540.00
Salaries and Wages of Employees	300.00
Office Expense	200.00
Travel	260.00

Total 1,300.00

STATE BOARD OF BARBER EXAMINERS

Salaries of Members	700.00
Salary of Secretary	300.00
Office Expense	200.00
Travel	300.00
Equipment	200.00

Total 1,700.00

STATE EXAMINING BOARD OF
PHYSICAL THERAPISTS

Office Expense	137.00
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Total 137.00

STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages of Employees	150.00
Office Expense	25.00
Travel	25.00

Total 200.00

STATE BOARD OF ACCOUNTANCY

Salaries and Wages of Employees	400.00
Salaries of Board Members	1,500.00
Office Expense	2,005.00
Travel	500.00

Total	4,405.00
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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

Salary of Executive Secretary	6,000.00
Salaries and Wages of Employees	3,600.00
Office Expense	2,100.00
Travel	600.00
Equipment	2,900.00

Total	15,200.00
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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

Total	700.00
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STATE BINGO CONTROL COMMISSION

Salaries of Commissioners	1,500.00
Salaries and Wages of Employees	8,700.00
Office Expense	550.00
Travel	3,250.00

Total	14,000.00
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DELAWARE REAL ESTATE COMMISSION

Salaries of Commission Members	2,100.00
Office Expense	800.00
Travel	100.00

Total	3,000.00
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**BOARD OF EXAMINERS AND REGISTRATION
OF ARCHITECTS**

Salaries and Wages of Employees	950.00
Office Expense	500.00
Travel	250.00
Equipment	50.00
Total	1,750.00

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
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**

Salary of Secretary	3,900.00
Office Expense	4,200.00
Travel	800.00
Equipment	450.00
Total	9,350.00

DELAWARE COMMISSION OF SHELL FISHERIES

Salary of Executive Secretary	5,000.00
Salaries and Wages of Employees	39,500.00
Office Expense	2,950.00
Travel	1,500.00
Operations	19,550.00
Research	10,000.00
Total	78,500.00

DEPARTMENT OF CIVIL DEFENSE

Salary of State Director	4,500.00
Salaries and Wages of Employees	25,000.00

Office Expense	2,500.00
Travel	1,900.00
Operations	3,500.00
Repairs and Replacements	1,500.00
Equipment	3,500.00

Total 42,400.00

BOARD OF CHIROPODY EXAMINERS

Salaries of Board Members	160.00
Office Expense	108.00
Travel	30.00

Total 298.00

STATE BOARD OF CHIROPRACTIC EXAMINERS

Salaries of Board Members	150.00
Office Expense	65.00
Travel	50.00

Total 265.00

STATE FIRE PREVENTION COMMISSION

Salary of Fire Marshal	6,000.00
Salaries and Wages of Employees	18,600.00
Office Expense	1,800.00
Travel	3,500.00
Operations	1,500.00
Repairs and Replacements	800.00
Equipment	7,000.00

Total 39,200.00

TOTAL REGULATORY BOARDS 229,650.00

ENFORCEMENT BOARDS

STATE DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS

Salary of Child Labor Inspector	4,000.00
Salary of 10 Hour-Law Inspector	3,500.00
Salaries and Wages of Employees	30,040.00
Office Expense	6,900.00
Travel	4,200.00

Repairs and Replacements	550.00
Equipment	400.00

Total	49,590.00
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INDUSTRIAL ACCIDENT BOARD

Salaries of Members	10,800.00
Salaries and Wages of Employees	13,000.00
Office Expense	5,200.00
Court Reporting Fees	6,000.00
Travel	2,200.00
Repairs and Replacements	250.00
Equipment	500.00

Total	37,950.00
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BOARD OF PAROLE

Salaries of Board Members	1,200.00
Salary of Parole Officer	4,200.00
Salaries and Wages of Employees	3,600.00
Office Expense	1,700.00
Travel	1,500.00

Total	12,200.00
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BOARD OF PARDONS

Salary of Lieutenant-Governor	144.00
Travel	100.00
Witness Fees	96.00

Total	340.00
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BOARD OF BOILER RULES

Salary of Chief Inspector	6,300.00
Salaries and Wages of Employees	15,200.00
Office Expense	2,500.00
Travel	3,000.00
Equipment	200.00

Total	27,200.00
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DELAWARE NATIONAL GUARD

Salary of Adjutant General	10,000.00
Salaries and Wages of Employees	57,250.00
Office Expense	14,300.00

Travel	4,300.00
Operations	59,500.00
Uniform Allowance—Officers	16,000.00
Unit Fund Allowance—\$500. per unit	19,000.00
Repairs and Replacements	33,150.00
Equipment	15,000.00

Total	228,500.00
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PUBLIC SERVICE COMMISSION

Salaries of Commission Members	13,500.00
Salaries and Wages of Employees	33,000.00
Office Expense	5,360.00
Travel	5,000.00
Operations	6,000.00
Repairs and Replacements	2,700.00
Equipment	225.00

Total	65,785.00
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TOTAL ENFORCEMENT BOARDS	421,565.00
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PENSIONS AND SOCIAL SECURITY

RETIRED AND DISABLED TEACHERS' PENSIONS

Benefits	180,000.00
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Total	180,000.00
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STATE EMPLOYEES' PENSION PLAN

Salaries and Wages of Employees	6,000.00
Office Expense	1,000.00
Benefits	1,560,000.00
Survivors' Pension (Spouse)	170,000.00
Travel	200.00

Total	1,737,200.00
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STATE' SHARE OF SOCIAL
SECURITY CONTRIBUTIONS

Contributions	1,670,778.92
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Total	1,670,778.92
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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	7,200.00
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Total	7,200.00
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STATE POLICE RETIREMENT FUND

Contributions	198,000.00
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Total	198,000.00
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TOTAL PENSIONS AND SOCIAL

SECURITY	3,798,778.92
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MISCELLANEOUS

CUSTODIAN

Salary of Custodian	5,000.00
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Salaries and Wages of Employees	125,000.00
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Office Expense	1,000.00
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Operations	70,000.00
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Repairs and Replacements	60,000.00
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Equipment	3,000.00
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Boiler Replacement in Legislative Hall	40,000.00
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Total	304,000.00
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STATE LIBRARY COMMISSION

Salary of Librarian	6,600.00
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Salaries and Wages of Employees	39,400.00
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Office Expense	500.00
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Travel	500.00
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Operations	2,500.00
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Repairs and Replacements	2,500.00
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Equipment	2,000.00
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Permanent Improvements	1,000.00
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Total	55,000.00
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PUBLIC ARCHIVES COMMISSION
ADMINISTRATION

Salaries and Wages of Employees	66,340.00
Office Expense	2,400.00
Travel	1,400.00
Operations	5,000.00
Repairs and Replacements	250.00
Equipment and Permanent Improvements....	2,000.00
Historic Markers	1,000.00
Probate Records	5,000.00
<hr/>	
Total	83,390.00

FORT CHRISTINA MONUMENT

Salaries and Wages of Employees	6,500.00
Operations	3,500.00
<hr/>	
Total	10,000.00

STATE MUSEUM

Salaries and Wages of Employees	20,200.00
Office Expense	1,100.00
Travel	200.00
Operations	750.00
Repairs and Replacements	500.00
Equipment	3,000.00
<hr/>	
Total	25,750.00

JOHN DICKINSON MANSION

Salaries and Wages of Employees	14,400.00
Office Expense	350.00
Operations	600.00
Repairs and Replacements	600.00
Equipment	1,000.00
Permanent Improvements	200.00
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Total	17,150.00

PORTRAIT COMMISSION

Office Expense	50.00
Travel	25.00
Repairs and Replacements	125.00
Equipment	300.00
<hr/>	
Total	500.00

STATE PARK COMMISSION
ADMINISTRATION

Salary of Director	7,200.00
Salaries and Wages of Employees	3,600.00
Office Expense	1,300.00
Travel	1,525.00
Operations	3,000.00

Total	16,625.00
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TRAP POND

Salary of Superintendent	4,200.00
Salaries and Wages of Employees	4,800.00
Repairs and Replacements	3,000.00
Permanent Improvements—Jason Beach	13,000.00
Permanent Improvements—Shop	7,500.00

Total	32,500.00
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LUMS POND

Salary of Superintendent	4,500.00
Salaries and Wages of Employees	3,600.00
Office Expense	500.00
Travel	200.00
Operations	1,000.00
Permanent Improvements	20,000.00

Total	29,800.00
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BRANDYWINE SPRINGS PARK

Salary of Superintendent	4,200.00
Salaries and Wages of Employees	2,200.00
Repairs and Replacements	4,200.00
Permanent Improvements	3,000.00

Total	13,600.00
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FORT DELAWARE

Salary of Superintendent	4,200.00
Salaries and Wages of Employees	3,000.00
Repairs and Replacements	10,000.00

Total	17,200.00
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DELAWARE STATE DEVELOPMENT DEPARTMENT

Salary of Director	5,000.00
Salaries and Wages of Employees	21,800.00
Office Expense	5,000.00
Travel	5,000.00
Operations	20,000.00
Repairs and Replacements	1,000.00
Equipment	700.00
Total	58,500.00

LEWES MEMORIAL COMMISSION

Salaries and Wages of Employees	6,775.00
Office Expense	250.00
Travel	50.00
Operations	750.00
Repairs and Replacements	2,500.00
Total	10,325.00

DELAWARE DAY COMMISSION

Operations	100.00
Total	100.00

NEW CASTLE HISTORIC BUILDINGS COMMISSION

Salaries and Wages of Employees	5,750.00
Office Expense	600.00
Operations	1,665.00
Repairs and Replacements	1,000.00
Total	9,015.00

DELAWARE GEOLOGICAL COMMISSION

Salaries and Wages of Employees	24,300.00
Travel	500.00
Operations	42,500.00
Total	67,300.00

STATE HUMAN RELATIONS COMMISSION

Operations	10,000.00
Total	10,000.00

STATE PLANNING OFFICE

Operations	50,000.00
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Total	50,000.00
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TOTAL MISCELLANEOUS	810,755.00
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ROADS: MAINTENANCE, POLICE, ETC.

STATE HIGHWAY DEPARTMENT

OFFICE OF CONTROLLER

Salaries and Wages of Employees	99,000.00
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Office Expense	34,970.00
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Travel	1,225.00
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Operations	4,900.00
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Repairs and Replacements	3,350.00
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Equipment	700.00
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Total	144,145.00
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MOTOR VEHICLE DIVISION

Salary of Commissioner	9,200.00
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Salaries and Wages of Employees	415,868.00
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Office Expense	62,000.00
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Travel	1,500.00
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Operations	135,000.00
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Repairs and Replacements	18,300.00
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Equipment	2,000.00
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Total	643,868.00
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SAFETY RESPONSIBILITY DIVISION

Salary of Director	5,700.00
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Salaries and Wages of Employees	14,900.00
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Office Expense	2,200.00
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Travel	600.00
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Repairs and Replacements	200.00
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Total	23,600.00
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STATE POLICE DIVISION

Salaries and Wages of Employees	1,500,000.00
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Office Expense	42,000.00
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Travel	5,000.00
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Operations	229,000.00
Repairs and Replacements	75,000.00
Equipment	15,000.00

Total	1,866,000.00
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MOTOR FUEL TAX DIVISION

Salary of Director	6,800.00
Salaries and Wages of Employees	13,600.00
Office Expense	4,500.00
Travel	3,000.00
Operations	700.00
Repairs and Replacements	2,500.00
Equipment	200.00

Total	31,300.00
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STATE COMMUNICATIONS DIVISION

Salaries and Wages of Employees	35,200.00
Office Expense	1,200.00
Travel	300.00
Operations	8,000.00
Repairs and Replacements	2,850.00
Equipment	2,000.00

Total	49,550.00
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MAINTENANCE DIVISION

Salaries and Wages of Employees	2,600,000.00
Office Expense	12,000.00
Operations	750,000.00
Repairs and Replacements	2,500,000.00
Equipment	100,000.00

Total	5,962,000.00
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CONSTRUCTION DIVISION

Salaries and Wages of Employees and Fees..	237,500.00
Office Expense	60,000.00
Operations	350,000.00
Repairs and Replacements	100,000.00
Equipment and Permanent Improvements ...	65,000.00

Total	812,500.00
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MOSQUITO CONTROL DIVISION

Salaries and Wages of Employees	65,000.00
Office Expense	2,500.00
Operations	140,000.00
Repairs and Replacements	7,500.00
Travel	225.00
Equipment	15,000.00
Fresh Water Mosquito Control— New Castle County	45,000.00
Total	275,225.00

TOTAL ROADS: MAINTENANCE, POLICE, ETC.	9,808,188.00
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HEALTH

STATE BOARD OF HEALTH
ADMINISTRATION

Salary of Executive Secretary	15,000.00
Salaries and Wages of Employees	375,000.00
Office Expense	23,500.00
Travel	13,000.00
Operations	19,000.00
Repairs and Replacements	10,000.00
Equipment	1,000.00
Basic Plumbing Principles	5,180.00
School Examination Fees	20,000.00
Total	481,680.00

CRIPPLED CHILDREN

Salaries and Wages of Employees	99,000.00
Travel	1,000.00
Total	100,000.00

CANCER, HEART AND CHRONIC DISEASE CONTROL

Salaries and Wages of Employees	51,000.00
Office Expense	500.00
Travel	500.00
Operations	150.00
Repairs and Replacements	1,000.00
Total	53,150.00

DIVISION OF OPTOMETRY

Operations	1,800.00
Total	1,800.00

AIR POLLUTION

Salaries and Wages of Employees	11,600.00
Office Expense	3,000.00
Travel	800.00
Operations	1,000.00
Total	16,400.00

POLIOMYELITIS IMMUNIZATION

Operations	15,000.00
Total	15,000.00

WATER POLLUTION COMMISSION

Salaries and Wages of Employees	43,000.00
Office Expense	1,800.00
Travel	2,000.00
Operations	1,050.00
Repairs and Replacements	2,000.00
Equipment	150.00
Total	50,000.00

TOTAL HEALTH 718,030.00

AGRICULTURE, FORESTRY, ETC.

STATE BOARD OF AGRICULTURE

Salaries and Wages of Employees	181,850.00
Office Expense	9,000.00
Travel	10,000.00
Operations	42,000.00
Repairs and Replacements	10,000.00
Equipment	4,000.00
News Letter	1,000.00
Total	257,850.00

WEIGHTS AND MEASURES

Salary of Director	7,000.00
Salaries and Wages of Employees	23,500.00
Office Expense	1,200.00
Travel	4,200.00
Operations	1,000.00
Equipment	29,000.00
Repairs and Replacements	200.00
Total	66,100.00

SOIL CONSERVATION COMMISSION

Salaries and Wages of Employees	26,450.00
Office Expense	1,650.00
Travel	4,800.00
Operations	100.00
Equipment	300.00
Total	33,300.00

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

STATE FORESTRY DEPARTMENT
ADMINISTRATION

Salary of State Forester	4,000.00
Salaries and Wages of Employees	47,000.00
Office Expense	2,200.00
Travel	2,800.00
Operations	4,500.00
Repairs and Replacements	2,000.00
Equipment	2,000.00
Total	64,500.00

SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages of Employees	8,500.00
Office Expense	1,000.00
Travel	300.00

Operations	500.00
Repairs and Replacements	2,000.00
Equipment	500.00

Total	12,800.00
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DELAWARE GAME AND FISH COMMISSION

Salary of Commissioners	900.00
Salary of Director and Game Technician	6,000.00
Salaries and Wages of Employees	44,100.00
Office Expense	8,400.00
Travel	1,075.00
Operations	15,075.00
Repairs and Replacement	6,000.00
Equipment	900.00

Total	82,450.00
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TOTAL AGRICULTURE, FORESTRY, ETC.	531,550.00
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PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

Salary of Director	6,000.00
Salaries and Wages of Employees	385,000.00
Office Expense	43,000.00
Travel	7,500.00
Repairs and Replacements	11,500.00
Equipment	1,500.00
O. A. A.—Grants	209,000.00
Aid to Disabled—Grants	150,000.00
Aid to Dependent Children—Grants	350,000.00
Direct Care—Child Welfare Service	550,000.00
Reimbursement to counties	600,000.00

Total	2,313,500.00
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DELAWARE COMMISSION FOR THE BLIND

Salary of Director	5,000.00
Salaries and Wages of Employees	65,000.00
Office Expense	2,200.00
Travel	3,500.00
Operations	30,000.00

Repairs and Replacements	6,500.00
Materials	12,000.00
Assistance—Grants	105,000.00
Benefits—Education	49,000.00
Equipment and Permanent Improvements	1,800.00
Total	280,000.00

STATE WELFARE HOME

Reimbursements to Counties	645,000.00
Total	645,000.00

DELAWARE STATE HOSPITAL

DAYTIME CARE CENTER, MENTAL HYGIENE
CLINIC, GOVERNOR BACON HEALTH CENTER
HOSPITAL FOR THE MENTALLY RETARDED

Expanded Rehabilitation Program Only	150,000.00
Subject to Prior Approval of Budget Commission	
Salary of Superintendent	24,000.00
Salary of Business Administrator	16,200.00
Salaries and Wages of Employees and Fees....	2,811,250.00
Office Expense	54,650.00
Travel	23,350.00
Operations	817,500.00
Repairs and Replacements	127,500.00
Equipment and Permanent Improvements	16,500.00
Salaries—Handicapped Children	80,350.00
Handicapped Children—Other Costs	6,950.00
All Other Costs—Trainable Children	26,000.00
Total	4,154,250.00

SURPLUS FOOD FOR NEEDY FAMILIES PROGRAM

Salaries and Wages of Employees	19,500.00
Office Expense	6,300.00
Travel	1,300.00
Operations	9,000.00
Repairs and Replacements	3,900.00
Total	40,000.00

STATE BOARD OF CORRECTIONS

Expanded Rehabilitation Program Only	100,000.00
Subject to Prior Approval of Budget Commission	
Salaries of Board Members	840.00
Salary of Director	12,000.00
Salaries and Wages of Employees	750,000.00
Office Expense	15,000.00
Travel	10,000.00
Operations	335,000.00
Repairs and Replacements	61,450.00
Equipment	10,000.00

Total 1,294,290.00

EMILY P. BISSELL SANATORIUM

Salary of Superintendent	12,000.00
Salaries and Wages of Employees	561,000.00
Office Expense	15,000.00
Travel	2,000.00
Operations	225,000.00
Repairs and Replacements	20,000.00
Equipment and Permanent Improvements ...	5,000.00
Education—Salaries of Instructors	4,500.00
Equipment—Educational	650.00

Total 845,150.00

YOUTH SERVICE COMMISSION

Executive Director	10,500.00
Salaries and Wages of Employees	390,000.00
Office Expense	12,500.00
Travel	7,800.00
Operations	130,000.00
Repairs and Replacements	20,000.00
Equipment	11,500.00

Total 582,300.00

TOTAL PUBLIC WELFARE 10,154,490.00

GRANTS-IN-AID

PENINSULA HORTICULTURAL SOCIETY

Office Expense	900.00
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Total 900.00

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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EMERGENCY FUND ONLY

Administered by Permanent Budget

Commission	100,000.00
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Total	100,000.00
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TOTAL GRANTS-IN-AID	1,301,350.00
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TOTAL AGENCIES, GRANTS-IN-AID	50,761,933.92
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EDUCATION

UNIVERSITY OF DELAWARE

Operations	4,412,500.00
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Scholarships	37,500.00
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Aid to Needy Students	57,000.00
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Teaching Scholarship	50,000.00
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Total	4,557,000.00
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DELAWARE STATE COLLEGE

Salaries and Wages of Employees	320,000.00
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Office Expense	12,000.00
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Travel	2,000.00
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Operations	120,800.00
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Repairs and Replacements	38,000.00
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Equipment	20,000.00
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Scholarships	25,000.00
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Total	537,800.00
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STATE BOARD OF EDUCATION

Division I.—SALARIES

A. Salary of Superintendent

(\$16,500. State, \$500. Federal)	17,000.00
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Salaries of Board Members	2,700.00
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B. Assistant Superintendents (4)	
1. Business Administration	12,880.00
2. Secondary Education	12,880.00
3. Elementary Education	12,880.00
4. Vocational Education	
(\$5,950. State, \$5,950. Federal)	11,900.00
C. Directors (3)	
1. Research	11,880.00
2. Child Development and Guidance	11,400.00
3. Certification	11,880.00
D. Supervisors	
a. With program (17)	
1. Art	9,420.00
2. Music	10,500.00
3. Physical Education	10,500.00
4. Home Economics	
(\$4,010. State, \$4,010. Federal)	8,020.00
5. Agriculture	
(\$5,250. State, \$5,250. Federal)	10,500.00
6. Distributive Education	
(\$4,460. State, \$4,460. Federal)	8,920.00
7. Lunch Program	9,320.00
8. Trades, Industry & Teacher Training	
(\$4,740. State—\$4,740. Federal)	9,480.00
9. Foreman Training	
(\$4,650. State—\$4,650. Federal)	9,300.00
10. Apprentice Training	
(\$4,700. State—\$4,700. Federal)	9,400.00
11. Transportation	8,820.00
12. Science	
(\$4,270. State—\$4,270. Federal)	8,540.00
13. Mathematics	
(\$4,440. State—\$4,440. Federal)	8,880.00
14. Foreign Language	
(\$4,460. State—\$4,460. Federal)	8,920.00
15. Adult Education and Service Bureau	
for Foreign Born	7,500.00
16. Library	7,320.00
17. English	7,320.00
b. without programs (14)	
1. Research	9,880.00

2. Home Economics (\$4,940. State—\$4,940. Federal)	9,880.00
3. Rural New Castle County (11 months)	8,730.00
4. Rural Kent County (11 months)	9,190.00
5. Rural Sussex County (11 months)	8,730.00
6. Student Driver	9,190.00
7. Transportation	8,260.00
8. Special Classes for Physically Handicapped	8,920.00
9. Special Schools	9,400.00
10. Certification	7,960.00
11. Business	7,960.00
12. Maintenance	5,250.00
13. Testing	8,140.00
14. Special Classes	9,880.00
E. Principals	None
F. Vice-Principals	None
G. Administrative Assistants	None
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Total Administrative Salaries	379,430.00
H. Teachers	
1. Physical Education, Rural Schools (10 months)	6,800.00
2. Art, Rural Schools (10 months)	7,500.00
3. Music, Rural Schools (10 months)....	7,500.00
4. Driver Education (23)	135,200.00
5. Visiting Teachers (4) (State and Special District)	26,800.00
6. Psychologists (9) (State and Special Dist.)	44,525.00
7. Speech and Hearing (6) (State and Special Dist.)	44,247.00
8. Coordinators (2) (State and Special Dist.)	15,260.00
9. A. I. duPont Institute	6,150.00
I. Clerical	150,000.00
J. Janitorial	3,000.00
K. Health	None

L. Cafeteria	None
Sub-total Division I	826,412.00
Less Federal Funds	52,370.00
Total Division I	774,042.00

Division II.

B. 1. Office Expense	48,00.00
(a) State Matching Funds for Title 111, National Education Defense Act	6,795.00
2. Legal Fees	10,000.00
3. Travel	33,000.00
4. Transportation	1,630,000.00
5. Equipment	7,000.00
6. Vocational Training	40,000.00
7. Deaf Program	127,000.00
8. Homebound instruction (\$45,000. State—\$4,000. Wilmington)	49,000.00
9. Adult Education (in addition to Student Fees)	5,000.00
10. Trainable Units—to be operated in compliance with Chapter 17, Title 14, Delaware Code	55,000.00
11. Substitute Teachers (to be allocated by State Board as needed)	240,000.00
12. Operations	11,500.00
13. Operation Student Driver Position....	1,000.00
14. Governor's Committee on Employ- ment of Handicapped	500.00
15. Repairs and Replacements	1,500.00
16. Film Library and National Educa- tion Defense Act Title X	25,000.00
Total Division II	2,290,295.00

TOTAL STATE BOARD OF EDUCATION AND VOCATIONAL EDUCATION	3,064,337.00
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REHABILITATION DIVISION

Office Expense	8,500.00
Travel	7,000.00
Operations	132,500.00

TOTAL REHABILITATION DIVISION	148,000.00
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TOTAL STATE BOARD OF EDUCATION,
VOCATIONAL EDUCATION AND

REHABILITATION DIVISION	3,212,337.00
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COMMISSION ON CHILDREN AND YOUTH

Salary of Executive Secretary	4,800.00
Office Expense	2,300.00
Travel	400.00

Total	7,500.00
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PUBLIC SCHOOLS

SPECIAL SCHOOL DISTRICTS

CAESAR RODNEY

115 units

Division I.—SALARIES

FOR SCHOOL
YEAR 1962-1963

A. Chief School Officer	10,920.00
E. Principals 4	34,940.00
F. Vice-Principals 1	6,400.00
G. Administrative Assistants .. 1	9,120.00

Total Administrative Salaries	61,380.00
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H. Teachers110	596,680.00
I. Clerical 6	23,760.00
J. Janitorial 15	53,350.00
K. Health 3	14,850.00
L. Cafeteria 2	5,850.00

Division II.—OTHER COSTS

A. All other costs	89,125.00
Capital Outlay	11,500.00

Total	856,495.00
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CLAYMONT

110 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	4	37,040.00
G. Administrative Assistants ..	1	10,040.00

Total Administrative Salaries		58,480.00
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H. Teachers	106	607,420.00
I. Clerical	6	24,180.00
J. Janitorial	19	64,640.00
K. Health	3	14,100.00
L. Cafeteria	4	15,950.00

Division II.—OTHER COSTS

A. All other costs	85,250.00
Capital Outlay	11,000.00

Total	881,020.00
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DOVER

141 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	6	53,960.00
G. Administrative Assistants ..	1	9,620.00

Total Administrative Salaries		74,980.00
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H. Teachers	135	778,300.00
I. Clerical	7	28,670.00
J. Janitorial	21	84,400.00
K. Health	3	13,900.00
L. Cafeteria	5	17,550.00

Division II.—OTHER COSTS

A. All other costs	109,275.00
Capital Outlay	14,100.00

Total	1,121,175.00
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ALEXIS I. du PONT

65 units

Division I.—SALARIES

A. Chief School Officer		11,380.00
E. Principals	2	19,400.00
F. Vice-Principals	2	13,650.00

Total Administrative Salaries		44,430.00
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H. Teachers	61	360,350.00
I. Clerical	4	14,300.00
J. Janitorial	12	50,900.00
K. Health	2	9,900.00
L. Cafeteria	2	9,900.00

Division II.—OTHER COSTS

A. All other costs		50,375.00
Capital Outlay		6,500.00

Total		546,655.00
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GEORGETOWN

61 units

Division I.—SALARIES

A. Chief School Officer		10,420.00
E. Principals	2	19,200.00

Total Administrative Salaries		29,620.00
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H. Teachers	59	323,040.00
I. Clerical	4	16,287.00
J. Janitorial	9	37,200.00
K. Health	2	9,200.00
L. Cafeteria	1	2,400.00

Division II.—OTHER COSTS

A. All other costs		47,275.00
Capital Outlay		6,100.00

Total		471,122.00
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HARRINGTON

48 units

Division I.—SALARIES

A. Chief School Officer		10,420.00
E. Principals	2	17,580.00
F. Vice Principals	1	6,400.00

Total Administrative Salaries		34,400.00
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H. Teachers	45	267,090.00
I. Clerical	3	12,390.00
J. Janitorial	8	33,650.00
K. Health	1½	6,900.00
L. Cafeteria	1	3,300.00
M. Trainable Attendants		2,900.00

Division II.—OTHER COSTS

A. All other costs		37,200.00
Capital Outlay		4,800.00

Total		402,630.00
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LAUREL

87 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	4	32,835.00
G. Administrative Assistants ..	1	10,100.00

Total Administrative Salaries		54,335.00
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T. Teachers	83	475,360.00
I. Clerical	5	19,895.00
J. Janitorial	15	63,400.00
K. Health	2½	10,225.00
L. Cafeteria	2	6,600.00

Division II.—OTHER COSTS

A. All other costs		67,425.00
Capital Outlay		8,700.00

Total		705,940.00
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LEWES

54 units

Division I.—SALARIES

A. Chief School Officer		10,900.00
E. Principals	3	26,000.00

Total Administrative Salaries		36,900.00
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H. Teachers	51	302,160.00
I. Clerical	4	15,880.00
J. Janitorial	10	42,450.00
K. Health	1½	7,225.00
L. Cafeteria	2	6,750.00

Division II.—OTHER COSTS

A. All other costs	41,850.00
Capital Outlay	5,400.00

Total	458,615.00
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MILFORD

117 units

Division I.—SALARIES

A. Chief School Officer		10,920.00
E. Principals	5	44,080.00
G. Administrative Assistants ..	1	10,100.00

Total Administrative Salaries		65,100.00
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H. Teachers	112	631,380.00
I. Clerical	6	23,520.00
J. Janitorial	18	74,250.00
K. Health	3	14,450.00
L. Cafeteria	3	8,700.00

Division II.—OTHER COSTS

A. All other costs	90,675.00
Capital Outlay	11,700.00

Total	919,775.00
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MOUNT PLEASANT

203 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	6	56,700.00
F. Vice-Principals	2	14,000.00
G. Administrative Assistants ..	1	10,100.00

Total Administrative Salaries 92,200.00

H. Teachers	195	1,159,750.00
I. Clerical	10	39,340.00
J. Janitorial	26	108,250.00
K. Health	7	30,350.00
L. Cafeteria	7	20,850.00

Division II.—OTHER COSTS

A. All other costs	157,325.00
Capital Outlay	20,300.00

Total 1,628,365.00

NEW CASTLE

195 units

Division I.—SALARIES

A. Chief School Officer		10,920.00
E. Principals	7	64,880.00
G. Administrative Assistants ..	1	9,620.00

Total Administrative Salaries 85,420.00

H. Teachers	188	1,099,100.00
I. Clerical	10	40,300.00
J. Janitorial	22	107,400.00
K. Health	6	25,450.00
L. Cafeteria	6	18,750.00

Division II.—OTHER COSTS

A. All other costs	151,125.00
Capital Outlay	19,500.00

Total 1,547,045.00

NEWARK

316 units

Division I.—SALARIES

A. Chief School Officer		10,920.00
E. Principals	9	87,800.00
F. Vice-Principals	2	20,700.00
G. Administrative Assistants ..	2	20,200.00

Total Administrative Salaries		139,620.00
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H. Teachers	305	1,739,170.00
I. Clerical	16	64,070.00
J. Janitorial	38	166,950.00
K. Health	10	45,550.00
L. Cafeteria	10	31,500.00
M. Trainable Attendants		1,800.00

Division II.—OTHER COSTS

A. All other costs	244,900.00
Capital Outlay	31,600.00

Total	2,465,160.00
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REHOBOTH

20 units

Division I.—SALARIES

A. Chief School Officer		10,380.00
E. Principals	1	7,600.00
F. Vice-Principals	1	6,950.00

Total Administrative Salaries		24,930.00
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H. Teachers	18	120,450.00
I. Clerical	2	8,450.00
J. Janitorial	5	20,200.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs	15,500.00
Capital Outlay	2,000.00

Total	200,030.00
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SEAFORD

127 units

Division I.—SALARIES

A. Chief School Officer		11,880.00
E. Principals	5	44,820.00
G. Administrative Assistants ..	1	9,620.00

Total Administrative Salaries		66,320.00
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H. Teachers	122	691,370.00
I. Clerical	6	23,160.00
J. Janitorial	23	85,300.00
K. Health	3 1/2	14,425.00
L. Cafeteria	5	16,250.00

Division II.—OTHER COSTS

A. All other costs	98,425.00
Capital Outlay	12,700.00

Total	1,007,950.00
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SMYRNA

78 units

Division I.—SALARIES

A. Chief School Officer		11,880.00
E. Principals	5	43,600.00
G. Administrative Assistants ..	1	9,900.00

Total Administrative Salaries		65,380.00
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H. Teachers	73	414,440.00
I. Clerical	5	19,610.00
J. Janitorial	13	51,350.00
K. Health	2 1/2	10,850.00
L. Cafeteria	4	11,100.00

Division II.—OTHER COSTS

A. All other costs	60,450.00
Capital Outlay	7,800.00

Total	640,980.00
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LOCAL SCHOOL DISTRICTS

ARDEN NO. 3

4 units

Division I.—SALARIES

H. Teachers	4	23,150.00
I. Clerical	1	1,200.00
J. Janitorial	1	2,300.00
K. Health		1,000.00

Division II.—OTHER COSTS

A. All other costs	3,100.00
Capital Outlay	400.00

Total 31,150.00

GUNNING BEDFORD, JR. NO. 53

42 units

Division I.—SALARIES

A. Chief School Officer	10,900.00
E. Principals	2 18,520.00

Total Administrative Salaries 29,420.00

H. Teachers	40	234,300.00
I. Clerical	3	12,420.00
J. Janitorial	12	44,700.00
K. Health	1½	6,075.00
L. Cafeteria	3	8,400.00

Division II.—OTHER COSTS

A. All other costs	32,550.00
Capital Outlay	4,200.00

Total 372,065.00

HENRY C. CONRAD NO. 131

87 units

Division I.—SALARIES

A. Chief School Officer	10,920.00
E. Principals	2 19,240.00
F. Vice-Principals	2 14,400.00
G. Administrative Assistants	9,500.00

Total Administrative Salaries 54,060.00

H. Teachers	83	490,100.00
I. Clerical	5	18,020.00
J. Janitorial	14	58,300.00
K. Health	2	9,250.00
L. Cafeteria	2	6,600.00

Division II.—OTHER COSTS

A. All other costs	67,425.00
Capital Outlay	8,700.00

Total 712,455.00

ALFRED I. duPONT NO. 7

207 units

Division I.—SALARIES

A. Chief School Officer	11,880.00
E. Principals 5	70,520.00
G. Administrative Assistants .. 1	9,200.00

Total Administrative Salaries 91,600.00

H. Teachers .....202	1,161,900.00
I. Clerical 10	40,140.00
J. Janitorial 41	115,000.00
K. Health 7	35,700.00
L. Cafeteria 6	26,500.00

Division II.—OTHER COSTS

A. All other costs	160,425.00
Capital Outlay	20,700.00

Total 1,651,965.00

MARSHALLTON NO. 77

94 units

Division I.—SALARIES

A. Chief School Officer	10,920.00
E. Principals 3	27,000.00
G. Administrative Assistants .. 1	9,620.00

Total Administrative Salaries 47,540.00

H. Teachers	91	480,100.00
I. Clerical	5	19,160.00
J. Janitorial	13	52,900.00
K. Health	3	12,850.00
L. Cafeteria	3	12,600.00

Division II.—OTHER COSTS

A. All other costs	72,850.00
Capital Outlay	9,400.00

Total	707,400.00
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MIDDLETOWN NO. 60

45 units

Division I.—SALARIES

A. Chief School Officer	10,180.00
E. Principals 1	8,200.00

Total Administrative Salaries	18,380.00
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H. Teachers	44	215,960.00
I. Clerical	3	12,040.00
J. Janitorial	7	18,850.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs	34,875.00
Capital Outlay	4,500.00

Total	313,105.00
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NEWPORT NO. 21

59 units

Division I.—SALARIES

A. Chief School Officer	10,420.00
E. Principals 2	18,040.00

Total Administrative Salaries	28,460.00
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H. Teachers	57	300,800.00
I. Clerical	4	15,157.00
J. Janitorial	8	32,350.00
K. Health	2	9,700.00
L. Cafeteria	1	3,000.00

Division II.—OTHER COSTS

A. All other costs	45,725.00
Capital Outlay	5,900.00

Total 441,092.00

OAK GROVE NO. 130

76 units

Division I.—SALARIES

A. Chief School Officer	11,400.00
E. Principals 3	27,840.00
G. Administrative Assistants .. 1	9,380.00

Total Administrative Salaries 48,620.00

H. Teachers 73	395,500.00
I. Clerical 5	19,072.00
J. Janitorial 11	46,100.00
K. Health 2	8,850.00
L. Cafeteria 2	6,300.00

Division II.—OTHER COSTS

A. All other costs	58,900.00
Capital Outlay	7,600.00

Total 590,942.00

ODESSA NO. 61

5 units

Division I.—SALARIES

A. Chief School Officer	6,550.00
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Total Administrative Salaries 6,550.00

H. Teachers 4	22,550.00
I. Clerical 1	1,000.00
J. Janitorial 1	3,700.00
K. Health 1	1,200.00
L. Cafeteria 1	2,550.00

Division II.—OTHER COSTS

A. All other costs	3,875.00
Capital Outlay	500.00

Total 41,925.00

RICHARDSON PARK NO. 20

38 units

Division I.—SALARIES

A. Chief School Officer		9,920.00
E. Principals	1	6,100.00

Total Administrative Salaries		16,020.00
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H. Teachers	37	215,900.00
I. Clerical	3	8,180.00
J. Janitorial	6	23,900.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs		29,450.00
Capital Outlay		3,800.00

Total		305,750.00
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ROSE HILL-MINQUADALE NO. 47

137 units

Division I.—SALARIES

A. Chief School Officer		11,880.00
E. Principals	5	44,335.00
G. Administrative Assistants ..	1	10,100.00

Total Administrative Salaries		66,315.00
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H. Teachers	132	716,500.00
I. Clerical	7	25,180.00
J. Janitorial	20	75,050.00
K. Health	4	16,950.00
L. Cafeteria	6	20,100.00

Division II.—OTHER COSTS

A. All other costs		106,175.00
Capital Outlay		13,700.00

Total		1,039,970.00
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JOHN G. LEACH

(Administered by Rose Hill-Minquadale No. 47)

6 units

Division I.—SALARIES

H. Teachers	6	39,900.00
I. Clerical	1 Part time	2,867.00
J. Janitorial	1	3,300.00
K. Health	1	5,200.00
M. Trainable Attendants	5	13,125.00

Division II.—OTHER COSTS

A. All other costs	4,650.00
Capital Outlay	600.00

Total 69,642.00

STANTON NO. 35

92 units

Division I.—SALARIES

A. Chief School Officer	11,400.00
E. Principals	3 27,900.00
F. Vice-Principals	1 7,185.00
G. Administrative Assistants ..	1 9,500.00

Total Administrative Salaries 55,985.00

H. Teachers	88	457,150.00
I. Clerical	5	17,010.00
J. Janitorial	11	45,500.00
K. Health	2½	13,900.00
L. Cafeteria	3	8,250.00

