

LAWS
OF THE
STATE OF DELAWARE
ONE HUNDRED AND TWENTY-SECOND
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 1, A. D.
1963

AND

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

VOLUME LIV

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LAWS OF DELAWARE

CHAPTER 1

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPOSITION OF THE HOUSE AND SENATE, BY PROVIDING FOR EXPANSION AND REAPPORTIONMENT.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 121st General Assembly as follows:

AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPOSITION OF THE HOUSE AND SENATE, BY PROVIDING FOR EXPANSION 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 proclamation 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, AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 121st General Assembly, NOW, THEREFORE

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

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective January 17, 1963.

CHAPTER 2

**AN ACT MAKING AN EMERGENCY APPROPRIATION TO
THE STATE CUSTODIAN FOR THE PURPOSE OF IN-
STALLING AN ELEVATOR IN LEGISLATIVE HALL.**

WHEREAS, an elevator is immediately needed in Legislative Hall in order for the aged and infirm people of the State to be able to appear at the General Assembly, and

WHEREAS, it is also presently needed for the efficient operation of the General Assembly and the government of the State, NOW, THEREFORE

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

Section 1. The sum of Thirty Thousand Dollars (\$30,000) is hereby appropriated to the State Custodian for the purpose of installing an elevator in Legislative Hall.

Section 2. This is an emergency supplemental appropriation and the monies appropriated by this act shall be paid by the Treasurer from the General Fund of the State. Any such funds unexpended one year after the effective date of this act shall revert to the General Fund, but shall not revert until then.

Approved January 17, 1963.

CHAPTER 3

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE PUBLIC ARCHIVES COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1963, TO BE USED ON MARCH 29, 1963, IN COOPERATION WITH THE CITY OF WILMINGTON IN THEIR CELEBRATION IN COMMEMORATION OF THE SETTLEMENT OF "THE ROCKS" BY THE SWEDES IN 1638.

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

Section 1. In addition to any sums heretofore appropriated, the sum of \$3000 is hereby appropriated to the Public Archives Commission for the fiscal year ending June 30, 1963, to be used on March 29, 1963, in cooperation with the City of Wilmington in their celebration in commemoration of the settlement of "the rocks" by the Swedes in 1638.

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 February 7, 1963.

CHAPTER 4

AN ACT TO AMEND CHAPTER 6, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF COSMETOLOGY.

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

Section 1. § 606 (a) Title 24, Delaware Code, is amended by striking out the words "and shall be accompanied by the payment of the original registration fee, as hereinafter provided for." in the first sentence and placing a period after the word Board as it appears the second time in the first sentence.

Section 2. § 612 (a) Title 24, Delaware Code, is amended by striking out the following lines:

Beauty Salon, original registration (ownership only)	\$ 50.00
Beauty Salon, annual renewal	30.00
School of Cosmetology, original registration	100.00
School of Cosmetology, annual renewals	50.00
Managing Cosmetologist, annual renewal	15.00
Annual renewals—for the designated occupation	25.00

and by inserting after the line Managing Cosmetologist, or owner-manager, original license.....\$25. the following line:

Managing Cosmetologist or owner-manager, annual renewal	\$15.00
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Section 3. § 615 Title 24, Delaware Code, is amended by striking out the next to the last sentence which reads as follows:

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, and insert in lieu thereof the following sentence: Twenty-five Dollars (\$25.00) for instructors, Twenty-five Dollars (\$25.00) for managing cosmetologists or owners of beauty salons, Five Dollars (\$5.00) for students or

apprentices and One Hundred Dollars (\$100.00) for schools of cosmetology.

Section 4. § 602, Title 24, Delaware Code, is amended by striking the period after the word "Act" in the second from the last sentence and inserting the following: "provided however that any changes in the rules and regulations of said Board made subsequent to the initial rules and regulations shall first be advertised for two consecutive weeks in a newspaper of general circulation in each County of the State."

Approved February 8, 1963.

CHAPTER 5

AN ACT TO AMEND SECTION 2301, TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONS REQUIRING LICENSES: DEFINITIONS; FEES.

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

Section 1. § 2301, Title 30, Delaware Code, is amended by adding the following occupations, definition and fee thereas:

Beauty School or School of Cosmetology, \$50. "Beauty School or School of Cosmetology" includes every person engaged in operating a 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.

Approved February 8, 1963.

CHAPTER 6

AN ACT TO EMPOWER THE STATE BOARD OF COSMETOLOGY TO REFUND MONIES COLLECTED UNDER CHAPTER 6, TITLE 24, DELAWARE CODE.

WHEREAS, Chapter 6, Title 24, Delaware Code, provides for the Board of Cosmetology to collect fees for licenses, original registrations or annual renewals; and, some of the listed fees were found to be undesirable and not in accordance with the intent of those interested in cosmetology, these certain fees have now been stricken by amendment to Chapter 6, Title 24, Delaware Code, THEREFORE,

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

Section 1. The State Board of Cosmetology is hereby authorized and empowered to refund any fees collected for licenses, original registration or annual renewals as set out in Chapter 6, Title 24, that have now been stricken by amendment to Chapter 6, Title 24, Delaware Code.

Approved February 8, 1963.

NOTE: The amendment to Chapter 6, Title 24, Delaware Code, was added by Chapter 4, Volume 54, Laws of Delaware.

CHAPTER 7

**AN ACT APPROPRIATING FUNDS TO THE STATE BOARD
OF COSMETOLOGY FOR THE FISCAL YEAR ENDING
JUNE 30, 1963, FOR THE PURPOSE OF CARRYING
OUT THE PROVISIONS OF CHAPTER 6, TITLE 24,
DELAWARE CODE.**

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

Section 1. The sum of \$4,300.00 is appropriated to the
State Board of Cosmetology to be used as follows:

Salaries of Board Members	\$1,000.00
Secretary	1,500.00
Office expense	1,500.00
Travel	300.00
	<hr/>
	\$4,300.00

Section 2. Any portion of the above appropriated funds
remaining unspent at the end of the fiscal year June 30, 1963,
shall revert to the general fund of the State of Delaware.

Section 3. This act is a supplementary appropriation and
the money appropriated shall be paid from the General Fund
of the State of Delaware.

Approved February 25, 1963.

CHAPTER 8

AN ACT TO AMEND AN ACT BEING CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" BY CHANGING THE DATE OF THE ANNUAL ELECTION.

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 10, Chapter 203, Volume 25, Laws of Delaware, as amended, is hereby amended by striking out all of said Section and substituting in lieu thereof the following:

The general municipal election shall be held in the Millsboro High School located in the said Town of Millsboro on the second Saturday in June of each and every year from one o'clock until six o'clock in the afternoon, the first of said annual elections held pursuant to this Section shall be held on the second Saturday in June, A. D. 1963. On the second Saturday in June, A. D. 1963, there shall be elected two commissioners each of whom shall serve for a term of three (3) years. On the same day in 1964, there shall be elected one commissioner for a term of three (3) years. On the same day in 1965, there shall be elected two commisisoners each of whom shall serve for a term of three (3) years. At each subsequent annual municipal election, the successors of those Commissioners whose terms shall have expired shall be elected to serve for a period of three (3) years; PROVIDED, HOWEVER, that those commissioners whose terms would have expired on the first Saturday in March, in the years 1963, 1964, or 1965, shall continue to serve until their successors have been duly elected and qualified in accordance with the provisions of this Section. The Commissioners shall, at least ten days before any general election, give notice of such election, together with the officers to be elected thereat, by posting notices in five or more public places in said Town. Prior to the date of the election, the Commissioners shall appoint either from the holding-over members of the Commissioners or from among the other qualified voters of the Town an inspector and two judges to act as a Board of Election. The members of

the Board of Election shall decide upon the legality of the votes offered and shall keep a list of all voters thereat. At such election every citizen of said Town, who shall have attained the age of twenty-one years and shall have resided in said town one year next preceding the day of election, and is a taxable thereof, and shall have paid a town tax within twelve months prior to the day of holding said election, shall have a right to vote. But no one shall be permitted to vote who has been declared a delinquent for the year next preceding the election. Immediately after the election is closed the votes shall be publicly read and counted and the persons having the highest number of votes shall be declared duly elected and shall continue in office during the term for which they were chosen, or until their successors are duly elected. Immediately after such election, the Board of Election shall enter in a book to be provided for that purpose minutes of such election containing the names of the persons chosen; and, shall subscribe the same and give the candidates so elected certificates of their election. The book containing such minutes shall be kept and preserved by the Commissioners.

All elections shall be by ballot and the candidates who receive a plurality of the votes shall be declared to have been elected.

A failure to hold an election on an election day or the omission to execute any authority conferred by this Act shall not dissolve the corporation, but the authority of each officer shall continue until the next general municipal election.

Approved February 27, 1963.

CHAPTER 9

AN ACT TO AUTHORIZE THE STATE BUILDING AND GROUNDS COMMISSION TO ACQUIRE PROPERTY ON THE DOVER GREEN AND APPROPRIATING MONEYS THEREFOR.

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

Section 1. The State Building and Grounds Commission shall for and in the name of the State of Delaware, acquire by purchase, or otherwise, the real estate formerly of William M. Hope, deceased, on the north side of the Dover Green, described as follows, to wit:

ALL that certain lot, piece and parcel of land and premises, with the improvements thereon erected, being a large three-story office building, situated on the northerly side of the Public Square or Green, and on the southerly side of North Street, in the City of Dover, East Dover Hundred, Kent County and State of Delaware, said lot, piece or parcel of land being more particularly bounded and described as follows, to-wit:

BEGINNING at a point formed by the intersection of the division line between these lands of the William M. Hope heirs and lands formerly of Mabel Ridgely, now of Henry Ridgely Horsey, with the northerly side of the aforesaid Public Square or Green, said point being located 0.18 feet westerly from the southeasterly corner of the brick wall of the aforesaid lands formerly of Ridgely, now of Horsey; thence along said division line North 09 degrees 00 minutes West a distance of 78.60 feet; thence North 81 degrees 00 minutes East a distance of 1.00 foot; thence North 09 degrees 00 minutes West a distance of 162.40 feet to the southerly side of the aforesaid North Street; thence thereby North 81 degrees 00 minutes East a distance of 41.58 feet to the northeasterly corner of these lands herein described and lands of the State of Delaware; thence along and with line of lands of the State of Delaware South 09 degrees 00 minutes East a distance of 241.00 feet to the northerly side of the aforesaid Public Square or Green; thence thereby South 81 degrees 00 minutes West a distance of 42.58 feet to

the first described point and place of beginning, containing in all 0.231 acre of land, be the same more or less;

AND BEING the same lands and premises which William M. Hope died seized possessed.

Section 2. The title to the lands and premises acquired pursuant to this Act shall be in the name of the State of Delaware.

Section 3. The sum of \$70,000 is appropriated to the State Building and Grounds Commission for the purpose of purchasing the lands and premises set forth in Section 1 and for the purpose of equipping, repairing and remodeling the building erected thereon and for the purpose of landscaping the lands acquired.

Section 4. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 5. The sums appropriated herein, if not expended, shall not revert into the General Fund until June 30, 1964.

Approved March 4, 1963.

CHAPTER 10

AN ACT AMENDING TITLE 19, DELAWARE CODE, ENTITLED "LABOR", BY CREATING A STATE APPRENTICESHIP AND TRAINING COUNCIL, DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR ITS ADMINISTRATION.

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

Section 1. Title 19, Delaware Code, is hereby amended by adding thereto a new Chapter as follows:

CHAPTER 2. STATE APPRENTICESHIP AND TRAINING COUNCIL

§ 201. Declaration of Policy

It is declared to be the policy of this State to:

(a) Encourage the development of an apprenticeship and training system through the voluntary cooperation of management and labor and interested State Agencies and in cooperation with other states and the Federal Government;

(b) Provide for the establishment and furtherance of Standards of Apprenticeship and training to safeguard the welfare of apprentices and trainees;

(c) Aid in providing maximum opportunities for unemployed and employed persons to improve and modernize their work skills;

(d) Contribute to a healthy economy by aiding in the development and maintenance of a skilled labor force sufficient in numbers and quality to meet the expanding needs of industry and to attract new industry.

§ 202. State Apprenticeship and Training Council

(a) There is created a State Apprenticeship and Training Council, hereinafter called "The Council", as a department in

the Department of Labor and Industrial Relations to be composed of six members who shall be appointed by the Governor. Three members shall be representatives of employee organizations and three members shall be representatives of employers.

(b) Members of the Council, other than the ex-officio members shall be appointed for terms of three years, except that two of the original members shall be appointed for a term of one year, two for a term of two years, and two for a term of three years.

(c) Members of the Council shall be eligible for reappointment. In case of a vacancy the Governor shall make an appointment for the unexpired term.

(d) The Chairman of the Department of Labor and Industrial Relations and the State Director of the Department for Vocational Education shall be ex-officio members of the Council without vote, except in the event of a tie vote the Chairman of the Department of Labor and Industrial Relations shall have the right to cast the tie-breaking vote.

(e) The State Supervisor of the United States Department of Labor, Bureau of Apprenticeship and Training, shall be a consultant to the Council.

(f) The Council shall organize immediately upon its appointment and annually thereafter by the election of one of its members as Chairman and another as Vice-Chairman, one of whom shall be a representative of an employee organization and the other a representative of employers.

(g) Each member of the Council except ex-officio members shall receive actual traveling expenses and a per diem compensation at the rate of \$20 per day for the time actually devoted to the business of the Council, not to exceed 12 such days annually.

§ 203. Meetings

Meetings of the Council shall be held monthly or as often as is necessary in the opinion of the majority of the Council.

The chairman shall designate the time and place of the meetings, and the secretary shall notify all Council members at least one week in advance of each meeting. A majority of the voting membership of the Council shall constitute a quorum if at least one representative from both the employee and employer groups is present.

§ 204. Powers and Duties

(a) The Council shall—

(1) Establish standards for apprenticeship in conformity with the provisions of this chapter and applicable statutes and regulations of the Federal Government;

(2) Adopt such rules and regulations, subject only to the approval of the Chairman of the Department of Labor and Industrial Relations, as may be necessary to carry out the intent and purpose of this chapter;

(3) Compile such data on population and employment trends, industrial production, vocational and industrial education and job requirements as may be deemed necessary to carry out the intent and purpose of this chapter;

(4) Study the effectiveness of apprenticeship programs and make recommendations in accordance with the provisions of such programs for their improvement and to terminate, cancel, or modify any apprenticeship programs in accordance with the provisions of such programs;

(5) Maintain close liaison with the Bureau of Apprenticeship and Training, the United States Department of Labor, the State Board for Vocational Education, and such other agencies which carry on programs closely related to the purposes of this chapter;

(6) Conduct studies, surveys, and investigations of the special problems of retraining or training unemployed or employed persons to improve or modernize work skills and make appropriate recommendations to cooperating agencies described

above, local community organizations, local school boards, and the Chairman of the Department of Labor and Industrial Relations.

(7) Act as a convening agency in local communities to bring together local representatives of employee organizations, employers, educational agencies, and industrial development agencies in order to promote closer local cooperation in establishing better apprenticeship and other training programs including programs for employed persons who wish to improve and modernize their work skills;

(8) Use appropriate media of information and education to acquaint employers, employee organizations and the public with the advantages and availability of apprenticeship and other occupational training programs.

(9) Perform such other duties as may be necessary to give full effect to the provisions of this chapter.

(b) The Council shall make a report to the Chairman of the Department of Labor and Industrial Relations on or before February 15 of each year indicating the extent of apprenticeship and other occupational training programs during the previous year, trends in employment requiring adjustments in apprenticeship and other occupational training programs, needs for expansion of apprenticeship and other occupational training programs, activities of the Council, and such recommendations as are in accord with the purposes of this chapter.

(c) No action affecting the status of a program shall be taken by the Council until an attempt has been made to bring the employees and employer together to settle the problem in conformity with the standards of the Council.

§ 205. Director

The Department of Labor and Industrial Relations shall appoint a Director of Apprenticeship and Training who shall be responsible to the Chairman of the Department of Labor and Industrial Relations in carrying out the provisions of this chap-

ter and who shall serve as ex-officio secretary of the Council. The Chairman of the Department of Labor and Industrial Relations is authorized to appoint or make available to the Director of Apprenticeship and Training such clerical services and other facilities necessary to the performance of his duties.

§ 206. Duties of Director

The Director of Apprenticeship and Training shall carry out the purposes of this chapter. His duties shall include, but shall not be limited to:

(a) Encouragement and promotion of the standards established in accordance with this Chapter and with the basic standards of the Bureau of Apprenticeship and Training, United States Department of Labor;

(b) Bringing about the settlement of differences arising out of apprenticeship programs and agreements when the differences cannot be adjusted locally or in accordance with established trade procedure;

(c) Supervision of the execution of agreements and the maintenance of Standards;

(d) Registration of apprenticeship programs and agreements;

(e) Keeping a record of apprenticeship agreements and programs, and upon performance thereunder issuing Certificates of Completion of Apprenticeship;

(f) Encouragement of liaison and cooperation between all private, state and federal agencies concerned with apprenticeship, trade, and industrial training;

(g) Promotion of public awareness of apprenticeship and other occupational training; and

(h) Keeping a record of the progress of apprenticeship and training programs initiated in accordance with the pro-

visions of this chapter and informing the Council periodically as to the results.

§ 207. Limitations

The provisions of this chapter shall apply only to persons, co-partnerships, associations, corporations, political subdivisions, employer associations and organizations or associations of employees as voluntarily elect to conform with its provisions.

Approved March 19, 1963.

CHAPTER 11

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.

Effective March 27, 1963.

NOTE: See *Opinion of the Justices and the Supreme Court in Response to Questions Propounded by the Governor*, dated October 30, 1963,.....Del.....; 194, A.2d855 upholding the validity of this Constitutional Amendment.

CHAPTER 12

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 II 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.

Effective March 27, 1963.

NOTE: This is the final adopting this Constitutional Amendment. See *Opinion of the Justices of the Supreme Court in Response to Questions Propounded by the Governor*, dated October 30, 1963,.....Del.....; 194 A.2d855.

CHAPTER 13

AN ACT MAKING AN APPROPRIATION TO THE DELMAR SCHOOL DISTRICT NO. 163, SUSSEX COUNTY FOR COSTS INCURRED IN EQUIPPING A SCIENCE ROOM.

WHEREAS, in matching funds which were available from the National Defense Education Act for Science equipment, the district used six thousand dollars (\$6,000) of local tax money; and

WHEREAS, there has been deposited in the General Fund of the State of Delaware in the fiscal year 1961-62 a sum of \$17,980 received from the State of Maryland for the tuition of pupils from Maryland attending the Delaware School, and since 1953 more than \$60,000; and

WHEREAS, local funds have been used to help educate the pupils from Maryland without reimbursement from the money received for tuition; and

WHEREAS, the funds advanced are now needed for the operation of the school, NOW, THEREFORE,

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

Section 1. The sum of six thousand dollars (\$6,000) is hereby appropriated to the Delmar School District No. 163, Sussex County for the fiscal year ending June 30, 1963, to be used for the purpose of reimbursing the district for the local tax funds expended for Science equipment.

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 April 9, 1963.

CHAPTER 14

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, 1963:

Maintenance Division	
Salaries and Wages	\$140,000
Construction Division	
Salaries and Wages	\$160,000

Section 2. Any funds provided herein which remain unobligated by June 30, 1963 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 April 11, 1963.

CHAPTER 15

AN ACT TO AMEND SECTIONS 2703 AND 2704, TITLE 10, DELAWARE CODE, PERMITTING THE APPOINTMENT OF SPECIAL CONSTABLES FOR KENT COUNTY AND SUSSEX COUNTY AND DEFINING THEIR TERM, POWERS AND DUTIES.

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

Section 1. Section 2703, Title 10, Delaware Code, is amended by adding the following new subparagraph:

(c) The Levy Court of Kent County may appoint from the qualified voters resident in Kent County not more than twenty suitable persons to be special constables to serve at the pleasure of the Levy Court. The special constables shall reside in Kent County.

(1) Each special constable so appointed shall be issued a certificate of appointment under the hand of the president of the Levy Court and shall be issued a badge as his insignia of authority.

(2) The appointee shall hold office until he resigns or his appointment is revoked by the Levy Court, at which time he shall surrender and deliver to the Levy Court the certificate, badge and other Levy Court property in his possession.

(3) Before entering upon the duties each special constable shall take and subscribe the oath or affirmation as prescribed by the Constitution of the United States for public offices, and the oath subscribed by the special constable shall be kept in the files of the Levy Court of Kent County.

(4) Special constables shall have the same powers as constables appointed under this chapter and in addition may be employed by any person, partnership or corporation to keep the peace in any area of Kent County. When a special deputy is so employed, he may receive remuneration from the person,

partnership or corporation by whom he is employed if such remuneration is approved by the Levy Court of Kent County.

Section 2. Section 2704, Title 10, Delaware Code, is amended by adding the following new subparagraph:

(h) The Levy Court of Sussex County may appoint from the qualified voters resident in Sussex County not more than twenty suitable persons to be special constables to serve at the pleasure of the Levy Court. The special constables shall reside in Sussex County.

(1) Each special constable so appointed shall be issued a certificate of appointment under the hand of the president of the Levy Court and shall be issued a badge as his insignia of authority.

(2) The appointee shall hold office until he resigns or his appointment is revoked by the Levy Court at which time he shall surrender and deliver, to the Levy Court, the certificate, badge and other Levy Court property in his possession.

(3) Before entering upon the duties each special constable shall take and subscribe the oath or affirmation as prescribed by the Constitution of the United States for public offices, and the oath subscribed by the special constable shall be kept in the files of the Levy Court of Sussex County.

(4) Special constables shall have the same powers as constables appointed under this chapter and in addition may be employed by any person, partnership or corporation to keep the peace in any area of Sussex County. When a special deputy is so employed he may receive remuneration from the person, partnership or corporation by whom he is employed if such remuneration is approved by the Levy Court of Sussex County.

Approved April 11, 1963.

CHAPTER 16

**AN ACT TO PROVIDE FOR THE REVERSION OF SCHOOL
CONSTRUCTION FUNDS TO THE STATE AND TO THE
SCHOOL DISTRICTS IN THE SAME PROPORTION AS
SUCH FUNDS WERE APPROPRIATED AND TO STIPU-
LATE HOW THESE FUNDS SHALL BE EXPENDED.**

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

Section 1. Any sums of money which have been appropriated by the State of Delaware under the provisions of the 1960 and 1957 School Construction Acts which remain unexpended one year after pupil occupancy of any school building constructed under the provisions of such Acts shall revert to the State of Delaware and shall be deposited to a special account to be applied against future school construction bond requirements of the State. This applies to the State share only. If, however, such school building or school buildings have been occupied by pupils for one year or longer, one month after the enactment of this statute such sums remaining unexpended shall revert to the State in the same manner as stated above and shall be used for the same purpose as prescribed above. This applies to the State share only.

Any sums of money which have been appropriated by any local school district under the provisions of the 1960 and 1957 School Construction Acts which remain unexpended one year after pupil occupancy of any school building constructed under the provisions of such Acts shall be deposited to the debt service account of the school district to be used only for the purposes of retirement of school district bonds and interest thereon. If, however, such school building or school buildings have been occupied by pupils for one year or longer, such sums remaining unexpended shall, one month after the enactment of this statute, be deposited to the debt service account of such school district to be used only for the purposes of retirement of school district bonds and interest thereon.

Section 2. Any sums of money which have been appropriated by the State of Delaware under the provisions of any school construction acts prior to the 1957 School Construction Act which remain unexpended shall, within one month after enactment of this statute, revert to the State of Delaware and shall be deposited to a special account to be applied against future school construction bond requirements of the State. This applies to the State share only.

Any sums of money which have been appropriated by any local school district under the provisions of any school construction acts prior to the 1957 School Construction Act which remain unexpended shall, within one month after enactment of this statute, be deposited to the debt service account of the school district to be used only for the purposes of retirement of school district bonds and interest thereon.

Section 3. For the purpose of determining the sums of money which have been appropriated by the State of Delaware and which remain unexpended in accordance with this Act, the State share of such unexpended funds shall be deemed to mean the same proportion of the total unexpended funds as the proportion of the appropriation of the State of Delaware to the total appropriation of both State and local district funds in each case. The sums of money which have been appropriated by the local district and remain unexpended shall be the balance after unexpended State funds have been deducted from total unexpended funds.

Approved April 16, 1963.

NOTE: The provisions of this Act appear as a note to § 2304, Title 14, Delaware Code.

CHAPTER 17

**AN ACT AUTHORIZING AND DIRECTING THE RECEIVER
OF TAXES AND COUNTY TREASURER OF NEW
CASTLE COUNTY TO REIMBURSE MR. AND MRS.
ROBERT E. MITCHELL SCHOOL TAXES PAID IN
ERROR.**

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

Section 1. The Receiver of Taxes and County Treasurer of New Castle County is hereby authorized and directed to pay to Mr. and Mrs. Robert E. Mitchell, jointly, the sum of \$208.08 which was paid in error for the tax years 1959, 1960 and 1961 on school taxes in the Henry C. Conrad School District and the Marshallton School District.

Approved April 16, 1963.

CHAPTER 18

**AN ACT AUTHORIZING AND DIRECTING THE LEVY
COURT OF KENT COUNTY TO REIMBURSE BENJAMIN
C. HART AND CATHRYN S. HART SCHOOL 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 Benjamin C. Hart and Cathryn S. Hart, jointly, the sum of \$22.50 which was paid in error for the tax year 1960 on property and school taxes.

Approved April 16, 1963.

CHAPTER 19

**AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN
STATE OWNED LANDS IN NEW CASTLE COUNTY
NOW BEING USED BY THE STATE BOARD OF COR-
RECTIONS.**

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

Section 1. The following described real estate owned by the State of Delaware located in New Castle County is authorized to be conveyed from the use of the State Board of Corrections to the Cranston Heights Fire Company No. 1, Inc., a corporation of the State of Delaware:

All that certain tract, piece or parcel of land situated in New Castle County, State of Delaware, more particularly described as follows, to wit:

BEGINNING at a concrete monument in the southeasterly side of the Capitol Trail (at 120 feet wide), a corner for other lands of the Cranston Heights Fire Company No. 1, Inc., said point of Beginning being distant the two following described courses and distances measured along the said southeasterly side of the Capitol Trail from the northeasterly end of a junction curve of 30 foot radius joining the said southeasterly side of Capitol Trail with the northeasterly side of the Newport-Gap Turnpike (at 60 feet wide): (1) North 79°-01'-30" East, 521.36 feet to a point; and (2) along a curve to the right having a radius of 5669.58 feet, an arc distance of 259.75 feet to said point of Beginning; thence from said point of Beginning continuing along said curve to the right having a radius of 5669.58 feet, and arc distance of 25.0 feet to a point; thence by a new line thru lands of the Trustees of New Castle County Work House, South 8°-29'-50" East, 129.13 feet to a point in line of lands now or formerly of Francis C. Crozier; thence thereby North 87°-10'-30" West, 25.50 feet to a concrete monument in line of said other lands of the Cranston Heights Fire Company No. 1, Inc., thence thereby North 8°-29'-50" West, 124.23 feet

to said concrete monument in the southeasterly side of the Capitol Trail and to the point and place of Beginning. CONTAINING within said described metes and bounds, 0.073 acres of land, be the same more or less.

Approved April 16, 1963.

CHAPTER 20

**AN ACT RELATING TO AID TO THE BLIND BY LOWER-
ING THE AGE ELIGIBILITY.**

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

Section 1. § 2303 (1), Title 31, Delaware Code, is amended
by striking the figures "21" where they appear therein and in-
serting in lieu thereof the figures "18".

Approved April 16, 1963.

CHAPTER 21

**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 \$12,000 to be expended by the said Commission to pay the expenses of the training school for volunteer firemen to be conducted during April, 1963, by the State Fire Prevention Commission.

Section 2. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated for the fiscal year ending June 30, 1963.

Approved April 16, 1963.

CHAPTER 22

AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF ELECTIONS FOR NEW CASTLE COUNTY FOR THE SPECIAL ELECTION HELD IN THE SECOND SENATORIAL DISTRICT IN NEW CASTLE COUNTY.

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

Section 1. There is hereby appropriated to the Department of Elections for New Castle County the sum of Seven Thousand Five Hundred Eighty Dollars (\$7,580.00) for the compensation for Election Officers and Clerks.

Section 2. There is hereby appropriated to the Department of Elections for New Castle County the sum of Five Thousand Five Hundred Sixty Three Dollars and Twenty-Two Cents (\$5,563.22) to be used for the Operations Account.

Section 3. There is hereby appropriated to the Department of Elections for New Castle County the sum of One Hundred Eighty Dollars and Eighteen Cents (\$180.18) to be used for the Travel Account.

Section 4. This Act is a supplementary appropriation and the money appropriated shall be paid out of the General Fund of the State of Delaware.

Approved April 18, 1963.

CHAPTER 23

AN ACT TO AMEND TITLES 9, 10 AND 12, DELAWARE CODE, BY INCREASING THE SALARY OF THE CLERK OF THE PEACE, CORONER, COMPTROLLER, LEVY COURT COMMISSIONERS, RECORDER OF DEEDS, RECEIVER OF TAXES, PHOTOGRAPHY, SHERIFF, REGISTER IN CHANCERY, CLERK OF THE ORPHANS' COURT, MEMBERS OF THE BOARD OF ASSESSMENT AND REGISTER OF WILLS IN AND FOR SUSSEX COUNTY.

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

Section 1. Title 9, Section 9402 (3) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,800.00".

Section 2. Title 9, Section 9501 (3) of the Delaware Code is amended by striking out the figures "\$2,600.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,800.00".

Section 3. Title 9, Section 9306 (3) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in said section and by inserting in lieu thereof the figures "\$4,800.00", as and for the salary of the Comptroller in and for Sussex County.

Section 4. Title 9, Section 309 (b) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in subparagraph (b) therein and by inserting in lieu thereof the figures "\$4,800.00" as to each of the salaries of the Levy Court Commissioners in and for Sussex County.

Section 5. Title 9, Section 9602 (3) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,800.00".

Section 6. Title 9, Section 8405 (3) of the Delaware Code is amended by striking out the figures "\$4,000.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$5,500.00".

Section 7. Title 10, Section 2301 (3) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,800.00".

Section 8. Title 10, Section 2101 (3) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,800.00".

Section 9. Title 10, Section 2502 (3) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,800.00".

Section 10. Title 9, Section 8205 (3) of the Delaware Code is amended by striking out the figures "\$2,700.00" as they appear in subparagraph (3) and by inserting in lieu thereof the figures "\$4,800.00".

Section 11. Title 12, Section 2505 (3) of the Delaware Code is amended by striking out the figures "\$3,600.00" as they appear in subparagraph (3) therein and by inserting in lieu thereof the figures "\$4,800.00".

Approved April 19, 1963.

CHAPTER 24

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR CERTAIN IMPROVEMENTS AND REPAIRS TO THE PUBLIC SCHOOL BUILDINGS OF THE STATE.

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

Section 1. The State Board of Education is hereby authorized and empowered to pay local school districts for the cost of non-ordinary and non-recurring repairs to the public school buildings of the State. The State Board shall establish criteria for the types of repairs which it will approve under this Act, provided that the State Board shall pay local districts only for the actual expenses of repairs of a capital nature, including but not limited to the re-building or major repair of roofs, floors, heating systems, electrical, and plumbing or water systems. The State Board shall not pay school districts for ordinary or minor maintenance repairs such as repainting, replacing of broken glass, refinishing floors, or for other repairs of a temporary duration.

Section 2. (1) Before any repairs authorized under the provisions of this Act are undertaken by any school district, the school district shall send a request to the State Board of Education, and such request shall itemize the repairs needed and show the estimated cost of each item. The State Board, using the criteria established pursuant to Section 1 of this Act, shall decide as to the right of payment to the local school district for any repairs, and the decision of the State Board shall be final.

(2) In order to determine the right of payment to the school district, the State Board, or its designated representative, shall:

(a) Inspect the building or buildings to determine that the repairs requested by the school district are needed and are in accordance with the criteria established in Section 1 of this Act.

(b) Provide necessary help to the school district for letting of bids on the repairs or replacements meeting the criteria.

(c) Inspect the repairs upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality.

(d) Pay the cost of the repairs made by the school district in accordance with the provisions of this Act after the repairs are accepted as meeting all specifications as to workmanship and materials.

Section 3. In order to carry out the provisions of this Act, there is hereby appropriated to the State Board of Education the sum of \$1,058,301.00 or so much thereof as may be necessary to be expended by the State Board for the purposes set forth in Section 1 of this Act and an additional sum of \$50,000 which shall be used by the State Board of Education to pay necessary travel expenses and/or to employ such personnel as are necessary to carry out the duties of preliminary inspection, bidding, and final inspection.

Section 4. The State Board of Education shall, if and when the criteria established in this act are met, pay the school district for the school building repairs, except that the amount paid to each school district shall not be in excess of the amount shown opposite the name of the school district in the following table:

NAME OF DISTRICT	MAXIMUM AMOUNT
Claymont Special	\$ 122,700
Dover Special	23,650
Alexis I. duPont Special	32,500
Georgetown Special	15,220
Harrington Special	21,000
Laurel Special	40,211
Lewes Special	28,910
Milford Special	13,450
Mt. Pleasant Special	11,775

Newark Special	19,775
New Castle Special	10,800
Caesar Rodney Special	3,350
Seaford Special	62,000
Smyrna Special	33,550
Wilmington	218,525
Arden #3	2,238
Gunning Bedford, Jr. #53	21,500
H. C. Conrad #131	41,000
Alfred I. duPont #7	15,000
Marshallton #7	42,000
Middletown #60	9,100
Middletown #120	1,060
Newport #21	11,740
Oak Grove #130	13,450
Odessa #61	2,500
Richardson Park #20	11,400
Rose Hill-Minquadale #47	14,700
Stanton #38	24,250
Millside #132	59,900
Newport #106	570
Felton #54	4,425
Hartly #96	5,000
Magnolia #50	992
William W. M. Henry #133	6,250
Blades #172	846
Bridgeville #90	15,450
John M. Clayton #97	5,200
Delmar #163	400
Ellendale #125	3,500
Greenwood #91	2,500
Lord Baltimore #28	11,238
Millsboro #23	6,150
Milton #8	11,000
Selbyville #32	5,405
Selbyville #210	1,427
Bridgeville #220	4,100
Frankford #206	1,040
William C. Jason #192	24,400

Millsboro #204	1,720
State Board of Education (1-2-3 Teacher Schools)	7,000
Townsend #81	3,500
<hr/>	
TOTAL	\$1,058,301

Section 5. This is a supplementary appropriation, and the moneys so appropriated shall come from the General Fund of the State. Any moneys which remain unexpended on June 30, 1964, shall revert to the State and be deposited to the General Fund of the State.

Approved April 19, 1963.

CHAPTER 25

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF "THE EASTERN SHORE FOX HUNTERS' ASSOCIATION".

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

Section 1. Section 8105, Title 9, Delaware Code, is amended by inserting at the end of the list of names of organizations that are exempt from real property taxation a new organization known as, "The Eastern Shore Fox Hunters' Association".

Approved April 29, 1963.

CHAPTER 26

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", BEING CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, BY INCREASING THE NUMBER OF COMMISSIONERS; ESTABLISHING REPRESENTATIVE DISTRICTS; CHANGING QUALIFICATIONS FOR VOTERS AT ANNUAL ELECTION; AND CHANGING THE DATE OF THE ANNUAL ELECTION.

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

Section 1. Section 5, Chapter 203, Volume 25, Laws of Delaware, as amended, is hereby amended by striking all of said Section and inserting in lieu thereof the following:

Section 5. There shall be seven Commissioners who shall elect from their own number a President, a Treasurer, and a Secretary. The Commissioners, at their first meeting in July, shall appoint an Alderman, a Board of Assessment, a Tax Collector and such other Officers, employees and agents of the Town which may be deemed proper and necessary for the proper conduct and management of the affairs of the Town. A member of the Board of Assessment may also be the Tax Collector.

Section 2. The first paragraph of Section 6, Chapter 203, Volume 25, Laws of Delaware, as amended, is hereby amended by striking out all of said Paragraph and inserting in lieu thereof the following:

Section 6. The qualifications for Commissioners of the Town of Millsboro shall be as follows:

(1) A bona fide resident of the United States and of the State of Delaware and a resident freeholder of the Town of Millsboro 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 taxpayers of all taxes assessed by the Town of Millsboro for at least one (1) year next preceding the election; PROVIDED HOWEVER, that if territory is annexed and additional representative districts are created from which Commissioners will be elected and it would not be possible for persons who would be elected from these newly created representative districts to meet the qualifications of being a resident of the Town of Millsboro for a period of one (1) year next preceding the election and non-delinquent taxpayer of the Town of Millsboro for a period of one (1) year next preceding the election, such requirements shall be waived for the first general municipal election following annexation only.

Section 3. Section 9, Chapter 203, Volume 25, Laws of Delaware, as amended, is hereby amended by striking out all of said Section and substituting in lieu thereof the following:

Section 9. There are hereby created and established three (3) representative districts for the Town of Millsboro, as follows:

(1) District One: The area located East of United States Route 113 and South of Main Street to the Town limits;

(2) District Two: The area located East of United States Route 113 and North of Main Street to the Town limits;

(3) District Three: The area located West of United States Route 113 to the Town limits.

There shall be elected two Commissioners from each of the above-described representative districts and one (1) Commissioner who shall be elected at large.

Each qualified voter shall be permitted to vote in person for a candidate to be elected to each office. The present Commissioners of Millsboro shall continue to hold office during the respective terms for which they were elected or until their successors have been duly elected and qualified. On the second

Saturday in June A. D. 1963, there shall be held a town election at which time there shall be elected one (1) Commissioner who shall reside in the Second District, two (2) Commissioners who shall reside in the Third District and one (1) Commissioner at large who may reside in any District. The Commissioner elected in June, A. D. 1963, from the Second District shall hold office for a period of three (3) years or until his successor is duly elected and qualified. The Commissioner elected in June, A. D. 1963, from the Third District who receives the largest number of votes shall hold office for a period of three (3) years or until his successor is duly elected and qualified and the Commissioner elected from the Third District in June, A. D. 1963, who received the next largest number of votes shall hold office for a period of one (1) year or until his successor is duly elected and qualified. The Commissioner elected at large in June, A. D. 1963, shall hold office for a period of three (3) years or until his successor is duly elected and qualified. At the annual election to be held on the Second Saturday in June, A. D. 1964, there shall be elected from the First District, one (1) Commissioner who shall hold office for a period of three (3) years or until his successor is duly elected and qualified and one (1) Commissioner from the Third District who shall hold office for a period of three (3) years or until his successor is duly elected and qualified. At the annual election to be held on the second Saturday in June, A. D. 1965, there shall be elected from the First District, one (1) Commissioner who shall hold office for a period of three (3) years or until his successor is duly elected and qualified and one (1) Commissioner from the Second District who shall hold office for a period of three (3) years or until his successor is duly elected and qualified. At each subsequent annual election, the successors to those Commissioners whose terms shall have expired shall be elected to serve for a term of three (3) years. The Commissioners shall fill vacancies arising in their own membership as provided in Section 8 of this Charter. All Commissioners shall serve until their successors shall be duly elected and qualified.

Section 4. Section 10, Chapter 203, Volume 25, Laws of Delaware, as amended, is hereby amended by striking all of said Section and inserting in lieu thereof the following:

Section 10. The general municipal election shall be held in the Millsboro High School in the Town of Millsboro on the second Saturday in June of each and every year from one o'clock in the afternoon until six o'clock in the evening, the first of said annual elections held pursuant to this Section shall be held on the second Saturday in June, A. D. 1963. The Commissioners shall, at least ten days before any general municipal election, give notice of such election, together with the officers to be elected thereat, by posting notices in five or more public places in said Town. Prior to the date of the election, the Commissioners shall appoint either from the holding-over members of the Commissioners or from among the other qualified voters of the Town an inspector and two judges to act as a Board of Election. The members of the Board of Election shall decide upon the legality of the votes offered and shall keep a list of all voters thereat. At such election every citizen of said Town, who shall have attained the age of twenty-one years and shall have resided in said Town one year next preceding the day of election, and is a taxable thereof, and shall have paid a town tax within twelve months prior to the day of holding said election, shall have a right to vote. But no one shall be permitted to vote who has been declared a delinquent for the year next preceding the election. If territory has been annexed to the Town of Millsboro, it would not be possible for persons residing in the newly annexed territory at the first general municipal election following annexation to have resided in the said Town for a period of one (1) year next preceding the day of election nor to have paid a town tax within twelve (12) months prior to the day of election. Consequently, the above-stated qualifications shall be waived at the first general municipal election following the annexation of new territory for those persons who reside in the annexed territory and it shall be a sufficient qualification for those said persons to vote at the general municipal election if on the day of election, they are bona fide residents of the Town of Millsboro. Immediately after the election is closed the votes shall be publicly read and counted and the persons having the highest number of votes shall be declared duly elected and shall continue in office during the term for which they were chosen, or until their successors are duly elected. Immediately after such election the Board of Election, shall enter in a book to be provided for that purpose,

minutes of such election, containing the names of the persons chosen and shall subscribe the same and give the candidates so elected certificates of their election. The book containing such minutes shall be kept and preserved by the Commissioners.

All elections shall be by ballot and the candidates who receive a plurality of the votes shall be declared to have been elected.

A failure to hold an election on an election day or the omission to execute any authority conferred by this Act shall not dissolve the Corporation, but the authority of each officer shall continue until the next general municipal election.

Approved April 29, 1963.

CHAPTER 27

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MILLSBORO TO BORROW \$600,000 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF IMPROVING AND EXTENDING THE WATER SYSTEM AND OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF MILLSBORO AND TO CONTROL AND REGULATE THE SAME.

WHEREAS, the General Assembly passed an Act in the year 1945 being Chapter 186, Volume 45, Laws of Delaware, authorizing the Commissioners of Millsboro under certain conditions to borrow the sum of \$100,000 and to issue bonds to secure the repayment of any sum so borrowed; and

WHEREAS, the General Assembly passed an Act in the year of 1946 being Chapter 215, Volume 46, Laws of Delaware, authorizing the Commissioners of Millsboro under certain conditions to borrow an additional \$200,000 and to issue bonds to secure the repayment of any sum so borrowed; and

WHEREAS, it has been determined that the said sum of \$300,000 will not be sufficient to pay for the construction and installation of a sewage disposal system and plant; and

WHEREAS, it has been determined that it would be advantageous to the Commissioners of Millsboro to permit any sum so borrowed pursuant to this Act to be used also to improve and extend the water system of the Town of Millsboro;

NOW THEREFORE:

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 186, Volume 45, Laws of Delaware, as amended by Chapter 215, Volume 46, Laws of Delaware, be and the same is hereby amended by repealing all of the aforesaid Acts and substituting in lieu thereof the following:

Section 2. The Commissioners of Millsboro, a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow money and issue bonds to secure the payment thereof on the full faith and credit of the said The Commissioners of Millsboro to provide funds for the construction, installation, repair, improvement, extension or enlargement of a sewage disposal system including a sewage treatment plant and for the repair improvement, extension or enlargement of the water system of the Town of Millsboro; PROVIDED HOWEVER, that the borrowing of the money therefor shall have been authorized by the Commissioners of Millsboro and shall have been approved by the qualified voters in the following manner.

Section 3. The Commissioners of Millsboro shall propose to the electors of the Town of Millsboro by resolution which shall state the amount of money to be borrowed for any of the purposes authorized by Section 2 above. The resolution shall also state the purpose for which the money is desired to be borrowed, the manner of securing the loan, and other facts relating to the loan which are deemed pertinent by the Commissioners of Millsboro and in their possession, and shall fix a time and place for holding a public hearing on the said resolution.

Section 4. Notice of the time and place of the hearing on the resolution authorizing the said loan shall be printed in a newspaper having a general circulation in the Town of Millsboro at least one week before the time and date set for said hearing.

Section 5. A second resolution shall then be passed by the Commissioners ordering a special election to be held not less than thirty (30) days nor more than sixty (60) days after the said public 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 the Commissioners' determination to proceed in the matter in issue.

Section 6. The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper having a general circulation in the Town of Millsboro within thirty (30) days prior to the election, or distributed in circular form at least fifteen (15) days prior to the date of the said special election or both at the discreption of the Commissioners.

Section 7. At the special election, every owner of property, whether individual, partnership or corporation, shall have one (1) vote for every One Hundred Dollars (\$100.00) or part thereof of assessed valuation of real estate located in said Town, and the said vote may be cast either in person or by proxy.

Section 8. The Commissioners shall cause to be prepared, printed and have available for distribution a sufficient number of sample ballots marked or defaced in such a manner that they cannot be used at the election not less than five days prior to the date of the special election.

Section 9. The President of the Commisisoners of Millsboro shall, prior to the date of the election, appoint and designate a Presiding Officer and sufficient Judges to act as a Board of Election. The members of the Board of Election shall be the judges of the special election and shall decide upon the legality of the votes offered and shall keep a list of all voters thereat. The Board of Election shall count the votes for and against the proposed loan 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 loan and shail deliver the same to the Commissioners which said certificate shall be entered on the minutes of the Commissioners and the original shall be filed with the papers of the Commissioners.

Section 10. The form of bond, 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 Commissioners after the said special election. The bonds may be sold at either public or private sale, as determined by the Commissioners. The Commissioners shall provide, in the annual budget and in the fixing of any tax, sewer charge or tax or

water rent, for the payment of interest on and principal of said bonds at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of "The Commissioners of Millsboro" shall be deemed to be pledged for the prompt payment of the bonds and interest thereon issued pursuant to the provisions of this Act, when the same have been properly executed and delivered for value.

Section 11. The bonded indebtedness for any purpose authorized by Section 2 of this Act shall not at any one time exceed the sum of Six Hundred Thousand Dollars (\$600,000.00).