Division II.—OTHER COSTS

A. All other costs	71,300.00
Capital Outlay	9,200.00

Total 678,295.00

TOWNSEND NO. 81

13 units

Division I.—SALARIES

A. Chief School Officer	9,420.00
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Total Administrative Salaries 9,420.00

H. Teachers	13	67,300.00
I. Clerical	1	3,610.00
J. Janitorial	2	8,000.00
K. Health	1	3,000.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs	10,075.00
Capital Outlay	1,300.00

Total 106,005.00

YORKLYN NO. 91

4 units

Division I.—SALARIES

A. Chief School Officer	7,500.00
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Total Administrative Salaries 7,500.00

H. Teachers	3	19,000.00
I. Clerical	1 Part time	1,000.00
J. Janitorial	1	4,000.00
K. Health	1	800.00

Division II.—OTHER COSTS

A. All other costs	3,100.00
Capital Outlay	400.00

Total 35,800.00

MIDDLETOWN NO. 120

31 units

Division I.—SALARIES

A. Chief School Officer	10,880.00
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Total Administrative Salaries 10,880.00

H. Teachers	31	167,200.00
I. Clerical	3	12,060.00
J. Janitorial	5	20,900.00
K. Health	1	5,600.00
L. Cafeteria	1	4,050.00

Division II.—OTHER COSTS

A. All other costs	24,025.00
Capital Outlay	3,100.00

Total..... 247,815.00

MILLSIDE NO. 132

36 units

Division I.—SALARIES

A. Chief School Officer		9,920.00
E. Principals	1	9,120.00

Total Administrative Salaries		19,040.00
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H. Teachers	35	209,900.00
I. Clerical	3	9,840.00
J. Janitorial	5½	21,120.00
K. Health	1	5,200.00
L. Cafeteria	1	3,000.00

Division II.—OTHER COSTS

A. All other costs		27,900.00
Capital Outlay		3,600.00

oTtal		299,600.00
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NEWPORT NO. 106

15 units

Division I.—SALARIES

A. Chief School Officer		9,420.00
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Total Administrative Salaries		9,420.00
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H. Teachers	15	104,750.00
I. Clerical	1	3,260.00
J. Janitorial	3	10,410.00
K. Health	1	3,400.00
L. Cafeteria	1	2,250.00

Division II.—OTHER COSTS

A. All other costs		11,625.00
Capital Outlay		1,500.00

Total		146,615.00
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CLAYTON NO. 119

15 units

Division I.—SALARIES

A. Chief School Officer		9,360.00
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Total Administrative Salaries		9,360.00
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H. Teachers	15	79,650.00
I. Clerical	1	3,670.00
J. Janitorial	2	8,200.00
K. Health	1	4,050.00
L. Cafeteria	1	3,300.00
M. Trainable Attendants	1	2,225.00

Division II.—OTHER COSTS

A. All other costs	11,625.00
Capital Outlay	1,500.00

Total	123,580.00
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FELTON NO. 54

31 units

Division I.—SALARIES

A. Chief School Officer	10,400.00
E. Principals	2 16,655.00

Total Administrative Salaries	27,055.00
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H. Teachers	29	151,150.00
I. Clerical	3	11,700.00
J. Janitorial	4	18,400.00
K. Health	1	4,250.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs	24,025.00
Capital Outlay	3,100.00

Total	242,980.00
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FREDERICA NO. 32

9 units

Division I.—SALARIES

A. Chief School Officer	7,600.00
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Total Administrative Salaries	7,600.00
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H. Teachers	8	45,450.00
I. Clerical	1	2,870.00
J. Janitorial	2	7,750.00
K. Health	1	2,200.00
L. Cafeteria	1	2,550.00

Division II.—OTHER COSTS

A. All other costs	6,975.00
Capital Outlay	900.00
Total	76,295.00

HARTLY NO. 96

9 units

Division I.—SALARIES

A. Chief School Officer	7,200.00
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Total Administrative Salaries	7,200.00
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H. Teachers	8	40,250.00
I. Clerical	1 Part time	1,500.00
J. Janitorial	1	3,950.00
K. Health	1	1,800.00
L. Cafeteria	1	2,850.00

Division II.—OTHER COSTS

A. All other costs	6,975.00
Capital Outlay	900.00
Total	65,425.00

HOUSTON NO. 15

4 units

Division I.—SALARIES

A. Chief School Officer	6,650.00
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Total Administrative Salaries	6,650.00
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H. Teachers	3	16,050.00
I. Clerical	1 Part time	1,000.00
J. Janitorial	1	4,300.00
K. Health	1	1,000.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs	3,100.00
Capital Outlay	400.00
Total	35,800.00

MAGNOLIA NO. 50

5 units

Division I.—SALARIES

A. Chief School Officer	6,800.00
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Total Administrative Salaries	6,800.00
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H. Teachers	4	21,950.00
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I. Clerical	1	Part time	1,200.00
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J. Janitorial	1	4,200.00
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K. Health	1	1,000.00
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L. Cafeteria	1	2,100.00
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Division II.—OTHER COSTS

A. All other costs	3,875.00
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Capital Outlay	500.00
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Total	41,625.00
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WILLIAM HENRY NO. 133

37 units

Division I.—SALARIES

A. Chief School Officer	10,400.00
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E. Principals	1	8,420.00
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Total Administrative Salaries	18,820.00
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H. Teachers	36	200,530.00
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I. Clerical	3	9,570.00
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J. Janitorial	7	28,000.00
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K. Health	1	4,000.00
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L. Cafeteria	1	5,100.00
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Division II.—OTHER COSTS

A. All other costs	28,675.00
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Capital Outlay	3,700.00
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Total	298,395.00
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BRIDGEVILLE NO. 90

32 units

Division I.—SALARIES

A. Chief School Officer	10,880.00
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E. Principals	1	8,860.00
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Total Administrative Salaries	19,740.00
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H. Teachers	31	172,650.00
I. Clerical	3	11,140.00
J. Janitorial	6	22,600.00
K. Health	1	5,200.00
L. Cafeteria	1	3,600.00

Division II.—OTHER COSTS

A. All other costs	24,800.00
Capital Outlay	3,200.00

Total 262,930.00

BLADES NO. 172

4 units

Division I.—SALARIES

A. Chief School Officer	6,950.00
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Total Administrative Salaries 6,950.00

H. Teachers	3	16,950.00
I. Clerical	1 Part time	2,000.00
J. Janitorial	1	4,400.00
K. Health	1 Part time	1,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs	3,100.00
Capital Outlay	400.00

Total 38,300.00

JOHN M. CLAYTON NO. 97

27 units

Division I.—SALARIES

A. Chief School Officer	10,400.00
E. Principals 1	8,740.00

Total Administrative Salaries 19,140.00

H. Teachers	26	157,300.00
I. Clerical	2	8,630.00
J. Janitorial	6	25,400.00
K. Health	1	5,050.00
L. Cafeteria	1	2,550.00

Division II.—OTHER COSTS

A. All other costs	20,925.00
Capital Outlay	2,700.00
Total	241,695.00

DELMAR NO. 163

29 units

Division I.—SALARIES

A. Chief School Officer	10,460.00
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Total Administrative Salaries	10,460.00
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H. Teachers	29	161,840.00
I. Clerical	2	8,630.00
J. Janitorial	5	19,000.00
K. Health	1	6,000.00
L. Cafeteria	1	3,150.00

Division II.—OTHER COSTS

A. All other costs	22,475.00
Capital Outlay	2,900.00
Total	234,455.00

ELLENDALE NO. 125

5 units

Division I.—SALARIES

A. Chief School Officer	7,600.00
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Total Administrative Salaries	7,600.00
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H. Teachers	4	22,800.00
I. Clerical	1 Part time	1,200.00
J. Janitorial	1	4,050.00
K. Health	1 Part time	1,200.00
L. Cafeteria	1	3,000.00

Division II.—OTHER COSTS

A. All other costs	3,875.00
Capital Outlay	500.00
Total	44,225.00

GREENWOOD NO. 91

25 units

Division I.—SALARIES

A. Chief School Officer	9,920.00
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Total Administrative Salaries	9,920.00
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H. Teachers	25	138,540.00
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I. Clerical	2	8,040.00
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J. Janitorial	5	20,900.00
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K. Health	1	5,200.00
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L. Cafeteria	1	3,000.00
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Division II.—OTHER COSTS

A. All other costs	19,375.00
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Capital Outlay	2,500.00
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Total	207,475.00
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GUMBORO NO. 37

4 units

Division I.—SALARIES

A. Chief School Officer	6,700.00
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Total Administrative Salaries	6,700.00
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H. Teachers	3	16,450.00
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I. Clerical	1 Part time	1,000.00
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J. Janitorial	1	3,600.00
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K. Health	1	800.00
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L. Cafeteria	1	3,300.00
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Division II.—OTHER COSTS

A. All other costs	3,100.00
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Capital Outlay	400.00
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Total	35,350.00
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LINCOLN NO. 3

5 units

Division I.—SALARIES

A. Chief School Officer	7,600.00
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Total Administrative Salaries	7,600.00
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H. Teachers	4	28,800.00
I. Clerical	1	Part time	1,000.00
J. Janitorial	1	4,200.00
K. Health	1	1,200.00
L. Cafeteria	1	.....	2,250.00

Division II.—OTHER COSTS

A. All other costs	3,875.00
Capital Outlay	500.00

Total	49,425.00
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LORD BALTIMORE NO. 28

22 units

Division I.—SALARIES

A. Chief School Officer	9,420.00
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Total Administrative Salaries	9,420.00
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H. Teachers	22	127,910.00
I. Clerical	2	8,450.00
J. Janitorial	5	15,500.00
K. Health	1	5,200.00
L. Cafeteria	1	.....	4,050.00

Division II.—OTHER COSTS

A. All other costs	17,050.00
Capital Outlay	2,200.00

Total	189,780.00
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MILLSBORO NO. 23

33 units

Division I.—SALARIES

A. Chief School Officer	8,570.00
E. Principals 1	8,720.00

Total Administrative Salaries	17,290.00
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H. Teachers	32	169,270.00
I. Clerical	3	11,520.00
J. Janitorial	6	24,200.00
K. Health	1	3,600.00
L. Cafeteria	1	.....	3,300.00

Division II.—OTHER COSTS

A. All other costs	25,575.00
Capital Outlay	3,300.00
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Total	258,055.00

MILTON NO. 8

32 units

Division I.—SALARIES

A. Chief School Officer	10,400.00
E. Principals 1	9,000.00

Total Administrative Salaries	19,400.00
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H. Teachers 31	178,440.00
I. Clerical 3	12,450.00
J. Janitorial 6	24,000.00
K. Health 1	5,200.00
L. Cafeteria 1	3,150.00

Division II.—OTHER COSTS

A. All other costs	24,800.00
Capital Outlay	3,200.00
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Total	270,640.00

SELBYVILLE NO. 32

23 units

Division I.—SALARIES

A. Chief School Officer	9,900.00
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Total Administrative Salaries	9,900.00
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H. Teachers 23	133,040.00
I. Clerical 2	8,750.00
J. Janitorial 5	19,925.00
K. Health 1	5,200.00
L. Cafeteria 1	3,300.00

Division II.—OTHER COSTS

A. All other costs	17,825.00
Capital Outlay	2,300.00

Total	200,240.00
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SUSSEX COUNTY VOCATIONAL—TECHNICAL CENTER

Division I.—SALARIES

A. Chief School Officer	9,180.00
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Total Administrative Salaries	9,180.00
H. Teachers	72,780.00
I. Clerical	7,620.00
J. Janitorial	7,350.00
L. Cafeteria	4,000.00

Division II.—OTHER COSTS

A. All other costs	38,500.00
Capital Outlay	4,500.00
Maintenance and Improvement	1,500.00
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Total	145,430.00

BRIDGEVILLE NO. 220

13 units

Division I.—SALARIES

A. Chief School Officer	8,940.00
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Total Administrative Salaries	8,940.00
H. Teachers 13	66,150.00
I. Clerical 1	3,310.00
J. Janitorial 1½	5,950.00
K. Health 1	3,400.00
L. Cafeteria 1	4,050.00

Division II.—OTHER COSTS

A. All other costs	10,075.00
Capital Outlay	1,300.00
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Total	103,175.00

FRANKFORD NO. 206

12 units

Division I.—SALARIES

A. Chief School Officer	9,900.00
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Total Administrative Salaries	9,900.00

H. Teachers	12	55,150.00
I. Clerical	1	3,310.00
J. Janitorial	2	8,500.00
K. Health	1	2,800.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs	9,300.00
Capital Outlay	1,200.00

Total	93,460.00
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WILLIAM C. JASON NO. 192

44 units

Division I.—SALARIES

A. Chief School Officer	10,420.00
E. Principals 2	17,440.00

Total Administrative Salaries	27,860.00
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H. Teachers	42	219,990.00
I. Clerical	3	12,060.00
J. Janitorial	6	26,850.00
K. Health	1	5,200.00

Division II.—OTHER COSTS

A. All other costs	34,100.00
Capital Outlay	4,400.00

Total	330,460.00
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MILLSBORO NO. 204

13 units

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	12	55,550.00
I. Clerical	1	3,080.00
J. Janitorial	2	7,350.00
K. Health	1	2,500.00
L. Cafeteria	1	3,150.00

Division II.—OTHER COSTS

A. All other costs	10,075.00
Capital Outlay	1,300.00

Total 91,105.00

SELBYVILLE NO. 210

11 units

Division I.—SALARIES

A. Chief School Officer	7,600.00
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Total Administrative Salaries 7,600.00

H. Teachers	10	54,800.00
I. Clerical	1 Part time	1,800.00
J. Janitorial	2	7,000.00
K. Health	1	3,000.00
L. Cafeteria	1	3,000.00

Division II.—OTHER COSTS

A. All other costs	8,525.00
Capital Outlay	1,100.00

Total 86,825.00

1-2-3-TEACHERS SCHOOLS

60 units

Division I.—SALARIES

H. Teachers	60	334,000.00
I. Clerical	Part time	8,100.00
J. Janitorial		17,650.00
K. Health	Part time	12,000.00
L. Cafeteria	3	7,250.00

Division II.—OTHER COSTS

A. All other costs	46,500.00
Capital Outlay	6,000.00

Total 431,500.00

WILMINGTON BOARD OF EDUCATION

609 units

Division I.—SALARIES

A. Superintendent	11,880.00
B. Assistant Superintendents (2)	
1. Elementary Education	12,880.00
2. Secondary Education	12,880.00

C.	Directors (3)	
1.	Research	11,880.00
2.	Child Development and Guidance	11,400.00
3.	Personnel and Child Accounting	11,400.00
D.	Supervisors with program (14)	
1.	School Lunch	9,800.00
2.	Maintenance	9,800.00
3.	Library	8,167.00
4.	Art	8,700.00
5.	Music	8,300.00
6.	Special Education	8,167.00
7.	Physical Education	8,567.00
8.	English	8,700.00
9.	Social Science	8,567.00
10.	Business Education	6,350.00
11.	Home Economics	7,767.00
12.	Science	8,567.00
13.	Mathematics	7,500.00
14.	Foreign Language	8,167.00
E.	Principals (18)	175,560.00
F.	Vice-Principals (3)	26,220.00
G.	Administrative Assistants (2)	
1.	Business Administrator—Sec. to Board	8,700.00
2.	Vocational Education	8,700.00
	Total Administrative Salaries	408,619.00
H.	1. Teachers (588)	3,628,700.00
	2. Visiting Teachers (2)	13,600.00
	3. Psychologists (4)	26,550.00
	4. Speech and Hearing (1)	6,600.00
	5. Home Bound Instruction (see State Board)	
I.	Clerical (50)	207,860.00
J.	Janitorial (103)	401,550.00
K.	Health (27)	111,250.00
L.	Cafeteria (16)	52,350.00
M.	Trainable Attendants	8,700.00
	Total Division I	4,865,779.00

Vocational Education for the City of Wilmington	100,000.00
Total	4,965,779.00
Division II.—OTHER COSTS	
A. All other costs	471,975.00
Capital Outlay	60,900.00
Total Wilmington Board of Education	5,498,654.00
CONTINGENCY FUND	
Public Education (Growth and Upgrading Factors) (Supervised by the State Budget Commission)	1,300,000.00
TOTAL PUBLIC SCHOOLS	32,641,827.00
TOTAL EDUCATION	40,956,464.00
GRAND TOTAL AGENCIES AND EDUCATION	91,718,397.92

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 sub-section (5) of this Section shall determine.

(2) They shall be payable at any period not exceeding one (1) year from 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 State 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 expense incurred in accordance with appropriations provided in Section 1 of this Act.

Section 6. For the purposes of matching any appropriation made for such educational acts as have been or may be passed by Congress, the State Board of Vocational Education

is hereby directed and empowered to prescribe to the Board of Public Education in Wilmington, to each of the Boards of Education of Special School Districts, to each of the several Boards of School Trustees and to the Boards of Trustees of any University or College supported by State funds, the 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 actual enrollment for September 30, 1962, 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, 1962, and the number of units of pupils for which teachers are provided by Section 1 of this Act.

(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 rules and regulations of the State Budget Commission, and based on the number of certified pupil units in the district on September 30, 1962, and the number of such employees provided for the district by Section 1, of this Act.

(c) In the event that any school district shall have fewer certified units of pupils based on the actual enrollment for September 30, 1962, than the number of units for which appropriation is made in this Act, such district's appropriation may be reduced by the State Budget Commission to comply with the number of units based on the actual enrollment for September 30, 1962.

Section 9. No full-time employee of the State of Delaware whose salary is paid by the State of Delaware shall receive any additional stipend for the purchase of food, or be supplied with food, or be reimbursed for food that was consumed during normal working hours within the State. Provided, however, that this Section shall not apply to employees of State agencies who regularly receive wages in kind in addition to their salaries.

Section 10. Any amount of money paid to the State of Delaware or the State Board of Education by the United States Government for the purpose of aid to education shall be paid to the State Treasurer and by him deposited to the credit of the General Fund.

Section 11. The State Budget Commission is hereby empowered and directed to exercise such control over the monthly and/or quarterly rates of agency expenditure of funds appropriated by this Act as the State Budget Commission may deem necessary to assure the effective and continuous operations of the various agencies during the fiscal year ending June 30, 1963, and the State Auditor of Accounts is hereby empowered and directed to reject all bills, statements, accounts and demands against the State which do not conform with such controls of the rates of agency expenditures as are adopted by the State Budget Commission.

Section 12. Transfers of any funds appropriated by this Act shall be subject to the authority of the State Budget Commission; provided, however, that no funds may be transferred into salaries or wages and salaries from non-salary appropriations nor shall any funds be transferred from salaries to non-salary appropriations.

Approved May 29, 1962.

Note: Section 9 appears as § 5111, Title 29, Delaware Code.

CHAPTER 402

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 the fiscal year ending June 30, 1963, 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.	381	209,550.00
Kent General Hospital	93	51,150.00
Memorial Hospital (Homeopathic Hospital Association of Delaware)	380	209,000.00
Milford Memorial Hospital, Inc.	143	78,650.00
Nanticoke Memorial Hospital	75	41,250.00
Riverside Hospital	48	26,400.00
St. Francis Hospital, Incorporated	250	137,500.00
Wilmington General Hospital Association..	317	174,350.00
Total.....		<hr/> \$988,350.00

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.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of the Memorial Hospital (Homeopathic Hospital Association of Delaware) at Wilmington for the above mentioned fiscal year, the sum of \$550 per bed not in excess of 12 beds; the same sum per bed for Beebe Hospital, not in excess of 22 beds; the same sum per bed for Kent General Hospital not in excess of 35 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

of the fiscal year beginning July 1, 1962; 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, 1962; 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, 1962.

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 May 31, 1962.

CHAPTER 403

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, 1961, 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 \$1,750 for the fiscal year beginning July 1, 1962, 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 \$1,750 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, 1961, 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 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 May 31, 1962.

CHAPTER 404

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE FIS-
CAL YEAR ENDING JUNE 30, 1962, FOR THE ADDI-
TIONAL COST OF TRANSPORTING SCHOOL CHIL-
DREN.**

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

Section 1. In addition to any sums heretofore appropri-
ated, the sum of \$12,000 is hereby appropriated to the State
Board of Education for the fiscal year ending June 30, 1962,
for the additional cost of transporting school children.

Section 2. This Act is a supplementary appropriation and
the money appropriated shall be paid by the State Treasurer
out of funds in the General Fund of the State of Delaware,
not otherwise appropriated.

Approved May 31, 1962.

CHAPTER 405

AN ACT APPROPRIATING CERTAIN MONEYS TO DELAWARE STATE FAIR, INC., 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 \$20,000 is hereby appropriated out of the Treasury of the State of Delaware to the "Delaware State Fair, Inc.", a corporation of the State of Delaware. 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 awarded at the annual fair to be held in July of 1962. Said corporation shall on or before the first day of December, 1962, 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 the total sum shown to be due for prizes by said itemized list; provided, however, said sum shall not exceed \$20,000, and should said sum be less than the amount appropriated by this Act, then the unused balance shall 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 May 31, 1962.

CHAPTER 406

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, RELATING TO THE APPOINTMENT AND DUTIES OF MASTERS IN THE FAMILY COURT.

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

Section 1. Amend Title 10, Delaware Code, by striking out § 925 of Chapter 9 thereof and enacting in lieu a new § 925 as follows:

§ 925. Masters; Appointments; Duties

The Judges, acting jointly, may appoint, commission and set the salaries of suitable persons to act as Masters in the Court, all of whom shall hold offices at the pleasures of the Judges.

When requested by a Judge or the Director, a Master may hear any matter properly before him and may order the issuance of legal process to compel the attendance of necessary parties and witnesses.

The Master shall announce his conclusion to the parties or to their attorneys; or in the case a hearing shall relate to a child, then to the custodian, adult friend, or attorney for the child, or in case there be no custodian, adult friend or attorney for the child, then to a Probation Officer.

The Master shall transmit to a Judge all papers relating to the case, together with his findings and recommendations in writing.

A Review de Novo by a Judge with respect to the matter shall be allowed, provided any above-named person petitions in writing for the same within ten days from the date of a Master's announcement as aforesaid of his findings and recommendations.

In the event that no such hearing is requested within the ten day period aforesaid, the findings and recommendations of the Master, unless they be disapproved in writing by an Order of the Judge, shall become the Judgment of the Court with rights of appeal reserved to all parties.

Approved June 5, 1962.

CHAPTER 407

**AN ACT TO PROVIDE BENEFITS TO THE SURVIVING
SPOUSE OF PERSONS ELECTED TO ANY STATE OR
COUNTY OFFICE.**

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

Section 1. Whenever a person who has been elected to any office of the State or the counties by the qualified voters of the State shall die while in office, and shall leave a spouse surviving him, an amount equal to one-half ($\frac{1}{2}$) of the salary which would have been paid to such person for the unexpired term of such office shall be paid to the surviving spouse in the same manner and from the same source as was previously paid to the person in office.

Approved June 5, 1962.

Note: This Act will appear as §5111, Title 29.

CHAPTER 408

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO ELLENDALE SCHOOL DISTRICT NO. 125 TO PAY
EXPENSES INCURRED DURING FISCAL YEAR END-
ING JUNE 30, 1961.**

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

Section 1. The amount of \$1125.00 is hereby appropriated to Ellendale School District No. 125 for expenses incurred during the fiscal year ending June 30, 1961, to be expended as follows:

Fuel	\$ 380.00
Electricity	105.00
Telephone	15.00
Donovan's Grocery Store	125.00
Lawn Mower	500.00
	<hr/>
	\$1125.00

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

Approved June 8, 1962.

CHAPTER 409

AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED WELFARE, BY DEFINING "MEDICAL CARE" AND BY REMOVING THE RESTRICTIONS ON OLD AGE ASSISTANCE PAYMENTS WITH RESPECT TO MEDICAL CARE, AND APPROPRIATING FUNDS FOR MEDICAL CARE.

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

Section 1. Section 502, Title 31, Delaware Code, is amended by inserting between the definition of "Assistance" and the definition of "Board" a new definition to read:

"Medical Care" means payment of part or all of the cost of certain health services and supplies for individuals who are recipients of old age assistance. Such services and supplies may include the following, to the extent and under the conditions prescribed by the Department: inpatient hospital services, skilled nursing-home services, physicians' services, chiropractice services, outpatient hospital or clinic services, home health care services, private duty nursing services, physical therapy and related services, dental services, optometric services, laboratory and X-ray services, prescribed drugs, eyeglasses, dentures, and prosthetic devices, diagnostic, screening and preventive services. Any such payments shall be made directly to the supplier of such services or supplies, or through the purchase of insurance to provide such payments, provided that such payments made to persons and medical or nursing institutions shall be made only to persons and institutions which meet standards, established by the State Board of Health, that promote safe and adequate treatment of individuals in the interest of public health and safety.

Section 2. Section 503 (c), Title 31, Delaware Code, is amended by adding at the end thereof a new sentence to read:

The limitations on the amount of old age assistance may be exceeded however, by the amount of any payments for medical care as defined in Section 502, of this Chapter.

Section 3. There is hereby appropriated to the Department of Public Welfare for the fiscal year ending June 30, 1963, the sum of \$190,000 to provide, with respect to recipients of old age assistance, payments to suppliers of medical care as defined in Section 502, Title 31, Delaware Code.

Section 4. The Department of Public Welfare is empowered to expend from this appropriation for the purpose of administration of medical care for recipients of old age assistance a sum not to exceed 7% of the amount hereby appropriated.

Section 5. This Act is a supplementary appropriation and the moneys appropriated herein shall be paid by the State Treasurer out of moneys of the General Fund of the State of Delaware not otherwise appropriated.

Approved June 8, 1962.

CHAPTER 410

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE MIDDLETOWN SCHOOL DISTRICT NO. 60 FOR
OPERATIONAL EXPENSES.**

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

Section 1. The sum of \$4,471.42 is hereby appropriated to the Middletown School District No. 60 for the fiscal year beginning July 1, 1961, and ending June 30, 1962, for operational expenses.

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

Approved June 8, 1962.

CHAPTER 411

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
MILTON CONSOLIDATED SCHOOL NO. 8 FOR THE
FISCAL YEAR ENDING JUNE 30, 1961.**

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

Section 1. There is hereby appropriated to Milton Consolidated School No. 8, the sum of Two Thousand Eight Hundred Twelve Dollars and Thirty-Two Cents (\$2,812.32) for the following purposes for the fiscal year ending June 30, 1961:

Supplies	\$ 479.76
Fuel	784.22
Repairs	191.05
Telephone	73.80
Electric	237.84
Reversion and Salary Deficiencies	1,045.65
	<hr/>
	\$2,812.32

Section 2. This is an emergency deficiency appropriation and the money appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 8, 1962.

CHAPTER 412

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE SELBYVILLE SCHOOL DISTRICT NO. 32 FOR
OPERATIONAL EXPENSES.**

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

Section 1. The sum of \$7,451.19 is hereby appropriated to the Selbyville School District No. 32 for the fiscal year ending June 30, 1962, for the following operational expenses:

Fuel Oil	\$3,695.61
Electricity	3,455.58
Custodial Supplies	300.00
	<hr/>
	\$7,451.19

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

Approved June 8, 1962.

CHAPTER 413

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE LOUIS L. REDDING COMPREHENSIVE SCHOOL
FOR OPERATIONAL EXPENSES.**

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

Section 1. The sum of \$3,000.00 is hereby appropriated to the Louis L. Redding Comprehensive School for the fiscal year beginning July 1, 1961, and ending June 30, 1962, for operational expenses.

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

Approved June 8, 1962.

CHAPTER 414

**AN ACT APPROPRIATING MONEYS TO THE NEW CASTLE
COUNTY DEPARTMENT OF ELECTIONS.**

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

Section 1. The sum of Six Thousand Three Hundred and Forty Dollars (\$6,340.00) for salaries and wages is hereby appropriated to the New Castle County Department of Elections for the fiscal year ending June 30, 1962.

Section 2. This Act is a Supplementary Appropriation Act and the moneys appropriated shall be paid by the State Treasurer out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 8, 1962.

CHAPTER 415

AN ACT TO REGULATE THE PRACTICE OF PSYCHOLOGY IN DELAWARE, AS HEREIN DEFINED; TO CREATE A "STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS"; TO PRESCRIBE THE POWERS, DUTIES AND LIMITATIONS OF SAID BOARD; TO FIX PENALTIES FOR THE VIOLATION OF THIS ACT.

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

Section 1. Title 24 of the Delaware Code is amended by adding thereto a new chapter to read as follows:

CHAPTER 35. PSYCHOLOGY**SUBCHAPTER 1. DEFINITIONS****§ 3501. Definitions**

As used in this chapter—"Psychologist" means a person who holds himself out to the public by any title or description of services incorporating the words "psychological", "psychologist", or "psychology", and under such description offers to render or renders to individuals, corporations, institutions, governmental agencies, or to the public for remuneration any service involving the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes but is not restricted to, interviewing, counseling, and the use of psychotherapeutic measures, with persons or groups with adjustment problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinions, attitudes, and skills, and doing research on problems relating to human behavior, as well as over-all personality appraisal or classification, personality counseling, psychotherapy, or personality readjustment.

SUBCHAPTER II. BOARD OF EXAMINERS OF PSYCHOLOGISTS

§ 3511. Board of Examiners of Psychologists; appointment; qualifications; term; vacancies; oath

(a) There is created a State Board of Examiners of Psychologists, who shall administer the provisions of this Chapter.

(b) The Board shall consist of five qualified persons who shall be appointed by the Governor and whose functions it shall be to examine applicants for certificate as psychologist.

(c) Members of the Board.

(1) Each member of the board shall be a citizen of the United States, a resident of this State at the time of appointment and a certified psychologist under the provisions of this Act, except for the members comprising the board as first appointed who shall be persons who have been engaged in rendering service, teaching, or research in psychology for a period of at least five years.

(2) To insure adequate representation of the diverse fields of psychology, the board shall at all times, except for vacancies, have one member chosen from and shall be a member of the faculty of an accredited college or university in the State, and shall be primarily engaged in teaching, research and/or administration of a department of psychology. Two members shall be full time clinical psychologists. One member shall be a full time school psychologist. One member shall be a full time industrial or personnel psychologist.

(d) Persons appointed to the Board initially shall be appointed for the following terms: Two members for two years, three members for three years. Thereafter members shall be appointed for a term of three years.

(e) All appointments to the Board shall be made from a list of qualified members of the Delaware Psychological Association to be furnished to the Governor by said Association.

(f) Appointments to fill a vacancy occurring otherwise than through the expiration of a term, shall be for the unexpired term. Only an academic psychologist shall be appointed to succeed an academic psychologist. Only clinical psychologists shall be appointed to succeed clinical psychologists. Only an industrial or personnel psychologist shall be appointed to succeed an industrial or personnel psychologist, and only a school psychologist shall succeed a school psychologist.

(g) Every member of the Board shall receive a commission of his appointment from the Governor, and before beginning his term of office, shall file with the Recorder of Deeds in the County in which he resides his written oath or affirmation for the faithful discharge of his official duty.

§ 3512. Removal of members from the Board

The Governor may remove any member of the Board for misconduct, incompetency, neglect of duty or for any other sufficient cause.

§ 3513. Compensation and expenses

Each member of the Board shall receive a per diem allowance not in excess of \$15 per day as determined by the State Treasurer for the time spent in the performance of his official duties and shall be reimbursed for all proper traveling and incidental expenses in carrying out the provisions of this Chapter.

§ 3514. Organization; meetings; officers; quorum

(a) The Board shall hold regular meetings, at least twice each year, one to be held in Dover and one in Wilmington, and special meetings at such times as the Board or the President shall determine.

(b) The Board shall elect annually a President, Vice-President and Secretary-Treasurer. A quorum of the Board shall consist of not less than four members.

§ 3515. Powers

(a) The Board may adopt and amend all rules and regulations not inconsistent with the Constitution and laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it.

(b) The Board shall adopt and have an official seal, which must be affixed to all certificates issued by the Board.

(c) The Board shall be empowered to accept grants from foundations or institutions to develop tests, to participate in research, and to carry on its functions.

(d) In carrying into effect the provisions of this Chapter, the Board, under the hand of its President and the seal of the Board, may subpoena witnesses and compel their attendance and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration.

(e) Any member of the Board may administer oaths and affirmations to witnesses appearing before the Board.

(f) If any person refuses to obey any subpoena so issued or refuses to testify or produce any books, papers, or documents, the Board upon notice to the person may present its petition to the Superior Court of any county setting forth the facts. Thereupon the Court shall, in a proper case, issue its subpoena to such person requiring his attendance before such Court and here to testify or to produce such books, papers and documents as may be deemed necessary and pertinent by the Board.

(g) Any person failing or refusing to obey the subpoena or order of the Court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Superior Court.

§ 3516. Receipts and disbursements; employees

(a) All money received by the Board shall be paid over to the State Treasurer and shall be credited to the General Fund of the State, in accordance with Chapter 61 of Title 29, Delaware Code.

(b) All disbursements made by the Board for per diem allowances, expenses or other authorized expenditure shall be paid by the State Treasurer, out of funds appropriated by the General Assembly for such purpose, on vouchers signed by the President and attested by the Secretary-Treasurer of the Board. The Secretary-Treasurer of the Board shall give surety bond to the State in such sum as the Board may determine. The premium on such bond shall be regarded as a proper and necessary expense of the Board. The Board may employ such clerical or other assistants as are necessary for the proper performance of its work and may make expenditures of this fund for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under this Chapter.

§ 3517. Records and Reports

(a) The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show:

- (1) The name, age and residence of each applicant
- (2) The date of the application
- (3) The place where the applicant normally and usually engages in the professional activities for which certification is applied for
- (4) The qualifications of the applicant
- (5) Whether or not an examination was required
- (6) Whether the applicant was rejected and the reasons for such rejection
- (7) Whether a certificate of registration was granted
- (8) The date of the action of the Board, and
- (9) Such other information as may be deemed necessary by the Board.

(b) The records of the Board shall be prima facie evidence to the proceedings of the Board set forth therein. A transcript thereof, duly certified by the Secretary-Treasurer of the Board, under seal, shall be admissible in evidence with the same force and effect as if the original was produced.

(c) Annually, prior to December 1, the Board shall submit to the Governor, a report of its transactions for the fiscal year ending June 30, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its President and its Secretary-Treasurer.

§ 3518. Legal Advisors

The Attorney General or any Deputy Attorney General of this State shall act as legal advisor of the Board, and render such legal assistance as may be necessary in carrying out the provisions of this Chapter.

SUBCHAPTER III. REGISTRATION OF PSYCHOLOGISTS

§ 3521. Requirements for registration

Any persons holding themselves out to the general public as a psychologist in this State, shall submit evidence that they are qualified as such psychologist and shall be registered as provided in this subchapter. No person shall hold himself out to the public, in this State, as being a qualified psychologist, as defined in § 3501 of this Chapter, or use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a psychologist unless such person has been duly registered under the provisions of this subchapter.

§ 3522. General requirements for registration

Any applicant is qualified for registration as psychologist who submits evidence, verified by oath and satisfactory to the Board, that he:

- (1) Is of good moral character
- (2) Is a citizen of the United States
- (3) Has received a doctoral degree based in part upon a psychological dissertation and on a program of studies the content of which was primarily psychological from an educational institution having a graduate program approved by the Board

- (4) Has had, after receiving the doctoral degree at least two years of supervised experience in psychological work of a type satisfactory to the Board as qualifying in nature, if the applicant is seeking examination and registration in the field of clinical psychology
- (5) Is competent as a psychologist, as shown by passing such examination, written or oral, or both, as the Board deems necessary
- (6) Is not considered by the Board to be engaged in unethical practice, and
- (7) Has not within the preceding six months, failed an examination given by the Board or a comparable agency of another state.

§ 3523. Registration under special conditions

For a period of two years from the effective date of this Act, the Board may waive either or both an assembled examination or the requirements of § 3522, (3) of this Chapter, if it deems such action to be in the public interest; and may qualify for appropriate registration any person who meets the requirement of § 3522 (1) (2) of this Chapter who is qualified by experience to practice psychology, and who has engaged in such practice of a nature satisfactory to the Board for at least three years full time, or its equivalent, within three years prior to the effective date of this Act.

The Board, at its discretion, may also qualify for registration without examination any person who has been certified by the American Board of Examiners in Professional Psychology.

Any person having the necessary qualifications described in this Chapter to entitle him to registration, shall not be eligible for such registration unless he be at least twenty-one years of age.

§ 3524. Applications and references

Application for registration shall:

- (1) Be on forms prescribed and furnished by the Board

(c) Annually, prior to December 1, the Board shall submit to the Governor, a report of its transactions for the fiscal year ending June 30, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its President and its Secretary-Treasurer.

§ 3518. Legal Advisors

The Attorney General or any Deputy Attorney General of this State shall act as legal advisor of the Board, and render such legal assistance as may be necessary in carrying out the provisions of this Chapter.

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- (2) Is a citizen of the United States
- (3) Has received a doctoral degree based in part upon a psychological dissertation and on a program of studies the content of which was primarily psychological from an educational institution having a graduate program approved by the Board

- (4) Has had, after receiving the doctoral degree at least two years of supervised experience in psychological work of a type satisfactory to the Board as qualifying in nature, if the applicant is seeking examination and registration in the field of clinical psychology
- (5) Is competent as a psychologist, as shown by passing such examination, written or oral, or both, as the Board deems necessary
- (6) Is not considered by the Board to be engaged in unethical practice, and
- (7) Has not within the preceding six months, failed an examination given by the Board or a comparable agency of another state.

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For a period of two years from the effective date of this Act, the Board may waive either or both an assembled examination or the requirements of § 3522, (3) of this Chapter, if it deems such action to be in the public interest; and may qualify for appropriate registration any person who meets the requirement of § 3522 (1) (2) of this Chapter who is qualified by experience to practice psychology, and who has engaged in such practice of a nature satisfactory to the Board for at least three years full time, or its equivalent, within three years prior to the effective date of this Act.

The Board, at its discretion, may also qualify for registration without examination any person who has been certified by the American Board of Examiners in Professional Psychology.

Any person having the necessary qualifications described in this Chapter to entitle him to registration, shall not be eligible for such registration unless he be at least twenty-one years of age.

§ 3524. Applications and references

Application for registration shall:

- (1) Be on forms prescribed and furnished by the Board

- (2) Contain statements made under oath showing the applicant's education and detailed summary of his qualifying experience.

§ 3525. Registration fees

(a) The registration fee for a psychologist shall be as determined by the Board, but not to exceed \$50.00. No part of any fee shall be returnable under any circumstance other than failure of the Board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the applicant.