Section 12. That the said "The Commissioners of Millsboro" is hereby authorized and empowered to do all things necessary for the location, erection, construction, equipment and operation of said sewer system and sewage disposal works and for the improvement and extension of the water system and to provide for the care and maintenance of the same, and to purchase all such instruments, appliances and supplies as may be necessary for establishing and operating the said sewer system and sewage disposal works and water system in said Town, and for furnishing the citizens and inhabitants thereof with proper and adequate sewerage facilities and water, and to effect the same "The Commissioners of Millsboro" shall have the power and authority to lay pipes and conduits under and along any of the streets, lanes, alleys or highways of said Town, or any road adjacent thereto, and also to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary for the purpose of carrying into effect the provisions of this Act. In the event, however, that any owner of property should fail to agree with the Town, "The Commissioners of Millsboro" shall have full power of eminent domain over any lands or property rights required for any purpose connected with the installation or operation or extension or improvement of the said sewer system and water system and shall be able to condemn property rights for the use of the sewer system or water system in the same manner and to the same extent as Commissioners of Millsboro are authorized to do in connection with the public streets within the said Town. "The Commissioners of Millsboro" shall have authority to require any premises to be connected to the sewer system, and water system and in the event that any property

owner should neglect to connect his property immediately after ordered to do so by "The Commissioners of Millsboro", the said Commissioners shall have the authority to connect the premises with the sewer system and water systems as ordered and to collect the cost of such connection by the same process as Town Taxes are collectible. The said "The Commissioners of Millsboro" shall have the supervision and control of all public pipes, sewers and drains connected with said sewer system and sewerage disposal works and water system, whether within or without the corporate limits of the said Town of Millsboro, and may alter, repair and remove the same and may cause new pipes, drains and sewers to be made and opened. The said "The Commissioners of Millsboro" may cause such pipes, sewers and drains to be laid in any of the said streets, lanes, alleys or highways of the said Town in such manner and of such material as it, the said "The Commissioners of Millsboro" may deem proper. The said "The Commissioners of Millsboro" is hereby authorized to make rules regulating the tapping or use of public sewers and the water system by the owners of abutting land, and shall provide for the granting of permits for the same and for the payment of such tapping fees and sewer rental and water rental charges as the said "The Commissioners of Millsboro" shall deem proper; and it shall prescribe the material of all private drains or sewers which shall enter into any public sewer and shall direct the manner in which they shall be laid.

Section 13. That the said "The Commissioners of Millsboro" is authorized and empowered to engage the services of such agents and servants as it may deem necessary in the erection, completion, extension or improvement of said sewer system and sewerage disposal works and water system as herein provided.

Section 14. That the said "The Commissioners of Millsboro" is hereby authorized and empowered to adopt such ordinances as it may deem necessary for the operation, management and control of said sewer system and sewerage disposal works and water system and may grant to all persons and corporations in the said Town of Millsboro the privilege of using

said sewer system and water system in such manner and upon such terms and conditions as may seem just and proper to the said "The Commissioners of Millsboro".

Section 15. Any Act inconsistent with the provisions hereof be and the same is hereby repealed to the extent of such inconsistency.

Approved April 29, 1963.

CHAPTER 28

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE FAMILY COURT OF KENT AND SUSSEX
COUNTIES FOR THE FISCAL YEAR ENDING JUNE
30, 1963.**

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

Section 1. There is hereby appropriated to the Family Court of Kent and Sussex Counties the sum of \$2,400 for Salaries and Wages of Employees.

Section 2. This is a supplementary appropriation act and the sums hereby appropriated shall be paid out of any sums in the General Fund of the State of Delaware not otherwise appropriated.

Approved April 29, 1963.

CHAPTER 29

AN ACT TO AMEND CHAPTER 401, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1963," BY MAKING CERTAIN TRANSFERS THEREIN.

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

Section 1. Chapter 401, Volume 53, Laws of Delaware, is hereby amended by transferring the sum of \$3,780 from "State Highway Department—State Police Division—Salaries and Wages of Employees" and the sum of \$12,600 from "State Highway Department—Maintenance Division—Salaries and Wages of Employees" to "Custodian—Salaries and Wages of Employees."

Approved May 1, 1963.

CHAPTER 30

AN ACT TO AMEND SECTION 2101, TITLE 24, DELAWARE CODE, RELATING TO OPTOMETRY.

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

Section 1. Section 2101, Title 24, Delaware Code, is amended by adding a new sub-section (c) as follows:

(c) For purpose of disability insurance, workman's compensation, standard health and accident, sickness and other insurance policies, programs and plans, if the optometrist is authorized by law to perform the particular services he shall be entitled to compensation for his services under the said programs.

Approved May 1, 1963.

CHAPTER 31

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1964.**

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, 1964, 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:

	Year Ending June 30, 1964
AGENCIES	
LEGISLATIVE AND ELECTIONS	
DELAWARE COMMISSION ON INTERSTATE COOPERATION	
Office Expense	100.00
Fees	3,600.00
Travel	600.00
Legislative Travel Only	6,900.00
Delaware River Basin Advisory Committee	16,000.00
Total	27,200.00
DEPARTMENTS OF ELECTIONS—NEW CASTLE COUNTY	
Salary of Board Members	9,000.00
Salaries and Wages of Employees	56,000.00
Office Expense	10,000.00

Travel	500.00
Operations	6,000.00
Equipment	17,500.00
Repairs and Replacements	2,000.00
Total	101,000.00

DEPARTMENTS OF ELECTION—KENT COUNTY

Salary of Board Members	6,000.00
Salaries and Wages of Employees	8,200.00
Office Expense	3,500.00
Travel	100.00
Operations	1,000.00
Repairs and Replacements	500.00
Total	19,300.00

DEPARTMENTS OF ELECTIONS—SUSSEX COUNTY

Salary of Board Members	6,000.00
Salaries and Wages of Employees	14,600.00
Office Expense	4,900.00
Travel	200.00
Equipment	700.00
Operations	790.00
Total	27,190.00

TOTAL DEPARTMENTS OF ELECTION	147,490.00
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LEGISLATIVE REFERENCE BUREAU

Salary of Director	6,000.00
Salaries and Wages of Employees	9,000.00
Office Expense	2,800.00
Travel	300.00
Equipment	500.00
Repairs and Replacements	400.00
Total	19,000.00

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	800.00
Travel	600.00
Total	1,600.00

DELAWARE CODE REVISION COMMISSION

Salaries of Commissioners	4,800.00
Total	4,800.00

STATE ELECTION COMMISSIONER

Salaries and Wages of Employees	13,440.00
Office Expense	5,400.00
Travel	500.00
Repairs and Replacements	2,300.00
Total	21,640.00

TOTAL LEGISLATIVE AND ELECTIONS	380,730.00
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EXECUTIVE AND FINANCIAL

GOVERNOR

Salary of Governor	17,500.00
Salaries and Wages of Employees	28,500.00
Office Expense	4,000.00
Governor's Conference	1,000.00
Contingent Expense	4,000.00
Repairs and Replacements	750.00
Equipment	1,500.00
Travel	6,500.00
Total	63,750.00

SECRETARY OF STATE

Salary of Secretary of State	8,000.00
Salaries and Wages of Employees	124,000.00
Office Expense	8,000.00
Magistrate Bonds	400.00
Printing and Binding Session Laws	30,000.00
Dissolution Account	9,000.00
Departmental Supplies	50,000.00

Travel	3,600.00
Repairs and Replacements	3,000.00
Equipment	1,500.00
Total	237,500.00

STATE TREASURER

Salary of Treasurer	6,000.00
Salary of Deputy Treasurer	5,000.00
Salaries and Wages of Employees	61,000.00
Office Expense	33,500.00
Travel	1,800.00
Repairs and Replacements	500.00
Equipment	500.00
Lost and Outdated Checks	2,500.00
Total	110,800.00

BUDGET COMMISSION

Salary of Chief Accountant	7,500.00
Salaries and Wages of Employees	117,000.00
Office Expense	63,100.00
Travel	5,750.00
Repairs and Replacements	5,800.00
Equipment	3,500.00
Special Audits by C. P. A.'s	25,000.00
Survey of Audit Procedures and Systems Installation	50,000.00
Total	277,650.00

AUDITOR OF ACCOUNTS

Salary of Auditor	6,000.00
Salary of Deputy Auditor	5,000.00
Salaries and Wages of Employees	46,000.00
Office Expense	4,600.00
Travel	1,200.00
Repairs and Replacements	1,200.00
Equipment	500.00
Total	64,500.00

REVENUE COLLECTOR

Salary of Collector	2,500.00
Office Expense	75.00
Travel	425.00
Total	3,000.00

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	22,000.00
Office Expense	5,000.00
Operations—Insurance Premiums	400,000.00
Travel	1,000.00
Repairs and Replacements	600.00
Equipment	600.00
Total	443,700.00

STATE TAX DEPARTMENT

Salaries of Board Members	1,500.00
Salary of Commissioner	8,000.00
Salary of Deputy Tax Commissioner	6,500.00
Salaries and Wages of Employees	544,250.00
Office Expense	140,000.00
Travel	8,600.00
Repairs and Replacements	7,500.00
Equipment	22,000.00
Social Security Department	
Salaries	6,300.00
Operations	2,500.00
Total	747,150.00

STATE BANK COMMISSIONER

Salary of Bank Commissioner	12,000.00
Salaries and Wages of Employees	42,640.00
Office Expense	2,700.00
Travel	6,250.00
Repairs and Replacements	1,250.00
Total	64,840.00

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Salaries of Commissioners	3,000.00
Salary of Executive Secretary	8,800.00
Salaries and Wages of Employees	95,000.00
Office Expense	17,500.00
Travel	7,500.00
Repairs and Replacements	3,000.00
Equipment	750.00
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Total	135,550.00

DELAWARE RACING COMMISSION

Salaries of Commissioners	4.00
Salaries and Wages of Employees	2,400.00
Office Expense	2,489.00
Travel	800.00
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Total	5,693.00

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
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Total	12,470.00

BOND ISSUING OFFICERS

Expense of Issuing Bonds	30,000.00
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Total	30,000.00

TOTAL EXECUTIVE AND FINANCIAL	2,196,103.00
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JUDICIAL AND LEGAL

COURT OF CHANCERY

Salary of Chancellor	20,500.00
Salaries of Vice-Chancellors	40,000.00
Salaries and Wages of Employees	38,580.00
Chancellor for Reporting	200.00
Office Expense	2,500.00
Travel	2,300.00
Repairs and Replacements	400.00

Equipment	700.00
Chancellor's Report	5,750.00
Total	110,930.00

SUPERIOR COURT

Salary of President Judge	20,500.00
Salaries of Associate Judges	120,000.00
Salaries and Wages of Employees	109,100.00
Kent Resident Judge for Reporting	200.00
Office Expense	5,000.00
Reports	5,750.00
Travel	7,500.00
Repairs and Replacements	2,500.00
Equipment	5,200.00
Total	275,750.00

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	3,800.00
Office Expense	300.00
Repairs and Replacements	2,000.00
Equipment	7,500.00
Total	13,600.00

KENT COUNTY LAW LIBRARY

Salaries and Wages of Employees	6,000.00
Office Expense	350.00
Repairs and Replacements	1,500.00
Books and Publications	6,000.00
Total	13,850.00

SUSSEX COUNTY LAW LIBRARY

Salaries and Wages of Employees	300.00
Office Expense	75.00
Equipment	4,000.00
Total	4,375.00

SUPREME COURT

Salary of Chief Justice	22,500.00
Salaries of Associate Justices	44,000.00
Salaries and Wages of Employees	27,000.00
Office Expense	9,450.00
Travel	1,200.00
Repairs and Replacements	1,500.00
Total	105,650.00

FAMILY COURT OF KENT AND SUSSEX COUNTIES

Salaries of Judges	25,000.00
Salaries and Wages of Employees	65,000.00
Total	90,000.00

FAMILY COURT OF NEW CASTLE COUNTY

Salaries of Judges	35,000.00
Salaries and Wages of Employees	187,400.00
Office Expense	7,500.00
Travel	1,200.00
Repairs and Replacements	1,500.00
Equipment	600.00
Total	233,200.00

COUNCIL ON ADMINISTRATION OF JUSTICE

Office Expense	400.00
Travel	100.00
Total	500.00

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

Salaries of New Castle County Assistants

Deputies	18,000.00
Salary of Kent County Deputy	6,500.00
Salary of Kent County Assistant 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	48,000.00
Office Expense	10,000.00
Travel	5,500.00
Operations	5,700.00
Repairs and Replacements	5,000.00
Equipment	4,500.00
Total	168,200.00

BOARD OF POST MORTEM EXAMINERS

Salary of Medical Examiner	18,000.00
Salaries and Wages of Employees	18,000.00
Office Expense	2,500.00
Travel	1,600.00
Operations	400.00
Repairs and Replacements	500.00
Equipment	2,500.00
Total	43,500.00

TOTAL JUDICIAL AND LEGAL 1,089,555.00

DEBT SERVICE

STATE OBLIGATIONS

Redemptions	15,137,000.00
Interest	6,748,712.00
Total State Obligations	21,885,712.00

COUNTY OBLIGATIONS

Redemptions	110,000.00
Interest	11,182.00

Total County Obligations—Paid by State 121,182.00

TOTAL DEBT SERVICES 22,006,894.00

REGULATORY BOARDS

MEDICAL COUNCIL OF DELAWARE

Salaries of Members	2,500.00
Salaries and Wages of Employees	6,000.00
Office Expense	2,000.00
Travel	2,000.00
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Total	12,500.00

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
Equipment	350.00
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Total	8,350.00

STATE BOARD OF DENTAL EXAMINERS

Salaries of Board Members	540.00
Salaries and Wages of Employees	300.00
Office Expense	260.00
Travel	300.00
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Total	1,400.00

STATE BOARD OF BARBER EXAMINERS

Salaries of Members	700.00
Salary of Secretary	300.00
Office Expense	670.00
Travel	300.00
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Total	1,970.00

STATE EXAMINING BOARD OF PHYSICAL THERAPISTS

Office Expense	120.00
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Total	120.00

STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages of Employees	150.00
Office Expense	25.00
Travel	25.00
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Total	200.00

Salaries of New Castle County Assistants

Deputies	18,000.00
Salary of Kent County Deputy	6,500.00
Salary of Kent County Assistant 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	48,000.00
Office Expense	10,000.00
Travel	5,500.00
Operations	5,700.00
Repairs and Replacements	5,000.00
Equipment	4,500.00

Total	168,200.00
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BOARD OF POST MORTEM EXAMINERS

Salary of Medical Examiner	18,000.00
Salaries and Wages of Employees	18,000.00
Office Expense	2,500.00
Travel	1,600.00
Operations	400.00
Repairs and Replacements	500.00
Equipment	2,500.00

Total	43,500.00
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TOTAL JUDICIAL AND LEGAL	1,089,555.00
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DEBT SERVICE

STATE OBLIGATIONS

Redemptions	15,137,000.00
Interest	6,748,712.00

Total State Obligations	21,885,712.00
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COUNTY OBLIGATIONS

Redemptions	110,000.00
Interest	11,182.00

Total County Obligations—Paid by State	121,182.00
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TOTAL DEBT SERVICES	22,006,894.00
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REGULATORY BOARDS

MEDICAL COUNCIL OF DELAWARE

Salaries of Members	2,500.00
Salaries and Wages of Employees	6,000.00
Office Expense	2,000.00
Travel	2,000.00
Total	12,500.00

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
Equipment	350.00
Total	8,350.00

STATE BOARD OF DENTAL EXAMINERS

Salaries of Board Members	540.00
Salaries and Wages of Employees	300.00
Office Expense	260.00
Travel	300.00
Total	1,400.00

STATE BOARD OF BARBER EXAMINERS

Salaries of Members	700.00
Salary of Secretary	300.00
Office Expense	670.00
Travel	300.00
Total	1,970.00

STATE EXAMINING BOARD OF PHYSICAL THERAPISTS

Office Expense	120.00
Total	120.00

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	700.00
Office Expense	2,005.00
Travel	500.00
Total	4,705.00

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
Salary of Executive Secretary	6,000.00
Salaries and Wages of Employees	3,600.00
Office Expense	4,765.00
Travel	700.00
Equipment	235.00
Total	15,700.00

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
Total	700.00

STATE BINGO CONTROL COMMISSION

Salaries of Commissioners	1,500.00
Salaries and Wages of Employees	8,950.00
Office Expense	550.00
Travel	3,250.00
Total	14,250.00

DELAWARE REAL ESTATE COMMISSION

Salaries of Commission Members	1,080.00
Salaries and Wages of Employees	1,500.00

Office Expense	900.00
Travel	100.00
Total	3,580.00

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 BOARD OF EXAMINERS OF PSYCHOLOGISTS

Office Expense	290.00
Travel	150.00
Total	440.00

STATE BOARD OF COSMETOLOGY

Salaries of Board Members	1,500.00
Salary of Secretary	2,300.00
Office Expense	1,250.00
Travel	576.00
Total	5,626.00

STATE ATHLETIC COMMISSION

Salaries of Commissioners	900.00
Salaries and Wages of Employees	150.00
Travel	100.00
Total	1,150.00

ATLANTIC STATES MARINE FISHERIES COMMISSION

Dues	1,500.00
Travel	200.00
Total	1,700.00

STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

Salary of Secretary	4,100.00
Salaries and Wages of Employees'	300.00
Office Expense	4,585.00

Travel	1,200.00
Equipment	400.00
Total	10,585.00

DELAWARE COMMISSION OF SHELL FISHERIES

Salary of Executive Secretary	5,000.00
Salaries and Wages of Employees	42,000.00
Office Expense	3,500.00
Travel	1,500.00
Operations	19,900.00
Research (Grant—University of Delaware)	10,000.00
Total	81,900.00

DEPARTMENT OF CIVIL DEFENSE

Salary of State Director (Total—\$7,500.—State \$4,500.—Other Sources \$3,000.)	4,500.00
Salaries and Wages of Employees	25,000.00
Office Expense	2,672.00
Travel	2,020.00
Operations	3,833.00
Repairs and Replacements	1,564.00
Equipment	4,211.00
Total	43,800.00

BOARD OF CHIROPHODY EXAMINERS

Salaries of Board Members	160.00
Office Expense	120.00
Travel	30.00
Total	310.00

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	21,400.00

Office Expense	2,766.00
Travel	4,318.00
Operations	1,950.00
Repairs and Replacements	3,600.00
Equipment	935.00
Fire Conference	500.00

Total	41,469.00
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PENINSULA HORTICULTURAL SOCIETY

Office Expense	900.00
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Total	900.00
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CROP IMPROVEMENT ASSOCIATION

Operations	800.00
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Total	800.00
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TOTAL REGULATORY BOARDS	254,395.00
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ENFORCEMENT BOARDS

STATE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Salary of Director and Executive Secretary	7,200.00
Salary of Child Labor Inspector	4,300.00
Salary of Ten-Hour Law Inspector	3,800.00
Travel	6,500.00
Salary of Chief of Division of Discrimination	6,500.00
Salary of Prevailing Wage	
Salary of Safety and Labor Statistics	6,500.00
Division of Research and Statistics	
Women and Children—Kent and Sussex	4,300.00
Salaries and Wages of Employees	17,600.00
Office Expense	12,350.00
Salary of Chief of Safety Inspection	4,920.00
Repairs and Replacements	300.00
Equipment	5,000.00
Apprenticeship and Training Council	
Salaries of Board Members	1,440.00
Salary of Director	6,000.00
Salaries and Wages of Employees	3,000.00
Office Expense	500.00

Travel	300.00
Equipment	1,500.00
Total	92,010.00

INDUSTRIAL ACCIDENT BOARD

Salaries of Board Members	10,800.00
Salary of Secretary	5,000.00
Salaries and Wages of Employees	11,500.00
Office Expense	6,000.00
Court Reporting Fees	4,000.00
Travel	2,500.00
Repairs and Replacements	250.00
Equipment	750.00
Total	40,800.00

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

BOARD OF PARDONS

Salary of Lieutenant-Governor	144.00
Travel	100.00
Witness Fees	96.00
Total	340.00

BOARD OF BOILER RULES

Salary of Chief Inspector	6,300.00
Salaries and Wages of Employees	15,700.00
Office Expense	3,000.00
Travel	3,000.00
Equipment	200.00
Total	28,200.00

DELAWARE NATIONAL GUARD

Salary of Adjutant General	10,000.00
Salaries and Wages of Employees	60,000.00
Office Expense	14,600.00
Travel	4,300.00
Operations	63,800.00
Uniform Allowance—Officers	19,000.00
Unit Fund Allowance—\$500. per unit	19,000.00
Repairs and Replacements	34,000.00
Equipment	15,000.00
Total	239,700.00

PUBLIC SERVICE COMMISSION

Salaries of Commission Members	13,500.00
Salaries and Wages of Employees	44,200.00
Office Expense	5,500.00
Travel	5,000.00
Operations	15,000.00
Repairs and Replacements	2,700.00
Equipment	2,700.00
Total	88,600.00

TOTAL ENFORCEMENT BOARDS 501,850.00

PENSIONS AND SOCIAL SECURITY

RETIRED AND DISABLED TEACHERS' PENSIONS

Benefits	180,000.00
Total	180,000.00

STATE EMPLOYEES' PENSION PLAN

Salaries and Wages of Employees	6,500.00
Office Expense	1,050.00
Benefits	1,700,000.00
Survivors Pensions (Spouse)	200,000.00
Travel	200.00
Total	1,907,750.00

STATE'S SHARE OF SOCIAL SECURITY CONTRIBUTIONS

Contributions	1,950,000.00
Total	1,950,000.00

STATE JUDICIARY RETIREMENT FUND

Contributions	7,300.00
Total	7,300.00

PARAPLEGIC VETERANS' PENSIONS

Benefits	6,600.00
Total	6,600.00

STATE POLICE RETIREMENT FUND

Contributions	220,000.00
Total	220,000.00

TOTAL PENSIONS AND SOCIAL SECURITY 4,271,650.00

MISCELLANEOUS

CUSTODIAN

Salary of Custodian—State Bldgs.—

Highway Bldgs.	9,000.00
Salaries and Wages of Employee	173,120.00
Office Expense	1,300.00
Operations	100,000.00
Repairs and Replacements	68,800.00
Equipment	3,000.00
Total	355,220.00

STATE LIBRARY COMMISSION

Salary of Librarian	6,600.00
Salaries and Wages of Employees	40,400.00
Office Expense	500.00
Travel	400.00
Operations	2,200.00
Repairs and Replacements	2,100.00
Equipment	4,500.00
Total	56,700.00

PUBLIC ARCHIVES COMMISSION
ADMINISTRATION

State Archivist	10,000.00
Salaries and Wages of Employees	65,540.00
Office Expense	4,000.00
Travel	1,500.00
Operations	5,000.00
Repairs and Replacements	250.00
Equipment and Permanent Improvements	4,500.00
Historic Markers	1,000.00
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Total	91,790.00

FORT CHRISTINA MONUMENT

Salaries and Wages of Employees	6,500.00
Operations	3,500.00
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Total	10,000.00

OLD SUSSEX COUNTY COURTHOUSE

Repairs and Replacements	600.00
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Total	600.00

STATE MUSEUM

Salaries and Wages of Employees	25,600.00
Office Expense	1,100.00
Travel	350.00
Operations	1,000.00
Repairs and Replacements	500.00
Equipment	3,000.00
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Total	31,550.00

JOHN DICKINSON MANSION

Salaries and Wages of Employees	14,400.00
Office Expense	350.00
Operations	600.00
Repairs and Replacements	600.00
Equipment	1,200.00
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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
Total	500.00

STATE PARK COMMISSION

ADMINISTRATION

Salary of Director	7,500.00
Salaries and Wages of Employees	5,400.00
Office Expense	1,800.00
Travel	1,700.00
Operations	6,700.00
Total	23,100.00

TRAP POND

Salary of Superintendent	4,500.00
Salaries and Wages of Employees	7,500.00
Repairs and Replacements	3,000.00
Permanent Improvements—Jason Beach	13,000.00
Permanent Improvements	7,500.00
Total	35,500.00

LUMS POND

Salary of Superintendent	4,500.00
Salaries and Wages of Employees	6,400.00
Permanent Improvements	35,000.00
Total	45,900.00

BRANDYWINE SPRINGS PARK

Salary of Superintendent	4,500.00
Salaries and Wages of Employees	4,800.00
Repairs and Replacements	4,200.00
Equipment and Permanent Improvements	13,600.00
Total	27,100.00

FORT DELAWARE

Salary of Superintendent	4,500.00
Salaries and Wages of Employees	3,200.00
Repairs and Replacements	9,000.00

Total 16,700.00

DELAWARE STATE DEVELOPMENT DEPARTMENT

Salary of Director	5,000.00
Salaries and Wages of Employees	25,000.00
Office Expense	8,000.00
Travel	5,500.00
Operations	25,000.00
Repairs and Replacements	2,500.00
Equipment	1,000.00

Total 72,000.00

LEWES MEMORIAL COMMISSION

Salaries and Wages of Employees	7,325.00
Office Expense	300.00
Travel	100.00
Operations	900.00
Repairs and Replacements	700.00

Total 9,325.00

DELAWARE DAY COMMISSION

Operations	100.00
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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	35,250.00
Travel	500.00
Operations	34,000.00

Total 69,750.00

STATE HUMAN RELATIONS COMMISSION

Salary of Executive Secretary	3,600.00
Salaries and Wages of Employees	1,700.00
Office Expense	3,500.00
Travel	500.00
Equipment	600.00
Operations	600.00

Total	10,500.00
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STATE PLANNING OFFICE

Salary of Director	12,000.00
Salaries and Wages of Employees	31,840.00
Office Expense	14,250.00
Travel	6,650.00
Operations	10,145.00
Repairs and Replacements	500.00
Equipment	3,700.00

Total	79,085.00
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TOTAL MISCELLANEOUS	961,585.00
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ROADS; MAINTENANCE, POLICE, ETC.