(b) The Board shall be empowered to charge a fee, at its discretion, but not to exceed \$25.00 for registration without examination, as provided in § 3523 of this Chapter.

§ 3526. Certificates; significance; publication

(a) The Board shall issue a certificate of registration to any applicant who has complied with the requirements of Sections 3521, 3522 or 3523, 3524 and 3525 of this Chapter and who, in the opinion of the Board, has satisfactorily met all requirements of this Chapter. The certificate shall:

- (1) Show the full name of the registrant
- (2) Have a serial number, and
- (3) Be signed by the President and Secretary-Treasurer of the Board under seal of the Board.

(b) The issuance of a certificate of registration by the Board shall be prima facie evidence that the registrant is entitled to all the rights and privileges of the classification of psychologist named therein, while the certificate remains unexpired or unrevoked.

(c) The Secretary-Treasurer of the Board shall issue a list of certificate holders, revised and published biannually.

§ 3527. Reciprocity

The Board may upon proper application, and upon the payment of the fee for registration without examination, without examination issue a certificate of registration as a psychologist

to any person who holds a certificate of qualification or registration issued to him by the proper authorities of any state or district of the United States, provided that the requirements for the registration of psychologists under which such certificate of qualification or registration was issued, do not conflict with the provisions of this Chapter and are of a standard not lower than that specified in this Chapter, provided the same rights are given to psychologists of this State.

§ 3528. Expirations and renewals

Each two years following the issuing of a certificate of registration, the holder of such certificate shall be required to pay a certificate renewal fee not to exceed \$10.00. The Secretary-Treasurer of the Board shall notify certificate holders of this obligation, allowing a grace period of six months. Failure to renew the certificate shall provide grounds for suspension of the certificate. The certificate may be reinstated at the discretion of the Board, after payment of delinquent renewal fees.

§ 3529. Revocation of certificate

(a) The Board may revoke the certificate of registration of any registrant who is found guilty of:

- (1) The practice of any fraud or deceit in obtaining a certificate of registration
- (2) A felony, or of any offense involving moral turpitude
- (3) Using any narcotic or any alcoholic beverage to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public
- (4) Advertising in a way that has a tendency to deceive the public, or that may be harmful to public morals or safety
- (5) Making public claims of superiority, in training or skill, as a psychologist or in the performance of professional services
- (6) Impersonating another person holding a psychologist certificate or registration or allowing another person to use his certificate

- (7) Aiding or abetting a person, not a certified psychologist in representing himself as a psychologist;
- (8) Communicating, without the consent of the client, information acquired in dealing with the client necessary to enable the psychologist to act for such client;
- (9) The use of psychological techniques for entertainment only, or other purposes not consistent with the development of psychology as a profession, as a science, and as a means of promoting human welfare;
- (10) Engaging in an area of psychological practice in which he is, in the opinion of the Board, grossly incompetent;
- (11) Any form of unethical conduct as defined in "Ethical Standards for psychologists" as adopted and published by the American Psychological Association, 1953 and as revised.

(b) Any person may prefer charges of fraud, deceit, gross negligence or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary-Treasurer of the Board.

(c) All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

(d) The time and place for the hearing shall be fixed by the Board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of the registrant, at least 30 days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally, and by counsel to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense. If after such a hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registrant.

§ 3530. Reissuance of revoked certificate; replacement of other certificate

(a) An applicant whose certificate of registration has been revoked may become eligible for a new certificate after one year from the date of revocation of certificate, at the discretion of the Board and upon meeting all the requirements of this Chapter.

(b) A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the Board. A charge not to exceed \$5.00 shall be made for such issuance.

§ 3531. Appeals

Any person who feels aggrieved by any action of the Board in denying, revoking, or failing to reissue his certificate of registration, may appeal therefrom to the Superior Court of the county in which such person resides. The decision of the Board shall be prima facie correct and the burden of proof shall be on the appellant to show that the Board acted contrary to law, fraudulently, arbitrarily, or capriciously. The appellant shall be heard on the records and proceedings of the Board, which shall be certified to the Court by the Board within 15 days after service on the Board of a notice of appeal. The court may affirm, reverse or modify the decision of the Board and the decision of the Court shall be final.

§ 3532. Use of title

It is specifically prohibited that any individual or organization shall present himself or be presented to the public by any title incorporating the name "psychological", "Psychologist", or "psychology", other than those certified as registered in accordance with the provisions of this Chapter, except that any psychological scientist employed by a recognized research laboratory, college or university may represent himself by the academic or research title conferred upon him by the administration of such laboratory, college or university. Nothing in this Chapter shall be construed as permitting such persons to offer their service to any other persons or organizations as consultants or to accept remuneration for any psychological ser-

vices other than that of their institutional salary unless they have been certified as registered under this Act. Visiting lecturers from recognized laboratories, colleges or universities are exempt from the provisions of this Section and may utilize their academic or research title when presenting lectures to similar institutions or organizations. Students of psychology, psychological internes and other persons preparing for the profession of Psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as "Psychological Interne", "Psychological Trainee", or others clearly indicating such training status.

§ 3533. Limitation on scope of chapter

(a) The provisions of this Chapter shall not apply to:

- (1) The activities, services, and use of the title "Psychologist", or any title incorporating the words psychologist, psychology, or psychological on the part of any person in the employ of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered education institution or any corporation, insofar as such services are a part of the duties in his salaried position.
- (2) The activities and services of a student, interne, or a resident in psychology, pursuing a course of study approved as qualifying training and experience under the terms of this Chapter, provided that such activities and services constitute a part of his supervised course of study.
- (3) The activities and services on the part of a person who has fulfilled requirements of § 3522, (1) (2) (3) (5) (6) (7) of this Chapter and is fulfilling requirement (4) of § 3522 of this Chapter, provided that the period of the experience of such person in carrying on such services and activities does not exceed an aggregate of 36 months subsequent to the attainment of the other requirements except examination, necessary for qualification as registrant in accordance with this Chapter, and provided that the title used by such person is in accordance with and is not prohibited by § 3532 of this Chapter.

(b) Nothing in this Chapter shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electroshock or in any way infringing upon the practice of medicine as defined by the laws of this State.

§ 3534. Privileged communications

The confidential relations and communications between a psychologist registered under provisions of this Chapter and his client are placed on the same basis as those provided by law between attorney and client, and nothing in this Article shall be construed to require any such privileged communications to be disclosed except as provided for by law.

§ 3535. Separability

If any Section of this Act, or any part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other Section or part thereof.

§ 3536. Violations and penalty

(a) Whoever violates the provisions of this Chapter, if no other penalty is provided, shall be fined not more than \$500.00 nor less than \$100.00, or be imprisoned not more than one year.

(b) The Superior Court of the State of Delaware shall have jurisdiction over offenses committed under this Chapter.

Section 2. There is hereby appropriated to the Board of Examiners of Psychologists for the fiscal year commencing July 1, 1962, the sum of \$600 for the purposes of effecting this Act.

Section 3. The appropriation herein is a supplemental appropriation and the moneys so appropriated shall be paid out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 11, 1962.

CHAPTER 416

AN ACT TO APPROPRIATE MONEY TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF REPAIRING AND REPLACING THE BOARDWALK AT BETHANY BEACH.

WHEREAS, the boardwalk in the Town of Bethany Beach is in dire need of repairs and replacement; AND

WHEREAS, the Town of Bethany Beach is unable to finance all the needed repairs and replacements thereto; AND

WHEREAS, the boardwalk gives pleasure and enjoyment to citizens throughout the State; AND

WHEREAS, the boardwalk attracts citizens of other States who help business throughout this State; AND

WHEREAS, the boardwalk acts as a bulkhead to protect the beach and also the buildings in Bethany Beach; NOW, THEREFORE,

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

Section 1. There is hereby appropriated to the State Highway Department the sum of \$25,000 for the fiscal year beginning July 1, 1961, and ending June 30, 1962, for the purpose of repairing and rebuilding the boardwalk at Bethany Beach.

Section 2. This Act is a supplementary appropriation and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware not otherwise appropriated.

Approved June 18, 1962

CHAPTER 417

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO MILLSBORO SCHOOL DISTRICT NO. 23 FOR THE
PURPOSE OF PURCHASING AND INSTALLING A HOT
WATER HEATER.**

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

Section 1. The sum of \$2,500 is hereby appropriated to Millsboro School District No. 23 for the purpose of purchasing and installing a hot water heater.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1962, shall revert to the General Fund of the State.

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

Approved June 19, 1962.

CHAPTER 418

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE LORD BALTIMORE SCHOOL DISTRICT NO.
28 FOR THE FISCAL YEAR ENDING JUNE 30, 1962.**

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

Section 1. There is hereby appropriated to the Board of School Trustees of the Lord Baltimore School District No. 28 in Sussex County the sum of \$16,000 for the fiscal year ending June 30, 1962, to be used for the repair of the plumbing system and the installation of a water filter and treatment system in the Lord Baltimore School.

Section 2. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware to the Board of School Trustees of the Lord Baltimore School District No. 28.

Approved June 19, 1962.

CHAPTER 419

**AN ACT MAKING AN APPROPRIATION TO HOUSTON
SCHOOL DISTRICT NO. 125, KENT COUNTY, FOR THE
PURPOSE OF MAKING REPAIRS TO THE SCHOOL
BUILDING IN THE DISTRICT.**

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

Section 1. The sum of Four Thousand Two Hundred Dollars (\$4,200) is hereby appropriated to the Houston School District No. 125, Kent County, to make repairs to the school building in the district.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1962, shall revert to the General Fund of the State.

Section 3. 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.

Approved June 19, 1962.

CHAPTER 420

AN ACT MAKING AN APPROPRIATION TO HENRY C. CONRAD HIGH SCHOOL, DISTRICT 131, NEW CASTLE COUNTY, DELAWARE, FOR THE PURPOSE OF MAKING REPAIRS TO THE SCHOOL BUILDING.

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

Section 1. The sum of \$20,000 is hereby appropriated to Henry C. Conrad High School, District 131, New Castle County, Delaware, to make repairs to the School building.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1962, shall revert to the General Fund of the State.

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

Approved June 19, 1962.

CHAPTER 421

**AN ACT TO AMEND TITLE 7, § 504, DELAWARE CODE, BY
RAISING THE LICENSE FEES FOR HUNTING AND
TRAPPING AND FISHING.**

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

Section 1. Amend Title 7, § 504, Delaware Code, by striking the figures "\$2.25", and inserting in lieu thereof the figures "\$3.20".

Section 2. Amend Title 7, § 504, Delaware Code, by striking the figures "\$1.25", and inserting in lieu thereof the figures "\$2.20".

Section 3. The increases provided by Section 1 of this Act shall become effective July 1, 1962.

Approved June 25, 1962.

CHAPTER 422

AN ACT TO AMEND SECTION 1314, 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. § 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, 1963, in any position covered by this Chapter shall not be increased by more than that amount required to place all salary schedules covered by this Chapter in full effect for the fiscal year commencing July 1, 1963, 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 the 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, 1963, 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 after June 30, 1963, shall not be greater than that which he would receive had he been employed on June 14, 1962.

Section 2. This Act shall become effective July 1, 1962.

Approved June 25, 1962.

CHAPTER 423

AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, RELATING TO THE STATE FIRE MARSHAL.

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

Section 1. § 6606 (b), Title 16, Delaware Code, is amended to read:

(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. In case of the absence of the State Fire Marshal, or his inability from any cause to discharge the duties of his office, the State Fire Prevention Commission may designate one of the Deputies as Acting State Fire Marshal.

Section 2. § 6607, Title 16, Delaware Code, is amended by adding the words "or his Deputy or Deputies" following the words "The State Fire Marshal", wherever they appear therein.

Section 3. § 6608 (a), Title 16, Delaware Code, is amended by adding the words "or his Deputy or Deputies" following the words "The State Fire Marshal" wherever they appear therein.

Section 4. § 6609 (a) and (d), Title 16, Delaware Code, are amended by adding the words "or his Deputy or Deputies" following the words "The State Fire Marshal" wherever they appear therein.

Approved June 29, 1962.

CHAPTER 424

AN ACT MAKING AN APPROPRIATION TO THE STATE SOIL CONSERVATION COMMISSION FOR THE PURCHASE OF HEAVY EARTH-MOVING MACHINERY AND OTHER EQUIPMENT NEEDED IN THE SOIL CONSERVATION WORK OF THE STATE, MAKING PROVISION FOR THE RE-PAYMENT THEREOF, AND DESIGNATING THE BOARDS OF SOIL DISTRICT SUPERVISORS TO OVERSEE THE USE OF SAID EQUIPMENT AND MACHINERY.

WHEREAS, there exists the need of heavy earth-moving equipment by the Boards of Soil District Supervisors of the Soil Conservation Districts of the State for the purpose of cleaning out the main drainage ditches; and

WHEREAS, the cleaning of these ditches is imperative to the effective drainage of the farm lands, the economic crop production, and the general health and welfare of the people;

NOW, THEREFORE

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

Section 1. There is appropriated to the State Soil Conservation Commission the sum of \$80,000 for the purchase of heavy earth-moving and other machinery and equipment needed in the soil conservation work of the State.

Section 2. The State Soil Conservation Commission upon application from the various County Boards of Soil Supervisors of the County Soil Conservation Districts shall allocate out of the total appropriation made to it by this Act, certain sums or parts thereof for use by such County Boards for the purchase of heavy earth-moving and other machinery needed in the soil conservation work of the State, and shall turn over the funds allocated as in this Section provided to the applying Board or Boards of District Soil Supervisors.

Section 3. The various County Boards of Soil Supervisors are authorized to use the machinery so purchased in Soil Conservation work, and to make a charge for such use sufficient to cover cost of operation and repayment cost when work is done for individual persons, corporations or associations of the State.

Section 4. The repayment charges received as provided in Section 3 hereof shall be remitted by the various County Boards of Soil Supervisors to the State Soil Conservation Commission to be turned over by said Commission to the State Treasurer of the State of Delaware, at least monthly when funds are received from such use.

Section 5. The money so collected by a County Board of Supervisors shall be credited on the books of the State Soil Conservation Commission and upon the books of the State Treasurer as re-payments on account of the total amount allocated for use in a certain Soil Conservation District and shall be deposited to the credit of the General Fund.

Section 6. The earth-moving and other machinery and equipment needed for the soil conservation work of the State purchased as aforesaid shall become the property of the County Board of Soil Supervisors upon repayment by said Board of the total sum allocated to it for the purchase of the same. For the purpose of such repayment, each County Board of Soil Supervisors shall be allowed the term of 5 years from the date conservation funds are received by it out of the total appropriation hereby made.

Section 7. Until all loans made against this appropriation and previous appropriations for the purchase of earth-moving and other machinery and equipment have been paid in full, such loans shall be considered a lien against said equipment by the State of Delaware and shall be satisfied before the sale of such equipment may be made by the County Board of Soil Supervisors.

Section 8. The funds hereby appropriated shall become available after the first day of July, A. D. 1961, and shall be available for use as herein provided for a period of 10 years

from said date, and shall be paid by the State Treasurer upon warrants approved by the proper officials of the State Soil Conservation Commission.

Section 9. This Act shall be known as a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated unless an omnibus bond bill, including the above appropriation, is enacted into law by the 121st General Assembly of the State of Delaware in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said Act.

Approved July 10, 1962.

CHAPTER 425

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE II
OF THE CONSTITUTION OF THE STATE OF DELA-
WARE, RELATING TO THE COMPOSITION OF THE
HOUSE AND SENATE, BY PROVIDING FOR EXPAN-
SION AND REAPPORTIONMENT.**

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. Paragraphs 1 and 2 of Section 2 of Article II of the Constitution are hereby amended to read:

The House of Representatives shall be composed of thirty-five members, plus such additional members as shall be provided pursuant to Section 2A of this Article, who shall be chosen for two years. The Senate shall be composed of twenty-one members, who shall be chosen for four years.

The State is hereby divided into thirty-five Representative Districts. There shall be such additional Representative Districts as shall be provided pursuant to Section 2A of this Article. From each Representative District there shall be chosen, by the qualified electors thereof, one Representative. The State is also hereby divided into twenty-one Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. In New Castle County there shall be seven Senatorial Districts, numbered from one to seven inclusive; in Kent County, seven Senatorial Districts, numbered from one to seven inclusive; and in Sussex County, seven Senatorial Districts from one to seven inclusive.

Section 2. The following words are hereby added after the words: "Number Five. The Eighth and Tenth Representative Districts", in that part of Article II, Section 2 of the Constitution dealing with the Senatorial Districts in Kent County:

Number Six, At Large. The first, second, fifth, seventh and eighth Representative Districts.

Number Seven, At Large. The third, fourth, sixth, ninth and tenth Representative Districts.

Section 3. The following words are added following the words "Number Five. The Ninth and Tenth Representative Districts", in that part of Article II, Section 2 of the Constitution dealing with the Senatorial Districts in Sussex County:

Number Six, At Large. The first, second, third, fourth and fifth Representative Districts.

Number Seven, At Large. The sixth, seventh, eighth, ninth and tenth Representative Districts.

Section 4. The following words are added immediately following the words added by Section 3 above:

The first Senators elected from the Sixth Senatorial Districts of Kent and Sussex Counties shall serve for a two year term only, thereafter their successors shall serve for a full four year term.

Section 5. The following new Section 2A is added to Article II of the Constitution, immediately following Section 2:

Section 2A. In addition to the existing 35 Representative Districts as set forth in Section 2 of this Article, there shall be additional Representative Districts as hereafter provided.

Each existing Representative District as set forth in Section 2 of this Article, with a population residing therein in excess of 15,000, as shown by the last official federal decennial census shall be entitled to one additional Representative for each additional 15,000 population or major fraction thereof residing within the District.

Upon any Representative District, as set forth in Section 2 of this Article, being entitled to more than one Representative, it shall be sub-divided into new Representative Districts for each additional Representative to which it is entitled, from which shall be chosen by the qualified electors thereof, a Representative.

After each official federal decennial census, the new Representative Districts created pursuant to this Section shall be abolished and the Representative Districts set forth in Section 2 of this Article shall again be re-divided as set forth herein.

The sub-dividing of the Representative Districts as set forth herein shall be done by a Redistricting Commission, consisting of the Governor, as Chairman, and the State Chairman of the two political parties receiving the largest vote for Governor at the preceeding election for Governor as advisors to the Governor. Redistricting and reapportioning by the Commission as set forth herein shall be accomplished in accordance with the following criteria: Each new Representative District shall, insofar as is possible be formed of contiguous territory; shall be as nearly equal in population as possible to the other new districts being created within the existing Representative District; shall be bounded by ancient boundaries, major roads, streams, or other natural boundaries; and not be so created as to unduly favor any person or political party.

Within 120 calendar days following the official reporting to the President of the United States of each decennial census, (or within 120 calendar days after this amendment takes effect) the Governor, on behalf of the Commission, shall file with the Secretary of State the plan for redistricting and reapportioning as provided for herein. Forthwith, after the filing, the Governor shall issue a proclamation of redistricting and reapportioning. The Secretary of State shall cause such proclamation to be published in two newspapers of general circulation within the State for two consecutive weeks, within 20 days after the issuance of the proclamation. The proclamations shall become effective within 30 days of its issuance.

Any qualified voter may apply to the Superior Court to compel the Governor, by mandamus or otherwise, to perform the redistricting and reapportioning duties or to correct any error in redistricting and reapportioning. Application to compel the Governor to perform the redistricting and reapportioning duties must be filed within thirty days of the expiration of the 120 days allotted to the Commission to file its plan, if such plan is not timely filed. Application to compel correction of any error in redistricting and reapportioning must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the Superior Court. On appeal, the cause shall be reviewed by the Supreme Court upon the law and the facts.

Section 6. The following new Section 2B is added to Article II of the Constitution, immediately following Section 2A as enacted above.

Section 2B. The number of delegates and the method of electing delegates to the Constitutional Convention as provided in Section 2, Article 16, shall not be effected by the addition of Representatives or Representative Districts, pursuant to Section 2A of this Article. The Representative Districts which shall elect delegates to the Constitutional Convention are as set forth in Section 2 of this Article.

CHAPTER 426

**AN ACT TO CREATE A STATE BOARD OF COSMETOLOGY
AND REGULATE THE PRACTICE OF COSMETOLOGY.**

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

Section 1. Title 24, Delaware Code, is amended by adding thereto the following new Chapter:

CHAPTER 6. COSMETOLOGISTS**§ 601. Definitions**

(a) "Cosmetology" as used in this Act is hereby defined and construed to mean any one and/or combination of practices generally and usually, heretofore and hereafter performed by, and known as the occupation of Beauty Culturists, or Cosmeticians, or Cosmetologists, or Hairdressers, or of any other person holding him or herself out as practicing Cosmetology by whatever designation and within the meeting of this Act and in/and upon whatever place or premises; and in particular Cosmetology shall be defined and shall include—but otherwise not be limited thereby—the following or any one or a combination of practices, to wit: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, hands, bust, or upper part of the body, or manicuring the nails of any person.

(b) "Cosmetologist" shall mean any person, not an apprentice or a student, following or practicing cosmetology, not owning or managing a Beauty Salon or School of Cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.

(c) "Managing Cosmetologist" shall mean a cosmetologist who manages or conducts a Beauty Salon or School of Cosmetology.

(d) "Manicurist" shall mean any person who engages only in the practice of manicuring the nails of any person.

(e) "Demonstrator": Any person who possesses the qualifications of a cosmetologist but who limits his practice to the performing of cosmetological operations upon persons provided for the purpose of being the subjects or models upon whom demonstrations of such practices are to be performed, said demonstration to be performed before groups of apprentices, students, cosmetologists, managing cosmetologists, instructors, or demonstrators as defined in this Section, or salon owners or school owners (or any mixed group thereof) shall be known as a "Demonstrator" of cosmetology and shall hereafter be referred to as a "Demonstrator".

(f) "Apprentice" shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under this Act under the instruction or immediate supervision of an instructor, licensed as such under this Act.

(g) "Instructor" shall mean any persons who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology.

(h) "Student Instructor" shall mean a cosmetologist who is receiving instructions in teacher's training in a duly registered school of cosmetology.

(i) "Beauty Salon" shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetician, cosmetological or beauty salon or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetician, cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein.

(j) "School of Cosmetology" shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students.

(k) "Place of Cosmetology" for the purpose of this Act, shall mean such place wherein or whereupon cosmetology is practiced on the members of the general public for compensation; and such place wherein or whereupon cosmetology is taught to students shall hereinafter be considered as a school of cosmetology; provided, however, that any appropriate name herein mentioned may be used for either such beauty salon or for such school of cosmetology, respectively but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty salon or school of cosmetology as the case may be, within the meaning of this Act. Either of such establishments shall be entirely distinct and permanently separated from any living quarters.

(l) "Board" as that term shall be used in this Act shall mean and refer to the Delaware State Board of Cosmetology, as hereinafter provided for.

§ 602. State Board of Cosmetology: Appointment; qualifications; Term of Office; Vacancies; Oaths

There is hereby created the Delaware State Board of Cosmetology, to consist of five persons, citizens of this State for at least five (5) years prior to their appointment, for the purpose of carrying out and enforcing the provisions of this Act. Such Board shall be appointed by the Governor within thirty (30) days after the taking effect of this Act. The members of the Board shall be at least twenty-five (25) years of age, four must have had at least five (5) years practical experience in the majority of the practices of cosmetology and shall be citizens of this State. One (1) member shall be appointed for a term of one (1) year, two members shall be appointed for a term of two (2) years and two members (2) for three years. Thereafter members shall be appointed for three years. Vacancies shall be filled by the Governor for the unexpired portion of the

term. Said Board may do all things necessary and convenient for carrying into effect the provisions of this Act, and they may from time to time promulgate necessary rules and regulations compatible with the provisions of this Act. The members of the Board shall receive \$15 per day not to exceed 20 days per year. The Board shall hold its meetings in Dover on such days as the Board shall select.

§ 603. Organization; Meetings; Quorum; Powers

One member shall be a resident of the City of Wilmington; one member shall be a resident of New Castle County outside the City of Wilmington; one member shall be a resident of Kent County; one member shall be a resident of Sussex County; and one member shall be appointed at large. One member shall be appointed for a term of one year: Two members shall be appointed for a term of two years and two members shall be appointed for a term of three years and thereafter upon the expiration of the expired terms, each and every member shall be appointed for a term of three years to serve until their successors are appointed and qualified. Before entering upon their duties, each member shall be duly sworn or affirmed to perform faithfully and impartially the duties of his or her office. Three members of the Board shall constitute a quorum. Not more than three members shall be of the same political party.

§ 604. Records of Board

The said Board shall keep a permanent record of its proceedings. It shall keep a register of applicants for certificates or licenses showing the name of the applicant, the name and location of his place of occupation or business, and whether the applicant was granted or refused a Certificate or license. The books and records of the Board shall be prima facie evidence of matters therein contained, shall constitute public records, and shall at all reasonable times be open for public inspection.

§ 605. Requirements for Admission to Examination, Licensing, and Registration

No person shall be admitted to examination or a license under this Act, except as otherwise provided for in this Act, unless such person shall possess the following qualifications:

(a) Cosmetologist—Except as otherwise provided for in this Act, no person may be licensed as a cosmetologist in any one or combination of the practices of cosmetology under this Act, unless such person shall pay the original licensing fee as hereinafter provided for, and have an education equivalent to the completion of the eighth grade or equivalent and shall have served and completed the required time and studies and passed an examination for which a license is applied for as follows:

1. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of at least fifteen hundred (1500) hours of continuous training not to exceed more than eight (8) hours in any one day;
2. Or as an apprentice in a beauty salon for a period of not less than three thousand (3000) hours over a minimum period of two (2) years of continuous training not to exceed more than eight (8) hours in any one day; or, in either event.
3. For any one or a combination of practices as license is applied for, a proportionate number of hours as determined by the Board and of such other subjects as are necessarily related thereto and as uniformly determined by the Board, and
4. Shall have passed an examination to the satisfaction of the Board as provided in this Act.

(b) Manicurist—Except as otherwise provided for in this Act, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall have completed a course of training of not less than one hundred twenty-five (125) hours in a school of cosmetology and shall have passed an examination to the satisfaction of the Board as provided for in this Act.

(c) Demonstrators—Except as otherwise provided for in this Act, no person may be licensed as a demonstrator, unless such person shall pay the original licensing fee as hereinafter provided and shall be either a licensed cosmetologist, or shall

file proof with the Board that he has continuously practiced as a cosmetologist for a period of at least three (3) years prior to the application for license as such demonstrator.

(d) **Managing Cosmetologists**—Except as otherwise provided for in this Act, no person may be licensed as a managing cosmetologist, unless such person shall pay the original licensing fee as hereinbefore provided for, and shall be a licensed cosmetologist, and has served as such in a registered beauty salon for a period of not less than one (1) year prior to such application for license as managing cosmetologist.

(e) **Apprentices**—Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty salon. Such an apprentice shall be at least sixteen (16) years of age at the time of such registration. Provided, that any beauty salon that shall take an apprentice shall immediately file with the Board the name and age of each of such apprentices, and the Board shall cause the same to be entered in a registry kept for that purpose.

(f) **Students**—Students in cosmetology shall be registered by the Board without fee, upon enrollment in a registered school of cosmetology and upon certification by such school of such enrollment. A student shall be at least sixteen (16) years of age at the time of such registration. Provided, that any school of cosmetology that shall enroll such a student shall immediately file with the Board the name and age of such student, and the Board shall cause the same to be entered in a register kept for that purpose.

(g) **Instructors**—Except as otherwise provided for in this Act, no person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for, and shall hold a license as a cosmetologist issued to him pursuant to Paragraph (a) of Section 605 hereinabove, and in addition,

1. Shall have at least six (6) month teacher's training course in cosmetology in a registered school of cosmetology. In no event shall more than nine (9) months teacher's training be requisite for admission to examination.

2. Or, shall have at least two (2) years experience as an active practicing cosmetologist and supplemented by not less than three (3) months teacher's training in cosmetology in a registered school of cosmetology. In no event shall more than five (5) months teacher's training be requisite for admission for examination.

3. Or, any resident of Delaware who has held a teacher's license in another State of equal requirements on the effective date of this oath.

(h) Student Instructors—Student Instructors in cosmetology shall be registered as such without fee, upon enrollment in a registered school of cosmetology, and upon certification by such school to the Board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this Act for a student instructor, said student instructor may make application on a form provided by the Board and pay the examination fee as hereinafter provided for. Said Board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the Board and assisted by one who shall possess an Instructor's License. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for said Board shall issue and give an instructor's certificate. Provided that any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the Board the name and age of such student, his qualifications qualifying him for such course as herein provided, and the Board shall cause the same to be entered in a register kept for that purpose. The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the Board subject to such provisions as the Board shall make. Persons duly registered under any limited or unlimited medical practice laws or lecturers upon subjects not directly appertaining to cosmetology, need not be holders of cosmetologists certificates as provided for in this Act, nor need such persons have the required training in cosmetology and shall otherwise be exempt from the provisions of this Act.

§ 606. Registration of Salons and Schools

(a) It shall be competent for any person, firm, corporation or association to apply to the Board for a certificate of registration as a registered beauty salon or school of cosmetology, within the meaning of this Act, said application to be upon a form prescribed by the Board, and shall be accompanied by the payment of the original registration fee, as hereinafter provided for. Any beauty salon or school of cosmetology shall after the effective date of this Act fully comply with all the rules and regulations promulgated by the Board as hereinafter provided. Nothing contained in this Act shall prevent a person from operating a registered beauty salon in his or her home provided there is full compliance with the health regulations.

(b) No beauty salon shall accept an apprentice unless such beauty salon be in charge of a managing cosmetologist, licensed as such. Said salon shall have also on its staff at least one additional licensed cosmetologist; provided, further, that such salon may register one additional apprentice for each two additional licensed cosmetologists attached to its staff. In addition, such salon shall possess the necessary apparatus and equipment for the proper instruction in all subjects for the practices for which a license is required under this Act, and shall maintain a daily record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship, and shall certify to the Board upon termination of such apprenticeship the credits earned. Such instruction shall require the necessary training for a complete course comprising all or the majority of the practices of cosmetology as provided in Section 605, Paragraphs (a) and (b) of this Act and such course shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization, and other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, as provided for in this Act. Every beauty salon shall have a managing cosmetologist, who shall have immediate charge and supervision over the cosmetologists employed in such salon.

(c) Any person, firm or corporation teaching any or all of the practices of cosmetology, shall be required to comply with all provisions applicable to schools of cosmetology or to

beauty salons having apprentices and any and all rules which may be promulgated by the Board. No school of cosmetology or beauty salon shall operate within this State unless a proper certificate of registration under this Act has first been obtained. The practice of cosmetology shall not be followed in this State except in a duly registered beauty salon or school of cosmetology except for educational purposes as provided in Section 601, Paragraph (e) of this Act.

§ 607. Requirements of a School

(a) No school of cosmetology shall be granted a certificate of registration unless it shall attach to its staff as a consultant, a person licensed by this State to practice an unlimited or limited branch of medicine, and employ at least one instructor for the first twenty-five students enrolled, and one additional instructor for each additional twenty-five students enrolled; shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student, maintain regular class and instruction hours, establish grades, and hold examinations before issuance of diplomas; and shall require a school term of training for a complete course comprising all or the majority of the practices of cosmetology as provided in Section 605 (2) of this Act, together with the minimum number of hours therein prescribed; and shall include practical demonstrations and theoretical studies and study in sanitation, sterilization, other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof, as provided in this Act. Any such school that shall enroll student instructors, shall not have at any one time more than one such student instructor for each licensed instructor actively engaged in such school.

(b) No instructor or student instructor shall be permitted to practice cosmetology on the public other than that part of practical work which shall pertain directly to the teaching of practical subjects to students.

(c) No student may render any clinical services on patrons for fees until said student has completed a minimum of 500 of the total hours of instruction as required by this Act.

(d) Each school shall display in a conspicuous place within the clinic area of the school a sign which shall read as follows: ALL SERVICES IN THIS SCHOOL PERFORMED BY STUDENTS WHO ARE IN TRAINING AS COSMETOLOGISTS.

(e) No school shall pay compensation to any of its students either directly or indirectly, nor shall the school advertise the fees charged for clinical services.

(f) Each school at the time of application for license and at the time of renewal shall furnish to the Board and maintain in force a bond in the penal sum of five thousand dollars (\$5,000) for each twenty students enrolled, running in favor of the State with surety by a corporate bonding company authorized to do business in this State and conditioned that the school licensed under this Act shall afford to its students the full course of instruction required under this Act, in default of which a proportionate amount of the tuition paid by the student shall be refunded.

§ 608. Application for Examination

Each person, who desires to practice any of the practices designated to be within the meaning of this Act, shall file with the Secretary of the said Board a written application for a certificate to practice or for an examination and license to practice as the case may be and as provided in this Act, said application to be accompanied by a health certificate issued by a regularly licensed physician, on a form prescribed and supplied by said Board. Such applicant shall, under oath, submit photographs, satisfactory proof of the required age, educational qualifications, and be of good moral character, and shall deposit with the Secretary the required fee hereinafter provided for.

§609. Admission to Examination

If the Board finds that the applicant has submitted the credentials required for admission to the examination and license, or registration, and has paid the required fee, and shall have complied with the requirements of Section 608, the Board shall admit such applicant to examination or for registration, as the case may be.

§ 610. Examinations

The examination of applicants for a license to practice a classified occupation as designated under this Act shall be conducted under rules prescribed by the said Board and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies or subjects as the Board may determine necessary for the proper and efficient performance of such practices; and shall not be confined to any specific system or method, and such examinations shall be consistent with a prescribed curriculum for a Beauty School or Schools of Cosmetology and the practical and theoretical requirements of occupation of Cosmetology as provided by this Act. The Board shall conduct at least three examinations during each year.

§ 611. Certificates or Licenses

If an applicant for examination to practice cosmetology passes such examination to the satisfaction of said Board, and has paid the required fee as provided in Section 612 hereof, and otherwise complies with the requirements provided in this Act, or an applicant who otherwise qualified for registration, and has paid the required fee and complies with the requirements for registration as provided in this Act, the Board shall issue a certificate or license, as the case may be, to that effect, signed by the Secretary and/or members of the Board and attested by its seal. Such certificate or license shall be evidence that the person to whom it is issued is entitled to follow the practices, occupation or occupations, as classified under this Act. The holder of a cosmetologist's license, as herein provided for, shall have the right and privilege to place the initials "R. C." immediately following his or her name to designate him or her as a registered cosmetologist.

§ 612. Fees

The various fees to be paid by the applicants for original registrations, original licenses, annual renewals, temporary permits, licenses issued upon reciprocity, and examinations as required under this Act, shall be as follows:

(a) Original registrations, licenses, and annual renewals thereof:

Beauty Salon, original registration (ownership only)....	\$ 50.00
Beauty Salon, annual renewals	30.00
School of Cosmetology, original registration	100.00
School of Cosmetology, annual renewals	50.00
Fees shall not apply to public school or student in public schools.	
Cosmetologist, original license	15.00
Cosmetologist, annual renewal	10.00
Managing Cosmetologist, or owner-manager, original license	25.00
Managing Cosmetologist, annual renewal	15.00
Manicurist, original license	5.00
Manicurist, annual renewal	5.00
Demonstrator, original license (more than 10 days).....	5.00
Demonstrator, annual renewal	3.00
Apprentice, registration fee	5.00
No renewal fees required	
Student	5.00
No renewal	
Instructor, original license	25.00
Instructor, annual renewal	15.00
License to practice under reciprocity	25.00
Annual Renewals—as prescribed hereinabove for the designated occupation	25.00

No fees shall be required for the registration of a student or a student instructor nor for the issuance of a temporary permit.

(b) Examinations

As a cosmetologist	15.00
As a managing cosmetologist	25.00
As an instructor	25.00
As a manicurist	5.00

§ 613. Persons Called to Aid of Board

(a) The Board may call to its aid any person or persons of established reputation and known ability in the practices as provided in this Act, for the purpose of conducting examinations

and investigations of any or all persons, firm, or corporations affected by this Act. The Board shall appoint a committee to assist in prescribing curriculum which shall be taught by the schools registered under this Act. Said committee shall consist of licensed Cosmetologists registered under this Act. There shall be five (5) members on said committee, and at no time shall there be less than two (2) school owners or instructors on the curriculum committee. The members of the curriculum committee shall meet at the direction of the Board.

§ 614. When Board May Dispense With Examination; Reciprocity

The Board may dispense with examinations of applicants as provided in this Act, may grant Certificates of Registration or Licenses under the respective Sections, upon the payment of the required fee as provided in this Act, provided that such applicant is currently licensed in and has complied with requirements of another State, Territory, District of Columbia, or Foreign Country, State or Province wherein the requirements for registration were substantially equal to those in force in this State at the time said license was issued by said State, Territory, District of Columbia, or Foreign Country, State or Province or upon due proof that such applicant has continuously practiced the practices or occupation for which a license is applied at least five (5) years immediately prior to such application and upon the payment of a fee provided in Section 612 of this Act; provided, however, that in the cases of Demonstrators as defined in Section 601 (e) of this Act, a Certificate to Practice as a Demonstrator for a period not to exceed ten (10) days from the date specified thereon shall be issued by the Board, without charge, upon the presentation by said applicant of a certified copy of the license issued by the State of his residence, or company licensing him as a Demonstrator or Cosmetologist therein.

§ 615. Exemption of Present Practitioners from Examination

Any person, who, at the time for the passage of this Act is, or prior thereto has practiced within this State cosmetology or any of its practices as a cosmetologist, and as such is at the time of the passage of this Act acting as an instructor, manag-

ing cosmetologist, or owner of a beauty salon or a school of cosmetology, shall be registered by the Board and shall receive a license to practice and follow the occupation of cosmetology to the same extent and in the same capacity as such person has practiced or is practicing cosmetology or any of the practices thereof as a cosmetologist, instructor, managing cosmetologist, or owner. Such certificates and license shall be issued by the Board without an examination, and such person shall also be exempt from the qualifications heretofore set out as to education, age, or physical examination. Any person studying at the time of the passage of this Act to become a student instructor or studying the occupation of cosmetology or any practice thereof in a school of cosmetology or who shall be acquiring the practice in a beauty salon as an apprentice shall receive credit for the time and hours spent in such; providing that the person or persons to be exempted under this Section as hereinabove provided and providing that the student and apprentice to be credited as hereinabove provided shall within ninety (90) days after the appointment of the Board by the Governor file with said Board an application upon a form prescribed and furnished by the Board for a license to practice or to follow the practice or practices in the same capacity as shall have been followed by his prior thereto or for a certificate of credits as a student or apprentice as the case may be. Such application shall be accompanied by an affidavit sworn to before a Notary Public or an officer authorized to administer oaths, and shall be signed by the applicant, stating the practice or practices followed by him prior thereto or the study pursued, and further providing that such application be accompanied by a registration fee of Fifteen Dollars (\$15.00) for applications by cosmetologists. Twenty-five Dollars (\$25.00) for instructors, Twenty-five Dollars (\$25.00) for managing cosmetologists, Fifty Dollars (\$50.00) for owners of beauty salons, Five Dollars (\$5.00) for students or apprentices, and One Hundred Dollars (\$100.00) for schools of cosmetology. Any license or certificate so issued shall thereafter be renewable as provided in this Act and upon the payment of the renewal fees as provided for in this Act.

§ 616. Powers and Duties of the Board: Hearings, Etc.

The Board shall have the power to refuse, revoke and suspend licenses and certificates, provided for in this Act, upon

proof of violation of any of the rules and regulations promulgated by the said Board, or upon proof of violation of any of the Sections in this Act. The Board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall at any time have been convicted of a felony or of gross immorality, or shall be guilty of grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or occupations set forth in this Act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this Act. Provided, however, that the Board shall not on any of the grounds in this Section, stated, refuse to issue or renew any license or certificate, nor shall it revoke or suspend any such license or certificate already issued, except after a hearing, of which the applicant or license or the holder of the certificate affected shall be given at least twenty (20) days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate of registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the Board may prescribe.

§ 617. Hearing May be Held by Majority of the Board.

Any investigations, inquiry or hearing, which the said Board is empowered by this Act to hold or undertake may be held or undertaken by, or held before any three members of said Board, and shall be deemed to be the finding or order of said Board when approved and confirmed by a majority of four of said Board.

§ 618. Fees

The fees for examinations, licenses and certificates, as provided for in this Act, shall be paid in advance to the Secretary

of the Board, and by him paid each month into the State Treasury to the credit of a general fund. On failure to pass an examination the fees shall not be returned to the applicant, but within the year after such failure he or she may present himself or herself and be again examined without the payment of an additional fee.

§ 619. Sanitary Rules

The said Board shall, with the approval of the State Board of Health, prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases, and it shall be unlawful for the owner or manager of any hairdressing or cosmetician or cosmetology salon or school to permit any person to sleep in or use for residential purposes any room used wholly or in part as a Beauty Salon or School. It shall be unlawful for any person, firm or corporation to practice cosmetology except in a bona fide established beauty salon or School of Cosmetology, where in the requirements of the Board as to proper, sanitary and exclusive practices of Cosmetology are complied with. Providing, however that a cosmetologist may practice outside of such establishment under such regulations as the Board may provide. The State Board of Health shall make periodic inspections to insure compliance with the requirements of this Section.

§ 620. Temporary Licenses

The Board may issue a temporary license, to any person who otherwise is subject to examination, as provided in this Act, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of Cosmetology for which a temporary license is applied; providing, however, that such application for a temporary license is accompanied by an application for an examination as provided in this Act and the necessary fee therefor as provided in Section 16 of this Act. Each temporary license shall state the date of expiration and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the Board at

which examinations are held and until the results of the applicants examinations are announced. Two such temporary licenses may be issued to the same person.

§ 621. To Whom Provisions in this Act shall not Apply

(a) Nothing in this Act shall prohibit service in case of emergency, or domestic administration, without compensation, nor services by persons authorized under the laws of this State to practice medicine, surgery, dentistry, registered pharmacist, retailers of cosmetics, chiropody, osteopathy, mortuary science or chiropractic or the occupation of a masseur, nor services by barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices, namely: arranging, cleansing, cutting, or singeing the hair of any person; or in massaging, cleansing, manipulating with the hands, stimulating, exercising, or similar work, the scalp, face or neck of any person, with the hands, or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(b) Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded.

§ 622. Display of Certificates

Every holder of a certificate or license granted by the said Board, as provided in this Act, shall display it in a conspicuous place in his or her principal office, place of business or employment.

§ 623. Renewal of Certificates

The holder of a certificate or license issued by Board as provided in this Act, who continues in active practice of said occupation within the meaning of this Act, shall annually on the 1st day of January, renew his or her certificate or license and pay the renewal fee, as provided in Section 612. A certificate or license which has not been renewed prior to the 1st day

of March in that year, shall expire on the 1st day of March in that year. The holder of the expired certificate or license may have within three (3) years of the date of the expiration, the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to assume practice or occupation. The restoration fee shall be as follows: the sum of the accumulated annual renewal fees for such classification as provided for in Section 612 for the lapsed period, plus the fee for the current year.

§ 624. Duration and Renewal of Certificates

The first certificates or licenses issued under this Act shall be valid until 31st day of December, 1963. Thereafter no certificate or license shall be issued for a longer period than one year, and all certificates shall expire on the 31st day of December next succeeding, unless renewed for the next year, and upon payment of the fees for renewals as herein provided.

§ 625. Penalties

Any person or corporation who shall practice cosmetology or any of the practices thereof, maintain a school of cosmetology or a Beauty Salon, or act in any capacity wherein a certificate or license is required, without a certificate or license provided in this Act, or shall in any other form or manner violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall be fined not to exceed One Hundred Dollars (\$100.00) or shall be imprisoned for no more than ninety (90) days, or both, and if a corporation, shall be punished by a fine of not more than \$200.00.

§ 626. Appeals

Findings made by the Board acting within its power shall, in the absence of fraud, be conclusive, but the Superior Court of the County in which the aggrieved person shall reside shall have the power to review such proceedings in accordance with the laws of this State therefor provided; provided, that the application for such review is made by the aggrieved party within thirty (30) days after the determination of the Board. All

expenses and cost of proceedings and hearing under this Section shall be assessed and paid as costs are assessed and paid in any court of record.

§ 627. Effect of Partial Invalidity of Act

If any Section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Act. The General Assembly hereby declares that it would have passed this Act and each Section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more Sections, sub-sections, sentences, clauses and phrases be declared unconstitutional or invalid.

§ 628. Repeal of Inconsistent Acts

All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 629. Exceptions

Nothing contained in this Chapter shall affect the instructional program of cosmetology as conducted in the State of Delaware Public Schools. Any student who has completed the prescribed course in cosmetology in the State of Delaware Public Schools will be eligible to take State Board Tests in order to meet the requirements of licensing under this Chapter.

Approved August 6, 1962.

CHAPTER 427

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE IM-
PROVEMENT OF THE GROUNDS OF THE GREENWOOD
SCHOOL DISTRICT NO. 91.**

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

Section 1. The sum of \$3,000 is hereby appropriated to the State Board of Education for the fiscal year beginning July 1, 1961, and ending June 30, 1962, for improvement of the school grounds of the Greenwood School District No. 91.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of any monies of the General Fund of the State of Delaware not otherwise appropriated.

Approved August 13, 1962.

CHAPTER 428

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR COMPLE-
TION OF THE ATHLETIC FIELD OF THE BRIDGE-
VILLE CONSOLIDATED SCHOOL DISTRICT NO. 90.**

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

Section 1. The sum of \$10,000 is hereby appropriated to the State Board of Education for the fiscal year beginning July 1, 1961, and ending June 30, 1962, to be used for the completion of the athletic field of the Bridgeville Consolidated School District No. 90 at Bridgeville in Sussex County.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of any monies of the General Fund of the State of Delaware not otherwise appropriated.

Approved August 13, 1962.

CHAPTER 429

AN ACT TO AMEND CHAPTER 4, TITLE 24, DELAWARE CODE, RELATING TO BARBERS AND ENACTING A NEW SUBCHAPTER.

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

Section 1. Section 405, Title 24, Delaware Code, is amended by adding thereto a new sentence to read as follows:

The Board may make any regulation it deems necessary for carrying out the provisions of this Chapter respecting its internal economy and the conduct of its business, and may amend or repeal any such regulation.

Section 2. Section 406, Title 24, Delaware Code, is repealed and a new Section 406 inserted in lieu thereof to read as follows:

§ 406. Examinations of shops; failure to keep sanitary

The State Board of Health shall be the only authority to enter and make reasonable examination of any barber shop in the State during business hours, for the purpose of ascertaining the sanitary conditions thereof. The State Board of Examiners of Barbers shall not have the authority to inspect barber shops after they have made the final inspection of newly opened shops. Any barber shop in which tools, appliances and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is declared to be a public nuisance, and the proprietor thereof shall be subject to prosecution and punishment therefor.

Section 3. Section 408 (b), Title 24, Delaware Code, is amended by striking out the figure "\$5.00" and inserting in lieu thereof the figure "\$10.00".

Section 4. Section 409 (c), Title 24, Delaware Code, is amended by striking out the figure "\$5.00" and inserting in lieu thereof the figure "\$10.00".

Section 5. Section 414, Title 24, Delaware Code, is amended by striking out the figure "\$100.00" and inserting in lieu thereof the figure "\$25.00" and by adding a new sentence thereto to read as follows:

A presently established and approved barber shop which is sold does not become a new barber shop under this Section.

Section 6. Section 404, Title 24, Delaware Code, is amended by adding a new sentence thereto to read as follows:

All such vouchers must be signed by the President and Secretary of the Board.

Section 7. Chapter 4, Title 24, Delaware Code, is amended by adding thereto a new Subchapter II to read as follows:

SUBCHAPTER II. BARBER SCHOOLS

§ 421. Requirements for Registration

(a) Preliminary Inspection. Each proposed school shall be inspected for the purpose of determining:

1. Suitability of proposed location.
2. Suitability of proposed rooms, with regard to plumbing, ventilation, lighting, and adequacy of floor space.
3. Approval of proposed layout.
4. Approval of proposed items of equipment.
5. Satisfactory evidence for school registration; responsibility of applicant for school registration.
6. Satisfactory evidence of proper provisions for corps of teachers.

Careful verification of claims and representations set forth in the application shall be made.

(b) Second Inspection. An inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

§ 422. Equipment Requirements for Barber Schools

For each school:

- One blackboard (3' x 5' minimum or equivalent)
- One hand hairdryer for each ten students
- One microscope
- Medical dictionaries
- Sets of charts on skin, bones, muscles, nerves, and circulatory system (24" x 36" minimum or equivalent)
- Sets of library books on anatomy, physiology, and hygiene
- Sufficient chairs, coat and hat racks to accommodate patrons
- One electric lather mixed for every two chairs
- One or more wash bowls with hot and cold running water for every three chairs.

For each student:

- One standard barber chair with a modern workstand
- One large mirror (24" x 24" minimum or equivalent)
- One dry sterilizing cabinet for all instruments
- One covered hamper for soiled towels
- One covered waste container
- One dust-proof cabinet for linens
- One hair clipper (electric)
- Razor (one)
- Two shears and one thinning shear
- Four combs
- One set of strops
- One hone
- One standard textbook on barbering (Sets of question and answer books are not considered textbooks).

The proper place for the equipment will require at least 100 square feet of floor space per chair.

§ 423. Personal Requirements

(a) Owners. No school shall be registered until the Board has had ample opportunity to verify sworn statements as to the actual ownership. False statements submitted in this connection shall constitute sufficient grounds for cancellation of the school's license if detected after a license has been issued. The

Board reserves the right to deny school license to any applicant who fails to present satisfactory evidence of business, professional, or personal integrity. No school permit will be issued until the real owner files with the Board a statement definitely designating who is authorized to accept service of legal notices and to transact all citations for hearings and compliance with rulings issued by the Board. This statement shall bear a facsimile signature of the individual so authorized.

(b) Instructors. Each school shall meet the following requirements pertaining to instructors:

1. Each school shall employ as instructors only barbers registered in the State of Delaware who are competent to impart instruction in all branches of barber science which they teach.
2. No individual shall be counted as a regular, part-time, or substitute instructor in any school unless his barber certificate is on display in the said school.
3. Every school shall employ at least one full-time registered barber for every five students.
4. Each class taught for credit shall consist of not more than twenty students per registered instructor, and in no case less than one full-time instructor who shall be in attendance at all times during the hours the school is open for instruction. The only exception to this rule which the Board shall permit is the lecturing by a staff physician or some specialist, and then only when at least one teacher is present.
5. No instructor in a school of barbering may devote any portion of his time to work in a shop while the school is in session.
6. Instructors as well as students must be attired during school hours in washable jackets, which must be kept in a clean condition. Teacher uniforms must be such as to distinguish instructors from students.
7. Each instructor must be registered by the Board as such.

§ 424. Student Enrollment, Credits, Etc.

(a) Enrollment. No student shall be enrolled in any school of barbering unless he holds an apprentice or student permit issued by the Board. No student or apprentice permit can be issued for a school of barbering that does not maintain the standards prescribed by the barber law. A student shall be at least sixteen years of age in order to register in a barber school. A student permit fee shall be \$10.00.

(b) Entrance—Out-of-state transfer from schools. Whenever a student at the time of enrolling is entitled to credits previously earned, the school enrolling such student shall carefully evaluate these credits and submit to the Board three copies of the sworn certification of entrance credits. A mere statement that the applicant for certification of entrance credits has pursued work elsewhere than in the school requesting the Board's approval shall not be accepted as sufficient evidence. The statement must be accepted as documentary evidence showing attendance at a given school, and if possible, the number of hours attended and subject pursued.

If and when the Board approves the entrance credits so certified, two copies of the certification shall be returned to the school. The school shall preserve these copies until the student is ready to apply for the State examination, at which time one copy shall be filed with the student's application for examination. The other copy shall be returned for the permanent files of the school.

(c) Transfer Credits. A certificate of transfer must be completed in all cases where a student wishes to leave a registered school of barbering and transfer to another registered school of barbering. The school in which the student has completed a portion of his or her course of preparation must furnish the Board with a sworn statement upon an official blank "Certificate of Transfer", setting forth the subjects and the number of hours credit given in each, such certification must be approved by the Board before the student may be enrolled in another school of barbering.

(d) All Certificates of Transfer must be submitted to the Board in duplicate. When transfer credits constitute a portion of the number of hours required to establish eligibility for State examination, an approved Certificate of Transfer shall be submitted with the student's application for examination.

(e) Attendance Reports. Each school shall keep a daily record of the attendance of each student and a record devoted to the different practices, and shall establish grades and hold examinations before issuing diplomas.

Time spent as an apprentice in a shop and as a student in a school may be combined to meet the requirement for examination.

(f) Student Work. Compensation for student work is strictly prohibited. A nominal charge may be made by the school for work performed by students, in order to cover the cost of maintaining sanitary conditions within the school.

(g) Each school shall display in a conspicuous place in and about the entrance to said school at eye level or higher a sign in display letters at least six inches in height as follows: **BARBER SCHOOL—ALL WORK PERFORMED BY STUDENT BARBERS.**

§ 425. General Regulations Pertaining to Schools

(a) Advertising. Each school shall advertise only under the designation of a school. A school shall not, in any form of advertising be so designated as to mislead the public in regard to prices or location. Every establishment shall display a clearly visible sign at its main entrance indicating that it is a barber school. A school shall not advertise prices.

(b) Authorized Signature. A registered school of barbering must supply the Board with a facsimile signature on white paper of the individual or individuals authorized by the owner of said school to sign all official certificates of students of said school for admission to examination. This signature should be filed immediately.

(c) **Daily Schedule.** Each school is required to post schedules showing the schedules of classes in theory and in practical work. The schedule must not be less than four nor more than eight hours for each day the school is in session and each student must have an opportunity to devote at least three hours for every four hour class to practical work and six hours for every eight hour class to practical work. For each of these class periods the instructor in charge shall keep an accurate daily record of attendance and progress of each student. Each student must complete a minimum of four hours per day instruction and practical work combined, in order to receive credit for that day's instruction.

(d) **Duty Work.** The Board holds that all hours credited to a student should be devoted to the study of barbering. Therefore, duty work should not exceed a period of more than ten minutes of the student instruction time. Duty work shall consist only of the tidying and cleaning naturally performed by any operator about his own chair at the conclusion of any barber process. It shall not include menial work of a nature ordinarily performed by a maid, porter, or janitor.

(e) **Curriculum.** Each school shall be required to have readily available at all times a complete file of the curriculum.

(f) **Safety Precautions.** Those in charge of the school should at all times be vigilant to prevent accidents as well as infections. They should, therefore, observe with special diligence the following precautions:

1. All electrical appliances must be properly installed and grounded.
2. Requirements for sanitation and sterilization must be strictly observed at all times.
3. Infectious or contagious diseases of the skin should not be treated in any manner.

(g) **Service and Inspection.** Every establishment must provide a suitable place properly equipped to give adequate service to patrons, and subject to inspection, at anytime by the duly authorized agents of the Board of Health, or by the Board of Barber Examiners.

§ 426. Rules and Regulations Governing the Operation and Conduct of Barber Schools

(a) **Inspection.** All barber schools shall be open for inspection at all times during business hours to any duly authorized agent of the Board of Health, or by the Board of Barber Examiners.

(b) **Barber Schools.** Every barber school shall be well lighted, well ventilated, and kept in a clean, orderly, and sanitary condition. All waste containers shall be thoroughly cleaned at least once during each session of the school. Floors must be swept or mopped each day and kept free from hair. Every barber school must be provided with adequate lavatories, readily accessible, and kept in a sanitary condition.

(c) **Water.** Running water, hot and cold, located at a convenient point or points within each barber school shall be provided.

(d) **Sterilization.** All tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber discs, parts of vibrators or massaging machines, and all other utensils or appliances that come into contact with the neck, face, or head shall be sterilized immediately after each use and shall be sterilized daily. Instruments shall be sterilized by immersing in disinfecting solution equal to a five per cent solution of carbolic acid or alcohol solution of at least 70 per cent strength for a period of at least one minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. Any method of sterilization that is bacteriologically effective will be permitted. All sanitation regulations adopted by the Board of Barber Examiners and the State Board of Health that apply to barber shops shall also apply to barber schools.

(e) **Towels.** None but freshly laundered and sterilized towels shall be used for each patron. The headrest of a barber chair must be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of any person, a newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin. All towels used on each patron must be discarded in a closed re-

ceptable, and must not be left lying on work-bench or washbowl. This regulation includes hot towels taken from a steam sterilizer. Laundry work in a school is prohibited.

(f) Astringents. The use of finger bowls, powder puffs, styptic pencils or sponges in barber school is prohibited, and no barber, student, or apprentice shall keep any of them on or about his stand. Nothing but powdered or liquid astringents applied in each case on a clean towel or clean piece of cotton shall be used to check bleeding; styptic or astringent pencils and lump alum are strictly forbidden.

(g) Health. Every person serving as a barber, student, or apprentice, shall thoroughly clean his or her hands immediately before serving each customer. No person who is an habitual user of alcoholic liquor, or who is addicted to the habitual use of morphine, cocaine, or other habit-forming drugs shall serve as a barber student or apprentice. All persons in a barber school shall be clean, both as to person and dress. No person shall act as a barber, student or apprentice who is infected with a disease which may be transmitted or communicated to a patron. No person acting as a barber shall knowingly serve any person afflicted with an infectious or communicable disease.

(h) Treating Diseases. No barber, student, or apprentice shall undertake to treat any disease of the skin, but shall advise consultation with a physician.

(i) Business Location. No school of barbering shall be located so that nearby business activities interfere with the school. Rooms used for school purposes shall not be used for other purposes and all rooms shall be arranged and the work conducted so that the health and safety of patrons, students, and teachers are properly safeguarded.

(j) Business Permit. Any person desiring to operate or conduct a barber school shall first secure a city or town permit to do so, and shall keep the same prominently displayed.

§ 427. Board Examination

The State Board of Barber Examiners may examine students for license on the premises of the school from which the applicant has graduated, if they so desire.

§ 428. Licensing of Students

(a) Title 24, Chapter 4, Section 409 to the contrary notwithstanding, a graduate of a bone-fide Barber School, having pursued a course of instruction of at least 1500 hours duration, who meets the educational requirements contained therein, and upon presentation to the Board of a certificate of graduation from said Barber School, shall be examined and tested by the State Board of Barber Examiners, and, if found qualified, shall be duly licensed as a student barber and must serve twelve months with a licensed barber in the State before applying for examination to be duly licensed as a barber as outlined in Section 409 (b) and (c).

(b) No barber shall have serving under him more than one student barber under this Chapter.

§ 429. Curriculum Requirements

Practical work shall be integrated with the theory and science of barbering in such a manner that practical experience is gained concurrently with theoretical knowledge. A total of 1500 hours plus twelve months as a student barber shall be considered a sufficient requirement for licensing a student by the State Board of Barber Examiners. An acceptable curriculum shall include, but not be limited to, study to the following subjects:

- Shop Management
- Barber Ethics
- Personal Hygiene
- Sterilization
- Shampooing
- Haircutting
- Face Shaving
- Honing and Stropping
- Bacteriology
- Singe
- Instruments
- Anatomy
- Physiology
- Pharmacology

Hair tonics and head treatment.

Scalp care and treatment.

Theory and Practice of Massage and Facial Treatments.

State Board of Regulations, licenses and examination.

§ 430. Fees

Every new barber school shall pay to the Board, for a permit, an initial fee of \$100 and \$50 per year thereafter. All monies collected under this Section shall be deposited in the General Fund of the State of Delaware.

§ 431. Sunday Closing; Penalty; Jurisdiction and Cognizance of Offenses

Whoever carries on or engages in the business of barber school or whoever opens or allows to be open his barber school, or place where such business is done, for the purpose of carrying on his said business on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$20 nor more than \$75 and on failure to pay such fine and costs shall be imprisoned not exceeding ten days.

Approved August 13, 1962.

CHAPTER 430

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO LOCAL SCHOOL DISTRICT MIDDLETOWN NO. 120 FOR THE FISCAL YEAR ENDING JUNE 30, 1962, TO BE USED FOR PAYMENT OF OPERATING EXPENSES INCURRED DURING THE SCHOOL YEARS ENDING 1961 AND 1962.

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

Section 1. The sum of \$5000 is hereby appropriated to Local School District No. 120 for payment of operating expenses for the school years ending 1961 and 1962.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of any monies of the General Fund of the State of Delaware not otherwise appropriated.

Approved August 13, 1962.

CHAPTER 431

AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" TO OBTAIN INCREASED FEDERAL FINANCIAL PARTICIPATION IN AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN BY REVISING CERTAIN PROVISIONS WITH RESPECT TO AID TO DEPENDENT CHILDREN TO COMPLY WITH FEDERAL STATUTES.

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

Section 1. § 503 (d), Title 31, Delaware Code, is amended by striking out the words "for any child as aid to dependent children" in the first paragraph thereof and inserting in lieu thereof the words "as aid and services to needy families with children", and by striking out the word "child" as it appears twice near the end of said paragraph and inserting in lieu thereof in both instances the word "family".

Section 2. § 503 (d), Title 31, Delaware Code, is amended by striking out the period at the end of the second paragraph thereof and adding the words: "plus \$50 for the spouse of the caretaker relative as provided in § 504 (2) of this Chapter".

Section 3. § 503 (d), Title 31, Delaware Code, is amended by striking out the period at the end of the first sentence of the third paragraph thereof and adding the words: plus \$50 for the spouse of the caretaker relative as provided in § 504 (2) of this Chapter".

Section 4. § 503 (d), Title 31, Delaware Code, is amended by striking out the words "to dependent children" in the fourth paragraph thereof and inserting in lieu thereof the words "and services to needy families with children", and by striking out the figure "\$150" in the same paragraph and inserting in lieu thereof the figure "\$200".

Section 5. § 504 (2), Title 31, Delaware Code, is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Aid and Services to Needy Families with

Children; assistance granted with respect to needy families with children".

Section 6. §504 (2), Title 31, Delaware Code, is amended by striking out the words "Aid to Dependent Children" as they appear at the beginning of the second sentence thereof and inserting in lieu thereof the words "Aid and Services to Needy Families with Children", and by striking out the word "or" between the words "home" and "physical" in the same sentence, and by inserting after the words "mental incapacity" the following words: "or the unemployment (as defined by the Department)".

Section 7. § 504 (2), Title 31, Delaware Code, is amended by striking out the words "Aid to Dependent Children" in the last sentence thereof and inserting in lieu thereof the words "Aid and Services to Needy Families with Children", and by striking out the period at the end of the last sentence thereof and adding the following: ", such relative to be designated as the caretaker relative for the purposes of this Chapter, and to the spouse of such relative if such relative is the child's parent provided said spouse is living in the home, is incapacitated or unemployed within the meaning of this Section and is in need".

Section 8. § 504 (2), Title 31, Delaware Code, is amended by adding a second paragraph thereto as follows: "If found feasible by, and in accordance with regulations prescribed by the Department, the term 'Aid and Services to Needy Families with Children' shall also include aid granted with respect to children who, while receiving such aid are removed from their home and placed in foster family homes (or during the period commencing on October 1, 1962, and ending on September 30, 1964, are placed in public or private child care institutions) as the result of a judicial determination, initiated during the month in or for which such children were receiving such aid, that continuation in the parent's or relative's home would be contrary to the child's welfare".

Section 9. § 513, Title 31, Delaware Code, is amended by striking out the words "Aid to Dependent Children" wherever they appear and inserting in lieu thereof the words "Aid and Services to Needy Families with Children".

Section 10. The Act entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1963", being Chapter 401, Volume 53, Laws of Delaware, is amended by striking out the words "Aid to Dependent Children—Grants" appearing under the subdivision "Public Welfare" and under the heading "Department of Public Welfare" in Section 1 thereof and inserting in lieu thereof the words "Aid and Services to Needy Families with Children—Grants".

Section 11. To provide the State's share of extended coverage of Aid and Services to Needy Families with Children the appropriation made to the Department of Public Welfare appearing under the subdivision "Public Welfare" in Section 1, Chapter 401, Volume 53, Laws of Delaware, is amended as follows:

(a) By transferring the sum of \$27,000 from the item, "Reimbursement to Counties", to the item, "Salaries and Wages of Employees" and

(b) By transferring the sum of \$3,000 from the item, "Reimbursement to Counties", to the item, "Office Expense"; and

(c) By transferring the sum of \$60,000 from the item, "Reimbursement to Counties", to a new item hereby created entitled: "Aid and Services to Needy Families with Children—Grants".

Approved August 23, 1962.

CHAPTER 432

AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO WELFARE AND MEDICAL PAYMENTS FOR OLD AGE ASSISTANCE.

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

Section 1. Amend Chapter 5, Title 31, Delaware Code, by adding thereto a new Section 517 to read:

§ 517. Hospital and Medical Treatment for Recipients of Old Age Assistance

Notwithstanding any other provision of law, the Levy Court of any county shall not provide for the hospital treatment and medical care of any individual eligible for old age assistance pursuant to the provisions of this Chapter.

Approved August 23, 1962.

CHAPTER 433

AN ACT TO AMEND SECTION 603, TITLE 14, DELAWARE CODE, RELATING TO TUITION CHARGES AND PROVIDING AN EXCEPTION THERETO.

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

Section 1. Section 603, Title 14, Delaware Code, is amended by adding a new subsection after subsection (d) thereof as follows:

(e) Any student who resides in that portion of Arden-croft which is in the Alfred I. duPont School District No. 7 may attend an elementary school in the Alfred I. duPont School District No. 7 or the Arden School District No. 3 commencing with the 1962-63 school year, and the said school districts or boards shall not be required to collect a tuition charge during the said school year ending June 30, 1963.

Approved August 23, 1962.

Note: See: Opinion of Justices of the Supreme Court in Response to a Question Propounded by the Governor of Delaware, dated October 23, 1962,Del.....;A2d....., upholding the Constitutionality of this Act.

CHAPTER 434

AN ACT TO AMEND SUBCHAPTER VI, CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO SHOOTING PRESERVES BY CHANGING THE TERRITORIAL SCOPE OF SAID SUBCHAPTER.

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

Section 1. § 581, Title 7, Delaware Code, is amended to read:

This subchapter shall apply throughout the State.

Approved August 30, 1962.

CHAPTER 435

AN ACT TO AMEND CHAPTER 7, TITLE 7, OF THE DELAWARE CODE, RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING GAME AND FISH BY ADDING INCREASED PENALTIES FOR DEER VIOLATIONS.

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

Section 1. Chapter 7, Title 7, Delaware Code, is amended by striking out subsection (e) of Section 108 as amended and substituting therefore a new subsection (e) as follows:

(e) Whoever violates any rule or regulation of the Board except those pertaining to deer shall be fined not less than \$10 nor more than \$50 and costs for each offense, or imprisoned not more than 30 days, or both. Whoever violates any rule or regulation of the Board pertaining to taking deer out of season shall for a first offense be fined not less than \$50 nor more than \$150 and costs, or imprisoned 30 days, or both; for a second offense, not less than \$150 or imprisoned for not less than 30 days, or both; for subsequent offenses not less than \$500 or imprisoned not less than 60 days, or both, for each such subsequent offense.

Approved August 30, 1962.

CHAPTER 436

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT.**

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

Section 1. The sum of \$50,000.00 is hereby appropriated to the State Highway Department for the fiscal year ending June 30, 1963, for the construction and improvement of retaining walls for frontage on the Delaware Bay between Mispillion and Cape Henlopen.

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

Approved September 14, 1962.

CHAPTER 437

AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO THE APPOINTMENT OF A DIRECTOR FOR THE STATE BOARD OF CORRECTIONS.

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

Section 1. § 6525, Title 11, Delaware Code, is amended to read as follows:

§ 6525. A Director of Corrections shall be the responsible administrator for the Board. He shall be appointed by the Board, serve during its pleasure, and be paid a salary prescribed by the Board. At the time of his appointment, the Director shall have such educational training as may be required by the Board. In addition, he shall have a minimum of ten years' training and experience in law enforcement, probation, parole, prison work or some allied correctional or welfare activity concerned with the treatment of crime and rehabilitation of offenders; the experience shall include a minimum of five years' experience in a supervisory administrative capacity.

Approved November 9, 1962.

CHAPTER 438

**AN ACT APPROPRIATING FUNDS FOR PAYMENT OF
JUDGMENTS OF COASTAL TANK LINES, INC.,
AGAINST THE STATE OF DELAWARE ARISING OUT
OF A SUIT IN TORT BY ALICE B. DORSEY AND
OTHERS AGAINST THE STATE OF DELAWARE AND
OTHERS, AUTHORIZED BY THE GENERAL ASSEMBLY
BY VOLUME 50, LAWS OF DELAWARE, CHAPTER 622.**

WHEREAS, Alice B. Dorsey, Leighton S. Dorsey, Beatrice P. Dorsey and William G. Dorsey sustained injuries and damages arising out of a collision with a vehicle of the Delaware National Guard on August 2, 1955; and

WHEREAS, by Volume 50, Laws of Delaware, Chapter 622, the General Assembly waived the sovereign immunity of The State of Delaware in order to permit the above-named persons and Coastal Tank Lines, Inc., a Delaware corporation, to bring a suit in tort against The State of Delaware for damages arising out of the collision; and

WHEREAS, on December 7, 1957, judgments were entered after trial by jury against The State of Delaware and Coastal Tank Lines, Inc., in the aggregate amount of One Hundred Thirteen Thousand Five Hundred Ninety-five Dollars (\$113,595.00) with interest at 6%; and it was also determined that The State of Delaware was 50% at fault and that its pro rata share of the common liability was 50%; and

WHEREAS, The State of Delaware has failed to pay its pro rata share of the common liability and Coastal Tank Lines, Inc., has been required to discharge this common liability and has thereupon become entitled to and has obtained a judgment in favor of Coastal Tank Lines, Inc., against The State of Delaware in the sum of Sixty-one Thousand Four Hundred Sixteen Dollars and Eighty-three Cents (\$61,416.83), which judgment was entered of record in the Superior Court of the State of Delaware in and for New Castle County in Judgment Record G-8-217 on June 15, 1959; and

WHEREAS, interest at the rate of 6% has accrued upon said judgment in the amount of Five Thousand Five Hundred Twenty-seven Dollars and Forty-four Cents (\$5,527.44); and

WHEREAS, by Order of the Superior Court dated July 18, 1960, a further judgments for costs and witness fees was entered against The State of Delaware and Coastal Tank Lines, Inc., on which judgment The State of Delaware is obligated to reimburse Coastal Tank Lines, Inc., in the amount of Three Hundred Fifty-one Dollars (\$351.00); and

WHEREAS, the total sum of Sixty-seven Thousand Two Hundred Ninety-five Dollars and Twenty-seven Cents (\$67,295.27) remains outstanding and unpaid by The State of Delaware; NOW, THEREFORE,

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

Section 1. The State Treasurer is hereby directed to pay to Coastal Tank Lines, Inc., a Delaware corporation, within thirty (30) days from the passage of this Act the sum of Sixty-seven Thousand Two Hundred Ninety-five Dollars and Twenty-seven Cents) in full payment and satisfaction of the judgments of Coastal Tank Lines, Inc., against The State of Delaware.

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

Approved December 6, 1962.

Resolutions

CHAPTER 439

SENATE JOINT RESOLUTION

RELATIVE TO THE DEATH OF JOHN J. SANDLER

WHEREAS, the Members of the 121st General Assembly of the State of Delaware have learned with deep regret of the untimely passing of John J. Sandler, Secretary-Treasurer of the National Conference of State Legislative Leaders, AND

WHEREAS, John J. Sandler has for many years faithfully and diligently served his country as a public official of the National Conference of State Legislative Leaders, AND

WHEREAS, John J. Sandler has been a personal friend of many of the members of the General Assembly, AND

WHEREAS, John J. Sandler has while serving as Secretary-Treasurer of the National Conference given untiringly of himself for the objectives of said National Conference and has extended many courtesies to many people of Delaware, AND

WHEREAS, the members of the 121st General Assembly of the State of Delaware in conjunction with the other members of the other State Legislatures desire to express in this public manner their feelings of sorrow and regret and their deep sense of loss of this great public figure, AND

WHEREAS, they wish to express their gratitude for the many years of faithful public service performed by John J. Sandler, NOW THEREFORE

BE IT RESOLVED, *by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives*

concurring therein, that the members hereby give expression of their regret at the passing of John J. Sandler, AND

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the General Assembly of the 121st General Assembly of the State of Delaware and the people of Delaware, AND

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the immediate family of John J. Sandler and that the text of this resolution be made a part of the Journal of the proceedings of the Senate of the 121st General Assembly of the State of Delaware.

Approved March 20, 1961.

CHAPTER 440

SENATE CONCURRENT RESOLUTION

**RELATIVE TO THE PROPOSED AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES RELATING
TO THE GRANTING OF REPRESENTATION IN THE
ELECTORAL COLLEGE TO THE DISTRICT OF COL-
UMBIA.**

WHEREAS, at the Second Session of the 86th Congress of the United States, begun and held at the City of Washington on Wednesday, the sixth day of January, 1960, it was resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), that the following Article be proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the said Constitution, viz:-

"ARTICLE —

"Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

"A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

"Section 2. The Congress shall have power to enforce this article by appropriate legislation".

THEREFORE, BE IT RESOLVED *by the House of Representatives of the 121st General Assembly of the State of Delaware, the Senate concurring therein:*

Section 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the General Assembly of the State of Delaware and shall be to all intents and purposes a part of the Constitution of the United States.

Section 2. That certified copies of this preamble and concurrent resolution shall be forwarded by the Governor of this State to the Secretary of State of the United States, to the presiding officer of the United States Senate, to the Speaker of the House of Representatives of the United States and to the Administrator, General Services Administration, Washington, D. C.

Section 3. That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby directed, to deliver to the said Governor certified copies of this resolution at their earliest convenience.

Approved March 21, 1961.

CHAPTER 441

SENATE JOINT RESOLUTION

**PROVIDING FOR THE USE OF CERTAIN FUNDS OF THE
JOINT INAUGURAL COMMITTEE TO PREPARE AND
MODIFY THE DELAWARE INAUGURAL FLOAT TO
BE USED IN THE CHERRY BLOSSOM FESTIVAL IN
WASHINGTON, D. C.**

WHEREAS, the sum of \$20,000 was appropriated out of the General Fund to the expenses of the Joint Inaugural Committee, a part of which was used for the Delaware Inaugural Float, and

WHEREAS, Miss Clara Louise Frear has been chosen to represent the State of Delaware at the Annual Cherry Blossom Festival in Washington, D. C., and

WHEREAS, certain funds are necessary for the preparation and modification of the Delaware Inaugural Float for its use in the Annual Cherry Blossom Festival in Washington, D. C., in a manner which would be appropriate for a representative of the State of Delaware.

BE IT RESOLVED *by the Senate, the House of Representatives joining therein*, that the Joint Inaugural Committee be and hereby is authorized to use the sum of \$700 of any funds which may remain unexpended for the purpose of preparing and modifying the Delaware Inaugural Float for use in the Annual Cherry Blossom Festival in Washington, D. C.

BE IT FURTHER RESOLVED, that any part of the appropriation hereby made which may remain unexpended when the Joint Inaugural Committee has concluded its work and made its final report to the General Assembly shall revert to the General Fund.

Approved April 7, 1961.

CHAPTER 442

HOUSE JOINT RESOLUTION

**REQUESTING THE DEPARTMENT OF DEFENSE TO RE-
CONSIDER ITS DECISION TO CLOSE THE LENAPE
PLANT OF CHRYSLER CORPORATION AT NEWARK,
DELAWARE.**

WHEREAS, the Defense Department has announced plans to close the Lenape Plant of Chrysler Corporation at Newark, Delaware, and to transfer the operations to an Army Depot outside the State of Delaware; and

WHEREAS, such a closing will result in the loss of employment by at least Five Hundred (500) trained workers; and

WHEREAS, such a closing will result in a loss to the community of a payroll amounting to approximately Sixty Thousand Dollars (\$60,000) a week; and

WHEREAS, New Castle County is already an area of high unemployment; and

WHEREAS, the Lenape Plant of Chrysler Corporation at Newark, Delaware, is the only Defense Plant operating in the State of Delaware;

NOW THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 121st General Assembly of the State of Delaware, (the Senate concurring therein):

That the President of the United States and the Defense Department be requested to reconsider the decision to close the Lenape Plant of Chrysler Corporation at Newark, Delaware, because of the severe impact upon the economy of New Castle County and the State of Delaware.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to:

The President of the United States

The Secretary of Defense

The Secretary of the Interior

The Secretary of Labor

U. S. Senator John J. Williams

U. S. Senator J. Caleb Boggs

U. S. Representative Harris B. McDowell

Approved April 11, 1961.