STATE HIGHWAY DEPARTMENT
ADMINISTRATION

Salary of Controller (Total \$15,000.—State \$15,000.—Other none)	15,000.00
Salaries and Wages of Employees	105,000.00
Office Expense	53,000.00
Travel	4,500.00
Operations	5,000.00
Repairs and Replacements	3,500.00
Equipment	5,000.00
Implementation—Concurrent Audit	60,000.00

Total	251,000.00
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MOTOR VEHICLE DIVISION

Salary of Commissioner	10,000.00
Salaries and Wages of Employees	470,000.00
Office Expense	66,000.00

Travel	1,500.00
Operations	150,500.00
Repairs and Replacements	30,000.00
Equipment	4,000.00
Total	732,000.00

SAFETY RESPONSIBILITY DIVISION

Salary of Director	6,000.00
Salaries and Wages of Employees	15,900.00
Office Expense	2,400.00
Travel	600.00
Repairs and Replacements	300.00
Total	25,200.00

STATE POLICE DIVISION

Salaries and Wages of Employees	1,565,211.00
Office Expense	45,000.00
Travel	5,500.00
Operations	218,600.00
Repairs and Replacements	150,000.00
Equipment	10,000.00
New Automobiles Equipped	50,000.00
Total	2,044,311.00

MOTOR FUEL TAX DIVISION

Salary of Director	6,800.00
Salaries and Wages of Employees	23,500.00
Office Expense	4,700.00
Travel	3,800.00
Operations	700.00
Repairs and Replacements	500.00
Equipment	4,500.00
Total	44,500.00

STATE COMMUNICATIONS DIVISION

Salary of Administrator	
Salaries and Wages of Employees	57,460.00
Office Expense	1,810.00
Travel	755.00

Operations	29,110.00
Repairs and Replacements	8,975.00
Equipment	1,500.00

Total	99,610.00
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ADMINISTRATIVE STAFF—MAINTENANCE—CONSTRUCTION
AND OTHERS

Director of Operations (Total \$21,000.—State \$21,000.—Other—none)	21,000.00
Chief Engineer (Total \$17,500.—State \$17,500. Other—none)	17,500.00
Assistant Chief Engineer (Total \$15,000.—State \$15,000.—Other—none)	15,000.00

Total	53,500.00
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MAINTENANCE DIVISION

Salaries and Wages of Employees	2,750,000.00
Office Expense	14,000.00
Operations	775,000.00
Repairs and Replacements	2,500,000.00
Equipment	100,000.00

Total	6,139,000.00
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CONSTRUCTION DIVISION

Salaries and Wages of Employees and Fees	389,500.00
Office Expense	61,000.00
Operations	300,000.00
Repairs and Replacements	210,000.00
Equipment and Permanent Improvements	60,000.00
Repairs and Replacement to Bridges and Culverts resulting from Soil Conservation	150,000.00

Total	1,170,500.00
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MOSQUITO CONTROL DIVISION

Superintendent	8,000.00
Salaries and Wages of Employees	65,000.00
Office Expense	2,500.00
Operations	140,000.00
Repairs and Replacements	7,500.00
Travel	300.00

Equipment	8,000.00
Fresh Water Mosquito Control— New Castle County	40,000.00
Total	271,300.00

TOTAL ROADS: MAINTENANCE, POLICE, ETC.	10,830,921.00
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HEALTH

STATE BOARD OF HEALTH

ADMINISTRATION

Salary of Executive Secretary	15,000.00
Salaries and Wages of Employees	400,000.00
Office Expense	25,000.00
Travel	15,000.00
Operations	20,000.00
Repairs and Replacements	20,000.00
Equipment	2,000.00
Basic Plumbing Principles	5,000.00
School Examination Fees	20,000.00
Total	522,000.00

CRIPPLED CHILDREN

Salaries and Wages of Employees	119,000.00
Travel	1,000.00
Total	120,000.00

CANCER, HEART AND CHRONIC DISEASE CONTROL

Salaries and Wages of Employees	59,698.00
Office Expense	700.00
Travel	500.00
Operations	150.00
Repairs and Replacements	1,000.00
Total	62,048.00

COSMETOLOGY AND BARBER SHOP REGULATIONS

Salaries and Wages of Employees	9,624.00
Travel	1,000.00
Office Expense	1,000.00

Automobiles (2)	4,000.00
Total	15,624.00
DIVISION OF OPTOMETRY	
Operations	1,800.00
Total	1,800.00
AIR POLLUTION	
Supervisor	9,000.00
Salaries and Wages of Employees	3,000.00
Office Expense	1,000.00
Travel	600.00
Total	13,600.00
POLIOMYELITIS IMMUNIZATION	
Operations	15,000.00
Total	15,000.00
WATER POLLUTION COMMISSION	
Director (Total \$14,000.—State \$8,000. Other \$6,000.)	8,000.00
Salaries and Wages of Employees	45,000.00
Office Expense	1,800.00
Travel	2,000.00
Operations	1,050.00
Repairs and Replacements	2,000.00
Equipment	150.00
Total	60,000.00
TOTAL HEALTH	810,072.00
AGRICULTURE, FORESTRY, ETC.	
STATE BOARD OF AGRICULTURE	
Salaries of Board Members	1,950.00
Salary of Secretary (no other funds)	7,500.00
Salaries and Wages of Employees	169,550.00
Office Expense	9,000.00
Travel	10,000.00

Operations	51,000.00
Repairs and Replacements	8,000.00
Equipment	2,000.00
News Letter	1,000.00
Total	260,000.00

WEIGHTS AND MEASURES

Salary of Director	7,000.00
Salaries and Wages of Employees	30,000.00
Office Expense	1,000.00
Travel	4,200.00
Operations	600.00
Equipment	4,800.00
Repairs and Replacements	400.00
Total	48,000.00

SOIL CONSERVATION COMMISSION

Salary of State Engineer	9,800.00
Salaries and Wages of Employees	17,000.00
Office Expense	1,900.00
Travel	4,500.00
Operations	100.00
Equipment	300.00
Total	33,600.00

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	48,000.00
Office Expense	3,800.00
Travel	2,800.00

Operations	3,000.00
Repairs and Replacements	3,400.00
Equipment	5,000.00
Total	70,000.00

SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages of Employees	10,500.00
Office Expense	1,000.00
Travel	300.00
Operations	500.00
Repairs and Replacements	2,000.00
Equipment	500.00
Total	14,800.00

DELAWARE GAME AND FISH COMMISSION

Salary of Commissioners	900.00
Salary of Director and Game Technician (Total \$9,200.—State \$6,000.—Other \$3,200.)	6,000.00
Salaries and Wages of Employees	44,100.00
Office Expense	8,400.00
Travel	975.00
Operations	15,075.00
Repairs and Replacements	6,500.00
Equipment	500.00
Total	82,450.00

TOTAL AGRICULTURE, FORESTRY, ETC. 523,400.00

PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

Salary of Director (Total \$12,000.—State \$6,000. Other \$6,000.)	6,000.00
Salaries and Wages of Employees	434,000.00
Office Expense	46,000.00
Travel	7,300.00
Repairs and Replacements	12,000.00
Equipment	2,000.00
O. A. A. Grants	189,000.00
Aid to Disabled—Grants	154,000.00

Direct Care—Child Welfare Service	550,000.00
Reimbursement to Counties	500,000.00
Medical Care	190,000.00
Aid and Service to Needy Families	500,000.00
Total	2,590,300.00

DELAWARE COMMISSION FOR THE BLIND

Salary of Director (Total \$12,000.—State \$5,000. Other \$7,000.)	5,000.00
Salaries and Wages of Employees	70,000.00
Office Expense	3,000.00
Travel	4,000.00
Operations	32,000.00
Repairs and Replacements	6,500.00
Materials	14,000.00
Assistance Grants	110,000.00
Benefits—Education	55,000.00
Equipment and Permanent Improvements	2,000.00
Library Services	4,200.00
Total	305,700.00

STATE WELFARE HOME

Reimbursement to Counties	750,000.00
Total	750,000.00

DIVISION OF THE AGING

Salaries and Wages of Employees	3,600.00
Travel	400.00
Operations	1,000.00
Total	5,000.00

DELAWARE STATE HOSPITAL

Salary of Superintendent (Total \$26,800. State \$24,000.—Other \$2,800.)	24,000.00
Salary of Business Administrator (Total \$16,200. State \$13,800.—Other \$2,400.)	13,800.00
Salaries and Wages of Employees and Fees	1,860,000.00
Office Expense	26,000.00
Travel	8,000.00

Operations	500,000.00
Repairs and Replacements	155,000.00
Equipment and Permanent Improvements	8,000.00
Total	2,594,800.00

SURPLUS FOOD FOR NEEDY FAMILIES PROGRAM

Salaries and Wages of Employees	23,000.00
Office Expense	7,500.00
Travel	2,000.00
Operations	8,500.00
Repairs and Replacements	5,000.00
Total	46,000.00

DAYTIME CARE CENTERS

Salaries and Wages of Employees	69,760.00
Office Expense	7,400.00
Travel	9,500.00
Operations	10,400.00
Repairs and Replacements	7,600.00
Equipment	2,100.00
Total	106,760.00

MENTAL HYGIENE CLINIC

Salary of Director (State and All other sources)....	21,000.00
Salaries and Wages of Employees	180,000.00
Office Expense	4,000.00
Travel	2,000.00
Operations	10,000.00
Repairs and Replacements	3,000.00
Equipment	4,000.00
Total	224,000.00

GOVERNOR BACON HEALTH CENTER

Salaries and Wages of Employees	620,000.00
Salaries—Handicapped Children	80,000.00
Office Expense	10,500.00
Travel	3,500.00
Operations	175,000.00

Repairs and Replacements	25,000.00
Handicapped Children—Other Costs	5,500.00
Total	919,500.00

HOSPITAL FOR THE MENTALLY RETARDED

Salaries and Wages of Employees and Fees	800,000.00
Salaries—Handicapped Children	13,100.00
Office Expense	10,500.00
Travel	4,500.00
Operations	250,000.00
Repairs and Replacements	65,000.00
Equipment and Permanent Improvements	6,000.00
Other Costs—Handicapped Children	2,000.00
All Costs—Trainable Children	30,000.00
Total	1,181,100.00

STATE BOARD OF CORRECTIONS

Salaries of Board Members	840.00
Salary of Director	12,000.00
Salaries and Wages of Employees	850,000.00
Office Expense	15,000.00
Travel	11,500.00
Operations	340,000.00
Repairs and Replacements	74,000.00
Equipment	18,000.00
Total	1,321,340.00

EMILY P. BISSELL SANATORIUM

Salary of Superintendent	12,000.00
Salaries and Wages of Employees	581,000.00
Office Expense	15,500.00
Travel	3,000.00
Operations	240,000.00
Repairs and Replacements	30,500.00
Equipment and Permanent Improvements	25,000.00
Education—Salaries of Instructors	4,500.00
Total	911,500.00

YOUTH SERVICES COMMISSION

Executive Director	11,000.00
Salaries and Wages of Employees	523,725.00
Office Expense	10,500.00
Travel	7,100.00
Operations	144,600.00
Repairs and Replacements	35,700.00
Equipment	18,400.00
Total	751,025.00

TOTAL PUBLIC WELFARE 11,707,025.00

GRANTS-IN-AID

SCHOLARSHIP FUND

University of Delaware—Delaware Code, Title 14, Chapter 5501	50,000.00
Total	50,000.00

VARIOUS MUNICIPALITIES

Street Improvement Aid Funds	1,200,000.00
Total	1,200,000.00

CONTINGENCY FUND

Emergency Fund Only—Administered by Perma- nent Budget Commission	100,000.00
Total	100,000.00
Public Service Commission—Administered by Per- manent Budget Commission	
Hearing Costs	10,000.00
Total	10,000.00
Highway Department—Maintenance Division— Administered by Permanent Budget Commission	
Operations—Snow Removal	100,000.00
Total	100,000.00

Total Grants-in-Aid 1,460,000.00

TOTAL AGENCIES, GRANTS-IN-AID	56,994,180.00
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EDUCATION

UNIVERSITY OF DELAWARE

Operations	5,005,500.00
Scholarships	37,500.00
Aid to Needy Students	57,000.00
Teaching Scholarship	50,000.00
Nursing Education	50,000.00
Poultry Diagnostic Service for State Board of Agriculture	10,000.00

Total	5,210,000.00
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DELAWARE STATE COLLEGE

Salaries and Wages of Employees	365,950.00
Office Expense	13,000.00
Travel	3,000.00
Operations	125,800.00
Repairs and Replacements	43,000.00
Equipment	25,000.00
Scholarships	45,000.00

Total	620,750.00
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STATE BOARD OF EDUCATION

Division I.—SALARIES

A. Salary of Superintendent (\$16,500. State \$500. Federal)	17,000.00
Salaries of Board Members	2,700.00
B. Assistant Superintendents (3)	
1. Business Administration	12,880.00
2. Secondary Education	12,880.00
3. Elementary Education	12,880.00
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(11)	
1. Art	9,320.00
2. Music	10,500.00
3. Physical Education	10,500.00
4. Lunch Program	9,320.00
5. Transportation	8,820.00
6. Science (\$4,700. State—\$4,700. Federal)..	9,400.00
7. Mathematics (\$4,800. State \$4,800. Federal)	9,600.00
8. Foreign Language (\$4,560. State \$4,560. Federal)	9,120.00
9. Adult Education and Service Bureau for Foreign Born	7,000.00
10. Library	9,600.00
11. English	7,500.00
b. Without programs (13)	
1. Research	9,880.00
2. Rural New Castle County (11 Months)	8,730.00
3. Rural Kent County (11 Months)	9,190.00
4. Rural Sussex County (11 Months)	8,730.00
5. Student Driver	9,190.00
6. Transportation	8,440.00
7. Special Classes for Physically Handicapped	8,520.00
8. Special Schools	9,400.00
9. Certification	7,960.00
10. Business	7,960.00
11. Maintenance	5,350.00
12. Testing	9,200.00
13. Special Classes	9,880.00
E. Principals	None
F. Vice Principals	None
G. Administrative Assistants	None

Total Administrative Salaries 306,610.00

H. Teachers

1. Physical Education, Rural Schools (10 Months)	6,800.00
2. Art, Rural Schools (10 Months)	6,600.00
3. Music, Rural Schools (10 Months)	7,500.00

4. Student Drivers (32)	184,500.00
5. Visiting Teachers (4) (State and Special Districts)	26,800.00
6. Psychologists (10) (State and Special Districts)	69,180.00
7. Speech and Hearing (8) (State and Special Districts)	52,500.00
8. Coordinators (2) (State and Special Districts)	15,260.00
9. A. I. duPont Institute	6,575.00
I. Clerical	165,680.00
J. Janitorial	5,100.00
K. Health	None
L. Cafeteria	None
Sub-total Division I.	853,105.00
Less Federal Funds	14,560.00
Total Division I.	838,545.00

Division II.

B. 1. All other costs	78,250.00
2. Legal Fees	5,000.00
3. Travel	34,200.00
4. Transportation	1,930,000.00
5. Deaf Program	170,000.00
6. Homebound Instruction	53,300.00
7. Adult Education (in addition to student fees)	5,500.00
8. Trainable Units—to be operated in compliance with Chapter 17, Title 14, Delaware Code	73,000.00
9. Substitute Teachers (to be allocated by State Board as needed)	275,000.00
10. Equipment for new Student Driver Teachers	1,800.00
11. Governor's Committee on Employment of Handicapped	500.00
12. Film Library	17,800.00
13. N. D. E. A. Title III Matching Funds (Administration)	10,360.00

14. N. D. E. A. Title X Matching Funds (Data Processing)	17,500.00
15. Automobiles (New Student Driver Teachers)	19,800.00
<hr/>	
Total Division II.	2,692,010.00
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Total State Board of Education	3,530,555.00
STATE BOARD OF VOCATIONAL EDUCATION	

Division I.—SALARIES

B. Assistant Superintendents (1)	
1. Vocational Education (\$62,200. State \$6,200. Federal)	12,400.00
D. Supervisors	
a. with program (6)	
1. Home Economics (\$4,560. State \$4,560. Federal)	9,120.00
2. Agriculture (\$4,360. State \$4,360. Federal)	8,720.00
3. Distributive Education (\$4,560. State \$4,560. Federal)	9,120.00
4. Trades, Industry and Teachers Training (\$4,740. State—\$4,740. Federal)	9,480.00
5. Foreman Training (\$4,650. State \$4,650. Federal)	9,300.00
6. Apprentice Training (\$4,700. State \$4,700. Federal)	9,400.00
b. without programs (1)	
1. Home Economics (\$4,940. State \$4,940. Federal)	9,880.00
I. Clerical (included in State Board of Education Budget)	
Total Administration Salaries	77,420.00
Less Federal Funds	38,710.00
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Total Division I.	38,710.00

Division II.

1. Office Expense	1,000.00
2. Travel	3,000.00

3. Equipment	2,000.00
4. Vocational Training	42,500.00

Total Division II.	48,500.00
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Total Vocational Education	87,210.00
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TOTAL STATE BOARD OF EDUCATION AND VOCATIONAL EDUCATION	3,617,765.00
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REHABILITATION DIVISION

Office Expense	9,000.00
Travel	7,000.00
Operations	180,000.00

Total Rehabilitation Division	196,000.00
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TOTAL STATE BOARD OF EDUCATION, VOCATIONAL EDUCATION AND REHABILITATION DIVISION	3,813,765.00
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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

For School Year
1963-1964

CAESAR RODNEY

121 units

Division I.—SALARIES

A. Chief School Officer	10,920.00
E. Principals 4	36,640.00
F. P. T. Principals 1	6,400.00
G. Administrative Assistants 1	9,620.00

Total Administrative Salaries	63,580.00
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H. Teachers 116	652,080.00
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I. Clerical	8	30,733.00
J. Janitorial	16	62,850.00
K. Health	3	15,200.00
L. Cafeteria	4	13,750.00
Division II.—OTHER COSTS		
A. All other costs		93,775.00
Capital Outlay		12,100.00
Total		944,068.00

CLAYMONT

114 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	4	37,800.00
G. Administrative Assistants	1	10,100.00

Total Administrative Salaries	59,300.00
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H. Teachers	110	607,420.00
I. Clerical	7	29,800.00
J. Janitorial	21	84,600.00
K. Health	3	15,200.00
L. Cafeteria	5	18,360.00

Division II.—OTHER COSTS

A. All other costs		88,350.00
Capital Outlay		11,400.00

Total	914,430.00
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DOVER

150 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	6	56,160.00
G. Administrative Assistants	1	9,620.00

Total Administrative Salaries	77,180.00
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H. Teachers	144	836,100.00
I. Clerical	9	37,500.00
J. Janitorial	23	94,350.00
K. Health	3½	16,625.00
L. Cafeteria	5	18,050.00

Division II.—OTHER COSTS

A. All other costs	116,250.00
Capital Outlay	15,000.00
Total	1,211,055.00

ALEXIS I. DuPONT

74 units

Division I.—SALARIES

A. Chief School Officer	11,380.00
E. Principals 2	19,220.00
F. P. T. Principals 2	13,750.00

Total Administrative Salaries	44,350.00
H. Teachers 70	426,200.00
I. Clerical 5	18,475.00
J. Janitorial 14	57,800.00
K. Health 2	8,400.00
L. Cafeteria 3	9,900.00

Division II.—OTHER COSTS

A. All other costs	57,350.00
Capital Outlay	7,400.00
Total	629,875.00

GEORGETOWN

66 units

Division I.—SALARIES

A. Chief School Officer	10,420.00
E. Principals 2	18,920.00

Total Administrative Salaries	29,340.00
H. Teachers 64	372,040.00
I. Clerical 5	21,300.00
J. Janitorial 10	36,800.00
K. Health 2	9,600.00
L. Cafeteria 1	2,550.00

Division II.—OTHER COSTS

A. All other costs	51,150.00
Capital Outlay	6,600.00
Total	529,380.00

HARRINGTON

49 units

Division I.—SALARIES

A. Chief School Officer		10,420.00
E. Principals	2	17,380.00
F. P. T. Principals	1	6,400.00

Total Administrative Salaries		34,200.00
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H. Teachers	46	275,640.00
I. Clerical	4	17,000.00
J. Janitorial	8	33,300.00
K. Health	1½	7,000.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs		37,975.00
Capital Outlay		4,900.00

Total		413,315.00
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LAUREL

87 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	4	35,860.00
G. Administrative Assistants	1	10,100.00

Total Administrative Salaries		57,360.00
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H. Teachers	83	499,160.00
I. Clerical	6	24,500.00
J. Janitorial	15	63,700.00
K. Health	2½	11,100.00
L. Cafeteria	2	6,150.00

Division II.—OTHER COSTS

A. All other costs		67,425.00
Capital Outlay		8,700.00

Total		738,095.00
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LEWES

55 units

Division I.—SALARIES

A. Chief School Officer		10,900.00
E. Principals	2	19,200.00

F. P. T. Principals	1	6,800.00
Total Administrative Salaries		36,900.00
H. Teachers	52	317,920.00
I. Clerical	4	16,300.00
J. Janitorial	10	37,750.00
K. Health	11½	7,400.00
L. Cafeteria	2	6,900.00
Division II.—OTHER COSTS		
A. All other costs		42,625.00
Capital Outlay		5,500.00
Total		471,295.00

MILFORD

121 units

Division I.—SALARIES

A. Chief School Officer		10,920.00
E. Principals	5	45,460.00
G. Administrative Assistants	1	10,100.00
Total Administrative Salaries		66,480.00
H. Teachers	116	674,460.00
I. Clerical	8	31,400.00
J. Janitorial	18	74,850.00
K. Health	3	14,800.00
L. Cafeteria	3	9,000.00
Division II.—OTHER COSTS		
A. All other costs		93,775.00
Capital Outlay		12,100.00
Total		976,865.00

MOUNT PLEASANT

209 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	6	56,600.00
G. Administrative Assistants	1	10,100.00
Total Administrative Salaries		78,100.00
H. Teachers	203	1,237,200.00

I. Clerical	12	49,900.00
J. Janitorial	34	119,100.00
K. Health	7	28,600.00
L. Cafeteria	7	20,700.00
Division II.—OTHER COSTS		
A. All other costs		161,975.00
Capital Outlay		20,900.00
Total		1,716,475.00

NEW CASTLE

214 units

Division I.—SALARIES

A. Chief School Officer		10,920.00
E. Principals	6	57,460.00
G. Administrative Assistants	1	9,620.00

Total Administrative Salaries		78,000.00
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H. Teachers	208	1,213,100.00
I. Clerical	12	49,100.00
J. Janitorial	27	107,900.00
K. Health	6	30,600.00
L. Cafeteria	6	18,900.00

Division II.—OTHER COSTS

A. All other costs		165,850.00
Capital Outlay		21,400.00

Total		1,684,850.00
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NEWARK

351 units

Division I.—SALARIES

A. Chief School Officer		10,920.00
E. Principals	10	94,760.00
G. Administrative Assistants	2	20,200.00

Total Administrative Salaries		125,880.00
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H. Teachers	341	1,979,020.00
I. Clerical	19	72,625.00
J. Janitorial	44	176,650.00
K. Health	10	34,800.00
L. Cafeteria	10	32,700.00

M. Trainable Attendants	1	1,900.00
Division II.—OTHER COSTS		
A. All other costs		272,025.00
Capital Outlay		35,100.00
Total		2,730,700.00

REHOBOTH

21 units

Division I.—SALARIES

A. Chief School Officer		10,380.00
F. P. T. Principals	2	13,900.00

Total Administrative Salaries		24,280.00
H. Teachers	19	122,200.00
I. Clerical	2	8,534.00
J. Janitorial	5	20,100.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs		16,275.00
Capital Outlay		2,100.00

Total	201,989.00
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SEAFORD

131 units

Division I.—SALARIES

A. Chief School Officer		11,880.00
E. Principals	5	45,600.00
G. Administrative Assistants	1	10,100.00

Total Administrative Salaries		67,580.00
H. Teachers	126	733,520.00
I. Clerical	8	32,600.00
J. Janitorial	21	88,700.00
K. Health	3½	17,300.00
L. Cafeteria	5	16,100.00

Division II.—OTHER COSTS

A. All other costs		101,525.00
Capital Outlay		13,100.00

Total	1,070,425.00
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SMYRNA

93 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	4	35,980.00
F. P. T. Principals	1	6,400.00
G. Administrative Assistants	1	10,100.00

Total Administrative Salaries		63,880.00
H. Teachers	88	513,200.00
I. Clerical	6	25,000.00
J. Janitorial	15	60,250.00
K. Health	2½	14,000.00
L. Cafeteria	4	16,800.00

Division II.—OTHER COSTS

A. All other costs		72,075.00
Capital Outlay		9,300.00

Total	774,505.00
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LOCAL SCHOOL DISTRICTS

For School Year
1963-1964

ARDEN NO. 3

3 units

Division I.—SALARIES

A. Chief School Officer		7,100.00
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Total Administrative Salaries		7,100.00
H. Teachers	2	12,800.00
I. Clerical	P/T	300.00
J. Janitorial	1	2,300.00
K. Health	P/T	600.00

Division II.—OTHER COSTS

A. All other costs		2,325.00
Capital Outlay		300.00

Total	25,725.00
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GUNNING BEDFORD, JR. NO. 53

42 units

Division I.—SALARIES

A. Chief School Officer		10,900.00
E. Principals	2	19,200.00

Total Administrative Salaries 30,100.00

H. Teachers 40 224,600.00

I. Clerical 3 13,200.00

J. Janitorial 12 46,300.00

K. Health 1½ 6,600.00

L. Cafeteria 3 8,850.00

Division II.—OTHER COSTS

A. All other costs 32,550.00

Capital Outlay 4,200.00

Total 366,400.00

HENRY C. CONRAD NO. 131

103 units

Division I.—SALARIES

A. Chief School Officer 10,920.00

E. Principals 2 19,540.00

G. Administrative Assistants 1 9,700.00

Total Administrative Salaries 40,160.00

H. Teachers 101 586,500.00

I. Clerical 7 28,100.00

J. Janitorial 16 61,260.00

K. Health 3 12,800.00

L. Cafeteria 2 6,150.00

Division II.—OTHER COSTS

A. All other costs 79,825.00

Capital Outlay 10,300.00

Total 825,095.00

ALFRED I. DuPONT NO. 7

245 units

Division I.—SALARIES

A. Chief School Officer 11,880.00

E. Principals 7 68,120.00

G. Administrative Assistants	1	9,620.00
Total Administrative Salaries		89,620.00
H. Teachers	238	1,407,000.00
I. Clerical	14	67,484.00
J. Janitorial	41	161,800.00
K. Health	7	30,500.00
L. Cafeteria	7	24,700.00
Division II.—OTHER COSTS		
A. All other costs		189,875.00
Capital Outlay		24,500.00
Total		1,995,479.00

MARSHALLTON NO. 77

101 units

Division I.—SALARIES

A. Chief School Officer		10,920.00
E. Principals	3	27,840.00
G. Administrative Assistants	1	9,620.00
Total Administrative Salaries		48,380.00
H. Teachers	98	563,400.00
I. Clerical	7	25,500.00
J. Janitorial	14	59,300.00
K. Health	3	13,400.00
L. Cafeteria	3	11,100.00

Division II.—OTHER COSTS

A. All other costs		78,275.00
Capital Outlay		10,100.00

Total 809,455.00

MIDDLETOWN NO. 60

47 units

Division I.—SALARIES

A. Chief School Officer		10,420.00
E. Principals	1	9,600.00
Total Administrative Salaries		20,020.00
H. Teachers	46	268,200.00
I. Clerical	4	13,200.00

J. Janitorial	7	29,250.00
K. Health	1½	6,900.00
L. Cafeteria	1	3,900.00
Division II.—OTHER COSTS		
A. All other costs		36,425.00
Capital Outlay		4,700.00
Total		382,595.00

NEWPORT NO. 21

61 units

Division I.—SALARIES

A. Chief School Officer		10,900.00
E. Principals	2	18,720.00
Total Administrative Salaries		29,620.00
H. Teachers	59	338,400.00
I. Clerical	5	19,534.00
J. Janitorial	7	28,000.00
K. Health	2	9,320.00
L. Cafeteria	1	3,150.00

Division II.—OTHER COSTS

A. All other costs		47,275.00
Capital Outlay		6,100.00

Total 481,399.00

OAK GROVE NO. 130

77 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	3	28,240.00
G. Administrative Assistants	1	10,100.00
Total Administrative Salaries		49,740.00
H. Teachers	74	413,900.00
I. Clerical	6	22,400.00
J. Janitorial	10	43,050.00
K. Health	2	9,200.00
L. Cafeteria	2	6,450.00

Division II.—OTHER COSTS

A. All other costs		59,675.00
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Capital Outlay	7,700.00
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Total	612,115.00
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ODESSA NO. 61

5 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	4	22,200.00
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I. Clerical	P/T	1,000.00
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J. Janitorial	1	3,900.00
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K. Health	P/T	1,200.00
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L. Cafeteria	1	2,700.00
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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	42,075.00
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RICHARDSON PARK NO. 20

40 units

Division I.—SALARIES

A. Chief School Officer	10,420.00
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E. Principals	1	7,640.00
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Total Administrative Salaries	18,060.00
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H. Teachers	39	222,900.00
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I. Clerical	3	9,200.00
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J. Janitorial	6	24,450.00
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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. All other costs	31,000.00
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Capital Outlay	4,000.00
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Total	318,110.00
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ROSE HILL-MINQUADALE NO. 47

148 units

Division I.—SALARIES

A. Chief School Officer	11,880.00
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E. Principals	4	36,780.00
F. Part-Time Principals	1	6,950.00
G. Administrative Assistants	1	10,100.00
		<hr/>
Total Administrative Salaries		65,710.00
H. Teachers	143	815,000.00
I. Clerical	9	34,200.00
J. Janitorial	20	79,700.00
K. Health	4	17,800.00
L. Cafeteria	6	19,300.00
Division II.—OTHER COSTS		
A. All other costs		114,700.00
Capital Outlay		14,800.00
		<hr/>
Total		1,161,210.00

JOHN G. LEACH

(Administered by Rose Hill-Minquadale No. 47)

6 units

Division I.—SALARIES

E. Principals	1	7,460.00
		<hr/>
Total Administrative Salaries		7,460.00
H. Teachers	5	31,000.00
I. Clerical	1	3,334.00
J. Janitorial	1	3,150.00
K. Health	1	5,200.00
M. Trainable Attendants	5	13,875.00
Division II.—OTHER COSTS		
A. All other costs		4,650.00
Capital Outlay		600.00
		<hr/>
Total		69,269.00

STANTON NO. 38

111 units

Division I.—SALARIES

A. Chief School Officer		11,400.00
E. Principals	3	28,320.00
F. Part-Time Principals	1	6,950.00
G. Administrative Assistants	1	9,700.00
		<hr/>

Total Administrative Salaries		56,370.00
H. Teachers	107	601,600.00
I. Clerical	7	27,400.00
J. Janitorial	14	70,550.00
K. Health	3	14,600.00
L. Cafeteria	3	8,550.00
Division II.—OTHER COSTS		
A. All other costs		86,025.00
Capital Outlay		11,100.00
Total		876,195.00

TOWNSEND NO. 81

13 units

Division I.—SALARIES

A. Chief School Officer		9,420.00
Total Administrative Salaries		
H. Teachers	13	74,700.00
I. Clerical	1	4,300.00
J. Janitorial	2	8,400.00
K. Health	P/T	2,600.00
L. Cafeteria	1	3,300.00
Division II.—OTHER COSTS		
A. All other costs		10,075.00
Capital Outlay		1,300.00
Total		114,095.00

MIDDLETOWN NO. 120

31 units

Division I.—SALARIES

A. Chief School Officer		10,880.00
E. Principals	1	8,320.00
Total Administrative Salaries		
H. Teachers	30	184,300.00
I. Clerical	3	12,200.00
J. Janitorial	5	21,680.00
K. Health	1	5,600.00
L. Cafeteria	1	4,200.00
Division II.—OTHER COSTS		
A. All other costs		24,025.00

Capital Outlay	3,100.00
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Total	274,305.00
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MILLSIDE NO. 132

38 units

Division I.—SALARIES

A. Chief School Officer	9,920.00
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E. Principals 1	9,120.00
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Total Administrative Salaries	19,040.00
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H. Teachers 37	223,800.00
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I. Clerical 3	11,300.00
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J. Janitorial 5	18,900.00
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K. Health 1	4,600.00
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L. Cafeteria 1	3,300.00
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Division II.—OTHER COSTS

A. All other costs	29,450.00
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Capital Outlay	3,800.00
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Total	314,190.00
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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	81,000.00
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I. Clerical 1	3,200.00
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J. Janitorial 4	11,150.00
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K. Health 1	3,600.00
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L. Cafeteria 1	2,550.00
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Division II.—OTHER COSTS

A. All other costs	11,625.00
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Capital Outlay	1,500.00
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Total	124,045.00
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FELTON NO. 54

33 units

Division I.—SALARIES

A. Chief School Officer	10,880.00
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E. Principals	2	17,920.00
Total Administrative Salaries		28,800.00
H. Teachers	31	179,920.00
I. Clerical	3	12,700.00
J. Janitorial	6	23,200.00
K. Health	1	4,600.00
L. Cafeteria	1	3,300.00
Division II.—OTHER COSTS		
A. All other costs		25,575.00
Capital Outlay		3,300.00
Total		281,395.00

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
H. Teachers	45,500.00
I. Clerical P/T	1,500.00
J. Janitorial	8,100.00
K. Health P/T	1,800.00
L. Cafeteria	2,700.00

Division II.—OTHER COSTS

A. All other costs	6,975.00
Capital Outlay	900.00

Total	75,075.00
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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
H. Teachers	39,550.00
I. Clerical P/T	1,500.00
J. Janitorial	4,000.00
K. Health P/T	1,800.00
L. Cafeteria	3,000.00

Division II.—OTHER COSTS

A. All other costs	6,975.00
Capital Outlay	900.00
Total	64,925.00

HOUSTON NO. 125

4 units

Division I.—SALARIES

A. Chief School Officer	7,100.00
Total Administrative Salaries	7,100.00
H. Teachers 3	17,000.00
I. Clerical P/T	1,000.00
J. Janitorial 1	4,300.00
K. Health P/T	800.00
L. Cafeteria 1	3,300.00

Division II.—OTHER COSTS

A. All other costs	3,100.00
Capital Outlay	400.00
Total	37,000.00

MAGNOLIA NO. 50

6 units

Division I.—SALARIES

A. Chief School Officer	7,200.00
Total Administrative Salaries	7,200.00
H. Teachers 5	30,000.00
I. Clerical P/T	1,000.00
J. Janitorial 1	3,800.00
K. Health P/T	1,200.00
L. Cafeteria 1	2,250.00

Division II.—OTHER COSTS

A. All other costs	4,650.00
Capital Outlay	600.00
Total	50,700.00

WILLIAM HENRY NO. 133

37 units

Division I.—SALARIES

A. Chief School Officer	10,400.00
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E. Principals	1	9,320.00
		<hr/>
Total Administrative Salaries		19,720.00
H. Teachers	36	216,640.00
I. Clerical	3	11,400.00
J. Janitorial	8	29,100.00
K. Health	1	4,200.00
L. Cafeteria	1	5,100.00
Division II.—OTHER COSTS		
A. All other costs		28,675.00
Capital Outlay		3,700.00
		<hr/>
Total		318,535.00

BRIDGEVILLE NO. 90

30 Units

Division I.—SALARIES

A. Chief School Officer		10,880.00
E. Principals	1	8,920.00
		<hr/>
Total Administrative Salaries		19,800.00
H. Teachers	29	173,040.00
I. Clerical	2	8,400.00
J. Janitorial	6	24,200.00
K. Health	1	5,200.00
L. Cafeteria	1	3,900.00
Division II.—OTHER COSTS		
A. All other costs		23,250.00
Capital Outlay		3,000.00
		<hr/>
Total		260,790.00

BLADES NO. 172

5 units

Division I.—SALARIES

A. Chief School Officer		7,500.00
		<hr/>
Total Administrative Salaries		7,500.00
H. Teachers	4	24,600.00
I. Clerical	P/T	1,000.00
J. Janitorial	1	4,200.00
K. Health	P/T	1,000.00

L. Cafeteria	1	3,300.00
Division II.—OTHER COSTS		
A. All other costs ..	.....	3,875.00
Capital Outlay .....	.....	500.00
Total		45,975.00

JOHN M. CLAYTON NO.97

27 units

Division I.—SALARIES

A. Chief School Officer .....	.....	10,400.00
E. Principals	1	8,520.00
Total Administrative Salaries		18,920.00
H. Teachers	26	150,000.00
I. Clerical	2	9,200.00
J. Janitorial	6	25,400.00
K. Health	1	5,200.00
L. Cafeteria	1	2,700.00

Division II.—OTHER COSTS

A. All other costs .....	.....	20,925.00
Capital Outlay .....	.....	2,700.00
Total		235,045.00

DELMAR NO. 163

29 units

Division I.—SALARIES

A. Chief School Officer .....	.....	10,400.00
E. Principals	1	9,320.00
Total Administrative Salaries		19,720.00
H. Teachers	28	168,000.00
I. Clerical	2	9,200.00
J. Janitorial	6	21,575.00
K. Health	1	3,600.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs .....	.....	22,475.00
Capital Outlay .....	.....	2,900.00
Total		250,770.00

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
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I. Clerical	P/T	1,000.00
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J. Janitorial	1	4,100.00
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K. Health	P/T	1,000.00
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L. Cafeteria	1	3,150.00
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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	44,025.00
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GREENWOOD NO. 91

26 units

Division I.—SALARIES

A. Chief School Officer	9,560.00
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Total Administrative Salaries	9,560.00
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H. Teachers	26	157,140.00
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I. Clerical	2	8,600.00
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J. Janitorial	6	21,100.00
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K. Health	1	5,200.00
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L. Cafeteria	1	3,150.00
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Division II.—OTHER COSTS

A. All other costs	20,150.00
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Capital Outlay	2,600.00
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Total	227,500.00
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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	17,200.00
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I. Clerical	P/T	1,000.00
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J. Janitorial	1	3,600.00
K. Health	P/T	800.00
L. Cafeteria	1	3,300.00
Division II.—OTHER COSTS		
A. All other costs		3,100.00
Capital Outlay		400.00
Total		36,100.00

LINCOLN NO. 3

6 units

Division I.—SALARIES

A. Chief School Officer		7,600.00
Total Administrative Salaries		7,600.00
H. Teachers	5	34,400.00
I. Clerical	P/T	1,000.00
J. Janitorial	1	4,200.00
K. Health	P/T	1,200.00
L. Cafeteria	1	2,400.00
Division II.—OTHER COSTS		
A. All other costs		4,650.00
Capital Outlay		600.00
Total		56,050.00

LORD BALTIMORE NO. 28

21 units

Division I.—SALARIES

A. Chief School Officer		9,420.00
Total Administrative Salaries		9,420.00
H. Teachers	21	129,320.00
I. Clerical	2	8,900.00
J. Janitorial	5	18,225.00
K. Health	1	5,200.00
L. Cafeteria	1	4,200.00
Division II.—OTHER COSTS		
A. All other costs		16,275.00
Capital Outlay		2,100.00
Total		193,640.00

MILLSBORO NO. 23

34 units

Division I.—SALARIES

A. Chief School Officer		8,870.00
E. Principals	1	7,400.00

Total Administrative Salaries		16,270.00
H. Teachers	33	181,000.00
I. Clerical	3	12,900.00
J. Janitorial	6	24,700.00
K. Health	1	4,000.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs		26,350.00
Capital Outlay		3,400.00

Total..... 271,920.00

MILTON NO. 8

32 units

Division I.—SALARIES

A. Chief School Officer		10,400.00
E. Principals	1	9,200.00

Total Administrative Salaries		19,600.00
H. Teachers	31	188,500.00
I. Clerical	3	13,100.00
J. Janitorial	6	24,000.00
K. Health	1	5,200.00
L. Cafeteria	1	3,300.00

Division II.—OTHER COSTS

A. All other costs		24,800.00
Capital Outlay		3,200.00

Total..... 281,700.00

SELBYVILLE NO. 32

22 units

Division I.—SALARIES

A. Chief School Officer		9,900.00
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Total Administrative Salaries 9,900.00

H. Teachers	22	127,320.00
I. Clerical	2	9,200.00
J. Janitorial	5	20,000.00
K. Health	1	3,400.00
L. Cafeteria	1	3,300.00
Division II.—OTHER COSTS		
A. All other costs		17,050.00
Capital Outlay		2,200.00
Total		192,370.00

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
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H. Teachers	13	101,440.00
I. Clerical	1	5,200.00
J. Janitorial	4	13,400.00
L. Cafeteria	1	3,000.00

Division II.—OTHER COSTS

A. All other costs	26,000.00
Capital Outlay	6,500.00

Total	164,720.00
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BRIDGEVILLE NO. 220

15 units

Division I.—SALARIES

A. Chief School Officer	8,940.00
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Total Administrative Salaries	8,940.00
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H. Teachers	15	86,400.00
I. Clerical	1	4,000.00
J. Janitorial	2	7,200.00
K. Health	1	3,600.00
L. Cafeteria	1	4,200.00

Division II.—OTHER COSTS

A. All other costs	11,625.00
Capital Outlay	1,500.00

Total	127,465.00
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FRANKFORD NO. 206

14 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	14	67,200.00
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I. Clerical	1	4,000.00
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J. Janitorial	2	8,200.00
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K. Health	P/T	2,800.00
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L. Cafeteria	1	3,300.00
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Division II.—OTHER COSTS

A. All other costs	10,850.00
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Capital Outlay	1,400.00
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Total	107,650.00
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WILLIAM C. JASON NO. 192

46 units

Division I.—SALARIES

A. Chief School Officer	10,420.00
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E. Principals	2	17,240.00
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Total Administrative Salaries	27,660.00
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H. Teachers	44	243,240.00
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I. Clerical	3	16,300.00
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J. Janitorial	7	27,550.00
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K. Health	1½	5,200.00
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Division II.—OTHER COSTS

A. All other costs	35,650.00
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Capital Outlay	4,600.00
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Total	360,200.00
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MILLSBORO NO. 204

12 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	12	70,600.00
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I. Clerical	1	4,000.00
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J. Janitorial	2	7,800.00
K. Health	P/T	2,400.00
L. Cafeteria	1	3,300.00
Division II.—OTHER COSTS		
A. All other costs		9,300.00
Capital Outlay		1,200.00
Total		108,500.00

SELBYVILLE NO. 210

12 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	12	53,000.00
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I. Clerical	P/T	1,800.00
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J. Janitorial	2	8,100.00
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K. Health	P/T	3,200.00
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L. Cafeteria	1	3,000.00
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Division II.—OTHER COSTS

A. All other costs	9,300.00
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Capital Outlay	1,200.00
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Total	87,200.00
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1-2-3 TEACHERS SCHOOLS

53 units

Division I.—SALARIES

H. Teachers	53	328,700.00
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I. Clerical	P/T	7,000.00
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J. Janitorial	P/T	16,345.00
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K. Health	P/T	11,000.00
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L. Cafeteria	1	3,000.00
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Division II.—OTHER COSTS

A. All other costs	41,075.00
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Capital Outlay	5,300.00
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Total	419,220.00
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WILMINGTON BOARD OF EDUCATION

623 units

Division I.—SALARIES

A. Superintendent	9,880.00
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B. Assistant Superintendents (2)	
1. Elementary Education	12,880.00
2. Secondary Education	10,880.00
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 programs (14)	
1. School Lunch (12 months)	9,800.00
2. Maintenance (12 months)	9,800.00
3. Library (10 months)	8,167.00
4. Art (10 months)	8,700.00
5. Music (10 months)	8,067.00
6. Special Education (10 months)	8,167.00
7. Physical Education (10 months)	8,567.00
8. English (10 months)	8,700.00
9. Social Science (10 months)	8,567.00
10. Business Education (10 months)	6,833.00
11. Home Economics (10 months)	7,767.00
12. Science (10 months)	8,567.00
13. Mathematics (10 months)	7,500.00
14. Foreign Language (10 months)	8,167.00
E. Principals (18)	176,020.00
G. Administrative Assistants (2)	
1. Business Administrator—Sec. to Board	9,420.00
2. Vocational Education	10,100.00
Total Administrative Salaries	381,229.00
H. 1. Teachers (605)	3,750,000.00
2. Visiting Teachers (3)	19,200.00
3. Psychologists (5)	33,800.00
4. Speech and Hearing (4)	29,080.00
5. Home Bound Instruction	4,000.00
I. Clerical (50)	214,700.00
J. Janitorial (103)	403,600.00
K. Health (27)	113,600.00
L. Cafeteria (16)	50,250.00
M. Trainable Attendants (3)	8,800.00
Total Division I.	5,008,259.00

Vocational Education for the City of Wilmington and New Castle County	150,000.00
Total	5,158,259.00
Division II.—OTHER COSTS	
A. All other costs	482,825.00
Capital Outlay	62,300.00
Total Wilmington Board of Education	5,703,384.00
CONTINGENCY FUND	
Public Education (Growth and Upgrading Factors) (Supervised by the State Budget Commission)	1,350,000.00
TOTAL PUBLIC SCHOOLS	35,150,933.00
TOTAL EDUCATION	44,802,948.00
GRAND TOTAL AGENCIES AND EDUCATION	101,797,128.00

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 casual 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, principals 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 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 expense 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 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 amounts 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, 1963, 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, 1963, 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, 1963, 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, 1963, 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, 1963.