CHAPTER 443

SENATE JOINT RESOLUTION

**ENDORISING THE SURVEY OF AN INLAND WATERWAY
FROM DELAWARE BAY TO CHESAPEAKE BAY.**

WHEREAS, the District Engineer, U. S. Army Engineer District, Philadelphia, has been directed to make a survey and prepare a report with a view of determining the advisability of undertaking improvements, modifications, and relocations to provide a continuous waterway from Delaware Bay, Delaware, to Chesapeake Bay, Virginia, and alternate routes from Chincoteague Bay, Maryland, to Chesapeake Bay, Maryland, and

WHEREAS, in order that the report may fully cover the matter, a public hearing will be held at Ocean View, Delaware, on April 14, 1961, and

WHEREAS, the members of the Senate and the House of Representatives of the 121st General Assembly wish to endorse the project.

NOW THEREFORE:

BE IT RESOLVED *by the Senate of the 121st General Assembly of the State of Delaware, the House of Representatives concurring therein* that the undertaking of the survey of an inland waterway from Delaware Bay to Chesapeake Bay be and is hereby endorsed.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Governor of the State of Delaware and to Colonel T. H. Setliffe, District Engineer.

Approved April 13, 1961.

CHAPTER 444

SENATE JOINT RESOLUTION

RELATIVE TO THE SELECTION OF DR. FRANCIS J. CUMMINGS AS RECIPIENT OF THE 1961 SHOTWELL AWARD OF THE AMERICAN ASSOCIATION OF WORKERS FOR THE BLIND.

WHEREAS, the Members of the 121st General Assembly of the State of Delaware have learned with great pleasure of the selection of Dr. Francis J. Cummings, Executive Secretary of the Delaware Commission for the Blind as recipient of the 1961 Shotwell Award of the American Association of Workers for the Blind, and

WHEREAS, Dr. Francis J. Cummings has for many years faithfully and diligently served as Executive Secretary of the Delaware Commission for the Blind, AND

WHEREAS, Dr. Francis J. Cummings has in addition to his duties as Secretary of the Delaware Commission for the Blind has taken time to be a leader in many diverse and civic functions, AND

WHEREAS, Dr. Francis J. Cummings has on many occasions served on National and International Committees and Organizations, AND

WHEREAS, the Members of the Senate, in conjunction with the people of the State of Delaware, desire to express in this public manner their feelings of appreciation and to compliment Dr. Cummings on his latest honor, NOW THEREFORE

BE IT RESOLVED *by the Senate*, that the members hereby give their warmest congratulations to Dr. Cummings upon his receipt of this award.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Dr. Cummings and that the text of this resolution be made a permanent part of the Senate and of the 121st General Assembly of the State of Delaware.

Approved April 24, 1961.

CHAPTER 445

HOUSE JOINT RESOLUTION

**DESIGNATING THE FIRST DAY OF MAY OF EACH YEAR
AS LOYALTY DAY.**

BE IT RESOLVED *by the House of Representatives of the 121st General Assembly of the State of Delaware the Senate concurring therein*, that the 1st day of May of each year is hereby designated as Loyalty Day and is to be set aside as a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom; and the Governor of the State of Delaware is authorized and requested to issue a proclamation calling upon officials of the State of Delaware to display the flag of the United States on all State buildings on such day and inviting the people of the State of Delaware to observe such day, in schools and other suitable places, with appropriate ceremonies.

Approved April 28, 1961.

CHAPTER 446

HOUSE JOINT RESOLUTION

**REQUESTING THE PRESIDENT OF THE UNITED STATES
TO TAKE THE NECESSARY ACTION TO ASSURE THE
CITIZENS OF THE STATE OF DELAWARE OF ADE-
QUATE RADIO RECEPTION.**

WHEREAS, due to recent regulations of the Federal Communications Commission there is no radio station located within the State of Delaware which can be received throughout the State of Delaware on a 24 hour basis, AND

WHEREAS, the present rules of the Federal Communications Commission do not permit any Delaware radio station to broadcast on an evening pattern that will properly service the area of lower Delaware, AND

WHEREAS, the people of lower Delaware are thereby prevented from receiving news concerning happenings of vital interest to them after sundown, AND

WHEREAS, it is to the best interests of the people of Delaware culturally, economically and socially to be bound together and to be well informed, NOW, THEREFORE

BE IT RESOLVED *by the House of Representatives of the 121st General Assembly of the State of Delaware, the Senate concurring therein*, that the Federal Communications Commission take such action as may be necessary to issue a rule or order permitting at least one Delaware radio station to broadcast on a 24 hour basis on a pattern and with sufficient power to properly service the entire State of Delaware on a daily 24 hour basis, AND

BE IT RESOLVED, that the attention of the President of the United States be called to this attempt by the people of Delaware to obtain adequate radio reception, AND

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the President of the United States, to the Sen-

ate and House of Representatives of the 87th Congress and to the Federal Communications Commission, Washington, D. C.

Approved May 16, 1961.

CHAPTER 447

SENATE CONCURRENT RESOLUTION

EXPRESSING THE SYMPATHY OF THE 121ST GENERAL ASSEMBLY ON THE DEATH OF DR. WILLIAM B. SIMPSON.

WHEREAS, the 121st General Assembly of the State of Delaware has learned with regret of the passing of Dr. William B. Simpson, former Superintendent of the Caesar Rodney Special School District, and

WHEREAS, Dr. Simpson served the State as a vocational agriculture teacher, principal and superintendent at Caesar Rodney High School for 30 years, and

WHEREAS, Dr. Simpson was also president of the Camden-Wyoming Rotary Club and a life member of the Links and the Camden-Wyoming Fire Company, and

WHEREAS, Dr. Simpson was a member of the Delaware State Education Association, the National Education Association, the Kent County Education Association, the National School Boards Associations, the American Association of Schools Administrators, and the Delaware School Board Association, and

WHEREAS, Dr. Simpson was a committeeman for the Boy Scouts, a delegate to the Peninsula Methodist Conference, a director of Wesley Junior College, and a member of Whatcoat Methodist Church, Mental Health Association of Delaware, the Commission for the Aged, and the Delaware Association for Retarded Children, and

WHEREAS, Dr. Simpson was awarded the Wesley Award Citation for outstanding leadership in the field of education and service to his community and church.

NOW THEREFORE:

BE IT RESOLVED *by the Senate of the State of Delaware, the House of Representatives concurring therein*, that the members wish to give expression to the regret they experienced at

the passing of Dr. William B. Simpson, a prominent figure in his community, and

BE IT FURTHER RESOLVED, that the family of the deceased has full sympathy of the members of the 121st General Assembly of the State of Delaware which is extended by sending a copy of this resolution to the members of his immediate family, and

BE IT FURTHER RESOLVED, that the text of this resolution be made a part of the journal of the proceedings of the Senate and House of Representatives of the 121st General Assembly of the State of Delaware.

Approved August 31, 1961.

CHAPTER 448

SENATE CONCURRENT RESOLUTION

**EXPRESSING THE GRATITUDE AND APPRECIATION OF
THE GENERAL ASSEMBLY OF THE STATE OF DELA-
WARE TO THE STATE BOARD FOR VOCATIONAL ED-
UCATION'S REHABILITATION DIVISION AND TO JOHN
C. KING, ITS DIRECTOR.**

WHEREAS, the General Assembly has learned that the rehabilitation of 520 disabled Delaware citizens was completed during the past fiscal year by the State Board for Vocational Education's rehabilitation division, and

WHEREAS, the number aided during the year is a new record for the division and ranks the State of Delaware fourth in the United States on the basis of rehabilitations per population, and

WHEREAS, these 520 Delawareans were earning an average of \$3.18 a week one year ago and are now earning an average of \$45.58 a week, and

WHEREAS, John C. King, the director of the division, is chiefly responsible for this excellent record.

NOW THEREFORE:

BE IT RESOLVED *by the Senate of the State of Delaware, the House of Representatives concurring therein*, that the 121st General Assembly does hereby express the gratitude and appreciation of all the people of Delaware to the State Board for Vocational Education's Rehabilitation Division and to John C. King, its Director for these accomplishments, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to John C. King, and the resolution be spread upon the Journal of the Senate and House of Representatives of the 121st General Assembly.

Approved August 31, 1961.

CHAPTER 449

SENATE CONCURRENT RESOLUTION

CREATING A FISCAL POLICY COMMITTEE

WHEREAS, there is an urgent and continuing need for extending and strengthening fiscal communications between the House, the Senate, and the Executive Department, and

WHEREAS, there is need to encourage and develop joint legislative and executive analysis of statistics and trends in revenues and expenditures, and

WHEREAS, there is need to provide a forum for the evaluation, examination and study of fiscal practices, policies, and procedures of the State,

NOW, THEREFORE, BE IT RESOLVED *by the Senate of the 121st General Assembly of the State of Delaware, the House concurring therein*, that a Fiscal Policy Committee is hereby created to consist of nine members, four of whom shall be members of the Senate, four of whom shall be members of the House, and one of whom shall be the Governor, who shall also be the Chairman of the Committee.

RESOLVED FURTHER, that the President Pro-Tem of the Senate and the Speaker of the House shall each appoint four members of the Committee from their respective Houses. Two from the majority party and two from the minority party.

RESOLVED FURTHER, that the Committee shall meet not less than once each calendar month immediately following the issuance of fiscal reports by the Permanent Budget Commission or other State fiscal authorities, said meetings to be called by the Chairman within three days after such reports are made available to members of the General Assembly.

RESOLVED FURTHER, that the Committee be authorized to employ consultants, advisors, and clerical assistance as required and to reimburse Committee members for actual expenses incurred in attending meetings.

Approved August 31, 1961.

CHAPTER 450

HOUSE JOINT RESOLUTION

**MEMORIALIZING THE CONGRESS OF THE UNITED STATES
RELATIVE TO THE CONSIDERATION OF THE CON-
STITUTIONAL AMENDMENT CONCERNING EQUAL
LEGAL RIGHTS FOR WOMEN.**

WHEREAS, the women of our nation have enjoyed full civil rights since the adoption of the Nineteenth Amendment to the Constitution of the United States, and

WHEREAS, all citizens of our nation should not only share equal civil rights but also equal legal rights, and

WHEREAS, there exist many statutes discriminating against women, and

WHEREAS, such legal differentiations, merely because of sex, lower the nation's prestige and status in the world community, and

WHEREAS, both major political parties have announced support of equal legal rights in their respective platforms, and

WHEREAS, such a discriminating situation is outmoded; therefore

BE IT RESOLVED *by the House of Representatives of the 121st General Assembly of the State of Delaware, the Senate concurring therein* that the Congress of the United States is hereby requested to enact the requiring enabling legislation to present to the States for adoption the following amendment to the Constitution of the United States:

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

and

BE IT FURTHER RESOLVED, That a duly attested copy of this Resolution be transmitted to the President of the United States; to the Vice President of the United States; the Speaker

of the United States House of Representatives; the two United States Senators from Delaware; the member of the House of Representatives from Delaware; and the Governor of the State of Delaware.

Approved September 8, 1961.

Executive Orders

CHAPTER 451

STATE OF DELAWARE EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER ONE

In compliance with the terms of Sections 6 (B) (2), 6 (B) (10), Section 7 (A) (5) and Section 8 (A) (4) of the Area Redevelopment Act (Public Law 87-27), I have this day designated The Delaware State Development Department as the State of Delaware agency directly concerned with economic development, within the meaning of the Act, for purposes of exercising its administrative responsibilities regarding redevelopment.

APPROVED this fourteenth day of June, 1961.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 452

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER TWO

In compliance with the provisions of Chapter 34, Volume 53, Laws of Delaware, I have this day appointed the following individuals to a Special Commission to investigate and report to the Governor on the application of Atlas Chemical Industries for an easement in the subaqueous lands of the Delaware River:

Clifton E. Morris (Chairman and Member)
19 Granite Road
Wilmington 3, Delaware

Francis E. B. McCann (Member)
Newark, Delaware

Vincent A. Theisen (Member)
715 Blackshire Road
Wilmington, Delaware

APPROVED this first day of August, 1961.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 453

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVEREXECUTIVE ORDER
NUMBER THREE

In compliance with the provisions of Chapter 34, Volume 53, Laws of Delaware, I have this day appointed the following individuals to a Special Commission to investigate and report to the Governor on the application of SunOlin Chemical Company for an easement in the subaqueous lands of the Delaware River and for a quitclaim deed to the previously existing fore-shore of its property:

Clifton E. Morris (Chairman and Member)
19 Granite Road
Wilmington 3, Delaware

Mr. John C. Roman (Member)
7th and Clayton Streets
New Castle, Delaware

Vincent A. Theisen (Member)
715 Blackshire Road
Wilmington, Delaware

APPROVED this eighth day of September, 1961.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 454

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FOUR

TO: Heads of State Departments and Agencies

SUBJECT: Policy for Employment of the Physically Handicapped

WHEREAS, utilization of physically handicapped persons in productive employment is sound and necessary, both for the contribution handicapped citizens can make to the Delaware economy and for the sense of independence and well-being that such employment provides the handicapped person; and

WHEREAS, it is fitting that Government should lead the way in selective placement of physically handicapped persons so as to utilize their skills and abilities, and help make these less fortunate persons productive members of our society:

NOW, THEREFORE, I reaffirm that the employment policy of the Executive Branch of the Government of the State of Delaware shall be as follows:

1. Physical standards will be fair, reasonable, and adapted to the realistic requirements of jobs.
2. An opportunity will be provided for a fair appraisal of pertinent qualifications of physically handicapped applicants and employees.
3. Physical abilities of handicapped persons being considered for appointment or reassignment will be appraised in relation to the essential physical requirements of jobs.
4. Employees who acquire disabilities as the result of work injuries, off-the-job accidents or disease conditions, will

be given full opportunity in re-employment or in transferring to other more suitable jobs.

5. Recourse to unduly prolonged or permanent benefits under the Employees' Pension Act shall be avoided whenever possible. Disability retirement shall be considered only after every feasible effort at reassignment has been made.

I urge that all levels of administration and supervision in the Executive branch take part in the implementation of this policy. Agencies should take such action as is necessary to bring about an understanding and application of the policy by all appointment officials and others who have responsibility in hiring or reassignment of employees. In addition, agency management should make a periodic review of the manner in which this policy is being carried out.

APPROVED this twenty-ninth day of November, 1961.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 455

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FIVE

TO: Heads of State Departments and Agencies

SUBJECT: Designation of Coordinator of Disaster Relief

WHEREAS, under date of March 8, 1962, I did proclaim and declare that an emergency exists within the scope and meaning of Chapter 31, Title 20, Delaware Code, as amended in 1955; and

WHEREAS, Section 3105 (b) (9), of said Title provides that "the Governor may utilize the services and facilities of existing officers, and agencies of the State and of the political subdivisions thereof; and all such officers and agencies shall perform such services and supply such facilities as the Governor may request;" and

WHEREAS, Section 3105 (b) (10), of said Title provides that the Governor may delegate any authority vested in him under this Chapter and provide for the delegation of any such authority:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby appoint the Secretary of State, Elisha C. Dukes, as Coordinator of Disaster Relief for this emergency, and in accordance with the provisions of Section 3105 (b) (10), Title 20, Delaware Code, do delegate to the said Elisha C. Dukes, the authority vested in me under Chapter 31, Title 20, Delaware Code, and further authorize the said Elisha C. Dukes to sub-delegate any such authority; and

FURTHER, I hereby request all officers and agencies of the State and of the political subdivision thereof to cooperate

with the Coordinator of Disaster Relief in the performance of his mission.

APPROVED this ninth day of March, 1962.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 455

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER FIVE

TO: Heads of State Departments and Agencies

SUBJECT: Designation of Coordinator of Disaster Relief

WHEREAS, under date of March 8, 1962, I did proclaim and declare that an emergency exists within the scope and meaning of Chapter 31, Title 20, Delaware Code, as amended in 1955; and

WHEREAS, Section 3105 (b) (9), of said Title provides that "the Governor may utilize the services and facilities of existing officers, and agencies of the State and of the political subdivisions thereof; and all such officers and agencies shall perform such services and supply such facilities as the Governor may request;" and

WHEREAS, Section 3105 (b) (10), of said Title provides that the Governor may delegate any authority vested in him under this Chapter and provide for the delegation of any such authority:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby appoint the Secretary of State, Elisha C. Dukes, as Coordinator of Disaster Relief for this emergency, and in accordance with the provisions of Section 3105 (b) (10), Title 20, Delaware Code, do delegate to the said Elisha C. Dukes, the authority vested in me under Chapter 31, Title 20, Delaware Code, and further authorize the said Elisha C. Dukes to sub-delegate any such authority; and

FURTHER, I hereby request all officers and agencies of the State and of the political subdivision thereof to cooperate

with the Coordinator of Disaster Relief in the performance of his mission.

APPROVED this ninth day of March, 1962.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 456

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SIX

TO: Heads of State Departments and Agencies

SUBJECT: Amendment of Executive Order Number Five

WHEREAS, under date of March 9, 1962, I did issue Executive Order Number Five appointing the Secretary of State, Elisha C. Dukes, as Coordinator of Disaster Relief; and

WHEREAS, this title is not appropriate for the duties conferred upon the Secretary of State:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby amend said Executive Order Number Five by striking out the words "Coordinator of Disaster Relief" wherever they appear therein, and by inserting in lieu thereof the words "Coordinator of Disaster Recovery and Rehabilitation."

APPROVED this twenty-second day of March, 1962.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 457

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVEREXECUTIVE ORDER
NUMBER SEVEN

Pursuant to authority granted to me under 20 Del. C., § 3113 and having hereto issued a Proclamation declaring the existence of an emergency within the meaning of 20 Del. C., § 3102, I, Elbert N. Carvel, Governor of the State of Delaware, hereby order that the provisions of Chapter 45 of Title 21 of the Delaware Code of 1953, as amended, shall not be enforced as to any vehicle operated within the State of Delaware on Delaware Route 14 from Thompson's Corner to Rehoboth Beach while said vehicle is directly or indirectly being used in connection with a contract with the United States Army Corps of Engineers and actually engaged in the fulfillment of the requirements of said contract, and I direct that a copy of this order be filed in the Office of the Secretary of State of the State of Delaware pursuant to 20 Del. C., § 3113 (b), and that it shall remain in effect for a period of thirty (30) days from the date hereof.

APPROVED this twenty-sixth day of April, 1962.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 458

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHT

TO: Heads of State Departments and Agencies

SUBJECT: To Provide Policy and Procedure Regulating The
Payment of Extra Compensation to Certain State
Employees

WHEREAS, the Grand Jury of New Castle County recently filed with the Superior Court a presentment in which the Grand Jury found that "various forms of extra compensation have been paid by some State agencies, including the Youth Services Commission, to employees whose salaries are specified by line item in budget acts" and recommended to the Governor and the General Assembly that such irregularities be expressly prohibited by Statute; and

WHEREAS, the Governor of Delaware and the Permanent Budget Commission have previously had deep concern in connection with this subject matter; and

WHEREAS, in January 17, 1962, the Governor of Delaware appointed the Governor's Committee to Improve Efficiency in State Financial Management which has retained a management consulting firm to make a comprehensive study and recommendations concerning the entire fiscal and accounting system of the State; and

WHEREAS, pending the completion and implementation of such comprehensive study, it is the desire of the Governor to take such interim corrective action as may be within his power by Executive Order for the following purposes:

1. To prohibit any State Agency or Department from making irregular or improper payments of extra compensation to its employees; and

2. To prohibit any State Agency or Department from making any payment, in money or in kind, to any line item salaried employee or any employee whose salary is fixed by Statute without the approval of the Budget Commission; and
3. To specify the policies and procedures, to the extent possible under present law, regarding the payment of extra compensation by the State to any employee of a State Agency or Department.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of Delaware, IT IS HEREBY ORDERED as follows with respect to all employees of all Agencies and Departments in the Executive Branch of the State Government:

1. The payment of extra compensation by any office or agency to any employee whose salary is fixed by line item in the applicable budget act or whose salary is fixed by statute, except as herein provided, is expressly prohibited. A violation of this provision of this Order, after publication thereof, shall be prima facie evidence that said irregular and/or improper payment was made wilfully, intentionally, and not in good faith.
2. The payment of any extra compensation to any such employee, whether in cash or in kind, is prohibited without the express prior permission in writing of the Permanent Budget Commission.
3. The payment of any extra compensation to any such employee, whether in cash or in kind, shall be separately and clearly shown by name and amount on all annual budget estimates, annual reports, and other statements required to be submitted either to the Permanent Budget Commission and/or the Joint Finance Committee of the General Assembly.
4. Effective immediately, every officer and agency of this State desiring to pay extra compensation, whether in cash or in kind, to any such employee shall make application therefor in writing to the Permanent Budget

Commission stating in full the name and position of such person, the line item or statutory salary provided, the amount or nature of the extra compensation, and the reasons for the request including, but without limitation to, what, if any, extra duties are to be performed therefor, whether or not these duties are to be performed during normal working hours, and why these duties are not within the normal scope of the employment of such employees.

5. Extra compensation to any State employee, whether or not to employees whose salaries are fixed by line item or by statute, shall be submitted for payment to the Auditor of Accounts on the regular bi-monthly "Payroll and Distribution Register" of the office or agency.
6. The Auditor of Accounts shall not approve and the State Treasurer shall not pay any compensation to any State officer or employee unless the same is in compliance with this Executive Order. The Permanent Budget Commission shall report all violations of this Executive Order to the Attorney General as soon as the same shall come to its attention, together with such facts as shall then be in its possession or shall later come to its attention. All officers and agencies of the State be, and they are hereby informed and advised, that compliance or non-compliance with this Executive Order will be a factor considered by the Permanent Budget Commission in its preparation of the annual budget estimates for the officers and agencies involved.
7. It is recognized that this Executive Order provides pioneer restraints in this field and may be modified from time to time as a result of future experience developed hereunder.
8. Nothing in this Order shall be construed to supersede or alter any existing statute.

APPROVED this twenty-first day of June, 1962.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 459

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER NINE

TO: Heads of State Departments and Agencies

SUBJECT: Designation Of The Delaware Commission On Children And Youth As The Official State Agency To Coordinate A State-Wide Program For The Prevention Of Juvenile Delinquency

WHEREAS, during the past year one of the greatest concerns of the Conference of Governors has been the reported increase of juvenile delinquency throughout the country; and

WHEREAS, the recently published crime report of J. Edgar Hoover reflected an alarming nationwide increase. Fortunately, according to this report, Delaware did not follow the national trend. This is a condition we wish to continue, and to improve; and

WHEREAS, it is recognized that prevention of such delinquency involves the total development of youth; and

WHEREAS, the act that created the Delaware Commission on Children and Youth in 1951, says:

"The purposes of the Commission shall be:

1. To formulate plans and courses of action covering the unmet needs of children and youth.
2. To make recommendations to the Governor, to the General Assembly, and to governmental and voluntary agencies, organizations, and institutions, on all matters affecting children and youth."

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the

State of Delaware, do hereby designate the Delaware Commission on Children and Youth as the official state agency to coordinate the efforts of all public and private groups in a state-wide program for the prevention of juvenile delinquency.

The Delaware Commission on Children and Youth will have the authority to call together the heads of the various agencies responsible for education, recreation, physical and mental health, employment, welfare, public housing and urban renewal, law enforcement, correction, and rehabilitation. The full cooperation of all agencies in the development of a state-wide prevention program is urged.

APPROVED this seventeenth day of July, 1962.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 460

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER TEN

TO: Heads of All State Departments and Agencies

SUBJECT: Appointment of State Emergency Planning
Director

WHEREAS, the events of the storm disaster which struck our coastal areas in March, 1962, demonstrated the clear need for a State official to coordinate the activities of our State agencies and to represent our State in matters involving the Office of Emergency Planning of the Federal Government in time of disaster; and

WHEREAS, careful, intelligent planning is needed to develop the machinery for dealing with all types of disasters which may beset our State; and

WHEREAS, the Cuban crisis brought about by the build-up of offensive weapons by Communist forces further emphasizes the need for special planning in Delaware to provide for any future emergencies which may arise; and

WHEREAS, the Secretary of State, the Honorable Elisha C. Dukes because of his effective and efficient handling of the recent position of Coordinator of Disaster Recovery and Rehabilitation, has clearly demonstrated his competency in this field;

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of Delaware, do **HEREBY ORDER** that the office of State Emergency Planning Director is created and that the Honorable Elisha C. Dukes is hereby appointed as the Emergency Planning Director for the State of Delaware. All actions of State Departments and Agencies

related to the United States Office of Emergency Planning shall be coordinated through this office.

APPROVED this twenty-fourth day of October, 1962.

ELBERT N. CARVEL, Governor

ATTEST: ELISHA C. DUKES, Secretary of State

CHAPTER 461

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER ELEVEN

In compliance with the provisions of Chapter 34, Volume 53, Laws of Delaware, I have this day appointed the following individuals to a special commission to investigate and report to the Governor on the application of Edward S. Rodgers of Dewey Beach for authority to construct two piers in Herring Creek, Sussex County, Delaware:

Arthur Dean Betts (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Harry M. Grieves (Member)
31 Pine Beach Road
Henlopen Acres
Rehoboth, Delaware.

APPROVED this eighth day of November, 1962

ELBERT N. CARVEL, Governor

Attest: Elisha C. DUKES, Secretary of State

CHAPTER 462

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWELVE

To: Heads of State Departments and Agencies
Subject: Holiday for State Employees, December 24, 1962

WHEREAS, December 24th the day before Christmas, falls on a Monday, breaking the long week-end holiday; and

WHEREAS, President Kennedy has declared Monday, December 24th, as a holiday for Federal employees; and

WHEREAS, many private companies in Delaware have granted this day as a holiday for their employees:

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of Delaware, do Hereby Order that all State agencies treat Monday, December 24, 1962, as a legal holiday and accord employees the same time off and other benefits as if this were a legal holiday.

Approved this twenty-ninth day of November, 1962.

ELBERT N. CARVEL
By the Governor

Attest: ELISHA C. DUKES, Secretary of State

Proclamations

CHAPTER 463

STATE OF DELAWARE EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we, as Americans—and particularly as citizens of one of the original thirteen colonies—should readily recognize and appreciate the contributions of those who by their efforts have strengthened the cause of freedom throughout the Free World; and

WHEREAS, the Centennial anniversary of the birth of Ignace Jan Paderewski, brilliant Polish pianist, composer, patriot and statesman, is presently being observed not only by people of Polish origin but also by all people who love freedom; and

WHEREAS, Delawareans, whose forebears were of the same origin as Ignace Jan Paderewski, are, on January 8, 1961, presenting in the City of Wilmington a benefit concert as a Memorial to this great Polish statesman and musician; now

THEREFORE, I, DAVID P. BUCKSON, as Governor of the State of Delaware, do hereby proclaim Sunday, January 8, 1961, as

PADEREWSKI DAY

in the State of Delaware and urge all our citizens to join with their neighbors of Polish origin in paying appropriate homage to the memory of this great artist and statesman.

IN WITNESS WHEREOF, I, David P. Buckson, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State
(GREAT SEAL) to be hereunto affixed at Dover this third day
of January in the year of our Lord one thousand
nine hundred and sixty-one and of the Inde-
pendence of the United States of America, the
one hundred and eighty-fifth.

DAVID P. BUCKSON, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 464

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, The National Foundation has maintained a vigorous program to prevent crippling diseases with major emphasis against 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 is one of the leading causes of disability in the United States; and

WHEREAS, polio in 1960 continued to be a major health problem in the United States with millions of Americans still unprotected by Salk vaccine against this virulentcrippler; and

WHEREAS, thousands of children are especially the defenseless victims of these viciouscrippers; and

WHEREAS, The National Foundation's expanded program, developed through years of experience as a voluntary health organization, provides real hope in the fight toward eventual elimination of these disablers; now

THEREFORE, I, DAVID P. BUCKSON, as Governor of the State of Delaware, do proclaim January, 1961, as

NEW MARCH OF DIMES MONTH

and urge all citizens to give their services and support to this campaign to prevent crippling diseases.

IN WITNESS WHEREOF, I, David P. Buckson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State

(GREAT SEAL)

to be hereunto affixed at Dover this ninth day of January in the year of our Lord one thousand nine hundred and sixty-one and of the Independence of the United States of America, the one hundred and eighty-fifth.

DAVID P. BUCKSON, Governor

GEORGE J. SCHULZ, Secretary of State

CHAPTER 465

PROCLAMATION

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

WHEREAS, Alexander R. Abrahams, Tax Commissioner on behalf of the Tax Department of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State.

NOW, THEREFORE, I, DAVID P. BUCKSON, Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Sections 511 and 512 of Title 8 of the Delaware Code of 1953, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

A & C Exploration, Ltd., A & H. Realty Corp., A. L. McCabe Construction Co., A. P. Croll and Son, Inc., A. P. Pattison and Company, Incorporated, Able Ron-Del., Inc., Abrams Shoe Company, Inc., Ace Turner Uranium Corporation, Acme Reporting Company, Actrol, Inc., Ad-Craft Inc., Addison Vars, Inc., Admiralty Lines, Inc., The, Advance Battery Corporation, Adventurers Inc., The, Advertising Plastics Company, Agricultural Consultants Inc., Air Traffic and Service Corporation, Aircrafts Consolidated Incorporated, Airline Equipment Corporation, Airways Cafeteria, Inc., Airways Mapping Service, Inc., Alberta Oil Sands Inc., Alfredo's Restaurant, Inc., Allen Kander and Company, Allied Electric Supply Company, Allied Trading Corporation, Almack, Inc, Alpenn Theatre Corporation, Altman Bros. Shoe Mfg. Company, Am-Mex Minerals, Inc., Am-Ore Corporation, Ambassador, Appliance & Television Co., Inc., Amerasia Consultants, Inc., American Abroad, Inc., American Aircraft and Equipment, Inc., American Brands, Inc., American-Caribbean Oil Co., American Commercial Sales Corp., American Consolidated Tele-Pictures, Inc., American Durox Corporation, American Flow Control Corporation, American & Foreign Banking Corporation, American & Foreign Financial Company, American & Hellenic Club, Inc.,

American Merchant Marine Corporation, American Natural Resources Corporation, American Oil Management Corporation, American Pakistan Steamship Line, Inc., American Pest Control, Inc., American Pharmaceutical Company, Inc., American Rail Anchor Company, American Rare Earths Company, Inc., American Resort Association, Inc., American Seafood Distributors Association, Americraft Corporation, Amherst Hosiery Mills, Inc., Anchor Reorganization Corporation, Andalusia Motel, Inc., Andrew Corporation, Ann Lewis Shops of Corpus Christi Inc., Ann Lewis Shops, Inc., Ansbros and Mason Incorporated, Anthony's, Inc., Antone Petroleum, Inc., Antonio Beauty System, Inc., Aradel, Inc., Arcada Dispensary, Inc., Arden W. Morgan & Associates, Inc., Ardis, Inc., Argee Oil Corporation, Argo Linoleum Co., Inc., Ariadne Corporation, The, Arivaca Mining Company, Arkansas Oil Ventures, Inc., Arliss Plastics Corporation, Arnold Publications, Inc., Associated Aerial Survey Co., Associated International Film Producers, Inc., Associated News Service, Inc., Associated Optometric Service Plan of America, Inc., Atlantic Midget Movies Inc., Atlas Poultry Packers Co., Inc., Atomic Energy for Industry, Inc., Atomic Fuel Extraction Corp., Audubon Park Raceway, Inc., Avant-Garde Engineering Company, Aviation Corporation of America, Avquip Corporation, Ayers Enterprises, Inc.

Bakery Development Co., Baltimore Market, Inc., Barber Holding Company, Bargaintown, Inc., Barley Mill Road Homes, Inc., Baseline Manufacturing Corporation, Basic Equities, Inc., Basic Metals, Inc., Bass Cove Lodge, Inc., Baxter's Incorporated, Bay Lounge, Inc., Bay Road Auto Body Shop, Inc., Bayou Drilling Company, Inc. of Delaware, Bayview Riding Stable, Inc., Beachway Heights, Inc., Bear Paving Company, Beauty Tone Kitchen Cabinet & Plastic Corp., Bebe, Inc., Beintker & Sons Mobile Home Park, Inc., Bell Portable Sewing Machine Corporation, Belvedere Corporation, The, Ben Franklin Oil & Gas Corp., Benham Sportswear Incorporated, Berger, Incorporated, Berkeat, Inc., Best Motors, Inc., Bethlehem Foundry and Machine Company, Better Reading Program, Inc., Beverly Hills Development Corp., Bigley Contracting Co., Biltmore Foods of Florida, Inc., Black Swamp Ditch Company, Blair Management Corporation, Blenda-Del Sales Company, Inc., Blo-Dri Corporation, Bloodstock Agency of Texas, Inc., Blossburg Sand and Gravel Co., Blue

Bonnet Minerals, Inc., Blue Water Uranium Corporation, Bluefield Mining Corporation, Blum's Shoppe, Inc., Bo-Mac Corporation, Boka Electrical Construction Co., Inc., Booth Cabinet Works, Inc., Braddock Investment Corporation, Bradford Builders, Inc., Brandywine Music Box, Inc., Brandywine Soft Ball Club, Brentwood Trailer Distributing Co., Inc., Brigade Productions, Inc., Bristol Installation Co. Inc., Brock Projectomatic Incorporated, Brontosaurus Exploration, Inc., Brookmont Builders, Inc., Brookside Bowling Alleys, Inc., Brookside Realty Corp., Brown-Allen Company, Brown & Barrett, Inc., Brown & Callahan, Inc., Brown Canning Co., The, Brownie's Incorporated, Bruner Construction and Development Co., Inc., Bubser Lumber Company, Builders Loans Inc., Building and Suppliers, Inc., Bunny Bear of Illinois, Inc., Burke Pontiac, Inc., Burnex Corporation, Busatti Corporation of America, Business Aircraft Leasing, Inc., Business Development Fund, Incorporated, Business Machines, Inc., Buyers and Builders Corporation.

C. J. Dorrian, Incorporated, Cabin Creek Mining Corporation, Caille, Incorporated, Cakery Bakery, Inc., Cal Fishing Corporation, Calivada Mining Corp., Cam-Del Corporation, Camoose Uranium Mines of America, Inc., Capital Services Corp., Capital Supply Company of Washington, Capitol Parking, Inc., Capper & Co. I, Capper & Co. II, Caracas Fund, Inc., Cardwell Electronics Corporation, Cargo Transport Leasing Corporation, Caribbean Development Co., Caribbean Hotels Holding Corp., Caribbean Metals Corporation, Carl & Dave's, Inc., Carroll Construction Co., Inc., Carry-Air Transport, Inc., Carter Holding Company, Inc., Casula Roofing Company, Inc., Cathedral Stores, Inc., Cearte Enterprises, Inc., Central American Petroleum Co., Central Linoleum Company, Chambers Rocks, Inc., Champion Door Company, Chandler Food Products, Inc., Charles Klein Sales, Inc., Charles P. Witsil Holding Corporation, Charles P. Witsil, Inc., Charleston Wrecking Company, Inc., Chemical Sealers, Inc., Chemical Weed Control, Incorporated, Cherry Hill Development Co., Chesapeake Building & Lumber Co., Chesapeake Corp., Chesapeake Development Corp., Chesapeake Remodeling Company, Inc., Chic-Loaf, Inc., Chickasaw Oil Company, China Loan Company, Chivor Emerald Corporation, Christiana Developers, Inc., Ciccoil Company, Incorporated, Cincinnati Marine Service, Inc., Cinema Productions, Inc., Cinemasters International Incorporated, City Electric Company, City-Wide Trucking Corporation,

Classified Business Directory, Inc., Clay's Motels, Inc., Clay Oil Corporation, Clay Plymate Company, Inc., Clerical Associates, Inc., Clio Hosiery Mills, Inc., Clover Corporation, Club Fourteen, Inc., Clyde Investment Corporation, Colgate Manufacturing Corporation, Collins Gardens, Inc., Collins Housing Corporation, Collins Park Water Company, Collins Realty Company, Colonial Contractors, Incorporated, Color Key, Inc., Colorado Resources, Inc., Colorvision Sales Corporation, Colorvu Corporation, Columbia Metals, Inc., Columbia Oil Producing Co., Inc. of Delaware, Columbia Petroleum Corporation, Columbian Arms Apartment, Inc., Comfidor, Inc., Commercial Fidelity Corporation, Commodore Catering Company, Inc., Commodore Management Corporation, Community Building of America, Inc., Compatible 3-D TV Corporation, Concord Motors, Inc., Condor Petroleum Company, Inc., Conference of Fundamental Churches, Inc., The, Connecticut Electronic Alarm System, Inc., Consolidated Electric Service, Inc., Consolidated Engineering Industries, Inc., Consolidated-Hammer Dry Plate & Film Company, Continental Development Co., Continental Hotels System of America, Inc., Continental Hotels System, Inc., Continental Loan Company, Continental Petroleum Bureau, Inc., Continental Sulphur and Phosphate Corporation, Contour Truck Guards, Inc., Cook County Slenderella Systems, Inc., Cooperative Steno, Incorporated, Copper Canyon Mining Company, Cooperam Corporation of Canada, Ltd., Corbeille Interiors, Inc., Corblan Petroleum Corporation, Cordele Uniform Corp., Corning, Bryan Associates, Inc., Corporation Company of America, The, Corrosion Engineering Co., Corrosite Corporation, Cosabo, Inc., Cosmetic Fair of Detroit, Inc., Cosmetic Fair of Evansville, Inc., Cosmetic Fair of Indianapolis, Inc., Country Club Builders, Inc., Crafcon Corporation, Crather, Inc., Credit Association of the United States, Inc., Crivella Investments, Inc., Crosby Brands, Inc., Cuban Canadian Petroleum Company, Ltd., Cuban-Caribbean Development & Management Corp., Cuban Independent Oil Corporation, Cushion-Brace, Inc.