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 services.

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, 1964, 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 Com-

mission; 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. Further provided that no funds may be transferred into a line-item salary appropriation from any emergency or contingency fund.

Section 13. Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is designated in a line item in Section 1. of this Act shall receive total compensation, whether in wages, salary, bonus or overtime from the funds of such public sources as the State, Federal departments or agencies, counties or the internal funds of the agencies of the State in excess of the total amount specified in such line-item. In the event that such employee shall receive compensation from such other public sources in excess of that specified in the line-item, the amount of the appropriation from the General Fund of the State as set forth in the line-item shall be reduced by the amount of the excess received from such other sources. In the event that the "All Others" part of a line-item salary is made up entirely of Federal Aid monies, and further in the event that such Federal Aid monies should not be forth coming to the extent indicated, the Budget Commission shall have the power to increase the State appropriation to the extent necessary to provide the "Total Salary" indicated in the line item.

Section 14. No full-time employee of the State of Delaware whose salary is paid in whole or part from state funds shall receive a salary increase in excess of \$300.00 during the fiscal year for which money is appropriated by this Act, except:

(a) Employees whose salaries are set by statute or by line item in this Act,

(b) Employees of an agency which has established, prior to July 1, 1963, a comprehensive employee salary classifications schedule for all employees of the agency, if such employees are promoted from one existing job classification to another existing job classification.

(c) Employees who are promoted from one position, created by statute or the salary of which is set by statute or line item in this Act, to another such position.

(d) Employees who change jobs from one agency to another agency.

(e) Employees who were hired prior to July 1, 1963, and whose initial condition of employment provided for an increment in excess of \$300.00 per year.

Approved May 1, 1963.

NOTE: Chapter 39, Section 4, Volume 54, Laws of Delaware, changed "Budget Commission" to "Budget Director".

CHAPTER 32

**AN ACT ESTABLISHING A CAPITAL INVESTMENT FUND
AND PROVIDING FOR THE PAYMENT INTO THE FUND
OF ALL INCOME TAX PAYMENTS TO THE STATE OF
DELAWARE BASED ON TAXABLE INCOME RESULT-
ING FROM DISTRIBUTIONS OF DIVESTED STOCK AS
DEFINED IN SECTION 1111 OF THE UNITED STATES
INTERNAL REVENUE CODE OF 1954.**

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 to read:

CHAPTER 62. CAPITAL INVESTMENT FUND

§ 6201. Capital Investment Fund

There is hereby created and established a Capital Investment Fund. The Fund shall be administered and subject to the same controls as the General Fund of the State of Delaware except as otherwise provided in this Chapter.

§ 6202. Transfer of tax proceeds received from distribution of stock pursuant to a court order enforcing the anti-trust laws

(a) The State Treasurer shall transfer each year from the General Fund to the Capital Investment Fund a sum equal to the amount of revenue deemed received by the State of Delaware from the income taxation in the preceding calendar year of a distribution of divested stock as defined in Section 1111 of the Internal Revenue Code of 1954, as amended, U. S. Code, Title 26.

(b) The amount to be transferred each year shall be the sum of the amounts determined by multiplying the "net divestiture gain", as hereinafter defined, of each taxable for the preceding calendar year by the highest Delaware income

tax rate paid on his net income for such year. "Net divestiture gain" is the amount of capital gain taken into account in computing a taxable's net income pursuant to Section 1148 of Chapter 11, Title 30, Delaware Code, less all his allowed capital losses in excess of all his other capital gains.

(c) The amount to be transferred each year shall be determined by the State Tax Commissioner, and he shall notify the State Treasurer thereof in writing not later than the fifteenth day of June of that year.

§ 6203. Custodian and administrator of fund

The Budget Commission of the State of Delaware shall be the custodian of and administrator of the Capital Investment Fund subject to the provisions of this Chapter.

§ 6204. Investment of Moneys in the fund

(a) The Budget Commission may invest and reinvest the idle moneys deposited in the Capital Investment Fund in:

(1) Obligation of the United States.

(2) Time deposit accounts of the Farmers Bank of the State of Delaware, not to exceed a total amount invested of \$25,000.

(b) All earnings and interest from the invested funds shall accrue to the Capital Investment Fund.

§ 6205. Reports to General Assembly; expenditure of fund

The Budget Commission shall advise the General Assembly as to the condition of the Fund and shall make recommendations to the General Assembly concerning its disposition. Monies shall be expended from the Capital Investment Fund only pursuant to an Act of the General Assembly.

Section 2. The State Tax Department is hereby appropriated the sum of \$25,000 for each of the fiscal years ending

June 30, 1963, and June 30, 1964, for the purpose of hiring additional personnel to audit tax returns and payments made pursuant to Section 1148 of Title 30 and to administer this Chapter. The sums hereby appropriated shall be paid out of the Capital Investment Fund, provided that at the end of each fiscal year any unused portion of the sums so appropriated shall revert to the Capital Investment Fund.

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

Approved May 3, 1963.

NOTE: Chapter 39, Section 4, Volume 54, Laws of Delaware, changed "Budget Commission" to "Budget Director".

CHAPTER 33

AN ACT TO AMEND CHAPTER 407, VOLUME 53, LAWS OF DELAWARE, RELATING TO THE PROVISION OF BENEFITS TO THE SURVIVING SPOUSE OF PERSONS ELECTED TO ANY STATE OR COUNTY OFFICE AND MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE TREASURER.

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

Section 1. Chapter 407, Volume 53, Laws of Delaware, is amended by striking the word "him" where it appears in line 3 of said Act.

Section 2. Chapter 407, Volume 53, Laws of Delaware, is further amended by striking the words "in the same manner and from the same source as was previously paid to the person in office" as they appear in the last 3 lines of the Act, and inserting in lieu thereof the following:

"from the State or County General Fund as the case may be in the same manner as previously paid to the person in office."

Section 3. There is hereby appropriated the sum of \$20,000.00 to be paid to the State Treasurer for deposit in a special account to carry out the purpose of Chapter 407, Volume 53, Laws of Delaware, as amended by this Act, as it applies to surviving spouses of deceased state officers.

Section 4. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware. Any funds remaining unexpended as of June 30, 1965, shall revert to the General Fund.

Approved May 7, 1963.

NOTE: This Act amends § 5111, Title 29, Delaware Code.

CHAPTER 34

AN ACT TO AMEND CHAPTER 1, TITLE 13, DELAWARE CODE, BY REMOVING THE RESTRICTIONS UPON THE MARRIAGES OF EPILEPTICS.

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

Section 1. Amend § 101 (b) (1), Title 13, Delaware Code, by deleting therefrom the words "An epileptic or" so that the section shall read:

- (1) A person of any degree of unsoundness of mind;

Approved May 8, 1963.

CHAPTER 35

**AN ACT TO AMEND SECTION 8606, TITLE 9, DELAWARE
CODE, RELATING TO THE COLLECTION OF TAXES
BY REPEALING THE REQUIREMENT THAT THE RE-
CEIVER OF TAXES SIT AT DIFFERENT PLACES.**

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

Section 1. Section 8606, Title 9, Delaware Code, is hereby
repealed.

Approved May 8, 1963.

CHAPTER 36

AN ACT TO AMEND SECTION 2702, TITLE 10, DELAWARE CODE, BY PROVIDING FOR THE APPOINTMENT OF ADDITIONAL CONSTABLES IN NEW CASTLE COUNTY.

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

Section 1. Title 10, Section 2702, Delaware Code, is hereby repealed, and a new section inserted in lieu thereof to read as follows:

§ 2702. Appointment for New Castle County by the Governor

The Governor may appoint fifteen additional constables in and for New Castle County. Such constables shall be appointed from New Castle County and shall be residents of the county. Every four years or whenever a vacancy occurs, the Governor may make new appointments for four years.

Approved May 8, 1963.

CHAPTER 37

AN ACT TO AUTHORIZE THE DELAWARE STATE COLLEGE TO ACQUIRE PROPERTY ADJACENT TO ITS CAMPUS AND APPROPRIATING MONEYS THEREFOR.

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

Section 1. The Delaware State College shall for and in the name of the State of Delaware, acquire by purchase, or otherwise, the real estate of John B. Aiken on the west side of the present lands of Delaware State College, described as follows, to-wit:

All those two certain pieces, parcels or tracts of land with the improvements thereon erected situated in East Dover Hundred, Kent County, State of Delaware, being a part of "The College Settlement" development, plot of which is of record in the Office of Recorder of Deeds for Kent County at Dover in Deed Book E, Volume 8, Page 76, said parcels being more particularly described as follows to-wit:

PARCEL #1 lying on the south side of College Road, being bounded on the north by said College Road, on the east by Waters St. at 35 ft. wide, on the south by Elbert St. at 35 ft. wide, and on the west by Conwell St. at 35 ft. wide, and being more particularly described as follows, to-wit:

BEGINNING at a pipe set at the intersection of the south line of College Road, at 50 ft. wide, with the west line of Waters St.; thence running with the west line of Waters St. South 25 deg. East 392.5 ft. to a pipe set at the intersection of the west line of Waters St. with the north line of Elbert St.; thence running with the north line of Elbert St. South 65 deg. West 900 ft. to a pipe set at the intersection of the north line of Elbert St. with the east line of Conwell St.; thence running with the east line of Conwell St. North 25 deg. West 381.22 ft. to a pipe set at the intersection of the east line of Conwell St. with the south line of College Road; thence running with the south line of College Road North 63 deg. 44 min. East 509.33 ft. to a bend

in said road; thence continuing with the south line of College Road North 65 deg. East 391 ft. to the place of beginning, and containing 8.0436 acres of land be the same more or less.

This parcel is all of Parcel #1 in Deed Book W, Volume 14, Page 216—Slaughter to Aiken, except right of way deeded to State of Delaware for College Road in Deed Book V, Volume 14, Page 399—Aiken to State of Delaware.

PARCEL #2 lying on the south side of Elbert St. and being separated from Parcel #1 above by said Elbert St., being bounded on the north by Elbert St. at 35 ft. wide, on the east by Waters St. at 35 ft. wide, and also by Lot #41, being bounded on the south by Lots #42 and #41 and by Aiken St. at 35 ft. wide, and on the west by Conwell St. at 35 ft. wide, and being more particularly described as follows to-wit:

BEGINNING at a pipe set at the intersection of the south line of Elbert St. with the west line of Waters St.; thence running with the west line of Waters St. south 25 deg. East 200 ft. to a point in the west line of Waters St. at a corner for this parcel and for Lot #42; thence running with Lot #42 and with Lot #41 South 65 deg. West 150 ft. to a corner for this parcel and for Lot #41; thence running with Lot #41 South 25 deg. East 200 ft. to a corner for this parcel and for Lot #41 in the north line of Aiken St.; thence running with the north line of Aiken St. South 65 deg. West 750 ft. to the intersection of the north line of Aiken St. with the east line of Conwell St.; thence running with the east line of Conwell St. North 25 deg. West 400 ft. to the intersection of the east line of Conwell St. with the south line of Elbert St.; thence running with the south line of Elbert St. North 65 deg. East 900 ft. to the place of beginning, and containing 7.5758 acres of land be the same more or less.

This parcel is part of Parcel #2 in Deed Book W, Volume 14, Page 216—Slaughter to Aiken, including Lots 34 thru #40, #60 thru #67, the east 1/2 of Lot #33, and the east 1/2 of Lot #59; and this parcel also includes all of Parcel #1 in Deed Book I, Volume 22, Page 5—College Settlement Co. to Aiken, including Lots #31, #32, #57, #58, the west 1/2 of #33, and the west

1/2 of #59; and this parcel also contains all of Deed Book O, Volume 8, Page 118—College Settlement Co. to Aiken, including Lot #68.

Section 2. The Title to the lands and premises acquired pursuant to this Act shall be in the name of the State of Delaware.

Section 3. The sum of \$22,500. is appropriated to the Delaware State College for the purpose of purchasing the lands and premises set forth in Section 1.

Section 4. This Act is a supplementary appropriation Act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 5. The sums appropriated herein, if not sooner expended, shall not revert to the General Fund until June 30, 1964.

Approved May 8, 1963.

CHAPTER 38

AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO AUTHORITY OF THE PUBLIC SERVICE COMMISSION OVER MOTOR CARRIERS OF FREIGHT, PROPERTY AND/OR COMMODITIES FOR HIRE.

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

Section 1. Chapter 1, Title 26, Delaware Code, is hereby amended by striking sub-paragraph (b) of Section 162 in its entirety, by striking the words "grandfather rights of motor carriers of freight, property and/or commodities for hire" from the Title of Section 162 and by striking the words "of subsection (b) of this section and" from the first line of subsection (a) of Section 162.

Section 2. Chapter 1, Title 26, Delaware Code, is further amended by deleting the words "Automobile Truck" from Section 101, by deleting the words "or Auto Truck freight line" from Section 137 and inserting in Section 137 the word "or" after the words "passenger line" in the two places where those words appear.

Section 3. Chapter 1, Title 26, Delaware Code, is further amended by striking the words "and automobile trucks" from Section 138 thereof, and by striking the words "auto truck freight line" from Section 166 (a) thereof.

Approved May 17, 1963.

CHAPTER 39

AN ACT TO AMEND TITLE 29, DELAWARE CODE, ENTITLED "STATE GOVERNMENT," BY PROVIDING FOR A BUDGET DIRECTOR, TRANSFERRING CERTAIN FUNCTIONS THERETO, TRANSFERRING CERTAIN OTHER FUNCTIONS AMONG EXISTING STATE AGENCIES.

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

Section 1. Title 29, Section 6103, Delaware Code, is hereby amended by striking out the comma following the words "Auditor of Accounts" as they appear therein, and by inserting in lieu thereof the words "and Budget Director,"

Section 2. Title 29, Section 6301, Delaware Code, is amended by striking out the phrase "Commission means Budget Commission;" as it appears therein.

Section 3. Title 29, Delaware Code, is amended by repealing and striking out Sections 6312, 6313, 6316, 6317, and 6319 thereof, and by enacting and inserting in lieu thereof new sections to read as follows:

§ 6312. Organization; powers and duties

(a) The Governor shall be the chairman of the Budget Commission. The Budget Commission shall meet at least once every three months for the purpose of reviewing anticipated expenditures and revenues, and the fiscal affairs of the agencies of this State whose support or maintenance in whole or in part is provided for in the budget as defined in this chapter.

(b) The Budget Commission shall advise the Governor and the Budget Director concerning all of the powers and duties vested in the office of the Budget Director, specifically including the preparation of the proposed budget as set forth in Sections 6333 and 6334 of this title.

§ 6316. Budget Director and employees

(a) There shall be a Budget Director of the State of Delaware, to be appointed by and to serve at the pleasure of the Governor, with the advice and consent of the Senate. The Budget Director shall be paid a salary established by the Governor within the limitation of the funds appropriated therefor. The Budget Director shall give bond with sufficient surety in the sum of \$50,000, to be approved by the Governor. The cost of the bond shall be paid out of the appropriation for maintenance of the office of Budget Director.

(b) The Budget Director is authorized to employ such certified public accountants and other employees as may be required to carry out the duties of this office, and to fix the salaries of such employees within the limitations of the funds appropriated therefor.

Sections 4. Chapter 63, exclusive of Sections 6311, 6312 and 6313, and Chapter 65, Title 29, Delaware Code, and all other acts of the General Assembly are amended by striking out the words "Budget Commission," and "State Budget Commission" and the word "Commission" where it means "Budget Commission," and inserting in lieu thereof the words "Budget Director."

Section 5. Title 29, Sections 2708, 6511 to 6528 inclusive, 6702 and 6703, Delaware Code, are hereby amended by striking out the words "Auditor" and "Auditor of Accounts" as they appear therein, and by inserting in lieu thereof the words "Budget Director."

Section 6. Title 29, Section 6335, Delaware Code, is amended by inserting the words, "duplicated or otherwise mechanically reproduced" immediately following the word "printed" as it appears in said section.

Section 7. Title 29, Sections 6509 and 6510, Delaware Code, is hereby amended by inserting the words "Chapter 29 and" immediately prior to the words "Chapter 63," as they appear therein.

Section 8. Title 29, Delaware Code, is hereby amended by adding a new section thereto to read as follows:

§ 6529. Control of agency expenditures

The Budget Director is hereby empowered and directed to exercise, subject to the approval of the Governor, such control over the monthly and/or quarterly rates of agency expenditures of funds appropriated to such agency as he may deem necessary to assure the effective and continuous operation of the various agencies during the fiscal year, and the Budget Director is empowered and directed to reject all bills, statements, accounts, and demands against the State which do not conform with such controls as are adopted by the Budget Director.

Section 9. Chapter 29, Title 29, Delaware Code, is hereby amended by repealing Section 2906 thereof, and by adding thereto new sections to read as follows:

§ 2906. Duties of the Auditor of Accounts

The Auditor of Accounts shall conduct post-audits of the financial transactions of all State agencies. In so far as possible such audits shall be made annually, and in any event annual audits shall be made with respect to the Office of the State Treasurer, the Office of the State Tax Commissioner and all agencies collecting State revenues of \$500,000 or more each year or expending State funds of \$500,000 or more each year.

§ 2907. Scope of audits

(a) The audits shall be sufficiently comprehensive to provide assurance that reasonable efforts have been made to collect all monies due the State; that all monies collected or received by any employee or official have been deposited to the credit of the State; and that all expenditures have been legal and proper and made only for the purposes contemplated in the appropriation acts.

(b) The audits shall be made in conformity with generally accepted auditing principles and practices.

§ 2908. Clerical and professional assistance

(a) Subject to appropriation limitations the Auditor may:

(1) Employ such qualified office personnel and trained and experienced field personnel as are required to carry out his duties; and

(2) Engage the services of public accountants to make audits of selected agencies.

(b) If public accountants are hired, the individual or firm hired must be licensed to practice as a Certified Public Accountant within the State.

§ 2909. Audit reports

(a) The Auditor of Accounts shall file written reports covering his post-audits with the State agency concerned, the Governor, the General Assembly, the Attorney General and the Budget Director; and, if he deems necessary, the Auditor may present special reports to the General Assembly for consideration and action.

(b) The audit reports shall set forth:

(1) Whether all expenditures have been for the purpose authorized in the appropriations therefor;

(2) Whether all receipts have been accounted for and paid into the State Treasury as required by law;

(3) All illegal and unbusinesslike practices;

(4) Recommendations for greater simplicity, accuracy, efficiency and economy; and

(5) Such data, information and recommendations as the Auditor of Accounts may deem advisable and necessary.

Section 10. All the rights, powers and duties heretofore imposed upon and vested in the Auditor of Accounts, the Budget Commission and other agencies of the State relative to pre-auditing, authorization of payments, control of receipts and other related matters are hereby transferred to and conferred upon the Budget Director.

Section 11. All the rights, powers and duties relative to post-auditing, fiscal investigations, and preparation and submis-

sion of audit reports heretofore imposed upon and vested in the Budget Commission are hereby transferred to and conferred upon the Auditor of Accounts.

Section 12. The head of any State agency whose functions, powers, and duties are by this Act assigned and transferred to another State agency shall transfer and deliver to such other State agency all contracts, books, maps, plans, papers, records, equipment and property of every description under his jurisdiction or control necessary to the exercise of such functions, powers and duties, and shall also transfer thereto any or all employees engaged in the exercise of such functions, powers or duties. The head of such other State agency to which such assignment or transfer is made is hereby authorized to take possession of said property, and shall take charge of said employees and shall employ them in the exercise of their respective functions, powers and duties transferred as aforesaid, without reduction of compensation, subject, however, to change or termination of employment or compensation as may be otherwise provided by law.

Section 13. Any unexpended balances of appropriations made to any State agency for the purposes of any of its functions, powers or duties which are transferred by this Act to the Budget Director or the Auditor of Accounts shall be transferred at the time the respective functions, powers or duties are taken over by them, to the Budget Director and the Auditor of Accounts, respectively, on the order of the Governor.

Section 14. This Act shall become effective immediately except that the transfer of functions shall not be made until such times as shall be determined by the Governor and certified to the Secretary of State. All provisions of this Act shall become effective no later than July 1, 1964.

Approved May 20, 1963.

NOTE: Section 10 appears as a note under § 6316, Title 29, Delaware Code; Section 11 appears as a note under § 2906, Title 29, Delaware Code; Sections 12 and 13 appear as a note under § 6316, 2906, Title 29, Delaware Code.

CHAPTER 40

AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, RELATING TO STATE APPROPRIATIONS FOR VOCATIONAL EDUCATION.

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

Section 1. Title 14, Section 1703, Delaware Code, is hereby amended by adding a new paragraph at the end thereof to read as follows:

Notwithstanding the fact that such pupils have been counted in a unit of pupils, grades seven to twelve, inclusive, in the same or another school district, pupils enrolled in grades ten to twelve in a bona fide vocational education program in a Technical, Vocational or Trades and Industries Program as defined by the State Board of Education and approved by the State Board for Vocational Education as defined annually on October 15, shall also be counted as additional units on the basis of one unit for each 30 or major fraction thereof of such pupils. Such units, hereinafter referred to as Vocational Units, shall be assigned to the district providing such technical or vocational education program.

Section 2. Title 14, Section 1706, Delaware Code, is hereby amended by adding a new paragraph at the end thereof to read as follows:

The first paragraph of this section notwithstanding, the funds appropriated to each district for expenses included in Division II based upon each Vocational Unit as defined in Section 1703 of this Chapter shall be three times the amount determined for each non-Vocational Units.

Section 3. Title 14, Delaware Code, is hereby amended by repealing Section 1717.

Approved May 20, 1963.

CHAPTER 41

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION IN
THE FISCAL YEAR ENDING JUNE 30, 1963, TO HONOR
AN OBLIGATION INCURRED IN THE FISCAL YEAR
ENDING JUNE 30, 1962.**

WHEREAS, the sum of \$1891.00 was incurred as a State obligation during the month of June, 1962, for substitute pay for 1 nurse and 45 school teachers in the Wilmington School District; and

WHEREAS, the amount involved as a practical matter could not be presented to State Agencies for payment prior to the expiration of the fiscal year; and

WHEREAS, the State Auditor disallowed payment of the sum when presented because payments was requested in the fiscal year commencing July 1, 1962, and no funds were available to pay obligations incurred in the previous fiscal year; and

WHEREAS, the Wilmington Board of Education paid the sum of \$1891.00 for 1 substitute nurse and 45 teachers in order to avoid delay in making pay when expected; and

WHEREAS, the obligation incurred was a State obligation rather than a local one,

NOW, THEREFORE

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

Section 1. There is hereby appropriated to the Wilmington School Board the sum of \$1891.00 to reimburse it for salaries paid to 1 school nurse and 45 teachers for services rendered during June 1962, and which obligation was and is a lawful State obligation.

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 May 20, 1963.

CHAPTER 42

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BLADES SCHOOL DISTRICT #172 SUSSEX
COUNTY FOR OPERATIONAL EXPENSES FOR THE
FISCAL YEAR ENDING JUNE 30, 1963.**

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

Section 1. The sum of \$2,200.00 is hereby appropriated to the Blades School District #172 for the fiscal year beginning July 1, 1962, and ending June 30, 1963, 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 May 20, 1963.

CHAPTER 43

AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO STATE SUPPORTED SALARY SCHEDULES FOR SCHOOL EMPLOYEES AND MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION.

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

Section 1. § 1301, Title 14, Delaware Code, is amended to read as follows:

§ 1301. Definitions

As used in this Chapter—

“District” means a school district, a special school district, or the school district of the City of Wilmington.

“Preparation”, “no degree”, “bachelor’s degree”, “bachelor’s degree plus 30 graduate credits”, “master’s degree”, “master’s degree plus 30 graduate credits”, “doctor’s degree”, “doctor’s degree or equivalent”, “supervisor”, “administrative assistant”, “director”, “assistant superintendent”, “chief school officer”, “principal”, and any other classification shall have meaning as defined by the certifying board.

Section 2. § 1302, Title 14, Delaware Code, is amended to read as follows:

§ 1302. Application of chapter

This chapter applies to every school district, special school district, the school district of the City of Wilmington, all employees of the State Board of Education, and all employees of the State Board of Vocational Education and all employees who teach in State institutions pursuant to unit allocations as set forth in Section 1703 of this Title.

Section 3. § 1305 (a), Title 14, Delaware Code, is amended to read as follows:

§ 1305. Basic salary schedule for teachers, principals, superintendents, and other administrative employees

(a) All employees who hold appropriate certificates and whose salaries are paid for 10 months per year, shall receive annual salaries in accordance with the following schedule:

Years of Experience	No Degree	Bach. Degree	Bachelor's Degree Plus 30 Graduate Credits	Master's Degree	Master's Degree Plus 30 Graduate Credits	Doctor's Degree or Equivalent
0	\$4,400	\$4,800	\$5,200	\$5,400	\$5,800	\$6,200
1	4,600	5,000	5,400	5,600	6,000	6,400
2	4,800	5,200	5,600	5,800	6,200	6,600
3	5,000	5,400	5,800	6,000	6,400	6,800
4	5,200	5,600	6,000	6,200	6,600	7,000
5	5,400	5,800	6,200	6,400	6,800	7,200
6	5,600	6,000	6,400	6,600	7,000	7,400
7	5,800	6,200	6,600	6,800	7,200	7,600
8	6,000	6,400	6,800	7,000	7,400	7,800
9	6,200	6,600	7,000	7,200	7,600	8,000
10	6,400	6,800	7,200	7,400	7,800	8,200

Section 4. § 1308 (a) and (b), Title 14, Delaware Code, is amended to read as follows:

§ 1308. Salary schedules for certified secretaries and senior secretaries

(a) Certified Secretaries

The certified secretary in each school district and certified secretaries in the employ of the State Board of Education and the Board of Public Education of the City of Wilmington having the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Rate
0	\$3,800
1	4,000
2	4,200
3	4,400
4	4,600
5	4,800
6	5,000
7	5,200
8	5,400
9	5,600
10	5,800

(b) Senior Secretaries

Senior Secretaries having the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Rate
0	\$3,700
1	3,900
2	4,100
3	4,300
4	4,500
5	4,700
6	4,900

Section 5. § 1309 (a), Title 14, Delaware Code, is amended to read as follows:

§ 1309. Salary schedule for secretaries:

(a) Secretaries having the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Rate
0	\$3,400
1	3,600
2	3,800
3	4,000
4	4,200
5	4,400
6	4,600

Section 6. § 1310 (a), Title 14, Delaware Code, is amended to read as follows:

§ 1310. Salary schedule for nurses

(a) All nurses who hold appropriate certificates and whose salaries are paid 10 months per year shall receive annual salaries in accordance with the following schedule:

Years of Experience	Reg. Nurse with Prov. Certificate No Degree	Reg. Nurse with Regular Certificate No Degree	Certified Nurse with Bachelor's Degree	Certified Nurse with Master's Degree or Bachelor's Degree Plus 30 Graduate Credits
0	\$3,600	\$3,800	\$4,200	\$4,600
1	3,800	4,000	4,400	4,800
2	4,000	4,200	4,600	5,000
3	4,200	4,400	4,800	5,200
4	4,400	4,600	5,000	5,400
5	4,600	4,800	5,200	5,600
6	4,800	5,000	5,400	5,800
7	5,000	5,200	5,600	6,000
8	5,200	5,400	5,800	6,200
9	5,400	5,600	6,000	6,400
10	5,600	5,800	6,200	6,600

Section 7. § 1311 (a), Title 14, Delaware Code, is amended to read as follows:

§ 1311. Salary schedule for school custodians

(a) Custodians who have the qualifications required by the certifying board and who work and are paid for 12 months per year shall be paid in accordance with the following schedule:

Years of Experience	Custodian	Custodian-Fireman	Fireman	Chief Custodian	Buildings and Grounds Supervisor
0	\$3,600	\$3,800	\$3,900	\$4,300	\$5,000
1	3,750	3,950	4,050	4,450	5,200
2	3,900	4,100	4,200	4,600	5,400
3	4,050	4,250	4,350	4,750	5,600
4	4,200	4,400	4,500	4,900	5,800

Section 8. § 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 \$200 during the school year 1963-64 by reason of the application of any salary schedule contained in this Act. Provided, however, that any person receiving an annual increment for the school year 1963-64 or any other increase as previously provided for the school year 1963-64 exclusive of an increase due to a change in professional training by the application of salary schedules covered in this Chapter in effect prior to July 1, 1963, shall not also receive an increase because of the passage of this Act.

For the school year 1964-65 the salary paid from State funds to any person shall not be increased by more than \$200 in addition to the annual increment or to any increase due to a change in professional training as provided for in this Act. Further provided for the school year 1965-66 the salary paid

from State funds to any person covered by this Chapter shall not be increased by more than the amount required to place all salary schedules covered by this Chapter in full effect, nor shall the amount of any salary paid from State funds exceed the amount provided in the appropriate salary schedule. Upon request of the Auditor, Budget Commission or State Board of Education, each school board shall certify that the salary schedules as authorized in this Chapter and rules and regulations of the State Board of Education or the Board of Public Education in the City of Wilmington, as the case may be, are being fully complied with.

(b) The salary paid from State funds to any person covered by this Chapter employed on June 30, 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 employed after June 30, 1963, shall not be greater than that which he would receive had he been employed on June 30, 1963.

Section 9. § 1322 (a) and (d), Title 14, Delaware Code, is amended to read as follows:

§ 1322. Salary schedule for school lunch employees

(a) School lunch managers who have the qualifications required by the certifying board and who work on a program of at least seven hours per day for each school day of the 10 month school year shall receive annual salaries in accordance with the following schedule:

Years of Experience	Manager	Manager with 1 Year College	Manager with 2 Years College	Manager with Bachelor's Degree
0	\$2,700	\$3,000	\$3,300	\$4,200
1	2,850	3,150	3,450	4,350
2	3,000	3,300	3,600	4,500
3	3,150	3,450	3,750	4,650
4	3,300	3,600	3,900	4,800
5	3,450	3,750	4,050	4,950
6	3,600	3,900	4,200	5,100
7	3,750	4,050	4,350	5,250
8	3,900	4,200	4,500	5,400
9	-----	-----	-----	5,550
10	-----	-----	-----	5,700

Salaries provided for in this schedule shall be paid to the lunch manager who is manager of a single lunch room or the lunch rooms in a single building.

(d) School lunch cooks and school lunch general workers shall be paid a minimum hourly wage in accordance with the following schedule:

Years of Experience	Cook	General Worker
0	\$1.20	\$1.05
1	1.25	1.10
2	1.30	1.15
3	1.35	1.20

Section 10. To carry out the provisions of this Act, there is hereby appropriated to the State Board of Education the sum of \$475,000 for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 11. This Act is a supplementary appropriation act and the money hereby appropriated shall be paid out of any

moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 12. This Act shall become effective July 1, 1963.

Approved May 21, 1963.

CHAPTER 44

AN ACT TO AMEND CHAPTER 297, VOLUME 50, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A PARK POLICE PENSION FUND FOR MEMBERS OF THE PARK POLICE OF THE CITY OF WILMINGTON", BY CHANGING THE AMOUNT AUTHORIZED TO BE WITHHELD BY THE CITY TREASURER FROM THE SALARY OF EACH MEMBER.

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 297, Volume 50, Laws of Delaware, is hereby amended by striking out Sub Paragraph A Section 11 thereof in its entirety, and substituting a new Sub Paragraph A in lieu thereof to read as follows:

The City Treasurer of the City of Wilmington be and he is hereby authorized to withhold from the salary of each member who voluntarily accepts the provisions of this Act as hereinabove provided, a sum equal to four per cent (4%) of said salary.

Approved May 22, 1963.

CHAPTER 45

AN ACT TO AMEND CHAPTER 31, TITLE 19, DELAWARE CODE, RELATING TO COMPENSATION OF MEMBERS OF THE EMPLOYMENT SECURITY COMMISSION.

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

Section 1. Chapter 31, Title 19, Delaware Code, is hereby amended by repealing § 3105 thereof and substituting and enacting in lieu thereof the following new section:

§3105. Compensation of Chairman and other Commissioners

The Chairman of the Commission shall be paid a salary of \$15,000 per year. Each of the other members of the Commission shall be paid a salary of \$6,000 per year and shall devote to the duties of their office such time as is necessary for the satisfactory execution thereof. The salaries of the Chairman and other Commissioners shall be paid from the unemployment compensation administration fund provided for in § 3164 of this Title, and not from any funds appropriated by the General Assembly.

Approved May 22, 1963.

CHAPTER 46

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF KENT COUNTY TO REIMBURSE STEPHEN SEILER, JR., AND KATHLEEN SEILER AND FLORENCE K. TRAVERS PROPERTY AND SCHOOL 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 Stephen Seiler, Jr., and Kathleen Seiler, jointly, the sum of \$162.00 which was paid in error for the tax years 1958, 1959, 1960 and 1961 on property and school taxes.

Section 2. The Levy Court of Kent County is hereby authorized and directed to pay to Florence K. Travers, the sum of \$88.80 which was paid in error for the tax years, 1954, 1955, 1956, 1957, 1958, 1959, 1960 and 1961 on property and school taxes.

Approved May 22, 1963.

CHAPTER 47

AN ACT TO AMEND SECTIONS 1106 AND 1502, TITLE 10, DELAWARE CODE, RELATING TO SALARY OF THE JUDGES OF THE FAMILY COURT OF KENT AND SUSSEX COUNTIES AND 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. Section 1106, Title 10, Delaware Code, is amended by striking the figures "\$12,500" from the first line thereof and inserting in lieu thereof the figures "\$17,500".

Section 2. Section 1502 (c), Title 10, Delaware Code, is amended by striking the words "\$12,500 per year" and substituting therefor the words "\$17,500 per year".

Section 3. This Act shall be effective July 1, 1963.

Section 4. The sum of ten thousand dollars (\$10,000.00) is appropriated to the Juvenile Court of Kent and Sussex Counties to provide for the additional salary of the Judges as provided by this Act for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 5. The sum of five thousand dollars (\$5,000.00) is appropriated to the Court of Common Pleas for Kent County to provide for the additional salary of the Judge as provided by this Act for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 6. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved May 22, 1963.

CHAPTER 48

AN ACT TO AMEND TITLE 29, SECTION 5501, DELAWARE CODE, RELATING TO STATE PENSION PLAN BY EXTENDING COVERAGE TO EMPLOYEES OF THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

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

Section 1. Amend Title 29, § 5501, Delaware Code, by adding the following at the end of the definition of "covered employment" following the words "Employees of the State Highway Department engaged in the construction, operation, or maintenance of the Delaware Memorial Bridge".

"Employees of the Merit System of Personnel Administration as set up and supported by the Department of Public Welfare, State Board of Health, Employment Security Commission, Delaware Commission for the Blind and the Mental Hygiene Clinic or any of them or any other cooperating agency."

The effective date of this Act shall be the first day of the next yearly calendar quarter following the date this Act becomes law.

Approved May 22, 1963.

CHAPTER 49

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 hereby amended by adding thereto additional Sub-section as follows:

(c) The provisions of this section shall not apply to contracts for the transportation of school children.

(d) All contracts for the transportation of school children shall be approved by the State Board of Education before becoming effective, and the Director of the Transportation Division of the Department of Public Instruction shall submit such proposed contracts to the State Board of Education on or before July 1st of each year for their action. Approval of the State Board of Education shall be by majority vote of the duly appointed members of such Board, and a failure of such majority vote shall cause the rejection of the proposed contract with a corresponding return to the Director of the Transportation Division of the Department of Public Instruction of such rejected contracts, and a request for a substituted contract to be submitted.

Approved May 24, 1963.

CHAPTER 50

**AN ACT MAKING AN APPROPRIATION TO THE STATE
HIGHWAY DEPARTMENT FOR THE CONSTRUCTION
OF A DAM AT PORTSVILLE POND IN SUSSEX
COUNTY.**

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is appropriated to the State Highway Department to be used for the construction of a dam, water control structure, and highway drainage structures at Portsville Pond in Sussex County, which said Department is hereby authorized and directed to erect at said place.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware. The monies hereby appropriated shall remain available to the State Highway Department until the purposes of this Act have been accomplished or until June 30, 1965, and any of said monies remaining unexpended upon the completion of said project or on June 30, 1965, shall revert to the General Fund of the State.

Approved May 28, 1963.

CHAPTER 51

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE FIS-
CAL YEAR ENDING JUNE 30, 1963, 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 \$225,000 is hereby appropriated to the State
Board of Education for the fiscal year ending June 30, 1963,
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 28, 1963.

CHAPTER 52

AN ACT APPROPRIATING FUNDS TO THE STATE HIGHWAY DEPARTMENT AND TO THE BOARD OF GAME AND FISH COMMISSIONERS OF THE STATE OF DELAWARE TO CONSTRUCT AND MAINTAIN A DAM ACROSS GARRISONS POND, KENT COUNTY, DELAWARE.

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 \$43,500 to be used to construct, reconstruct, maintain and repair a dam across Garrisons Pond, Kent County, Delaware.

Section 2. There is hereby appropriated to the Board of Game and Fish Commissioners of the State of Delaware the sum of \$10,000 to be used to construct, reconstruct, maintain and repair a dam across Garrisons Pond, Kent County, Delaware.

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

Section 4. Any funds hereby appropriated and not used for the purposes set forth in Section 1 and Section 2 shall revert to the General Fund of the State of Delaware.

Approved May 28, 1963.

CHAPTER 53

AN ACT TO AMEND SECTION 4111, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATION OF BORROWING POWER OF THE LEVY COURT OF KENT COUNTY.

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

Section 1. Section 4111, Title 9, Delaware Code, is amended by striking the figures "\$185,000" in line two and inserting in lieu thereof the figures "\$345,000".

Approved May 28, 1963.

CHAPTER 54

AN ACT TO RAISE THE MAXIMUM AMOUNT OF OLD AGE ASSISTANCE.

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

Section 1. § 503 (c), Title 31, Delaware Code, is amended by striking the figure "\$900" and inserting in lieu thereof the figure "\$1200", and by striking the figure "\$75" and inserting in lieu thereof the figure "\$100".

Approved June 3, 1963.

CHAPTER 55

AN ACT TO AMEND SECTION 8323, TITLE 11, DELAWARE CODE, RELATING TO PENSIONS FOR STATE POLICE.

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

Section 1. Section 8323, Title 11, Delaware Code, is repealed and a new Section 8323 enacted in lieu thereof to read as follows:

§ 8323. Eligibility for pensions; employment of pension beneficiaries by the State; exceptions.

(a) Any member of the State Police who has served as such for a period of 20 years, or who has reached the age of 55 years, upon application of the member, together with a certificate of such service, with the approval of the Board, shall be retired and shall thereupon receive monthly, from the Fund, an amount equal to one-half of the monthly salary received by such member at the time of retirement, except, that any such member receiving a monthly payment from the fund shall receive a minimum payment of not less than \$150 per month regardless of his salary at the time of his retirement.

(b) Any former or present member of the State Highway Police, State Police or any successor or substitute therefor who shall have been a member of the County Police of New Castle County shall receive full credit for the time served in such County Police in computing the number of years' service required to receive pension benefits provided in subsection (a) of this section.

(c) No person, while receiving a pension under this Section, shall be employed by the State of Delaware in any capacity except by gubernatorial appointment or election by popular vote at a regular State election. 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. Nothing herein contained shall prevent a member

of the General Assembly from receiving any pension which he may be entitled to under the provisions of this Chapter and at the same time receiving the compensation provided for by law for members of the General Assembly.

(d) Nothing in this Section shall prevent the employment by the State as a registration or election official or as a juror of any person receiving a State pension. Persons so employed may receive the compensation provided by law without deduction from their State pension.

Approved June 3, 1963.

CHAPTER 56

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:

Section 1. The Levy Court of Kent County is authorized to appropriate the sum of Eight Hundred Dollars (\$800.00) for the fiscal year beginning July 1, 1963, and a similar sum for the fiscal year beginning July 1, 1964, to the Kent County Volunteer Firemen's Association for the maintenance of radio equipment used in connection with volunteer fire fighting apparatus throughout the county.

Approved June 11, 1963.

NOTE: This section is codified as § 4132, Title 9, Delaware Code.

CHAPTER 57

**RELATING TO SALARIES OF CERTAIN PUBLIC OFFICIALS
BY RAISING CERTAIN SALARIES AND MAKING AP-
PROPRIATIONS THEREFOR.**

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

Section 1. Title 29, Section 2301, Delaware Code, is amended by deleting the figures "\$8,000.00" and inserting in lieu thereof the figures "\$11,000.00".

Section 2. Title 29, Section 2701, Delaware Code, is amended by deleting the figures "\$6,000.00" and inserting in lieu thereof the figures "\$9,000.00".

Section 3. Title 29, Section 2704, Delaware Code, is amended by deleting the figures "\$5,000.00" and inserting in lieu thereof the figures "\$8,000.00".

Section 4. Title 29, Section 2902, Delaware Code, is amended by deleting the figures "\$6,000.00" and inserting in lieu thereof the figures "\$9,000.00".

Section 5. Title 29, Section 2904, Delaware Code, is amended by deleting the figures "\$5,000.00" and inserting in lieu thereof the figures "\$8,000.00".

Section 6. Title 29, Section 2501 (a), Delaware Code, is amended by deleting the figures "\$10,000", and inserting in lieu thereof the figures "\$11,000.00".

Section 7. Title 29, Section 2503 (a), Delaware Code, is amended by deleting the figures "\$7,500", "\$6,500" and "\$6,000" and inserting in lieu thereof the figures "\$8,500.00", "7,500.00" and "\$7,000.00" respectively.

Section 8. Title 29, Section 6316, Delaware Code, is amended by deleting the figures "\$7,500.00" and inserting in lieu thereof the figures "\$10,500.00".

Section 9. Title 18, Section 307, Delaware Code, is amended by deleting the figures "\$6,000.00" and inserting in lieu thereof the figures "\$9,000.00".

Section 10. Title 18, Section 309, Delaware Code, is amended by deleting the figures "\$5,000.00" and inserting in lieu thereof the figures "\$8,000.00".

Section 11. Title 30, Section 342, Delaware Code, is amended by deleting the figures "\$8,000.00" and inserting in lieu thereof the figures "\$11,000.00".

Section 12. Title 30, Section 325, Delaware Code, is amended by deleting the figures "\$6,500.00" and inserting in lieu thereof the figures "\$8,000.00".

Section 13. Title 29, Section 1305, Delaware Code, is amended by deleting the figures "\$6,000.00" and inserting in lieu thereof the figures "\$7,600.00".

Section 14. Title 29, Section 4102, Delaware Code, is amended by deleting the figures "\$5,000.00" and inserting in lieu thereof the figures "\$8,000.00".

Section 15. Title 29, Section 4504, Delaware Code, is amended by deleting the figures "\$5,000.00" and inserting in lieu thereof the figures "\$9,000.00".

Section 16. Title 20, Section 122 (f), Delaware Code, is amended by deleting the figures "\$10,000.00" and inserting in lieu thereof the figures "\$11,000.00".

Section 17. This Act shall become effective July 1, 1963.

Section 18. There is hereby appropriated the sum of \$44,100.00 to the various agencies involved to carry out the provisions of this Act for the fiscal year ending June 30, 1964.

Section 19. The appropriation herein is a supplementary appropriation and the monies appropriated shall be paid out of the General Fund of the State of Delaware, not otherwise appropriated.

Approved June 12, 1963.

NOTE: Section 8, which purports to amend § 6316, Title 29, Delaware Code, appears to be in error, since § 6316 was amended by Chapter 39 to delete any reference to a set salary.

CHAPTER 58

AN ACT TO AMEND TITLE 15, DELAWARE CODE, BY PROVIDING THAT THE DEPARTMENT OF ELECTIONS SHALL DESIGNATE THE ELECTION OFFICER WHO SHALL SERVE AS INSPECTOR OF ELECTIONS AND PROVIDING COMPENSATION TO SAID INSPECTOR FOR ATTENDING INSTRUCTION SESSIONS.

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

Section 1. Title 15, Section 4709, Delaware Code, is repealed, and a new Section 4709 is substituted in lieu thereof, as follows:

§ 4709. Designation of Inspector

The Department of Elections shall designate one of the persons appointed under Title 15, Section 4701 (a), Delaware Code, as Inspector. The person so designated shall be a member of the principal political party having the majority of election officers in the district for which he is designated.

Section 2. Title 15, Section 5013, Delaware Code, is amended by adding thereto the following:

The Department of Elections may require the inspector to attend an additional instruction meeting at a place designated by the Department. Attendance at such instruction session shall be compensable pursuant to Title 15, Section 4707, Delaware Code.

Approved June 17, 1963.

CHAPTER 59

**AN ACT AUTHORIZING THE LEVY COURT OF NEW
CASTLE COUNTY TO APPROPRIATE COUNTY MON-
EYS TO MINQUAS FIRE CO., NO. 1, FOR THE MAIN-
TENANCE OF A RESCUE 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 Dollars (\$500.00) to Minquas Fire Co., No. 1, to be used in the maintenance of its rescue squad.

Section 2. The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of New Castle County to Minquas Fire Co. No. 1, on the first day of July of each year.

Approved June 17, 1963.

NOTE: This Act appears as § 2005, Title 9, Delaware Code.

CHAPTER 60

AN ACT TO AMEND TITLE 5, DELAWARE CODE, RELATING TO DIRECT-REDUCTION LOANS BY BUILDING AND LOAN ASSOCIATIONS BY PROVIDING FOR THE AUTHORITY TO SECURE LOANS BY MORTGAGES ON REAL ESTATE WITHIN THE STATE OF DELAWARE OR OUTSIDE THE STATE OF DELAWARE IF WITHIN 50 MILES OF THE MAIN OFFICE OF THE ASSOCIATION.

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

Section 1. Section 1905, Title 5, Delaware Code, is amended by adding the words, "and other loans" to the title of 1905.

Section 2. Section 1905, Title 5, Delaware Code, is further amended by striking out the first sentence of subparagraph (a) thereof, and inserting in lieu thereof a new sentence to read as follows:

Building and Loan Associations incorporated under this Code or any other law of this State may make direct reduction or other loans upon bonds, and may take as collateral security on said bonds, mortgages on real estate located (1) either within the State of Delaware, or (2) outside the State of Delaware, provided said real estate is located within 50 miles of the main offices of the Association.

Approved June 18, 1963.