D & D Construction Co., Inc., D & D Drilling Company, D. E. Foote & Company, Incorporated, D-K Drilling Company, D & S Ford Sales, Inc., Daigle Motors, Inc., Dakir Corporation, Dallas Oil Company of Texas, Inc., Dalton-Burrell, Incorporated, Dania Company, Inc., Darby Corporation, Darley Stores, Inc., David J Corporation, Davis & Davis General Contractors In-

corporated, Davis Oil & Gas Corp., Davy Development Corporation, Deer Spring Development Co., Inc., Del Grosso Liquors, Inc., Del-Mar Improvement Association, Del Rio Import & Export Corp., Delaware-Alaska Steamship Company, Delaware City Cab Co., Delaware City Housing Corp., Delaware Enterprises, Inc., Delaware Finance Company, Delaware Jazz Workshop, Inc., Delaware Processing Corporation, Delaware Refrigeration, Inc., Delaware Sports, Incorporated, Delaware Sportsmen's Club, Delaware Trading Corp., Delaware Valley Associates, Inc., Delaware Valley Development Corporation, Delaware Valley Overall Service, Inc., Delaware World Fair & Trade Exposition, Inc., Delhoma Supply Company, Inc., Delmarva Communications Sales & Service, Inc., Delmarva Enterprises, Inc., Delmarva Service Co., Inc., Delmarva Shrine Club, Inc., Delpa, Inc., Delta Company, Inc., Deltex Realty Corporation, Deltronics, Inc., Development Services, Inc., Dey Investment Corporation, Dials, Inc., Diamond Egg Club, Inc., Diamond State Iron Works, Inc., Dine A Mite Restaurant, Inc., Doley Oil Company, Dominion Montana Corporation, Don Juan Corporation of New York, Don Selby Associates, Incorporated, Donald's Clothes, Inc., Dorchester Publishing Company, Inc., Dormac Corporation, Dormitzer Electric & Manufacturing Company, Inc., Dover Army & Navy Stores Co., Dramsales, Inc., Draperies Un-Limited, Drucker Furniture Company, Drummond Sand & Gravel Corporation, Duffy's Circus Bar, Inc., Dumon Securities Corporation, Dunhanna Corp., Dunleavy Bros. Company, Duval Freight Association, Inc.

Eagle Gamma Corporation, Earl Shirley, Inc., Earthmaster Manufacturing Co., Inc., East Land Motor Corp., East Side Cabs, Inc., East-West International, Inc., Eastall Corporation, The, Eastern Dairy Kwip Co., Eastern Securities Company, Eastern States Supply Corporation, Eastern Uranium, Inc., Eastman Heights, Inc., Eclectrics, Inc., Ed Cary Motors, Inc., Edgar Allen Steel Co., Inc., Edge Moor Iron Works, Inc., Edgemoor Supply Co., Edgewater Beach Slenderella Systems, Inc., Edlo Realty Co., Ednabi, Incorporated, Educational Aid, Inc., El Socorro Mining Corporation, Electric Services, Inc., Elgin Slenderella Systems, Inc., Elite Homes, Inc., Elk Mining and Developing Company, Elsmere Homes, Inc., Endowment Foundation, Inc., Equity Development Corp., Ernest M. Loeb Company, Inc., The, Ernest T. Kimberley, Inc., Ettinger Manufacturing Company, The, European Goodwill Tours, Inc., European Production and

Supply Corporation, Evangelical Foreign Missions Association, Evans International (Louisa) Inc., Everest Food Products Corporation, Exec-Air Corp., Executive Consultants, Inc., Executives' Club, Inc., Experimental Seed Farms, Inc., Exploration Enterprises Inc., Eze Golf Corporation.

F. A. Collins, Inc., F & J Motors, Inc., F. L. Sprayberry, Inc., Fabricated Supplies Corp., Factory Outlet Stores, Inc., Falcon Productions, Inc., Far Eastern Markets, Inc., Farewood Oil Producing Corp., Fetico Ventures, Inc., Finance and Investment Corporation, The, Financial Fact Finders Company, First Delaware Corporation, The, First Equity Corp., First Niagara Corporation, First Pacific International Corporation, The, First State Mortgage Corporation, Five-Fifteen, Inc., Five States Wonder Mile, Inc., The, Five States Wonder Mile, Section One, Inc., The, Five States Wonder Mile, Section Two, Inc., The, Flathead Petroleum, Inc., Fluorspar Corporation of America, Fontaine Gelee Royale Limited, Food Industries, Inc., Foods Display Corp, Foreign Transport, Inc., Foster-International Central West, Inc., Foster-International Northwest, Inc., Foster-International Southeast, Inc., Foster-International Southwest, Inc., Foundas, Inc., Foundation Plan Incorporated, Fraim's Dairies, Inc., Fralen Advertising Promotions, Inc., Frank Hollman Realty & Construction Co., Inc., The, Frank M. Cryan Co. Inc., Franklin International Oil Corporation, Frazee Retail Lumber Co., Frazee Wood Products Co., Freeman Electric Construction Co., Inc., Freestone Bathhouse Co., Inc., Freestone Parking Co., Inc., Freestone Potomac Corp., Frehling Enterprises, Inc., Freight Yards, Inc., Freightways Equipment Co., Friday Products, Inc., Friends of Ireland, Inc., The, Frigidinner Inc., Frontier Foods Corp., Fruit Juices, Inc., Frye Corporation, The.

G & J Construction Company, Inc., Gallina Mountain Uranium Corporation, Gallop Import & Export Co., Inc., General Aero & Electronics Corporation, General Gum, Incorporated, General Investment Research Corporation, General Sales Corporation, Geneva Club House of Philadelphia, Inc., Genie-Craft Corporation, Geophysical Oil Surveys, Inc., George W. Riley, Inc., Georgetown Kitchens, Inc., Georgia International Oil Company, Gheens Foundation, The, Giant Community Development Corporation, Giant Petroleum Corporation, Gilbert Realty Co., Gilpak, Inc., Glenn McCarthy, Inc., Global Uranium Co., Golden Banana, Inc., Golden

Saturn Oil & Gas Inc., Gorrell Publishing Co., Inc., Goss and Goss, Inc., Grand Lodge Convention Committee of I. B. P. O. E. of W. Inc., Grandee Foods, Inc., Gravity Die Casting Corporation of America, Great Eastern Import Co., Inc., Grecian Marbles, Incorporated, Great Western Slenderella Systems, Inc., Green Meadows Market, Inc., Grime-Go Company of Charlotte, Grime-Go Company of Florida, Grime-Go Company of Virginia, Gruber Investment Co., Inc., Guano Corporation, The, Guardian Financial Corporation of Orange, Guardian Financial Corporation of Wichita, Guayaquil and Quito Railway Company, The, Guido De Flaviis & Sons, Inc., Gulfmex Shipping Corporation.

H. B. Lambert Co., H. C. Seitz Adjusters, Inc., Hal Roach Productions, Inc., Halcyon Homes, Inc., Hallmark Construction Corporation, Halton Corporation, The, Ham Operating Co., Inc., Hamilton-Lewis, Inc., Hammond Industries, Inc., Harbigger Enterprises, Inc., Harbison & Masi, Inc., Harley Buick, Inc., Harmony Kitchens, Inc., Harold E. Tiffany, Incorporated, Harold J. Gartner, Inc., Harrison Bros. Florists, Inc., Harry C. Sapowith, Inc., Harry L. Grant Service, Inc., Hasol, Inc., Havana Racing Company, Inc., Haweck Homes and Improvement Corporation, Hawkins Construction Company, Inc., Hayward & Meseck, Inc., Hazen Metallurgical Corporation, Hearn Ford Company Inc., Heart of America Scholarship Foundation, Heliogen Corporation, Hendry Built Homes, Inc., Hendry Construction Company, Henry and Gibson Built Homes, Inc., Henry's Drive-In of Wisconsin, Inc., Henry Schafer, Incorporated, Herman's, Inc., Hickey Brothers, Inc., High Fidelity Fair, Inc., Highland Park Slenderella Systems, Inc., Highmount Motors Corp., Hillside Slenderella Systems, Inc., Hitchens Poultry, Inc., Holiday Pool Co., Inc., Hollenbeck & Juell, Inc., Hollis & Eckerle Corporation, Holston Realty, Inc., Home Guide, Inc., Hoosier Trailer Leasing Co., Hope Summit Corporation, The, Hospital Seals, Inc., Howard H. Nuzz, Inc., Hub of Houston, Inc., Hubert A. Guyer Co., Hudson River Minerals Co., Inc., Hueber Towing Service, Inc., Hughes Distributing, Inc., Hullinger Productions, Inc., Humanities, Inc., Hungarian Revolutionary Parliament, Inc., Hydromatics Corporation, Hyman & Quinby, Inc.

Ideal Funeral Home, Inc., Ideas Unlimited, Inc., Identity Recorder Sales Co. of Delaware, Imperial House, Ltd., Indon-International Banking Corporation of America, Indusco, Inc.,

Industrial Advertising Corporation, The, Industrial Employees' Transportation Club, Inc., Industrial Export-Import Corporation, Ingerman's Men's Shop, Inc., Institute For Research In Voice and Speech, Inc., Inter-American Business and Development Corporation, Inter-American Emerald Corporation, Inter-American Engineering & Construction Company Inc., Inter-American Industries, Inc., Inter-American News, Incorporated, Intercine-film Productions, Inc., Interdenominational Foundation, The, International Brewing Corporation, The, International Building Materials Corporation, International Closed Circuit Television, Inc., International Electronized Chemicals Corporation, International Exploration, Mining & Refining Corporation, International Forming Machine, Inc., International Marketors Inc, International Patents, Ltd., International Securities Corp., International Standard Corporation, Interstate Hotel Management Corporation, Interstate Minerals, Inc., Interstate Realty Corp., Island Air Sales Corporation, Iso-Mite Processes, Inc., Italian-American Republican Club Inc., Ivy Newspapers, Inc.

J. L. Hurley & Associates, Inc., J. O. Dotson Investment Corp., J & S Construction Company, Inc., J-S Sales Co., Inc., Jackson Lodge Masonic Hall Corporation, Jafran Products Inc., Jarvis Manufacturing, Inc., Jean Baptiste Boutte Corporation, Jefferson Research Foundation, Inc., John Hamlet's Birds of Prey, Inc., Johnson Trailer Distributing Co., Inc., Jolles Bros., Inc., Joseph L. Segimont & Company, Inc., Jos. M. White Co., Jumbo Copper & Iron Mines, Inc.

K P Hardware Company, Inc., K & W Fishing Tools, Inc., Kaeslin Garden Apartments, Section 1, Inc., Kaeslin Garden Apartments, Section II, Inc., Kagel Paint Center, Inc., Kaiser Marine Corporation, Kansas Oil and Gas Corporation, Kelly Company of New York, Inc., Kentley Corporation, Kenwood Uranium Corporation, Kerry Company, Keystone Feed & Farm Products Corporation, Keystone Wrestling A. C. Inc., Kincaid Midland Oil Co., King Manganese Corporation, Kleen Products Co., Inc., Knox Finance Company, Koband Services, Inc.

L. B. M., Inc., L & B Talent Management, Inc., La Luz Leasing and Milling Corporation, Lafayette Hotel, Inc., Lagrange Park Slenderella Systems, Inc., Lake View Farms, Inc., Lamac Oil Company, Lancaster Sportsmen's Club, Lanco Corporation,

Lantern Hill Homestead, Inc., Lark Drilling Co., Inc., Lauderdale Drilling, Inc., Lauderdale Mining and Development Enterprises, Inc., Laurel Farm Supply, Inc., Lease and Royalty Incorporated of America, Leased Departments, Inc., Leatherhide Industries, Inc., Lebo Company, Ledogar, Brooks and Company, Inc., Leesite Diatom & Chemical Corporation, Leibowitz Store, Inc., The, Lemex, Inc., Len Dee Corporation, The, Leonard Realty Corp., Lester Bannng, Inc., Letranco, Inc., Lewis of Delaware, Inc., Lewis-Skeel, Inc., Liberty Vending Service, Inc., Life Science Foundation, Life Shares, Inc., Lightning Preventer Corporation of America, Lincoln-Jefferson Party, Inc., Lincoln Loan Association, Lincoln Reactor Metals, Inc., Lincoln Surf, Inc., Lion of Ethiopi, Incorporated Lip-Mate Corporation, Llobet Enterprises, Inc., Loch Haven Beach, Inc., Lomega Explorations Limited, Loop Fish & Oyster Co. Inc., Loren Building Corporation, Low, Shaw & Company, Inc., Lowell M. Birrell & Company, Ltd., Lyons International Corporation, Lysle Synthescope Corporation.

M—H Enterprise, Inc., M & M Boys 'n Girls, Inc., M. and

M. Burner Services, Inc., M. V. Inca, Inc., Mab Carpet Distributors, Inc., Maclen Corporation, The Madaras Corporation, Madaras Steel Corporation of Texas, Madco Drilling Co., Madrillon Company, Inc., Maitland Corporation, Mallory Medical Factor System, Inc., Mannion & Associates, Inc., Mapleleaf Chevrolet, Inc., Mardan Corporation, Marengo Television Service, Inc., Maricopa Dust & Spry, Inc., Marie M. Monaghan Co., Market Realty Corporation, Marlen Gardens, Inc., Marshallton Civic Club, Martin Company, Advertising, The, Martin David Investment Corporation, Martin Development Corporation, Martin Liquor Company, Marva Forest Products, Inc., Master Craftsman Lithographic Service, Incorporated, Matson Run Company, Mayflower Motors, Incorporated, McBright, Incorporated, McCoy Motors, Inc., McHenry Industries, Inc., McKee Motors, Inc., Medic-Instruments, Inc., Medical and Surgical Research Institute, Inc., Melody Inn, Inc., Men and Women's Christian Association, Mercury Corporation of The Americas, The, Mercury Electronics Corporation, Merrill Avenue Slenderella Systems, Inc., Meteor Air Transport, Inc., Metropolitan Motor Corporation, Mex-American Minerals Corporation, MexAmerica Mercury, Inc., Mexican Gulf Sulphur Company, Mexican Mining Industries, Inc., Mid-Gulf Oil & Refining Co., Mid-Hudson Natural Gas Corporation, Mid-States Terminals, Inc., Mid-West Laboratories,

Inc., Middle East Industries Corporation, Midland Oil Production and Exploration, Inc., Midstates Development Corporation, Midwest Furniture, Inc., Miles and Company, Inc., Milford Gardens, Inc., Milford Poultry Co., Inc., Milford Recreation Center, Inc., Military Investors Development Corporation, Military-Strategic Aircraft Manufacturing Co., Miller Air Lines, Inc., Miller Bros. Circus, Inc., Millsboro Kiwanis Club, Inc., Millstadt Milling Company, Milroy Corporation, Minerals Research Corporation of America, Mining & Development Corporation of America, Minnesota Uranium, Inc., Miracle Prop Corp., Mirror-Lite Corporation, Missouri Transmission Corp., Modern Wholesale Floor Products, Inc., Mohawk Patent Holding Corporation, Molina Gabler Enterprises, Inc., Monarch Construction Co., Inc., Monarch Properties, Inc., Monmouth Industries, Inc., Monsieur Marcel-Toronto, Ltd., Moody Industries, Inc., Mookl Chemical & Gas Corp., Moore-Ford Company, Morgan County Motors, Inc., Morris Enterprises, Inc., Morris Road Apts., Inc., Motel Corporation of Italy, Motor-Lube Corporation, Multiple Service Corp., Multiproducts Company, Inc., Murphy & Kirk, Inc., Mutual Pictures of California, Inc.

N L A, Inc., Nanticoke Development Company, Nash Homes Incorporated, Nar Recording & Music Publishing Co., Inc., National Association of Evangelicals, National Coupon Clearing House, Incorporated, National Credit Control Bureau, Inc., The, National Engineers Register, Inc., National Entertainers Investment Corporation, National Fur Concessions, Inc., National General Grand Masonic Congress of the John G. Jones Affiliation, A. F. & A. M. for the United States and Canada, Inc., The, National Hardware, Inc., National Health Services Corporation, National Hydrocarbon Company, National Industrial Piping Company, Inc., National Industrial Supplies Company, National Lumber & Supply Co., Inc., National Multiweaving Company, National Police and Sheriffs' Association, National Prime Window Co., Inc., National Resistance Corporation, National Shopping Centers, Inc., Nationwide General Engineering Associates, Inc., Natural Frozen Foods, Inc., Negro Models Inc., Nevada-Utah Uranium & Oil Corp., Newark Woodworking Company, New Castle County Air Base Aero Club, Inc., New England Tanker & Shipping Corporation, New Guinea Corporation, New Orleans Storage and Pipeline Co., New-Tex Oil Co., Inc., Newark Farmers Market and Auction Co., Newark Plumbing & Heating Supply

Co., Newmex Mining Corp., Newport Land and Investment Company, Nido Corporation, The, Ninth Infantry Division Association, The, Nio Tanta Corp., Nitro Phosphates, Inc., Nixon Oil Corporation, Nordau Development Co., Nordon Corporation Limited, Normandy Electronics, Inc., Norridge Slenderella Systems, Inc., North Star Oil & Uranium Corporation, Northeast Market Storage Co., Inc., Northeastern Council for Latin American and Inter-American Studies, Inc., Northeastern Rolling Mills, Inc., Northeastern Tankers Corporation, Northern Motors, Inc., Northern Plains Exploration Co., Nu-Way Products, Inc., Nuclear Reduction Company, Nyala Corporation, The.

Oates & Co., Inc., O'Bannon Uranium Company, Ocean River Enterprises, Inc., Ocean Salvage Company, Odessa Foods, Inc., Ohio Oil & Gas Company, Oil Finance Corp., Oil Producers, Inc., Old Dominion Manganese Company, Incorporated, Oilfield Equipment Leasing Service, Inc., Olean Industries, Inc., Omega Printing Company, The, Operation AFD Maintenance Engineers, Inc., Opportunity Enterprises, Inc., Ord Ingram Ltd., Organic Dehydrated Foods, Inc., O'Shea Electronics, Inc., Oslager Hotel Corporation, Ostberg Seed Co., Overseas Exporting Corp., Owl Brand Products Co., Owls Nest Corporation.

P. B. Realty, Inc., P. & L. Inc., P. & H. Contractors, Incorporated, P. M. Productions, Inc., Pacific Broadcasting Company, Pacific Chemical Co., Inc., Pacific Oil Producers Corporation, Package Printing Corp., Palmbilt Corp., Pampa Valley Inc., Pan-American Trading Co., Inc., Pan American Van & Storage, Inc., Pape Trailer Distributing Co., Inc., Paradox Petroleum Corporation, Parimutuel Exchange Corporation, The, Paris Festival Week, Inc., Parkchester of Wilmington, Inc., Parkway Baking Company, Parx Products Corp., Pastel Cleaners, Inc., Patents, Inc., Paul Hesse 3-D Arts, Inc., Pearce Heating and Air Conditioning, Inc., Peerless Realty Corporation, Pegedan Corporation Incorporated, Pemskor, Inc., Penn Industrial Consultants, Penn-Wood Oil Co., Inc., Peninsula Asphalt Products, Inc., Pennington Brothers, Inc., Peramco Oil Corp., Perfect Photo Identification, Inc., Perma Products, Inc., Petaca Mining Corporation, Petelle Real Estate Corporation, Petelle-Wallman Mercury, Inc., Petrex Corporation, Petro-Plastic Engineering, Inc., Petrotechnic Corp., Philbar, Inc., Philip Stahl & Associates, Incorporated, Philippine Development Corporation, Philippines Engineering Corporation,

Phyllse Inc., Piaget Montgomery Corporation, Piedmont Gas Company, Pigeon Hole Parking Operating Co., Inc., Pilot Products Company, Inc., Pinkert Apartments, Inc., Porcupine United Gold Mines, Inc., Port Mahon Seafood Company, Porter Builders, Inc., Positions Incorporated, Postles Corner-Pickering Beach Oil Pipe Line Associates and Company, Potomac Park Apartments, Inc., Potomac Point Construction Corp., Premier Cab Association, Prince Georges Terminal Corporation, Printz Boulevard Enterprises, Inc., Producers Investing Corp., Professional Building Corporation of Washington, D. C., Professional Men's Association of America, Inc., Pryor Mountain Mining & Exploration, Inc., Pub of Greater Miami, Inc., The, Public Relations Associates, Inc., Purocaine, Inc.

Quaker City Leasing Corporation, Quaker Ice Cream Co.

R. F. King Service Corp., R. H. Homes, Inc., Radalite Corporation, The, Radian Instrument Company, Radio Producers Incorporated, Raglan Corporation, Ralph E. Davis, Inc., Rambo & Symond, Inc., Ramona Hosiery Mills, Inc., Ramsey, Inc., Ramsing Foundation, Randall C. Handy, Inc., Ray's, Inc., Ray's Jewelry Corp., Reactor Minerals, Inc., Real Estate Investment Company, Realty Brokers, Inc., Red Horse Mercantile Corp., Red Garter Music Hall, Inc., Red Robin Highway Dining Units, Inc., Redi-Taters, Incorporated, Redskin Van Service, Inc., Reelshav Inc., Regency Foundation Inc., Regenerite Corporation, Refrigeration Service Co., Inc., Reliable Manufacturing Co., Inc., Rest Haven, Inc., Revenue Bond Institute of America, The, Reynolds Mining and Development Corporation, Reynolds Soil Development Corporation of (Chuckawalla Valley), Rhodes Sales Corp., Rich Uranium Co., Ripley Apartment Cooperative, Inc., River Services, Inc., Road Construction Company Incorporated, Robert F. Miller & Associates Incorporated, Robert G. Dick Co., Inc., Robert H. Carr & Sons, Inc., Robert Laws Company, Inc., Robert S. Grier Foundation, Inc., The, Robot Devices Incorporated, Rockford Laboratories, Inc., Rockefeller International Oil Corporation, Rodes, Inc., Rodes Optical Company, Rose's Gulf Service, Inc., Rosemar Corporation, Rosewood Homes, Incorporated, Royal Dukes' Club, Incorporated, Rubsam Corporation, Rupnick's Corporation, Russell S. Fisher, Inc.

S & K Cleaners & Launderers, Inc., S. Klein, Inc., S. & L. Optical Importers, Inc., S & T. Floors, Inc., Sabe Construction

Co., Sacred Music Corporation, Salt Dome Sulphur Corporation, Samuel M. Pinsly Associates, Inc., San Remo, Ltd., Sandrac Development Corporation, Sanitary Specialty Services, Inc., Santas Holiday, Inc., Savoy Steel Co., Schaffer Appliances, Inc., Schoonover, Inc., Schuttig and Company, Inc., Scott, Inc., Scott Social Club, Seal Coatings, Inc., Security Auto Leasing, Inc., Securus Corporation, Sedgely Farms Water Company, Selenium Corporation of America, Sellhorn's Mobilehomes Association, Seminole Boat Co., Service Furniture Company, Inc., Shellady, Inc., Shoreham Music, Inc., Shoreline Towers, Inc., Sincere Overseas Corporation, Sisson Ranch Company, Inc., Skiatron Franchises, Inc., Slenderella Enterprises, Inc., Slenderella Systems of Anaheim, Inc., Slenderella Systems of Arlington, Inc., Slenderella Systems of Aquila Court, Inc., Slenderella Systems of Atlanta, Inc., Slenderella Systems of Bay-Fair, Inc., Slenderella Systems of Beaumont, Inc., Slenderella Systems of Bellevue, Inc., Slenderella Systems of Berkeley, Inc., Slenderella Systems of Beverly Hills, Inc., Slenderella Systems of Blue Ridge, Inc., Slenderella Systems of Braeswood, Inc., Slenderella Systems of Buckhead, Inc., Slenderella Systems of California Street, Inc., Slenderella Systems of Carmel, Inc., Slenderella Systems of Clayton, Inc., Slenderella Systems of Connecticut Avenue, Inc., Slenderella Systems of Dallas, Inc., Slenderella Systems of Gateway, Inc., Slenderella Systems of Glendale, Inc., Slenderella Systems of Greenwich, Inc., Slenderella Systems of Gulfgate, Inc., Slenderella Systems of Hampton, Inc., Slenderella Systems of Hollywood, Inc., Slenderella Systems of Honolulu, Inc., Slenderella Systems of Houston, Inc., Slenderella Systems of Huntington Park, Inc., Slenderella Systems of Illinois, Inc., Slenderella Systems, Inc., Slenderella Systems of Jacksonville, Inc., Slenderella Systems of Jennings, Inc., Slenderella Systems of Kansas City, Inc., Slenderella Systems of La Jolla, Inc., Slenderella Systems of Lakeside Center, Inc., Slenderella Systems of Meadows Center, Inc., Slenderella Systems of Mission, Inc., Slenderella Systems of North Park Village, Inc., Slenderella Systems of Oak Cliffs, Inc., Slenderella Systems of Oklahoma City, Inc., Slenderella Systems of Omaha, Inc., Slenderella Systems of Palm Springs Inc., Slenderella Systems of Palo Alto, Inc., Slenderella Systems of Pasadena, Inc., Slenderella Systems of Portland, Inc., Slenderella Systems of Prairie Village, Inc., Slenderella Systems of Preston Equare, Inc., Slenderella Systems of Rich-

mond Heights, Inc., Slenderella Systems of Ridglea, Inc., Slenderella Systems of Sacramento, Inc., Slenderella Systems of St. Louis, Inc., Slenderella Systems of San Bernardino, Inc., Slenderella Systems of Santa Monica, Inc., Slenderella Systems of Seven Corners, Inc., Slenderella Systems of South Bend, Inc., Slenderella Systems of Southland, Inc., Slenderella Systems of Tacoma, Inc., Slenderella Systems of Troost Avenue, Inc., Slenderella Systems of Tucson, Inc., Slenderella Systems of Tulsa, Inc., Slenderella Systems of Union Square, Inc., Slenderella Systems of University Hills, Inc., Slenderella Systems of Valley Fair, Inc., Slenderella Systems of Warrensville Center, Inc., Slenderella Systems of Westport, Inc., Slenderella Systems of Wilfair, Inc., Slenderfmor Industries Mfg. Company, Inc., Smith and Strevig Pharmacists, Incorporated, Smith & Strevig, Inc., Smith Auto Repair Service, Inc., Snap-Cap Tool Corporation of Delaware, Snider's Restaurant, Inc., Somerset Sales Company, Songur & Company, Inc., Southern Commercial Construction, Inc., Southern Engineering Company & Associates, Southern Hotel Supply Company, Southern Iron Corporation, Southern Maryland Inns, Inc., Southern Operating & Management Co., Southern Sales and Brokerage Agency, Inc., Southern & Western Land Corporation, Southwest Industries, Inc., Southwest Metals Company, Southwestern Chemical & Mineral Corporation, Southwestern Oil and Uranium Corporation, Southwestern Reserves Company, Speed Stables, Inc., Speedways, Inc., Speedway Realty, Inc., Spirit Mountain Caverns, Inc., Spiritual Church of Prophecy and Healing Through Faith in God, Inc., The, Sports Films, Inc., Spotlight Enterprises, Inc., St. Stanislaus Kostka Benefit Society, Standard Business Machines Washington Agency, Inc., Standard Chemical Corporation, Standard Consolidated Petroleum, Incorporated, Standard Testing Laboratories, Inc., Stanley-Norman, Inc., Star Oil Company, State Furniture of Virginia, Inc., Station House, Inc., Steel Ingot Production, Inc., Stephen Apartments, Inc., Sterling Products Company of Washington, Sterling Securities Corporation, Sterling Supply and Lumber Company, Stillwell & Company, Inc., Stone & Glass Ltd., Stretch Wire Corp., Strob-Lite Sales, Inc., Structo Schools Corporation, Studio A, Inc., Style, Inc., Suburban Linoleum & Tile Co., Submersible Oil Pump Corporation, Sugar and Spice Drive-In, Inc., Summersett Chemical Co., Sun-Up Corporation, Sundeck Development Corporation, Sunset Imperial Corporation, Super Mushroom Cor-

poration, Susan Laurie, Inc., Sussex Electricians Local No. 1, Inc., Swirling Corporation, Swissvale Steel Corporation, Symco, Inc., Sycamore Builders, Inc.

T. T. Keane Company, Inc., Tacoma Auto Sales Company, Tahuahueto Mining Company, Inc., The, Tarco Builders, Inc., Tax Research, Inc., Tax Service Co. of Pennsylvania, Taylor & Sons, Inc., Taylorcraft International Corporation, Technical Resources Corporation, Teenage Games, Inc., Tel-A-Car, Inc., Tel-america, Inc., Tele-Video Corporation, Telecall Electronic Industries, Inc., Ten-Sixty Club Co-Operative Apartments, Inc., Texarado Minerals, Inc., Texas Cambrian Oil Corporation, Texas Canyon Oil Company, Texas Southern Oil & Gas Company, Texas Toy Company, Thermoray Corporation, Third Street Social Club, Inc., Thomas Concrete Pipe Co., Thompson Finance Service Inc., Thorium Minerals & Chemicals Corporation, Thornburg Uranium Mines, Inc., Thoroughbred Enterprises, Inc., Threeway Development Corporation, Thrifty Auto Sales, Incorporated, Tigress Oil and Gas Company, Inc., Tippin Construction Co., Inc., Tire Fair, Inc., The, Tmt System, Inc., Toc Company, Todd Mercury Company, Inc., Tolland Manufacturing Co., Inc., Top-O-The-World Farms, Inc., Toth Motorships, Inc., Towne Cleaners & Laundry of Smyrna, Inc., Tracy Marine Corp., Trajac Corporation, Trans-Oceanic Productions, Inc., Trans-Western Petroleum, Inc., Trans-World Operations Corporation, Transale Corporation, Trans-american Supply Corporation, Transco Associates, Inc., Transcon Petroleum and Development Corporation, Transition Mining Company, Tredham Ships, Inc., Tri-Continental Industries of America, Inc., Tri-Continental Petroleum Corporation, Tri-State Communications Corporation, Tri-State Defense Industries, Inc., Tri-State Lands, Inc., Tri-State Uranium and Oil Company, Triangle Royalty Corporation, Trilineator Corporation, The, Tri-state Oil & Mineral Development Co., Trotways, Inc., Turzan Credit Corporation of Delaware, Twyeffort, Inc., Tybond Products Co.

U. S. Hospital Supply Corp. of Delaware, U. S. Tractor Parts Sales Corp., U. S. Warranty Company, Inc., Union Political Club, Union Shoppers Guide for Organized Labor, Inc., United Cemetery, Inc., United Independent Petroleum Corporation, United Industries, Inc., United Realty Corporation, United States Can Corporation, United States Metal Products Corp., United

States Machine Manufacturing Company, United Uranium Corporation of America, Universal Exploration & Mining Company, Universal Oil Recovery Corporation, Uranium and Titanium Corporation, Uranium Surveys, Inc., Utilitrac, Inc.

V. E. Green, Inc., Val-Cap, Inc., Valley Corporation, Valmobile Corporation, The, Van Buren Construction Co., Vanco, Inc., Vee Jay Electric Co. of Delaware, Inc., Vending Shares Ltd., Venezuela Fund, Inc., Ventilite Corp., Ventures of Alabama, Inc., Vido-Sound Corporation, Virginia Conduit, Inc., Vogts & Knight, Inc., Voltar Electronics Inc.

W. D. Lavelle & Associates, Inc., W. J. Carpenter Memorial Foundation, Inc., The, Wagon Wheel Country Club, Walter S. Lucas, Inc., Walton Slenderella Systems, Inc., Wasatch Natural Gas Company, Washington Appliance & Radio-TV Dealers Association, Inc., Washington Metropolitan Television Corporation, Washington Novelty Company, Washington Terrace Motel Corporation, Waterbury International, Inc., Watson Industries, Inc., Wax Realty Co., Wayne Co., Wayvren Corporation, Webb Construction Company, Inc., Webb Lumber & Supply, Inc., Wedgterm, Inc., Weitz Realty Corporation, Welfare Loan Society of New Orleans, Weller-Bush Corporation, Wellens-Larner, Inc., Wessex Farm Labor Association, West Chester Lincoln-Mercury, Inc., West Coast Pipeline Company, Western America Uranium Exploration Corporation, Western Development & Engineering Corporation, Western Industrial Products Company, Inc., Western Maryland Real Estate and Development Corporation, Westfield Homes, Inc., Westmoreland Chrome Mfg. Co., Wheaton Park, Inc., White's Incorporated, White Star Oil Company, White Swan Restaurants System, Inc., Wildwood Country Club, Inc., Wilgus Service Station, Inc., Wilhema Corporation, Wilkinson & Gross, Inc., William J. Caldwell Co., Inc., William Penn Company, William Penn Corporation, William Tell Productions, Inc., Williams Construction Company, Willdon, Incorporated, Willow Run Water Company, Wilmette Slenderella Systems, Inc., Wilmington Construction Company, Wilmington Photo Finish Co., Wilmington Speedway, Inc., Winfield Coal Corporation, Wis-Tro Industries, Inc., Woman's Christian Temperance Union of Hockessin, World Are Corp., World Products Company, Inc., World Steamship Agency, Inc., World Wide Brokerage Corporation, World-Wide Mutual Fund, Inc., Wycotah Oil & Uranium, Inc., Wydak Oil and Gas Co.

Yazoo Delta Mortgage Company, York Associates, Inc., Young Ideas Inc., Young Petroleum Corporation, Your Justice Incorporated.

Zephyr Awning and Manufacturing Company, Inc., Zenith Industries, Inc., Zipwell Corporation.

IN TESTIMONY WHEREOF, I, David P. Buckson, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto affixed this sixteenth day of January, in the year of our Lord one thousand nine hundred and sixty-one, and of the Independence of the United States of America, the one hundred and eighty-fifth.

(GREAT SEAL)

By the Governor:

DAVID P. BUCKSON

GEORGE J. SCHULZ, Secretary of State

CHAPTER 466

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

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, on March 29, 1638, the New Sweden Company, represented by Peter Minuit, Director of the expedition, purchased from five Indian chiefs the land on the west side of the Delaware River extending from Bombay Hook northward to the Schuylkill River, which purchase included land now known as New Castle County in the State of Delaware, and, on the same day, Peter Minuit, his officers and men landed at "The Rocks" and with solemn ceremonies named the area New Sweden; and

WHEREAS, a fort was subsequently built on this site and named Fort Christina in honor of the Queen of Sweden; and

WHEREAS, Fort Christina was the first settlement of the Colony of New Sweden, the first permanent settlement in the Delaware River Valley, and the first settlement in what is today the State of Delaware; and

WHEREAS, this settlement and successive settlements of the Colony of New Sweden marked the beginnings of government, religion, education, agriculture, commerce and industry in our State:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by authority of the General Assembly, do hereby proclaim Wednesday, March 29, 1961, as

DELAWARE SWEDISH COLONIAL DAY

and request that the citizens of our State in schools, churches, patriotic and historical societies and other organizations join in observance of this historic day by displaying our National and State Flags on our buildings. It is most appropriate that meetings and ceremonies be held in commemoration of this important Delaware Historic Event.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 20th day of March in the year of Our Lord,
One thousand nine hundred and sixty-one, and
of the Independence of the United States the
One hundred and eighty-fifth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 467

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Governor of the State of Delaware is authorized by its statutes to set aside one day annually as Arbor and Bird Day; and

WHEREAS, "he may request its observance by all public schools, private schools, colleges and other institutions, by the planting of trees and the adornment of the school and public grounds, and by suitable exercises, having for their object the advancement of the study of arbor culture and promotion of the spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them;" and

WHEREAS, this is the eighty-ninth year that Arbor Day will have been observed in the United States, having been founded in Nebraska in 1872 by J. Sterling Morton; and

WHEREAS, Arbor Day is important because we want to see our natural resources preserved and add to the beauty of trees and flowers on our premises and in our parks;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim, Friday, April 28, 1961, as

ARBOR DAY IN DELAWARE

and urge all our schools to plant trees and to hold appropriate exercises on that day to recognize the need for mass consciousness of the aesthetic, physical and economic value of tree and bird life.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 18th day of April, in the Year of Our Lord,
One thousand nine hundred and sixty-one, and
of the Independence of the United States the
One hundred and eighty-fifth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 468

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 in 1914 for nationwide observance, on the second Sunday in May of each year; and

WHEREAS, Section 29, Paragraph 2107, Laws of Delaware, provides that the Governor of Delaware may issue a Proclamation setting aside 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 helps to 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, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Sunday, May 14, 1961, as

MOTHER'S DAY

in Delaware, and urge all of our citizens, regardless of age, to take this opportunity to honor their Mothers, by attending at least one service in the church of their choice in solemn recognition of the sacrifices, love and inspiration given so freely by all Mothers.

Further, I invite Delawareans to join with me in saluting, and congratulating Mrs. Anna Matthews Aydelotte of Delmar, our 1961 Delaware Mother of the Year, who, as such represents all Delaware Mothers.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 25th day of April in the year of Our Lord, One
thousand nine hundred and sixty-one, and of the
Independence of the United States the One
hundred and eighty-fifth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 469

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, by Public Law No. 85-529 of the 85th Congress, House Joint Resolution 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 designated as National Loyalty Day; and

WHEREAS, the Laws of Delaware authorize the Governor of this State to issue a proclamation calling attention to this important occasion; 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 in the future National Loyalty Day will provide even greater inspiration for citizens of this nation to re-dedicate 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 died on battlefields all over the world;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of Delaware, pursuant to the Joint Resolution of the Congress of the United States assembled do hereby proclaim May 1, 1961, as

LOYALTY DAY

and 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 urge that civic groups will join on that day, to give expression to that loyalty through appropriate public demonstrations of all kinds; and through the display of our National Emblem and the Delaware State Flag and through cooperation with overseas veterans whose devotion and courage continue in peace as sponsors of this observance.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
(GREAT SEAL) said State to be hereunto affixed at Dover, this
28th day of April, in the Year of Our Lord,
One thousand nine hundred and sixty-one, and
of the Independence of the United States the
One hundred and eighty-fifth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 470

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, men at work represent buying power and buying power maintains Delaware's business and industry; and

WHEREAS, there are some 15,000 unemployed workers in Delaware; and

WHEREAS, this high rate of unemployment is a waste of human resources which tends to hold back a more rapid rise in Delaware's economy; and

WHEREAS, our State Employment Service is seeking to overcome this unemployment problem by conducting, through its three job placement offices, an intensive "Hire Now!" job-finding campaign; and

WHEREAS, our employment staff estimates there are manifold instances where our employers in business and industry have need for additional personnel but for one reason or another have not crystallized their decisions to hire these needed workers now; and

WHEREAS, concerted action by such employers to hire now would mean prompt re-employment for thousands of our citizens and consequent increased purchasing power, increased profits and would benefit our entire economy,

NOW, THEREFORE, I, ELBERT N. CARVEL, as Governor of the State of Delaware, call upon the entire business community of the State to cooperate in this campaign by listing all possible job needs now with the nearest State Employment Service office and by hiring the people they need now in order to realize for themselves and for all our citizens the promise of the campaign slogan: "When They Work—you Profit. Hire Now!"

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) eleventh day of May in the year of our Lord
one thousand nine hundred and sixty-one and
of the Independence of the United States of
America, the one hundred and eighty-fifth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 471

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is 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, first 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 remain free; and

WHEREAS, the President of the United States of America, by the authority of the Congress, has set aside May 30, 1961, as a day on which we should pay tribute to the memory and deeds of our honored war dead; and

WHEREAS, Paragraph 501, Chapter 5, Title 1 of the Delaware Code provides that the Governor may issue a proclaiming setting aside the 30th day of May in each year as Memorial Day;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Tuesday, May 30, 1961, as

MEMORIAL DAY

and urge the people of our State to participate in exercises, graveside ceremonies and other proper memorials having as their purpose the grateful remembrance of the sacrifices made by our war dead.

FURTHER, I request that the Flag of the United States of America and of the State of Delaware shall 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, respect and honor the memory of those who fought, suffered and died in defense of our freedom and the American Way of Life.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 16th day of May in the year of our Lord, one
thousand nine hundred and sixty-one and of the
Independence of the United States of America,
the one hundred and eighty-fifth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 472

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 now great Nation to which it gave birth stand as a fount of hope and promise not only to Americans but also to the peoples of all the world; and

WHEREAS, on July 4, 1961, patriotic Americans everywhere will observe, with appropriate ceremony, the 185th anniversary of the signing of the Declaration of Independence;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim that Tuesday, July 4, 1961, shall be observed in this state as

INDEPENDENCE DAY

FURTHER, I order that the flag of the United States of America and the flag of the State of Delaware shall be properly displayed from all state and public buildings on this day, and I urge all our citizens to join in this display of our national colors in recognition of the significance of this great event in our history.

It is my further hope that, while our citizens are enjoying this holiday, they will pause 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, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
(GREAT SEAL) said State to be hereunto affixed at Dover, this
9th day of June in the year of our Lord, one
thousand nine hundred and sixty-one and of the
Independence of the United States of America,
the one hundred and eighty-fifth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 473

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the skill, ingenuity and courage of the American worker and his determination to raise the standard of living for himself and his fellow toilers have been major factors in providing the comforts, security and happiness we enjoy today; 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;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Monday, September 4, 1961, as

"LABOR DAY"

and urge all our citizens to participate in honoring those whose daily work makes possible our enjoyment of an abundant life. I further call for the appropriate display of the flags of the United States and the State of Delaware on all state and public buildings.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this 9th day of August in the year of our Lord, one thousand nine hundred and sixty-one and of the Independence of the United States of America, the one hundred and eighty-sixth.

(GREAT SEAL)

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 474

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, a sound program of free public education, available to the entire citizenry, is essential to the preservation of the high degree of freedom and the rights and privileges we enjoy; and

WHEREAS, the establishment and maintenance of good schools in Delaware is essential to our progress, prosperity, and to assure that our State will make its contribution to a strong national defense; and

WHEREAS, the nation's schools and the schools of Delaware continue to be confronted by unparalleled problems which are the personal responsibility of every citizen of this State; and

WHEREAS, under provisions of Chapter 21, Section 2110, Title 29 of the Delaware Code, this office is authorized to issue a proclamation relative to American Education Week:

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim the week of November 5-11, 1961, as

AMERICAN EDUCATION WEEK

and do earnestly request all citizens and all organizations interested in education and child welfare to acquaint themselves more fully, during this 41st annual nationwide observance of this occasion, with the program, objectives, needs and problems of our schools.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set

(GREAT SEAL) my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this sixth day of October in the year of Our Lord, one thousand nine hundred and sixty-one, and of the Independence of the United States of America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 475

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 469 years ago by Christopher Columbus; and

WHEREAS, this annual observance serves to remind us of the courage and contributions of Christopher Columbus and other great explorers, and also of the many blessings that are ours by virtue of living in this great Nation; and

WHEREAS, Title 1, Section 501 of the Delaware Code sets aside the 12th of October as a legal holiday in Delaware:

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do proclaim Thursday, October 12, 1961, as

COLUMBUS DAY

and I urge all Delawareans—and particularly those who are teachers or students—to mark with appropriate ceremonies this 469th 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, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) tenth day of October, in the year of Our Lord,
one thousand nine hundred and sixty-one, and
of the Independence of the United States of
America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 476

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 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 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 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; and

WHEREAS, Title 1, Section 501 of the Delaware Code sets aside the 11th of November as a legal holiday in Delaware; now

THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby set aside and proclaim November 11, 1961, 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 morning of Saturday, November 11.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this
(GREAT SEAL) eleventh day of October, in the year of Our Lord, one thousand nine hundred and sixty-one, and of the Independence of the United States of America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 477

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Almighty God has seen fit to bless our land with abundance in all things; and

WHEREAS, it has been customary since the times of the Plymouth Colony to set aside one day annually to join in prayer and thanksgiving for the many blessings 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 the acknowledgment of our Lord's graciousness to all of us; and

WHEREAS, there are in other lands those less fortunate who can barely earn their daily bread, and who need the assistance of those who have more than their actual needs; 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, by supporting these programs we will show the whole world our own appreciation for the blessings we have received and provide an outstanding example in peace and brotherhood;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim that Thursday, November 23, 1961, be observed as

"THANKSGIVING DAY"

in this State. On that day, let us visit the churches of our choice and give thanks for the abundance with which we have

been showered. 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, 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, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) thirtieth day of October, in the year of Our
Lord, one thousand nine hundred and sixty-one,
and of the Independence of the United States of
America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 478

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the freedoms that we enjoy today are 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 action; and

WHEREAS, a special convention of ten delegates from each of Delaware's three counties met in Dover on December 7, 1787, and unanimously ratified this constitution, the first state to take such action; and

WHEREAS, in recognition of the importance of this act, 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, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby designate and proclaim Thursday, December 7, 1961, as

"DELAWARE DAY"

and urge all 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, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) seventeenth day of November, in the year of
Our Lord, one thousand nine hundred and sixty-
one, and of the Independence of the United
States of America, the one hundred and eighty-
sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 479

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the President of the United States has emphasized the necessity for an accelerated strengthened Civil Defense Program, in which a shelter program has the highest priority; and

WHEREAS, The President has determined that the first step in the program of providing fallout protection for every American is a determination of the present fallout protection in existing buildings in the country; and

WHEREAS, the Federal Government has negotiated a contract with an engineering firm for a survey to determine the location of existing fallout protection in the State of Delaware; and

WHEREAS, the Congress has declared that Civil Defense is the joint responsibility of the Federal Government and the States and local political subdivisions; and

WHEREAS, an effective Civil Defense requires the support of every citizen;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim that the Federal Fallout Shelter Survey in the State of Delaware, now underway, is an essential part of the Civil Defense program for the protection and defense of our nation and our people; and

I urge each political subdivision in the State to assume its obligation to provide the necessary cooperation to assure the success of the Federal Fallout Shelter Survey; and

I hereby urge each citizen of the State to provide the necessary support and cooperation to assure the expeditious and successful completion of the Survey.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 5th day of January, in the year of our Lord,
one thousand nine hundred and sixty-two, and
of the Independence of the United States of
America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 480

PROCLAMATION

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

WHEREAS, E. Hobson Davis, Tax Commissioner on behalf of the Tax Department of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State.

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Sections 511 and 512 of Title 8 of the Delaware Code of 1953, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

A. A. Ruggerio & Son, Inc., A. A. T. A. Of America, Inc., The, A. & C. Clothes, Inc., A & H Engineering Services Co., A. N. R. Corp., A. R. T., Inc., A. S. N. Inc., A. V. De Marco Foundation, Inc., Academy of Radio Arts and Sciences, Incorporated, The, Acme Bridge & Tennis Club of Delaware, Active Realty Company, Inc., Adelphi Hardware, Inc., Adga Oil Company Inc., Adsa Corporation, Advance Corp. of America, Air Route, Inc., Air Shippers, Inc., Aircraft Dynamics International Corporation, Airmotive Reclamation, Inc., Ajax Petroleum Corporation, Akers' Products Company, Incorporated, Akers' Service Company, Incorporated, Al and Ad's Inc., Al-Ru Development Co., Alameda Corporation, Alaska-Tuttle Engineering, Inc., Alcore Homes Incorporated, Alfi's, Inc., Alkor Corporation, All-State Investment Company, Inc., All-States Income Tax Service Corporation, The, Allies Inn, Inc., The, Alry Corporation, Alumisign Corporation, Amalgamated Corporation of America, Amalgamated Growth Industries, Inc., Ambassador Towers, Inc., The, Amcan Oil Producing Corporation, American Brazilian Development and Exploration Company, American Building Components, Inc., American Business Institute, American Central Oil Corporation, American Diagrid Corporation, American Foundation for World Trade Studies, Inc., American-Haitian Foundation, Inc., American

Health Studios, Inc., American History Institute, Inc., The, American International Airways, Inc., American International Corporation, American Lighting Manufacturers Association, Inc., American Manuscripts, Inc., American Pipe Industries, Inc., American Precision Engineering Corporation, American Shippers, Inc., American Sulphur Company, American United Investments, Inc., Amro Food Specialties Inc., Anchor Inn, Inc., Andrew Robbin, Inc., Anderson Oil & Gas Co., Anglo-American Petroleum Corporation, Anglo American Tourist Service Association Incorporated, The, Appalachian Gas & Oil Corp., Arizona Reduction Company, Inc., Architects' Service Corporation, Arlandria-Brooks, Inc., Armed Services, Ltd., Arnold L. Kimmes Investment Corporation, Arnold S. Jaccard Corporation, Arsenal on the Green, Inc., Art Craft Paint & Wallpaper Co., Inc., Asher Construction Corp., Assawoman Sand Co., Associate Realty Co., Inc., Associated Hebrew School, Inc., Associated Independent Canners Inc., Associated Industries, Inc., Astro Dynamics Corporation, Atlantic Seaboard Resources Corporation, Atlas Wonder Building, Inc., Austin-Lee, Incorporated, Auto Traders, Inc., Automatic Orange Juicer Corporation, Automation-Engineering Corporation, Automotive Imports, Ltd., Automotive Sales Institute.

B. H. Sisholz, Inc., B. L. Jackson, Inc., B-M-K Corporation, B & O Enterprises, Inc., B. P. Productions, Inc., Babcock Printing Press Corporation, Baltimore Delicatessen, Incorporated, Bandwagon, Inc., Banner Buick, Inc., Bar-Kay, Inc., Barita International, Inc., Barnes Oil Company, Barnhart-Morrow Consolidated, Inc., Barnwell Associates Inc., Barnwell Exploration & Development Company, Inc., Barons Club, The, Barry Enterprises, Inc., Basco, Inc., Basin Comstock Mining Company, Bay Shore Mining Corporation, Bayne & Scates, Inc., Beatty Contracting Co., Inc., Beaumont Industries, Inc., Beauty-Tone Homes Inc., Beechman Corp., Belhaven Lumber Industries, Inc., Bell-Owens Electronics, Inc., Bellas Hess Serve-Yourself, Inc. of Greenville, Bellas Hess Serve-Yourself, Inc., of Jackson, Belleair Towers, Inc., Benal, Inc., Berger Realty Co., Beryllium and Rare Earths, Incorporated, Bettendorf Steel Casting Company, Betts Poultry Company, Inc., Big D Inc., The, Big Shelby Candy Company, Billingsley Realty Co., Inc., Biltmore Foods, Inc., Bio-Research, Inc., Bird House Products Inc., Black Hills Tin Company, Blair-Neubauer, Inc., Blairco Industries, Inc., Blakes-

lee Forging Company, The, Blue Chip Corporation, Bonded Leathers, Inc., Boulevard Motor Company, Incorporated, Bountiful Enterprises Co., Inc., Boxwood Flying A Service, Inc., The, Bradlee-Brooks, Inc., Bradshaw Drugs, Inc., Brandywine Coal Producing Co., Brandywine Motors, Inc., Brandywine Services Organization, Inc., Bricklayers International Union No. 1 of Delaware, Bright Uranium Corporation, British Isles Distributing Corporation of America, Brittingham's Feed Co., Broiler Producers, Inc., Broken Arrow Oil Co., Brook Hills Construction Co., Inc., Brown's Drugs, Inc., Browne Window Manufacturing Company, Inc., The, Bruce Laboratories, Inc., Budd Builders, Inc., Building Management Service, Inc., Building Services, Inc., Bureau of Business Research, Inc., Burke Construction Corporation, Burke Corporation.

C. E. Muir Co., C. G. Glasscock Oil Corporation, Caibarien-Remedios Water Works Company, California Lead Burning Company, Inc., California Machine Distributors, Inc., Cambrian Drilling Corp., Camdale Corporation, Cameron Industries, Inc., Canadian Uranium Mines, Ltd., Cap-Roc Oil Company, Capital Camera Center, Inc., Capital Discount, Inc., Capital Investors, Inc., Capitol Hill Oil Corporation, Capitol Petroleum Corporation, Capitol Plumbing, Inc., Capitol Plumbing, Inc. of Elkton, Capweal Corporation, Caravan Sales Corp., Carmel Petroleum Inc., Carmi-Ezzell Wood Products, Inc., Casita, Inc., Castile Enterprises, Inc., Castings, Inc., Castle Coal Company, Castle-Kent Poultry Co., Cathedral Caverns, Inc., Cavalier Liquors, Inc., Cedco Electronics, Inc., Central America Development Corp., Central American Oil and Mining Company, Central Oklahoma Oil Corporation, Central Western Petroleum Corporation, Central Wyoming Oil & Uranium Corporation, Century Concrete Products, Inc., Century Sign Co., Inc., Century Publishing Company, Inc., Ceraseal Chemical Corporation, Chambliss Engineering Corporation, Chanute Apartments Corporation, Chanute Gardens Corporation, Chefs Diner, Inc., Chelf Recorder Corporation, Chelsea Country Club, Chemical Ventures Syndicate, Ltd., Cheminol Corporation, Chestnut Hill Rehabilitation Center, Inc., Chicken Shack, Incorporated, The, Christian Knights, Inc., The, Ciro's Famous Village Restaurant, Inc., City Bowling Alleys, Incorporated, City Wide Loan Co., Citywide Realty Co., Inc., Civil Constructors, Inc., Clark Oil Corporation, Clark Stenographic Typewriter Company, Clean-Rite Chemical Company, Inc., Cli-

max corporation, Clinical Products Corp., Clint Royce, Inc., Clock Dry Cleaners, Inc., Clover Leaf Corporation, Coastal Farms Co-Operative Association, Inc., Cobar Realty Company, Inc., Coffee Royal, Inc., Coggin Chevrolet Inc., Collegiate World, Inc., The, Colmar Construction Company, Inc., Colonial Finance Corporation, Color Conversion Corp., Colorado Water and Power Company, Columbia Truck Leasing Company of Cincinnati, Ohio, Inc., Comico Corporation, Commerce & Industry, Inc., Commercial and Industrial Research Corporation, Commercial Syndicated Films, Inc., Commission for the Study of Industrial Medicine in the United States, Inc., Commonwealth Commercial Corporation, Commonwealth Leasing Corp., Compact Advertising Agency, Inc., Computer Enterprises, Inc., Computer Export Corp., The, Concord Avenue Auto Sales, Inc., Concord Supply Company, Conference of African Union First Colored Methodist Protestant Church, The, Congressional School of Alexandria, Inc., Congressional School of Arlington, Inc., Connecticut Pipeline and Storage Company, Consolidated Aviation Equipment, Inc., Consolidated Life Companies, Inc., Consolidated Lithium Mines, Inc., Consolidated Transmission Corporation, Construction Specialties, Inc., Consumer Nationwide Liquors-Purchase Service, Inc., Continental Carton Co., Inc., Continental Restaurants, Inc., Contractors Association of Delaware Valley, U. S. A., Convenience Foods, Incorporated, Coquina Apartments Inc., Corona Corporation, Coronado Mines, Inc., Corrigan Construction Corporation, Coseley Buildings, Inc., Coudurier, Fructus & Devigne Inc., Countrywide News Retailers Association, County Aluminum Products Co., Inc., County Seat Motor Company, Incorporated, Credit Bureau of Newark, Inc., Cresswell-Welch Corporation, Crest Tele-Feature Corp., Crosstown Motors, Inc., Cuba-Continental Oil, Inc., Cuban Petroleum Corporation, Cubru Oil & Gas Corporation, Custom Taxicabs, Incorporated, Cyclotrona, Inc.

Daileys of Oklahoma, Inc., Daileys of San Antonio, Inc., Dairy Advance Marketers, Inc., Dakay Associates, Inc., Dakota Investment Corporation, Dalco Uranium, Inc., Dale Hilton Inc., Daniel Diener & Co., Inc., Darling Apartment Co., Datamation Associates, Inc., David Max and Co., D'Cal-A-Rite, Inc., Decatur Rock & Asphalt Co., Decatur Rocket Car Wash, Inc., Decavitch Stables, Inc., Deep Well Water Co., Deerfield Stables, Inc., Defco Company, Inc., Delaire Electronic Instruments, Incorporated, Delaware City Water Company, Delaware Music Corporation,

Delaware Oyster Plantations Inc., Delaware State Fair, Inc., The, Delaware State Fair Liquor Store, Inc., Delaware Truck Rentals, Inc., Delaware Valley Beer Distributors Association, Delaware Valley Swimming Pools, Inc., Delaware Variety Store, Inc., Delmar Raceway, Inc., Delmarva Leasing Corporation, Delmarva Safety Drivers Association, Delmarvar Advertising Programs Inc., Delvue Plumbing & Service Company, Depthorama Corporation Inc., The, Derraugh Lackner, Inc., Developers Mortgage Service Corporation, Development Securities Corp., Diamond Sales & Service Co., Diamond Three Corporation, Dieterich Field Inc., Dillon Enterprises, Inc., Diners, Inc., Dinner-on-a-Dagger, Inc., Discount Sales Company, Dispenser Valve Corporation, Distefano Bros. Inc., Distributors Inc., District Lock & Hardware, Inc., Divine and Herb Healing Association, Divirgilio & Lawson, Inc., Dixie Land & Timber Co., Dob-Saw Enterprises, Inc., Dr. Huber's Hi-Health Products, Inc., Dolton Realty Company, Dome Enterprises, Inc., Dominion Corporation, The, Dominion Minerals Development, Incorporated, Donald Motors, Inc., Dormac Textiles, Inc., Doug M. Smiley Real Estate, Inc., Downing Buick, Inc., Drakes Distributors, Inc., Driscoll Corporate Gifts, Inc., Drug Fair, Inc., Dubl-Chek Corporation, Duophoto Corporation, Duralite Corporation, Duroco Company, The.

E. A. Juzwik & Co., E. A. Moreland Construction Co., E. A. Riebe Foundation, Inc., E. C. James, Incorporated, E. & E. J. Pfozter, Inc., Earl Hayes Enterprises, Inc., Earth Products Corporation, Eastcentral Corporation, Eastern Answers Incorporated, Eastern Division, Sam Snead Golf Schools, Inc., Eastern Electronic Communications, Inc., Eastern Gardens, Inc., The, Eastern Parking Garages, Inc., Eastern Shore Farms Cooperative, Inc., Eastmount Corporation, Economy Homes, Inc., Eden Park Gardens Civic Association, Inc., Edgehill Liquors, Inc., Educational Institute of Industry, Inc., Educational Toy Company of America, Eighth Ward Republican Club, El Mexico, Inc., Electro Titanium Corporation, The, Elk River Basin & Boat Supply Co., Elkan-Vogel Company, Ellen-Fredrick, Inc., Elwil, Inc., Elwood E. Rice Foundation, Inc., Empire Machinery Company, Emsco Research Laboratories, Inc., Envoy International Corporation, Equi-Flow, Inc., Equitable Realization Corp., Equity Associates, Inc., Escar Metallurgical, Inc., Excavating, Incorporated.

F B & B Realty Corporation, Fabusme Corporation, Fairland Development Corp., Fairview Shopping Center, Inc., Fal-Co Incorporated, Falcon Chemical Co., Far Eastern Trading, Incorporated, Farmers Creamery Inc., Farmer Frank, Inc., Fashion Shop of Dover, Inc., The, Federal Bowling Centers, Inc., Federal Financial Recovery Service and National Credit Rating and Reporting Bureaus, Inc., Feldman Furniture Company, Fentress Coal & Coke Company, Fentron Architectural Metals Corp., Fert-O-Stik, Inc., Figurette International of Erie, Inc., Financial Service Corporation, First Lewis Corporation, First Washington Corporation, The, Five Points Realty Co., Inc., Five Points Realty, Inc., Flintridge Oil & Gas Co., Inc., Florida Manganese, Inc., Florida Sun-Tan, Inc., Florist Supply Co. of Washington, Floxolf Chemical Corporation, Food Handlers, Incorporated, Forrest Home Builders, Inc., Fort Stanton Park Inc., Four Acres Trailer Sales, Inc., Four Seasons, Inc., Frank and Anna Wiencek Foundation, Inc., Frank Murray Construction Co., Inc., Frank S. Platt Company, Franklin Shockey Corporation of Delaware, Frederick Rental Properties, Inc., Freeman Incorporated, French Theatre and Arts Foundation, Front Liquors, Inc., Frontier Motors, Inc., Fry Brothers Development Corp., Fry Manor Development Co., Inc., Frye Foundations, Inc., The, Functional Glass Corporation.

G. M. Bartlett Company, G. M. Supply Co., G. W. Pierce Associates, Inc., Gala Gems Sales Corporation, Gardner Minerals, Inc., Garland Properties, Inc., Gateway Airlines, Inc., Geisinger & Rau Incorporated, Gej Corporation, Gem City Transfer Co., General Acceptance Company of Kansas, General Corporation, General Fastener Corporation, General Mechanical Contractors, Inc., General Reporting Corporation, General Tire Realty Company, George C. Whitney Co., The, George G. Richardson, Inc., Get Acquainted Book, Inc., Giant Sales, Inc., Gilbert and Hamilton, Inc., Gilbert International, Incorporated, Gildea Corporation, Girlstown U. S. A., Inc., Gleason Cell-U-Con Co., Inc., Glenn Homes Co., Golden City Restaurant Corporation, Good Earth Fund, Inc., The, Goodyear Electronics Corp., Goslee Motors, Inc., Grace Orthodox Presbyterian Church of Middletown, Delaware, Inc., The, Granwood Floor & Wall Co., Inc., Graphic Investment Corporation, Graphic Supply Company, Grecian American Resources Development Corp., Greentex Petroleum Corporation, Greenwood Mfg. Corp., Group Projects Cor-

poration, Gruen Fabrics, Inc., Guaranteed Car Protection of America, Inc., Guaranteed Home Expansion Corporation, Guild House of Tucson, Inc., Guild of Ethical Funeral Practice, Inc., Gulf Coast Production, Inc., Gulf Shipping Lines, Inc.

H. H. H. Company, Inc., H. H. Quillen and Son, Inc., H. P. Horton & Associates Inc., H. W. & G. Corporation, Halecombe Construction Company, Halls of Albuquerque, Inc., Halls of Dallas, Inc., Halls of Houston, Inc., Hamish Incorporated, Hammond Oil & Gas Corp., Harbor Side Carriers, Inc., Hardie-Duncan Investment Corp., Hardin Products, Inc., Harlem Club, Inc., The, Harlem Realty Company, Harmaray Corporation, Harold Young Productions, Inc., Harris-Smith & Associates, Incorporated, Hartford Finance Co., Inc., Hawkins Broadcasting Co., Inc., Hazelmere Farms, Inc., Health Budget Association of America, Inc., Helm Corporation, Henry Eashum and Son, Inc., Herbert Perry & Co., Inc., Heritage Society of America, Hersh Oldsmobile, Inc., Highland Merchandising Co., Hilltop Management and Engineering Services Corporation, Holt's Inc., Home Improvement Council, Inc., Homes by St. John, Inc., Hospital Sanitation Equipment Corporation, Hotel Darling Co., Household Products Company, Howard Ricketts, Inc., Hub of Fort Worth, Inc., Hub of Oak Cliff, Inc., Hub Terminals, Inc., Hub Transportation Company, Inc., Human Factors Research Bureau, Inc., Hydrocon, Incorporated, Hydrotherapy, Inc., Hygienic Process Corp., The.

Idaho Alta Metals Corporation, Illinois Oil Company, Imperial Apartments, Inc., Imperial Paving Company, Inc., Incandium Corporation, Incorporated Service Ltd., Independent Barge and Structural Workers Union, Indiana Furniture Corporation, Indoor Advertising, Inc., Industrial Designing & Development Corp., Industrial Economics Associates, Inc., Industrial Improvement Corp., Industrial Management Corporation, Inland Navigation Company, Insurance Investment Corporation of Chicago, Insurance Standards and Management Co., Inter-Continental Engineering & Export Company, Inc., Inter World TV Films, Inc., Interchange Motor City of Chicago, Inc., Intercontinental Mercury Corporation, Intercontinental Petroleum Co., Inc., Intercontinental Supplies Corporation of America, International Associates & Co., Ltd., International Clearing Corporation, International Contract Services, Inc., International Drill and Equip-

ment Co., International Exploration Corporation, International Hardware Engineering Sales, Inc., International Mercantile Corporation, International Natural Vision Corporation, International Project Developers, Inc., International Research & Investigative Associates, Inc., International Trade Development Corporation, International U. S. Exporters, Inc., International Western Petroleum Corporation, Iroquois Oil Corporation, Isaac L. H. Watson Post No. 25, American Legion, Inc., Italian American Beneficial Society of Christopher Columbus, Ivy Hall Apartments, Inc., Ivy Records, Inc.

J & E Trucking, Inc., J. Evans Sylvanus, Inc., J. Giuffrida, Inc., J. & M. Variety Store, Inc., J. P. Banning Materials Company, Inc., Jackson Enterprises, Ltd., Jackson Service Company, Inc., James J. Daly, Inc., James Simmons Associates, Incorporated, Jameson Enterprises, Inc., Jamestown Builders, Inc., Janaf, Incorporated, Jay Richard Kennedy Leasing Corporation, Jay's Liquors, Inc., Jim Taylor Corporation, John E. Rafferty, Jr., Inc., John M. Fiorentino, Inc., John P. Burrell and Co., John R. Hardin & Associates, Inc., Judea Petroleum Corporation, Junior Hotels of America, Inc.

Kadenacy Corporation, The, Keer, Maurer Co., Kelmar Oil International, Inc., Ken Fogle Car Leasing Company, Inc., Kennedy Productions, Inc., Kensington Construction Corporation Kent Motor Company, Inc., Kent Sales, Inc., Ketchum Industrial Products Inc., Kil-Bros. Realty Corp., Kilsheimer Bros., Inc., Kingsley Productions, Inc., Konkord Motors, Inc.

L. G. Lauru Associates, Inc., L & H. Collection Agency, Inc., L. L. Constantin & Co., Inc., L. W. Walls & Co., Inc., La Salle Building Corporation, Lago Vista Oil Company, Laguna Mar, Inc., Lake Marine Transit Company, Lamplugh's Service, Inc., Laurel Industries, Inc., Law of the Land, Inc., The, Leasing Corporation of America, Lebrasseur Lackner, Inc., Leo H. Berstein Associates, Inc., Leonard Iacono Construction Company, Libby Steel, Inc., Liberty Cab Association, Inc., Liberty Thrift Foundation, Incorporated, Liberty Trucking Company, Lifenu Corporation of America, Lighthouse Diner, Inc., The, Limestone Realty Co., Lincolnview, Inc., Lion Securities Corporation, Lions' Lake Park, Inc., Lippincott Pictures, Inc., Liss Realty Co., Inc., Loewy Engineering Co. Ltd., Logan Productions, Ltd., Long-

meadow, Inc., Louis Publications, Inc., Loupap, Inc., Lube Foods Company, Luhoc Mining Corporation, Lutz Equipment Co., Lynn Company.

M. A. P. Corporation, M. H. McClure Inc., M. J. R. Enterprises, Inc., M and M Feed and Farm Supply, Inc., M. Silverman & Son, Inc., M. T. D. Corp., Mac Arthur and Ebert, Inc., MacDonnell Lackner, Inc., Machines, Ltd., Mackinac Oil Company, MacVan Corporation, Madison County Pools, Inc., Magnesium Corporation of America, Manganese and Metals, Inc., Manor Park Apts. Sec. 1, Inc., Manor Park Apts. Sec. 2, Inc., Mansfield Hardwood Lumber Company, Manufacturers Trading Corporation, Mapa Corporation, Maranatha Girls Emergency Home, Inc., Margold, Inc., Marine Food Products, Inc., Marine and Port Enterprises Inc., Marionette Productions, Inc., Maritime Development Co., Inc., Maritime Educational Union, Inc., Mark I Drilling Co., Marketing Corporation of America, Marklin Company, Marlboro Pike Development Co., Marotta Southwestern Valve Corp., Marpede, Inc., Marshall Matson Properties, Inc., Maryland Investors Corporation, Master Builders, Inc., Master Building & Supply Co., Mateloc, Inc., Mayer-Myles Laboratories, Inc., McKean-Bradford Petroleum Corporation, Meats Wholesale, Inc., Mechatronics Corporation, Medec Investment Corp., Media Arts Association Meidel Manufacturing Corp., Melba Machinery Royalty Corporation, Mercantile and Realty Company, The, Merchants Discount Corporation, Meridian Industries, Inc., Meteor Financial and Development Corp., Metropolitan Employment Agency, Inc., Metropolitan Food Plan Association, Inc., Michicolo Uranium Corporation, Michini, Inc., Middle East Minerals Incorporated, Middle East Mining Corporation, Midland Corporation, Midsouth Corporation, Midwest-Gulf Oil Corporation, Midwest Highway Sales and Service Company, Inc., Midwest Ogden Purifier Corp., Midwest-Sun Oil Corporation, Miles Channing Mines, Inc., Mikad Productions, Inc., Milford Motors, Inc., Milton Feed Service Co., Ministers' Service Society, I. E. E., Minol Corporation, Minute Men of Delaware, Inc., Mission Broadcasting Company, Mister Service, Inc., Mobile Penn Motor Co., Models' Cosmetics Inc., Moder-Rate Homes, Inc., Modern Automatic Car Wash Co., Modern-Bond Corporation, Modernage Record Corporation, Moffett and Bleile Service Company, Mohawk Land & Timber Company, Montana Chemical & Milling Corporation, Montana Gold & Chemical Company,

Montgomery County Fiat, Inc., Moore Oil, Inc., Morningstar Apartments, Inc., Morris and Van Wormer International, Inc., Motel Corporation of America, Motor Credit Company, Inc., Municipal and Utility Supply Corporation, The, Mutuelgram Corporation.

N. A. Saigh Company, Inc., Naaman's Tea House, Inc., Nacon Mining Co., Ltd., Natalie, Inc., Nathan Platsky, Inc., National Anti-Price Fixing Association, National Bellas Hess Miami Stores, Inc., National Bellas Hess Stores, Inc., of Dale Mabry, National Bellas-Hess Stores, Inc., of North Gate, National Builders and Contractors, Inc., National Drilling Company, National Electro Process Corporation, National Floor Care Systems, Inc., National Geriatric Institute, National Interchange Motor City, Inc., National Lithium Corporation, National Mortgage Discount Corporation, National Motel Magazine Publishing Co., Inc., National Motels, Inc., National One, Inc., National Power Cost Service, Inc., National Producers Service, Inc., National Tax & Loan Corporation, National Tax Research Institute, National Veterans Committee, Inc., National Video Productions, Inc., Nevada Tungsten Corporation, New Castle Thoroughbred Racing Association, Inc., New Fuel Saving Device Manufacturing Co., Inc., New Idea Marketers, Inc., New Services Founding Corporation, New York and Chile Mining Corporation, Newark Housing Associates, Inc., Newark Professional Center, Incorporated, The, Niemi Engineering Corporation, Nike Village, Inc., Nike Village No. Three, Inc., Nike Village No. Two, Inc., Nitas Mining Corporation, Nixon Street Apartments, Inc., Nodana Petroleum Corporation, Noramco Exploration, Inc., Nordic of Delaware, Inc., Norman L. Sharp, Incorporated, Normandy Village, Inc., North American Beryllium Co., Inc., North American Cigarette Manufacturers, Inc., North American Properties Corporation, North American Tire Corporation, North Parklawn Corporation, Northeast Steel Corporation, Northern Builders Acceptance Corporation, Northern Resources, Ltd., Northwest Structo Schools Corporation, Nu Stop Inn, Inc.

Oakgrove Cooperative Corporation, Ocean Bottom, Inc., Ocean Ridge Apartments, Inc., Ocean Wind Corporation, O'Dell Oil Corporation, Oil Corporation of America, Oil & Gas Investment Fund, Inc., Oilfields Supply and Trading, Inc., Oketex Petroleum Corporation, Oklahoma Transmission Corp., Olden Prop-

erties, Inc., Oldfield Properties, Inc., Olympia Enterprises, Incorporated, Olympic Rambler, Inc., O'Neil-Havier Industries, Inc., 1912 Restaurant, Inc., 1303 Corporation, Orcal, Inc., Orcoa Sales & Development Corporation, Orton Terrace, Inc., Oscar Gilmer, Inc., Owego Food Plan, Inc., Owl Theatre Company, Oxyblast, Inc.

Pacific Caribbean Corporation, Pacific Venture Steamship Corporation, Paco Sales Company, Pajamacraft Corporation of America, Palol Perfumed Products, Inc., Pan-Marine Shipping Company, Inc., Panamanian Industries, Inc., Paramount Road Markers, Inc., Park-It Corporation, Park-O-Matic, Inc., Park Tower, Inc., Parklynn Limestone Drugs, Inc., Pathfinder Petroleum, Incorporated, Paul Developments, Inc., Paul Engstrum Associates, Inc., Paul F. Fox, Inc., Paulding Signs, Inc., Payne Land and Livestock Company, Peak Uranium Mining Co., Pearce Petroleum Corporation, Pecos Petroleum Corp., Peerless Nuclear Minerals, Inc., Penn-Del Engineering & Manufacturing Co., Pennsylvania Institute of Investment Firms, Pennypacker Yarn Company, Inc., Perma Glass Fibre Fabrics Incorporated, Perma-dent Products Corp., Perpetual Land Lease of America, Inc., Petro-Tech, Inc., Petromark, Inc., Phi Sigma Chi Fraternity Incorporated, Philadelphia Daily News Charities, Inc., Philip Green and Company, Inc., Philpotts Shipping Agency, Inc., Phoenix Center Management Corporation, The, Pierce Research Associates, Inc., Pilot Sales Co., Pine Room, Inc., Pine Tavern, Inc., Piombino Dry Wall & Plastering Co., Inc., Pittsburgh Warehouse and Van Company, Inc., Planet Restaurants, Inc., Planned Credit, Inc., Plaza Radio & TV Co., Plymouth Trading Corp., Polan Banks-National Productions, Inc., Polite Esso Service, Inc., Ponderay Pulp and Paper Company, Port Arthur Iron Ore Corporation, Porter Realty Company, Poster Truck Advertising Inc., Powers and Company, Premium Finance Company, Preservers of Willing Employees Rights Inc. (Power), Prima Ghana Industries, Inc., The, Prime Department Stores, Inc., Printers' Finishing and Binding Company, Inc., Probus Oil Company, Provident Minerals Corporation, Pruyn-Moore, Inc., Public Credit and Savings Corporation, Pulp Processing & Licensing Corporation, Pyramid Exploration Corporation.

Quad-City Telecasting Corporation, Queen Bee Oil Company, Incorporated, The, Queen-O-Donut Manufacturing Com-

pany, Quelcor of Cincinnati, Inc., Quinela Oil and Gas Company.

R A M Company, R. A. Prendergast & Son of Delaware, Inc., R & B Associates Inc., R. E. C., Inc., R. E. Zuker & Co., Inc., R. Mars, The Contract Co. of Washington, R. S. Evans Motors, Inc., Radiant Combustion System, Inc., Radio Recording Artists, Inc., Radiograph Development Corp., Ralph Barstein & Company, Inc., Ramapo Uranium Corporation, Rapkin Realty, Inc., Rateonics Corporation, Record Advertiser Publishing Corporation, Record Loft Incorporated, The, Recorded Bible Society, Records Engineering, Inc., Red Front Market, Inc., Rehoboth Driving Range, Inc., Religious Research Society, Renta Cruiser, Inc., Renwood Company, Republic Cement Corporation, Research Communications, Inc., Resources International, Inc., Revelon Garment Co., Inc., Reverence Records, Inc., Rice Leaders of the World Association, Incorporated, Rico, Inc., Rio Grande Eastern Corporation, Rip Jacob Chevrolet, Inc., Robert Reid, Inc., Robino Builders, Inc., Robino Homes, Inc., Robinson Foundation, Inc., The, Robotyper Corporation of D. C., Rochester Pipe Products Co., Romance Records, Inc., Ronna Dance Supplies, Inc., Rosejay, Inc., Rotonda Associates, Inc., Rowe V. Pleasanton, Jr., Inc., Rozana Doran Associates, Inc., Royal Fraternity Association, Royal Order of the Sneeze, Inc., Royal Pharmacal Corporation, Rucker's Poultry Farm & Hatcheries, Inc., Russell Schwinger & Co., Inc., Ryan Chevrolet, Inc.

S. C. C. International Corporation, S. M. S., Inc., S. M. S. Siracura-E-Giovane Italia, Inc., S. S. W. Incorporated, S and T Construction Corporation, Saber-Que Sales Co., Inc., Sagar Agencies, Inc., St. Gregory World Carrier Corporation, Saint Michael Arcangelo Italian Catholic Mutual Beneficial Society of Wilmington, Del., Sales Network Incorporated, Sammy Green's Inc., Samoan Airlines Limited, Saunders Home Workshop, Inc., Save, Inc., Saxony Restaurant, Inc., Scofield Brothers, Incorporated, Screen Company of America, Sea Cloud Corporation, Sea-Mar Marina of Delaware, Inc., Seaboard Commercial Corporation, Secret Island, Inc., Security Electronics Corporation, Security Machine Products Company, Seebee Corp., Seejay Construction Corporation, Sergeant Marty Snyder Foods Corp., Seven-Tee Corporation, Seventeen Sixty-Two K. Street, Inc., Seybolite Products Corporation, Shenandoah Drilling Corp., Sherbrook Development Corporation, Sherry-Richards Company, Shore Services Corp., Shoreland Petroleum Inc., Show Business, Inc.,

Shulman's Smoked & Cured Meat, Inc., Silbee Friendly Inn, Inc., Silhouette-AHS International Corporation, Silhouette Home Plan International, Inc., Silicato Construction Co., Inc., Sky Coach Airlines Agency, Inc., Skyland Motors, Inc., Slayton Associates, Inc., Slenderella Systems of National City, Inc., Slenderella Systems of New Orleans, Inc., Slenderella Systems of Phoenix, Inc., Slenderella Systems of San Diego, Inc., Sodak Uranium and Mining Company, Inc., Solar Dynamics Corp., Soldoro Corporation, Sonora Electronics, Inc., Sooner State Oil Co., Inc., South Parklawn Corporation, Southdown Inc., Southeastern Novelty Co., Inc., Southern Barge Line Corporation, Southern Knickerbocker Investors, Inc., Southern Planning Corporation, Southern Printing Company, Southland Motors, Inc., Southwestern Research Development, Inc., Southwestern Thoroughbred Sales Company, Inc., Speed-O-Stat Corporation, Spibec Corporation, The, Springfield Steel Corporation, Sta-Tex Oil Company, Sta-Vu Company, Inc., Stacey-Warner Corporation, Stalco, Inc., Stamford Enterprises, Inc., Standard Duplicator & Carboncrafters, Inc., Standard Liquor Co., Inc., Standard Pipe Line Company, Standen & Company, Inc., Star Parking Corporation, Statewide Music Distributors, North, Inc., Stellarcon Corporation, Stephen's Franchise Distributor Inc., Sterling Diamond Tool Incorporated, Stewart Manufacturing Company, Storyland Village, Inc., Stratford Building Co., Suburban Delivery Service, Incorporated, Success Publishing Company, Sumatra Oil Corporation, Summersett Company, The, Sumpter Oil & Gas Co., Inc., Sunquest Towers, Inc., Suppressed Inc., Sussex Beverage, Incorporated, Sussex Merchandise Mart & Auction, Inc., Swanwyck Construction Co., Symphonic Sound Service, Inc., Syrian Arabian Oil Co.

T-M Corporation, T & T Company, Inc., The, Talent Showcase, Inc., Tana Mera, Inc., Tarco Construction Co., Inc., Tax Research Bureau, Inc., Taylor Enterprises, Inc., Tech-Steel Products, Inc., Teche Production Company, Inc., Ted Oberfelder Broadcasting Co., Inc., Tele-Broadcasters International, Inc., Ten Sixteen Corporation, Tennessee Fabricating Company, Tenspins, Inc., Terra-Fin Corporation, The, Texas Marine Transport Company, Inc., Therm-O-Glar Corporation, Thermo-Tex Corporation, Thompson Gearless Pump Jack Corporation, Three Bays Line, Inc., Three Bells Mining and Milling Company, Three Ten Corporation, 3325 North Ocean Boulevard Building, Inc., Thun-

der Basin Oil Company, Tic Tac Toe, Inc., Timemaster Corporation, The, Tionesta Pipelines Inc., Tom Thumb Diners, Inc., Tower of Golden Isles, Inc., Town and Country Hardware Company, Towne Mfg. Corp., Townsend Cleaners, Inc., Toy Fair, Inc., Trad Electronics Corporation, Tradewind Airways, Inc., Trans-African Diamond & Gold Mining Corp., Trans-America Utility Corporation, Trans-Andes Oil Co., Ltd., Trans-Caribbean Development Corporation, Trans-Pacific Resources Corporation, Trans-Sierra Petroleum Corporation, Trans-Utah Pipelines, Inc., Trans-World Construction Corporation, Trans-World Development Ltd., Transco Chemical and Mining Co., Transidyne Incorporated, Transistor Corporation of America, Transportation Utilities, Inc., Trefousse Gloves, Inc., Treso Stud Farms, Inc., Tri-State Service, Inc., Triad Hosiery Company, Triangle Inn, Inc., Tricon Eastern Corporation, Trojan Brick Corporation, Trucial Coast Petroleum Limited, 12th and K, Inc., Twin Oaks Industries, Inc., 2403 Knoxville, Inc., Tyler Engineering and Development Company.

U & K Realty Corp., U M & M Inc., U. S. Marine & Tackle Co., Inc., U. S. Radiant Heat Corporation, U. S. Surinam Exploitation Corporation, Ultimo Manufacturing Corporation, Union Central Construction Corp., Union Materials Corporation, Union Pacific Minerals Corporation, Unison Equipment Co., Inc., United Forest Products Corporation, United Prudential Trading Stamp Company, United Standard Corporation, United States Aerosol Specialties Corporation, United States Appraisers, Inc., United States Bagasse Products, Inc., United States Coconut Fiber Corporation, United States Contracting & Development Co., United States Storage and Pipeline Corporation, Universal Builders, Inc., Universal Dynamics, Inc., Universal Industries, Inc., Universal Plastics Corporation, Universal Research Corporation, Universal Stamp and Trading Company, Universal Talent Management, Inc., Upton Oils, Limited, Uranium Enterprises, Inc., Utah-Dugway, Inc., Utility Car Corporation.

Valiant Films Corporation, Valley Lane Corporation, Vanguard Drug Corporation, Vanguard Petroleum, Inc., Vehicle Research Corporation, Venders Incorporated, Venture Resources, Inc., Vernon L. Sellers, Inc., Vickers Construction Corporation, Victor Metal Products Corporation, Villa D'Este Apartments,

Inc., Village Inn, Inc., Visual Media, Inc., Vitalo Concrete Construction Co., Inc., Vitamin Beverage Corporation.

W. H. T. Holding Corp., W. L. Transportation Company, W. R. Westfall, Inc., W. S. & F. J. Boyce, Inc., Wabash Valley Oil and Gas Company, Wagon Wheel of Smyrna, Inc., Wake Development Company, Wales of Dallas, Inc., Walker & Lloyd Construction Co., Wallace Groves Foundation, Inc., The, Walt Poirier Co., Ward Petroleum Corporation, Ward Wheelock Company, Washington Exclusive, Inc., Washington Kwik-Kafe Services Inc., Washington Loan Association, Inc., Washington Snack Shop, Inc., Washington Television & Appliance Corporation, Washington Trading Corporation, The, Waste Processes, Inc., Watts Brothers, Inc., Well Protection Company, Inc., Wesley Jagger, Incorporated, Western Cavendish Uranium Mines Corp., Western Cement Corporation, Westhill Realty Corporation, White Marsh Branch Ditch Company, Whitedelf Mining & Development Company, Whitney and Company, Incorporated, Wm. E. Cramer Co., William L. Foss, Incorporated, William R. Mccoo Company, Inc., Wilmington Container Co., Wincoa-Window Corporation of America, Winston Land Company, Winthrop Orchards Inc., The, Witherspoon Estates, Ltd., Wood Associates, Inc., Woodland Development Co., Woodland Homes Civic Association, Inc., Woodlawn Monumental Works Company, Woods Oil and Gas Co., Woodside Appliances, Inc., Worcester Company, Work Hoist & Body Corporation, World Steamship Corporation, World Wide Collection Services, Inc., World-Wide Film Productions, Inc., Writers Central Clearance Agency, Inc.

Yast Manufacturing Corporation, Yeaton & Company, Incorporated.

Zanzibar, Inc., Zenda Manganese, Inc., Zipkin, Incorporated, Zuriam, Inc., Zylon Incorporated.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto affixed this twenty-fifth day of January, in the year of our Lord one thousand nine hundred and sixty-two, and of the Independence

(GREAT SEAL)

of the United States of America, the one hundred and eighty-sixth.

By the Governor:

ELBERT N. CARVEL

ELISHA C. DUKES, Secretary of State

CHAPTER 481

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, nearly one million of our Nation's out-of-school youth under the age of 21 and in the labor market are jobless; and

WHEREAS, this Nation can ill afford this tragic waste of young manpower; and

WHEREAS, in Delaware there are approximately 2200 of these young people out of work; and

WHEREAS, the social and economic implications, as well as the personal future of these young job seekers today and the many others who will enter the labor force in the next few years, demand immediate attention and action; and

WHEREAS, many thousands of these young workers are qualified to accept responsible jobs with industry and business, with many more thousands qualified for trainee and entry positions; and

WHEREAS, an able work staff is the key to profits, yet there is a growing shortage of qualified workers in the prime age groups, especially in the demand occupations, and trainable young job seekers are available to fill these gaps in the work force; and

WHEREAS, these young job seekers are adaptable, eager, train quickly, respond easily to supervision, and provide a fresh outlook and new ideas. Their job assets can be translated into increased profits for business and industry; and

WHEREAS, the President has approved and strongly endorsed the actions taken by the Secretary of Labor to marshal all possible resources in his jurisdiction to attack vigorously the mounting problems of jobless youth; and

WHEREAS, the Delaware State Employment Service, affiliated with the United States Employment Service, is especially well equipped to conduct a concerted drive to help put youth into jobs:

NOW, THEREFORE, I, ELBERT N. CARVEL, as Governor of the State of Delaware, call upon employers, large and small, to cooperate in this campaign by listing all possible job needs with their local State Employment Service Office and by hiring the young beginners they need now, thereby furthering the Delaware effort to "Put Youth on a Job—Today's Investment, Tomorrow's Profit."

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 20th day of February in the year of our Lord,
one thousand nine hundred and sixty-two, and
of the Independence of the United States of
America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 482

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, within the past seventy-two hours extensive areas of the State of Delaware have been subjected to storm conditions of extraordinary violence, including gale force winds and abnormally rising waters, both of ocean and inland origins; and

WHEREAS, by reason of such extraordinary storm conditions, winds and rising waters, there has been loss of life and widespread devastation to personal and real property in various portions of our State, particularly along the coastal areas abutting on the Atlantic Ocean, the Delaware Bay, the Delaware River and other inland waterways and their tributaries; and

WHEREAS, as the result thereof, a condition of disaster by flood and other causes appears to exist in the areas affected; and

WHEREAS, by Chapter 31, Title 20, Delaware Code, as amended in 1955, upon the Governor's declaration that an emergency exists, the term "Civil Defense" is defined to include functions to prevent, minimize and repair injury and damage resulting from disaster caused by flood or other causes; and

WHEREAS, in performing his duties under the said Statute, the Governor is authorized "to utilize the services and facilities of existing officers and agencies of the State and of the political sub-divisions thereof; and all such officers and agencies shall perform such services and supply such facilities as the Governor may request;" and

WHEREAS, it is now deemed necessary and advisable to declare an emergency to exist under the said Statute in order adequately to deal with the disaster and emergency which has

developed and generally to better protect the public peace, health and safety, and to preserve the lives and property of the people of this State:

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim and declare that an emergency exists within the scope and meaning of Chapter 31, Title 20, Delaware Code, as amended in 1955; and

FURTHER, I call upon all Delaware citizens, public officers, public agencies and volunteer organizations to exert every effort to assist in relieving and overcoming the losses sustained and the burdens thrust upon the unfortunate victims of this terrible catastrophe.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this
(GREAT SEAL) 8th day of March in the year of our Lord, one thousand nine hundred and sixty-two, and of the Independence of the United States of America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 483

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, investigation subsequent to the issuance of the Proclamation of Emergency dated March 8, 1962, has disclosed that such serious damage has resulted or is being caused to highways and bridges on the Federal-aid systems as to create an emergency within the intent of Section 125 of Title 23, U. S. C.:

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby amend the said Proclamation of Emergency dated March 8, 1962, by inserting after the second "Whereas" the following:

"WHEREAS, such serious damage has resulted or is being caused to highways and bridges on the Federal-aid system as to create an emergency within the intent of Section 125 of Title 23, U. S. C.; and"

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this
(GREAT SEAL) 13th day of March in the year of our Lord, one thousand nine hundred and sixty-two, and of the Independence of the United States of America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 484

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, as a quasi-governmental agency, one of the primary responsibilities of the American Red Cross, is the relief of human need resulting from non-enemy-caused disasters; and

WHEREAS, the Red Cross has long served as the nationwide agency through which the American people voluntarily extend assistance to individuals and families with disaster-caused needs, beyond their own resources; and

WHEREAS, the Red Cross is already extending emergency assistance to the citizens of our community in this grave hour of emergency and will follow the same with rehabilitation assistance to all those in need of such assistance:

NOW, THEREFORE, I, ELBERT N. CARVEL, as Governor of the State of Delaware, hereby officially designate the American Red Cross as the official disaster relief agency in the State of Delaware for assistance to stricken families and individuals, and I urge all our citizens to extend their full cooperation to the Red Cross in this time of great need. All agencies, both public and private, are requested to extend their full support.

I further urge that all individuals, groups, and organizations desiring to make contributions for the relief of the disaster victims send their contributions to our local Red Cross chapter. All such donations will be used by the Red Cross in the humane task of caring for the needs of disaster sufferers who are unable to rehabilitate themselves without assistance.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set

(GREAT SEAL) my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this 14th day of March in the year of our Lord, one thousand nine hundred and sixty-two, and of the Independence of the United States of America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 485

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Thursday, March 29, 1962, will mark the three hundred and twenty-fourth anniversary of the settlement and establishment of the Colony of New Sweden in 1638 at "The Rocks" now enshrined at Fort Christina Monument in the City of Wilmington; and

WHEREAS, Fort Christina, founded under the leadership of the intrepid Peter Minuit, became the seat of the first permanent settlement in the State of Delaware and in the Delaware River Valley as well and marked the introduction of government, religion, education, agriculture, commerce, and industry in our State; and

WHEREAS, the General Assembly of the State of Delaware passed a resolution directing the Governor to proclaim March 29th of each year as Delaware Swedish Colonial Day in cognizance of these contributions; and

WHEREAS, it is fitting and proper that this recurring anniversary of the founding of the first permanent settlement upon the soil of Delaware be commemorated by appropriate observances and exercises;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim, Thursday, March 29, 1962, as

DELAWARE SWEDISH COLONIAL DAY

and request that this day be observed in schools, churches, patriotic and historical societies, and other institutions and organizations with appropriate ceremonies, and that State, county, city and town governments display on that day the flags of the United States and of the State of Delaware, and that the flags of the United States and the Kingdom of Sweden be flown at Fort Christina Monument.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 16th day of March in the year of our Lord, one
thousand nine hundred and sixty-two, and of the
Independence of the United States of America,
the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 486

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, by Public Law No. 85-529 of the 85th Congress (House Joint Resolution 479, July 18, 1958, the House of Representatives and the Senate of the United States concurring), May 1st of every year has been designated as National Loyalty Day; and

WHEREAS, by House Joint Resolution #6, 121st General Assembly, State of Delaware, May 1st has been designated as a "special day" for annual observance in the State of Delaware as Loyalty Day; and

WHEREAS, throughout our nation and our State, the Veterans of Foreign Wars annually mark this occasion with special and appropriate ceremonies, especially in our State at historic Cooch's Bridge, where the Stars and Stripes were first unfurled in battle; and

WHEREAS, such occasions provide an opportunity for all citizens to reaffirm their faith in the United States and to rededicate themselves to the principles upon which this great Nation was founded; and

WHEREAS, there have been varied 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 died on battlefields all over the world;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of Delaware, do hereby proclaim May 1, 1962, as

"LOYALTY DAY"

in Delaware and urge all citizens of this State on this occasion, to join in reaffirming their undivided allegiance to the government of the United States and the ideals which it depends and preserves. I further request that civic groups join with our veterans in ceremonies and exercises that will appropriately demonstrate such loyalty, and in display of our National Emblem and the Delaware State Flag.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) seventeenth day of April in the year of our Lord,
one thousand nine hundred and sixty-two, and
of the Independence of the United States of
America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 487

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is most appropriate 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 proclaimed by the President of the United States in 1914, for nationwide observance, on the second Sunday in May of each year; and

WHEREAS, the unselfish devotion, tenderness, understanding, patience and loving discipline, bestowed upon us by our Mothers, creates a benevolent influence that helps to guide us throughout our lives; and

WHEREAS, we can best discharge our great debt to our Mothers by living our lives so as to reflect only credit upon those who brought us into the world and carefully guided and nurtured us to maturity;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Sunday, May 13, 1962, as

"MOTHER'S DAY"

in Delaware, and urge all of our citizens to take this opportunity to honor their Mothers by attending services in the church of their choice in loving recognition of the sacrifices, kindness and inspiration given so freely by all Mothers.

I invite Delawareans to join with me in saluting and congratulating Mrs. Vera Gilbride Davis, our 1962 Delaware Mother of the Year, who in this capacity represents all Delaware Mothers.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
(GREAT SEAL) said State to be hereunto affixed at Dover, this
seventeenth day of April in the year of our
Lord, one thousand nine hundred and sixty-two,
and of the Independence of the United States of
America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 488

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, There is a growing consciousness on the part of our people in the value of conserving our natural resources; and

WHEREAS, our citizens should be encouraged to increase planting of seedling trees which in turn replenishes the stock harvested annually as a part of our economy; and

WHEREAS, in addition to the economic value of our woodlands, the beauty and shade provided by our trees and forests which we enjoy at this time of year, adds color to our countryside and serves as shields for our birds and other wildlife; and

WHEREAS, our forebears, in recognition of the benefits and influence of these bountiful gifts upon the lives and fortunes of our people and their responsibilities to posterity, devised ways and means of communicating to their successors implements of understanding and appreciation of that part of their trusteeship concerned with the perpetuation of forests, trees and birds by providing for the observance of one day of each year as Arbor and Bird Day; and

WHEREAS, Title 1, Section 501, of the Delaware Code, as amended, provides that the last Friday in April of each year shall be designated as Arbor and Bird Day and further provides that the Governor of the State of Delaware "may request its observance by all public schools, private schools, colleges and other institutions by the planting of trees and the adornment of the school and public grounds, and by suitable exercises, having for their object the advancement of the study of arbor culture and promotion of the spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them"; and

WHEREAS, this is the ninetieth year that Arbor Day will have been observed in the United States, having been founded in Nebraska in 1872 by J. Sterling Morton; and

WHEREAS, good conservation measures call for the replenishing of our forest lands in order to protect wildlife and make certain that future generations may benefit from our thoughtfulness;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Friday, April 27, 1962, as

"ARBOR DAY IN DELAWARE"

and urge all our schools and civic organizations to hold appropriate exercises on that day to stimulate mass consciousness and appreciation of the aesthetic, physical and economical value of tree and bird life.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this
(GREAT SEAL) seventeenth day of April in the year of our Lord, one thousand nine hundred and sixty-two, and of the Independence of the United States of America, the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 489

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is most appropriate that grateful Americans everywhere should pause on a designated "Memorial Day," to pay tribute to the hallowed memory of our heroic 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, first 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, 1962, as a day when we should honor the memory and deeds of our honored war dead; and

WHEREAS, Paragraph 501, Chapter 5, Title 1 of the Delaware Code provides that the Governor may issue a proclamation setting aside the 30th day of May in each year as Memorial Day;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Wednesday, May 30, 1962, as

MEMORIAL DAY

and urge the people of our State to participate in exercises, grave-side ceremonies and other appropriate memorials in grateful remembrance of the sacrifices of our war dead.

FURTHER, I request that the Flag of the United States of America and of the State of Delaware shall 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 loyal and patriotic Americans, so express our respect and honor to the memory of those who fought, suffered and died in defense of our freedom and the American way of life.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 18th day of May in the year of our Lord, one
thousand nine hundred and sixty-two, and of the
Independence of the United States of America,
the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 490

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 the adoption of this brilliant and inspiring document which helped to pave the way for the establishing of our Nation in 1787 with Delaware as its First State; and

WHEREAS, this Declaration and the now great Country to which it gave birth stand as a mount of hope and promise for Americans and all the peoples of the world; and

WHEREAS, on July 4, 1962, with appropriate ceremonies, patriotic Americans everywhere will observe, the 186th anniversary of the signing of the Declaration of Independence;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim that Wednesday, July 4, 1962, shall be observed in this State as

INDEPENDENCE DAY

FURTHER, I order that the flag of the United States of America and the flag of the State of Delaware shall be properly displayed from all state and public buildings on this day, and I urge all our citizens to join in this display of our national and state colors in recognition of the significance of this great event in our history.

It is my further hope that, while our citizens are enjoying this holiday, they will pause to give thanks to Almighty God for the blessings we enjoy as citizens of this Great Republic.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 4th day of June in the year of our Lord, one
thousand nine hundred and sixty-two, and of the
Independence of the United States of America,
the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 491

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the American system of free public education is a most vital force in equipping this nation's children and youth to meet the many challenges of the future; and

WHEREAS, the nation's schools and the schools of this State and Nation are essential to preserving the American way of life; and

WHEREAS, a rapidly changing world requires that education change to meet new challenges without diminishing the traditional American appreciation of the supreme worth of the individual; and

WHEREAS, the moral and financial support of all citizens is necessary in the great task of educating young people for their roles as responsible Americans; and

WHEREAS, under provisions of Chapter 21, Section 2110, Title 29 of the Delaware Code, this office is authorized to issue a proclamation relative to American Education Week;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby designate November 11-17, 1962, to be

AMERICAN EDUCATION WEEK

and urge all citizens to reaffirm their interest in the aims, achievements, and needs of the schools to help strengthen and preserve this training ground of democracy.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover, this
(GREAT SEAL) 19th day of June, in the year of Our Lord, one
thousand nine hundred and sixty-two, and of the
Independence of the United States of America,
the one hundred and eighty-sixth.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 492
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the skill, ingenuity and courage of the American worker and his determination to raise the standard of living for himself and his fellow toilers have been major factors in providing the high standards of living which our nation presently enjoys; and

WHEREAS, it is appropriate that the splendid contributions by working men and women to the economy and welfare of our State should be given suitable recognition; and

WHEREAS, the first Monday in September is traditionally set aside to honor the workers of America; and

WHEREAS, Paragraph 501, Chapter 5, Title 1 of the Delaware Code, as amended, provides that the first Monday in September shall be designated as Labor Day and shall be observed as a legal holiday in this State; now

THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Monday, September 3, 1962, as

LABOR DAY

and urge all our citizens to join in honoring those whose daily work makes possible our enjoyment of an abundant life. I further request that the flags of the United States and the State of Delaware be displayed on all state and public buildings.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 16th day of August, in the year of Our Lord, one thousand nine hundred and sixty-two, and of the Independence of the United States, the one hundred and eighty-seventh.

(GREAT SEAL)

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 493

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 470 years ago by Christopher Columbus; and

WHEREAS, the annual observance serves to remind us of the courage and contributions of Christopher Columbus and other great explorers, and of the many blessings that are ours by virtue of living in this great Nation; and

WHEREAS, Title 1, Section 501 of the Delaware Code sets aside the 12th day of October as a legal holiday in the State of Delaware; now

THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim Friday, October 12, 1962, as

"COLUMBUS DAY"

and I urge all Delawareans, especially those who are connected with our schools and colleges, to mark with appropriate ceremonies this 470th 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 significant occasion.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the said
State to be hereunto affixed at Dover this 8th
(GREAT SEAL) day of October, in the year of Our Lord, one
thousand nine hundred and sixty-two, and of
the Independence of the United States of Amer-
ica, the one hundred and eighty-seventh.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 494

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, officially changed the name of this national holiday to Veterans Day; and

WHEREAS, it is appropriate that we give our heartfelt thanks to our veterans; they are leaders in proclaiming the American Way of Life and they continue to work for peace in the world; and

WHEREAS, Title 1, Section 501 of the Delaware Code sets aside the 11th of November as a legal holiday in Delaware;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby set aside and proclaim November 11, 1962, 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 to reconsecrate 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.

The attendance of Delawareans and our good neighbors of New Jersey at the traditional Veterans Day exercises being held at the Delaware Memorial Bridge Plaza the afternoon of Sunday, November 11, is encouraged and welcome.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 22nd day of
(GREAT SEAL) October in the year of our Lord, one thousand nine hundred and sixty-two and of the Independence of the United States of America, the one hundred and eighty-seventh.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 495

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Almighty God has seen fit to bless our land with abundance in all things; and

WHEREAS, it has been customary since the times of the Plymouth Colony to set aside one day annually to join in prayer and thanksgiving for the many blessings 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 the acknowledgment of our Lord's graciousness to all of us; and

WHEREAS, there are in other lands those less fortunate who can barely earn their daily bread, and who need the assistance of those who have more than their actual needs; 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, by supporting these programs we will show the whole world our own appreciation for the blessings we have received and provide an outstanding example in peace and brotherhood; and

WHEREAS, Paragraph 501, Chapter 5, Title 1 of the Delaware Code, as amended, provides that the fourth Thursday in each November shall be proclaimed as Thanksgiving Day and shall be observed as a legal holiday in this state; now,

THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Thursday, November 22, 1962, be observed as

THANKSGIVING DAY

On this day, let us join with our loved ones in giving thanks for the abundance that we Americans enjoy today. Let us share our good fortune with others so that we may carry into positive action the true spirit of brotherhood.

It is appropriate that we close our places of business, display our national and state flags and in unison pray for that day when there shall be no famine, no misery, and no bloodshed throughout the world. We all look toward the day when the world is united in praising the Almighty for His great Goodness to us all.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the said
State to be hereunto affixed at Dover this 13th
(GREAT SEAL) day of November in the year of our Lord,
one thousand nine hundred and sixty-two and of
the Independence of the United States of America,
the one hundred and eighty-seventh.

ELBERT N. CARVEL, Governor

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 496

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the freedoms that we enjoy today are 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 colonies for individual action; and

WHEREAS, a special convention of thirty delegates, ten from each of Delaware's three counties, met in Dover on December 7, 1787, and unanimously ratified this constitution, the first to take such action; and

WHEREAS, in recognition of this action, the General Assembly of the State of Delaware, by resolution on November 29, 1933, authorized and directed the Governor to issue annually a proclamation designating each December 7 as "Delaware Day" in commemoration of this historic event; and

WHEREAS, on this December 7, the State of Delaware will observe, with appropriate ceremonies, the 175th anniversary of the brave and foresighted action that served to give our State its proud title of "First State;"

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate and proclaim Friday, December 7, 1962, as

DELAWARE DAY

and urge all our schools, churches, civic and fraternal organizations to participate in 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, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the said
State to be hereunto affixed at Dover this 21st
(GREAT SEAL) day of November in the year of our Lord, one
one thousand nine hundred and sixty-two, and
of the Independence of the United States of
America, the one hundred and eighty-seventh.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 497

PROCLAMATION

STATE OF DELAWARE
EXECUTIVE DEPARTMENTELBERT N. CARVEL
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and sixty-two, 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 88th 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.	56,085
Wilmer F. Williams	51,784
Joseph Hollon	256

KENT COUNTY

Harris B. McDowell, Jr.	10,283
Wilmer F. Williams	7,749

SUSSEX COUNTY

Harris B. McDowell, Jr.	14,798
Wilmer F. Williams	12,451

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the 88th

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.	81,166
Whole number of votes for	
Wilmer F. Williams	71,934
Whole number of votes for	
Joseph Hollon	256

NOW, THEREFORE, I, Elbert N. Carvel, 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 88th Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 26th day of November in the year of our Lord one thousand nine hundred and sixty-two and of the Independence of the said State the one hundred and eighty-seventh.

(GREAT SEAL)

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 498

PROCLAMATION

STATE OF DELAWARE
EXECUTIVE DEPARTMENTELBERT N. CARVEL
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and sixty-two, 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

David P. Buckson	55,776
John Biggs, III	51,804

KENT COUNTY

David P. Buckson	8,915
John Biggs, III	9,106

SUSSEX COUNTY

David P. Buckson	12,975
John Biggs, III	14,154

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

David P. Buckson 77,666

Whole number of votes for

John Biggs, III 75,064

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that David P. Buckson has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Attorney General of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 26th day of November in the year of our Lord one thousand nine hundred and sixty-two and of the Independence of the said State the one hundred and eighty-seventh.

(GREAT SEAL)

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 499

PROCLAMATION

STATE OF DELAWARE
EXECUTIVE DEPARTMENTELBERT N. CARVEL
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and sixty-two, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Auditor of Accounts OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Auditor of Accounts were cast as follows, to wit:

NEW CASTLE COUNTY

Ernest E. Killen	54,010
Ralph D. Kellam	53,085

KENT COUNTY

Ernest E. Killen	10,247
Ralph D. Kellam	7,633

SUSSEX COUNTY

Ernest E. Killen	14,711
Ralph D. Kellam	12,262

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 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	78,968

Whole number of votes for	
Ralph D. Kellam	72,980

NOW, THEREFORE, I, Elbert N. Carvel, 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.

	GIVEN UNDER MY HAND and the Great Seal of the said
	State, at Dover, the 26th day of November in
	the year of our Lord one thousand nine hundred
(GREAT SEAL)	and sixty-two and of the Independence of the
	said State the one hundred and eighty-seventh.

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 500

PROCLAMATION

EXECUTIVE DEPARTMENT
STATE OF DELAWAREELBERT N. CARVEL
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and sixty-two, 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 them that the votes in said county respectively for such State Treasurer were cast as follows, to wit:

NEW CASTLE COUNTY

Belle Everett	52,808
Louise Conner	54,530

KENT COUNTY

Belle Everett	10,242
Louise Conner	7,682

SUSSEX COUNTY

Belle Everett	14,581
Louise Conner	12,438

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 State Treasurer the result appears as follows, to wit:

Whole number of votes for

Belle Everett 77,631

Whole number of votes for

Louise Conner 74,650

NOW, THEREFORE, I, Elbert N. Carvel, 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 26th day of November in the year of our Lord one thousand nine hundred and sixty-two and of the Independence of the said State the one hundred and eighty-seventh.

(GREAT SEAL)

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 501

PROCLAMATION

STATE OF DELAWARE
EXECUTIVE DEPARTMENTELBERT N. CARVEL
GOVERNOR OF THE SAID STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and sixty-two, 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

Robert A. Short	55,674
Harry S. Smith	51,665

KENT COUNTY

Robert A. Short	8,032
Harry S. Smith	9,870

SUSSEX COUNTY

Robert A. Short	12,512
Harry S. Smith	14,508

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

Robert A. Short 76,218

Whole number of votes for

Harry S. Smith 76,043

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that Robert A. Short 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 26th day of November in the year of our Lord one thousand nine hundred and sixty-two and of the Independence of the said State the one hundred and eighty-seventh.

(GREAT SEAL)

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

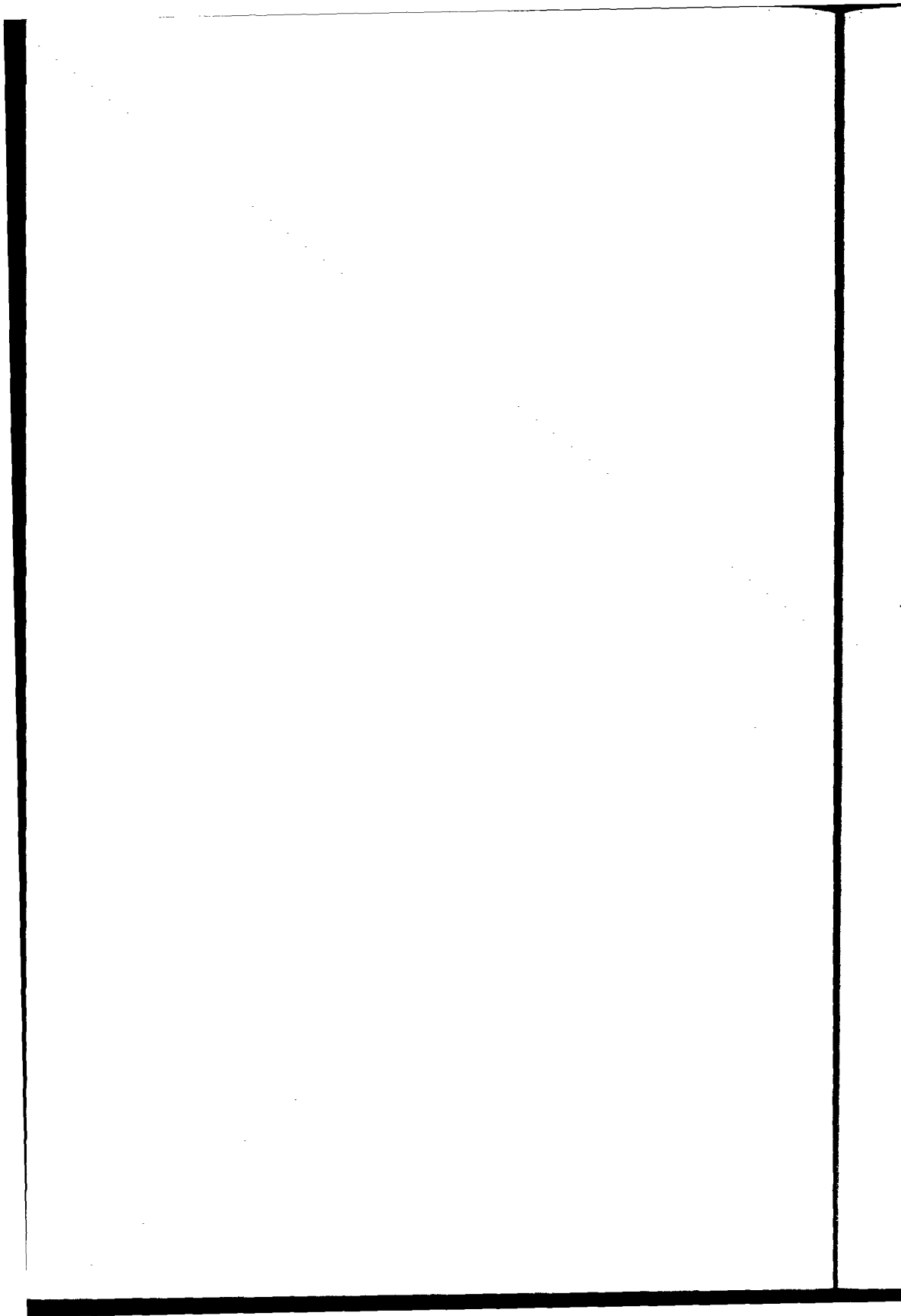
STATE OF DELAWARE
DEPARTMENT OF STATE
DOVER

November 9, 1962

In compliance with the provisions of Section 907, Title 29, Delaware Code, I have caused to be examined the original enrolled bills and resolutions and proclamations of the Governor and other orders of a public nature, and have collated the text of this Volume with the originals on file and corrected any discrepancies and have caused to be published this edition of the Laws of Delaware, passed by the 121st General Assembly at its first regular session which convened on Tuesday, the third day of January, A. D. 1961 and terminated without formal adjournment sine die at the beginning of the second regular session of the 121st General Assembly and at its second regular session which convened on Tuesday the seventh day of February, A. D. 1962 and terminated without formal adjournment sine die with the election of the members of the 122nd General Assembly.

ELISHA C. DUKES

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 121st 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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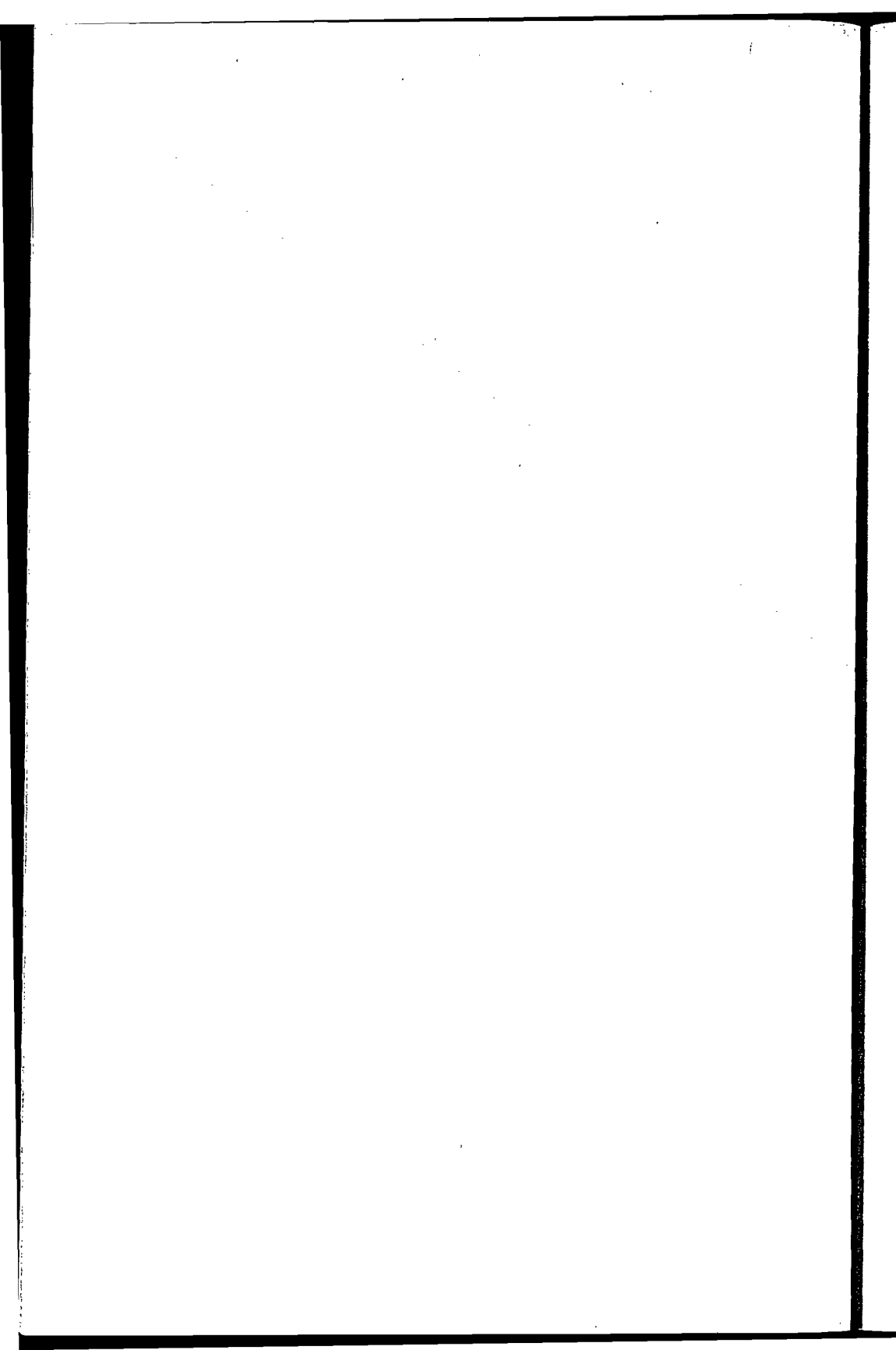
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