CHAPTER 61

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF AGRICULTURE FOR THE
YEAR ENDING JUNE 30, 1964.**

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

Section 1. There is hereby appropriated to the State Board of Agriculture the sum of \$25,100 to be used for the testing of poultry biologicals and hatchery sanitation program for the fiscal year ending June 30, 1964. The sum appropriated herein is to be expended as follows:

Salaries and Wages of Employees	\$15,500.00
Travel	600.00
Operations	2,200.00
Equipment	6,800.00
<hr/>	
Total	\$25,100.00

Section 2. This is a supplementary appropriation act and the sums hereby appropriated shall be paid out of any sums in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. Any unused sums hereby appropriated shall revert to the General Fund of the State of Delaware June 30, 1964.

Approved June 18, 1963.

CHAPTER 62

AN ACT TO AMEND CHAPTER 23, TITLE 30, DELAWARE CODE, BY DELETING PERSONS EMPLOYED EXCLUSIVELY AS GUARDS FROM TAX AS PRIVATE DETECTIVES.

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

Section 1. Chapter 23, Title 30, Delaware Code, is hereby amended by adding a new sentence to the subsection defining Private Detective Agency as follows:

Provided nothing in this section shall be construed to include any person exclusively employed as a guard, watchman or private patrolman.

Approved June 18, 1963.

CHAPTER 63

AN ACT TO AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, 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 elected to each House thereof concurring therein):

Section 1. Chapter 192, Volume 36, Laws of Delaware, is hereby amended by adding a new paragraph to Section 15 thereof to read as follows:

The Town Council of the Town shall have the power by an ordinance or by resolution to relieve, release, exonerate and exempt from taxation or reduce the rate of taxation for all or part of any real property hereinafter annexed as a part of the Town of Smyrna; provided, however, that the real property so annexed or any part thereof shall be taxed at the established rate for taxation upon the application for and the granting of a building permit and/or transfer of ownership of any lot or lots from any owner or owners at the time of annexation.

Approved June 20, 1963.

CHAPTER 64

AN ACT ADOPTING, ON BEHALF OF THE STATE OF DELAWARE, THE INTERSTATE COMPACT ON JUVENILES WHICH DEALS IN CERTAIN DETAIL WITH OUT-OF-STATE SUPERVISION OF JUVENILE DELINQUENTS, RETURN OF RUNAWAYS, ABSCONDERS AND ESCAPEES AND AUTHORIZES AGREEMENTS FOR THE COOPERATIVE INSTITUTIONALIZATION OF SPECIAL TYPES OF JUVENILES.

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 52, INTERSTATE COMPACT ON JUVENILES

SUBCHAPTER I. FINDINGS, EXECUTION

§ 5201. Legislative Findings and Policy.

The General Assembly finds and declares, (1) that juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others; (2) that the cooperation of this State with other States is necessary to provide for the welfare and protection of juveniles and of the people of this State.

It shall, therefore, be the policy of this State in adopting the Interstate Compact on Juveniles, to cooperate fully with other States: (1) in returning juveniles to such other States whenever their return is sought; and (2) in accepting the return of juveniles whenever a juvenile residing in this State is found or apprehended in another State, and in taking all measures to initiate proceedings for the return of such juveniles.

§ 5202. Execution of Compact.

The Governor is hereby authorized and directed to execute a compact on behalf of this State with any other State, or States legally joining therein in the form substantially as follows:

SUBCHAPTER II. INTERSTATE COMPACT ON JUVENILES**§ 5203. Interstate Compact on Juveniles.**

The contracting States solemnly agree:

ARTICLE I. Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the States party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one State to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one State to another, or non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party States may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party States shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the States party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II. Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III. Definitions

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent

and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the Court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such Court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the States party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV. Return of Runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding State for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petition is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the State. If the judge determines, either with or without a hearing, that the

juvenile should be returned, he shall present to the appropriate court or to the executive authority of the State where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parents, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding State, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the State, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another State party to this compact without the consent of a parent, guardian, person or agency

entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another State party to this compact pursuant to a requisition for his return from a court of that State. If, at the time when a State seeks the return of a juvenile who has run away, there is pending in the State wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such State, or if he is suspected of having committed within such State a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such State until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any State party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all States party to this compact, without interference. Upon his return to the State from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that State.

(b) That the State to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the State of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V. Return of Escapees and Absconders

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive au-

thority of the State where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding State, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the State, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or

escaped from an institution or agency vested with his legal custody or supervision in any State party to this compact, such person may be taken into custody in any other State party to his compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a State seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the State wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such State, or if he is suspected of having committed within such State a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such State until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any State party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all States party to this compact, without interference. Upon his return to the State from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that State.

(b) That the State to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

ARTICLE VI. Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, escaped from an institution or agency vested with his legal custody or supervision in any State party to this compact, and any juvenile who has run away from any State

party to this compact, who is taken into custody without a requisition in another State party to this compact under the provisions of Article IV (a) or of Article V (a), may consent to his immediate return to the State from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding State. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the State in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the State demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the State to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such State and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the State to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII. Cooperative Supervision of Probationers and Parolees

(a) That the duly constituted judicial and administrative authorities of a State party to this compact (herein called "sending State") may permit any delinquent juvenile within such State, placed on probation or parole, to reside in any other State party to this compact (herein called "receiving State") while on probation or parole, and the receiving State shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving State. Before granting such permission, opportunity shall be given to the receiving State to make such investigations as it deems necessary. The

authorities of the sending State shall send to the authorities of the receiving State copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving State in supervising a probationer or parolee under this compact. A receiving State, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving State, and if so accepted the sending State may transfer supervision accordingly.

(b) That each receiving State will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending State and of the receiving State as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending State may enter a receiving State and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending State to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving State, but if, at the time the sending State seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving State any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such State or if he is suspected of having committed within such State a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving State until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending State shall be permitted to transport delinquent juveniles being so returned through any and all States party to this compact, without interference.

(d) That the sending State shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving State or of returning any delinquent juvenile to the sending State.

ARTICLE VIII. Responsibility for Costs

(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party State, or between a party State and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That 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 pursuant to Articles IV (b), V (b) or VII (d) of this compact.

ARTICLE IX. Detention Practices

That, to every extent possible, it shall be the policy of States party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X. Supplementary Agreements

That the duly constituted administrative authorities of a State party to this compact may enter into supplementary agreements with any State or States party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any State entering into such supplementary agreement. Such supplementary agreement shall (1) provide the rates to be paid for the care, treat-

ment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another State for care, treatment and custody; (3) provide that the State receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the State sending such delinquent juvenile; (4) provide that the sending State shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another State; (5) provide for reasonable inspection of such institutions by the sending State; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another State; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating States.

ARTICLE XI. Acceptance of Federal and Other Aid

That any State party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize, the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII. Compact Administrators

That the Governor of each State party to this compact shall designate an officer who, acting jointly with like officers of other party States, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII. Execution of Compact

That this compact shall become operative immediately upon its execution by any State as between it and any other State or States so executing. When executed it shall have the full

force and effect of law within such State, the form of execution to be in accordance with the laws of the executing State.

ARTICLE XIV. Renunciation

That this compact shall continue in force and remain binding upon each executing State until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other States party hereto. The duties and obligations of a renouncing State under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

ARTICLE XV. Severability

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provisions of this compact is declared to be contrary to the constitution of any participating 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 circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, 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 III. EFFECTUATION

§ 5221. Juvenile Compact Administrator.

Pursuant to the Interstate Compact on Juveniles, the Governor is hereby authorized and empowered to designate the Executive Director of the Youth Services Commission of Delaware to be the compact administrator and who, acting jointly

with like officers of other party States shall promulgate rules and regulations to carry out more effectively the terms of the compact. 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 hereunder.

§ 5222. Supplementary Agreements.

The compact administrator is authorized and empowered to enter into supplementary agreements with appropriate officials of other States pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this State or require or contemplate the provisions of any service by this State, said supplementary agreement shall have no 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.

§ 5223. Financial Arrangements.

The compact administrator, subject to the approval of the State Treasurer 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.

§ 5224. Responsibilities of State Departments, Agencies and Officers.

The courts, departments, agencies and officers of this State and its subdivisions shall enforce the compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

§ 5225. Additional Procedures not Precluded.

In addition to any procedure provided in Articles IV and VI of the compact for the return of any runaway juvenile, the

particular States, the juvenile or his parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this State and the other respective party States for the return of any such runaway juvenile.

§ 5226. Receipt of Federal Funds.

The designated Juvenile Compact Administrator is authorized to cooperate with the Federal Government and to receive any Federal funds which may be allocated for the purpose of improving the State's services to those juveniles affected by this compact.

§ 5227. Definition.

The term "delinquent juvenile" as used in the compact shall include any wayward child as defined in Section 901, Subchapter 1, Chapter 9, Title 10, Delaware Code.

§ 5228. Effective Date.

The compact shall become effective immediately upon approval of the General Assembly and the Governor and thereafter upon being executed on behalf of this State with any other State or States legally joining therein.

Approved June 20, 1963.

CHAPTER 65

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE PUBLIC ARCHIVES COMMISSION FOR THE
FISCAL YEAR ENDING JUNE 30, 1963, FOR SALARIES
AND WAGES OF EMPLOYEES.**

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

Section 1. The sum of Twenty-four Hundred (\$2,400.00) Dollars is appropriated to the Public Archives Commission for the fiscal year ending June 30, 1963 to be expended as follows:

Delaware State Museum

Salaries and Wages of Employees \$2,400.00

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 20, 1963.

CHAPTER 66

AN ACT TO AMEND CHAPTER 70, TITLE 6, DELAWARE CODE, BY INCLUDING NON-AGRICULTURAL AREAS OF CYCLICAL EMPLOYMENT IN THE COVERAGE OF THE ACT, ALLOWING A CASH DEPOSIT IN LIEU OF BOND PURCHASE BY A LEASING OR OTHER ASSISTED PERSON, AUTHORIZING THE INDUSTRIAL BUILDING COMMISSION TO PARTICIPATE IN NON-BUILDING CAPITAL GOODS FINANCING, INCREASING THE MAXIMUM PROJECT GUARANTY FROM \$2,000,000 TO \$3,000,000, AND BY ALTERING THE PLEDGE OF THE CREDIT OF THE STATE.

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. Section 7001, Title 6, Delaware Code, is amended by adding thereto new subsections (f), (g), (h), and (i), as follows:

(f) In certain non-agricultural areas of the State, many citizens of the State are employed in cyclical employment. "Cyclical employment" is hereby defined as employment involving frequent cessations of work and temporary discharge or lay-off of employees.

(g) Cyclical employment, as hereinbefore defined, may be present in a particular enterprise where, because of shifting technology, obsolescence of equipment, or shortage of capital, the enterprise is or has become a high cost operation, so that any slight decline in demand for products of the industry generally, or any slight decline in the price structure of the industry causes the enterprise to terminate or interrupt the employment of its employees.

(h) Cyclical employment, as herein defined, threatens the economic stability of the State, discourages thrift, and depresses the standard of living of the citizens of the State, all to the detriment of the public health, welfare, and order.

(i) Cyclical employment may be eliminated, under certain circumstances, by the modernization of a particular facility. Such modernization may be impossible within the capital resources of the establishment. Under such circumstances, participation by the Industrial Building Commission in refinancing or modernization of facilities will strengthen the position of the establishment in its industry, and eliminate cyclical employment, as hereinbefore defined. It is determined and declared that the elimination of cyclical employment is a public purpose, and that participation by the Industrial Building Commission in refinancing or modernization of facilities, under the criteria hereinafter set forth, will alleviate cyclical employment and thereby promote the public health, welfare, and order.

Section 2. Section 7003 (a), Title 6, Delaware Code, is amended by striking subsection (1) thereof, and inserting in lieu thereof a new subsection (1), as follows:

will be located in an area of the State where a substantial portion of the labor is unemployed, or employed in seasonal or cyclical employment.

Section 3. Section 7003 (a), Title 6, Delaware Code, is amended by striking subsection (2), and inserting in lieu thereof a new subsection (2), as follows:

(2) will consist of an industrial building or buildings which are all-purpose buildings, suitable for rental to general manufacturing industry, or buildings or machinery readily marketable.

Section 4. Section 7003 (a), Title 6, Delaware Code, is amended by striking subsection (4) and inserting in lieu thereof a new subsection (4), as follows:

(4) will yield sufficient income in rental, mortgage, or other payments for the payment of principal and interest on the bonds.

Section 5. Section 7003 (a), Title 6, Delaware Code, is amended by striking subsection (5) and inserting in lieu thereof a new subsection (5), as follows:

(5) will be leased or sold upon the condition that the prospective tenant, purchaser, or assisted person is legally obligated to:

(i) purchase 5 percent of the bonds issued by the development corporation for the project, said bonds to be pledged as security for the lease or mortgage, or

(ii) deposit with the trustee under the trust indenture securing the bonds a cash fund equal to the highest single yearly payment due from the tenant, purchaser, or assisted person to the development corporation under the terms of the lease, mortgage, or other security instrument between the development corporation and the purchaser, tenant, or assisted person, said fund to be pledged for the purposes provided in Section 7006 (g), Title 6, Delaware Code.

Section 6. Section 7003 (b), Title 6, Delaware Code, is amended by striking the words "two million dollars" as they appear in the last line thereof and inserting in lieu thereof the words "three million dollars".

Section 7. Section 7003 (a), Title 6, Delaware Code, is amended by adding thereto a new subsection (7) as follows:

(7) If the assisted enterprise is a cyclical employer, the assisted enterprise will, after completion of the project, have a production cost per unit which is not greater than the average for its industry for the particular product produced.

Section 8. Section 7006 (d), Title 6, Delaware Code, is amended by striking all of said subsection (d) and inserting in lieu thereof a new subsection (d), as follows:

(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 Building Commission for payment of the deficiency.

Section 9. Section 7006, Title 6, Delaware Code, is amended by adding thereto a new subsection (f), as follows:

(f) If the receiver has made demand upon the Industrial Building Commission pursuant to § 7006 (d), or if the Industrial Building Commission determines that any payment due from the assisted person to the development corporation is in default, it shall forthwith direct the trustee under the trust indenture to make payments of interest and principal, as they become due, from the cash reserve fund deposited pursuant to § 7003 (a) (5) (ii). The Industrial Building Commission shall forthwith give notice to the Governor, the State Treasurer, the State Auditor, the Speaker of the House of Representatives, and the President of the Senate of the deficiency. Thereafter, the Budget Appropriation Bill shall be enacted and approved by each General Assembly shall contain under the Debt Service Item for each fiscal year provisions for the payment of interest and principal maturities of bonds authorized to be guaranteed by this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 10. Section 7006, Title 6, Delaware Code, is hereby amended by adding thereto a new subsection (g), as follows:

(g) Upon the default of any obligation by the assisted person to the development corporation, and the payment of any funds to bondholders from the General Fund of the State or from the cash reserve required to be deposited with the trustee pursuant to § 7003 (a) (5) (ii), the development corporation shall immediately convey all of its right, title, and interest in the project and in any notes, bonds, moneys, or other assets acquired in connection with the project to the Industrial Building Commission. Any funds realized through the sale, rental, or other disposition of any property right acquired by the Industrial Building Commission from a development corporation pursuant to this Section shall be paid by the Industrial Building Commission into the General Fund to the extent that any moneys have been paid out of the General Fund pursuant to subsection (f) of this Section. Any funds in the hands of the Industrial Building Commission not here required to be paid into the General Fund, including fees and commissions charged by the Com-

mission to development corporation, shall be used to pay the expenses of the Commission, with any surplus remaining as security for the bondholders of any obligations issued pursuant to this Act.

Section 11. Nothing herein contained shall alter the terms of any existing trust indenture or outstanding guaranty.

Approved June 20, 1963.

CHAPTER 67

AN ACT TO AMEND TITLE 30, DELAWARE CODE, ENTITLED "STATE TAXES" PROVIDING FOR EXEMPTION FROM PERSONAL INCOME TAXATION IN THE HANDS OF A NON-RESIDENT OF INCOME FROM PARTNERSHIPS ENGAGED IN INVESTMENT ACTIVITIES.

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

Section 1. Section 1116, Title 30, Delaware Code, is amended by adding at the end thereof the following new Subsection (15):

(15). In the case of a non-resident of the State of Delaware, amounts representing the taxable's share of the income of a partnership whose activities within this State are confined to the maintenance and management of its intangible investments and the collection and distribution of the income from such investments or from tangible property physically located outside this State.

Approved June 21, 1963.

CHAPTER 68

AN ACT TO AMEND SECTION 1307, TITLE 14, DELAWARE CODE, RELATING TO SALARY SCHEDULE FOR PRINCIPALS SUBORDINATE TO A CHIEF SCHOOL OFFICER, AND MAKING A SUPPLEMENTARY APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1964.

WHEREAS, under the rules and regulations promulgated by the Board of Education of the State of Delaware, the allocation of part-time principals or vice-principals was not provided for; and

WHEREAS, the appropriations for the expenses of the State Government for the fiscal year ending June 30, 1964, did not provide for part-time principals or vice-principals.

NOW, THEREFORE,

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

Section 1. Section 1307, Title 14, Delaware Code, is amended by striking subsection (b) and inserting in lieu thereof a new subsection (b) as follows:

(b) Part-time principals

A part-time principal shall receive as a salary the amount for which he qualifies under Section 1316 and the schedule set forth in Section 1305 (a) and (b) of this Chapter plus an annual amount for administrative responsibility to be determined in accordance with the following schedule:

Years of Administrative Experience	Number of Teachers	
	2-7	8-14
0	\$100	\$100
1	\$125	\$160
2	\$150	\$220
3	\$175	\$280
4	\$200	\$350

Section 2. Section 1307, Title 14, Delaware Code, is further amended by adding a new subsection (c) as follows:

(c) Vice-Principals

A vice-principal in addition to the full time principal may be employed in a senior high school or a junior-senior high school in which there are thirty-five (35) or more teachers. He shall qualify according to Section 1316 of this Title and receive the salary for which he is eligible under Section 1305 (a) and (b) of this Chapter plus an annual amount for administrative responsibility to be determined in accordance with the following schedule:

Years of Administrative	Experience Amount
0	\$100
1	\$200
2	\$300
3	\$400
4	\$500

A teacher who is counted in subsection (a), (b) or (c) of this section shall not be counted in more than one calculation if his time is divided between two or more schools. The number of teachers shall not include the principal.

Section 3. The sum of twenty-six thousand six hundred dollars (\$26,600.00) is hereby appropriated to the State Board of Education for the school year 1963 through 1964 to defer the cost of subsection (c), and shall be distributed to the following districts upon their qualification. Each of such districts shall be entitled to the number of vice-principals appearing after their name: Claymont Special School District (1); Alexis I. duPont Special School District (1); Mount Pleasant Special School District (1); Newark Special School District (1); New Castle Special School District (1); H. C. Conrad School District (2); Alfred I. duPont School District (1); Rose Hill-Minquadale School District (1); Wm. H. Henry School District (1); Laurel Special School District (1); Seaford Special School District (1); Wilmington School District (3).

This section shall be applicable to the school year, 1963 through 1964 only.

Section 4. This Act is a Supplementary Appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware.

Section 5. This Act shall become effective July 1, 1963.

Approved June 24, 1963.

CHAPTER 69

**AN ACT TO AMEND TITLE 15, DELAWARE CODE, BY
TRANSFERRING THE FUNCTIONS PRESENTLY PER-
FORMED BY THE CLERK OF THE PEACE IN EACH
COUNTY IN GENERAL ELECTIONS TO THE DEPART-
MENT OF ELECTIONS FOR EACH COUNTY.**

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

Section 1. Title 15, Sections 4502, 4503, 4504 and 4910, Delaware Code, are amended by deleting the words "Clerk of the Peace" wherever they appear therein and substituting in lieu thereof the words "Department of Elections" and by deleting the words "his", "him", and "he" whenever they are used as pronouns referring to the Clerk of the Peace, and by substituting the words "it", or "its", as the case may be in lieu thereof.

Section 2. Title 15, Section 5008 (d), Delaware Code, is amended by deleting the words "Clerk of the Peace" and by inserting in lieu thereof the words "Department of Elections".

Section 3. Title 15, Section 5009, Delaware Code, is amended by deleting the words "Clerk of the Peace shall provide and furnish to the Department of Elections two sets of official ballots for each voting machine", and by inserting in lieu thereof the words "Department of Elections shall provide and furnish two sets of official ballots for each voting machine".

Section 4. Title 15, Section 5010, Delaware Code, is amended by deleting the words "Clerk of the Peace" and by inserting the words "Department of Elections" in lieu thereof.

Section 5. Title 15, Section 5011, Delaware Code, is amended by deleting the words "Clerk of the Peace" and by inserting the words "Department of Elections" in lieu thereof.

Approved June 21, 1963.

CHAPTER 70

AN ACT TO AMEND SECTION 5920, TITLE 11, DELAWARE CODE, PERTAINING TO COLLECTIONS BY JUSTICES OF THE PEACE.

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

Section 1. Section 5920 of Title 11, Delaware Code, is amended by adding before the word "Whoever" in the first line, the following:

(a)

Section 2. Section 5920 of Title 11, Delaware Code, is amended by adding the following paragraph thereto:

(b) Nothing in this section shall operate to prohibit a Justice of the Peace in any legal proceeding which has been instituted, and in which a default judgment shall have been entered for failure of the defendant to appear or in which judgment shall have been entered by confession, from making a charge for the collection of money that may become due as a result of such proceeding; provided, however, that said charge for collection shall be assessed against the plaintiff, and in no event shall said charge be collectible from the defendant.

Approved June 24, 1963.

CHAPTER 71

AN ACT TO AMEND SECTION 9701, TITLE 10, DELAWARE CODE, PERTAINING TO CHARGES FOR SERVICES BY JUSTICES OF THE PEACE.

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

Section 1. § 9701, Title 10, Delaware Code, is amended by adding the following paragraph at the end of said section.

In cases where a default judgment shall have been entered for failure of the defendant to appear or in which judgment shall have been entered by confession, a Justice of the Peace may, on behalf of a plaintiff, collect money on said judgments and charge for such collection services; provided, however, that an agreement in writing shall have been executed between the Justice of the Peace and the plaintiff setting out the terms of the charge; provided, further, that upon request of any plaintiff a Justice of the Peace shall account for all monies collected on behalf of such plaintiff within thirty days after such request.

Approved June 24, 1963.

CHAPTER 72

**AN ACT TO APPROPRIATE THE SUM OF \$150,000.00 TO
THE DELAWARE COMMISSION OF SHELL FISHERIES
FOR CLEANING AND REPLENISHING OYSTER BEDS
IN THE DELAWARE BAY.**

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

Section 1. The sum of one hundred fifty thousand dollars (\$150,000.00) is hereby appropriated to the Delaware Commission of Shell Fisheries for the purpose of cleaning the State oyster beds in Delaware Bay, replenishing the beds with new shells, and the purchase and planting of seed stock in the beds.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid from the General Fund of the State of Delaware. The funds hereby appropriated shall not revert to the General Fund but shall remain available to the Delaware Commission of Shell Fisheries until June 30, 1964.

Approved June 24, 1963.

CHAPTER 73

**AN ACT AMENDING § 7704, TITLE 11, DELAWARE CODE,
RELATING TO PAROLE OFFICERS.**

WHEREAS, the Board of Parole has under its jurisdiction many persons who require supervision while on parole and there are many cases of applicants requiring investigation; and

WHEREAS, the demands upon the Board of Parole are greater than can be met without additional parole officers; and

WHEREAS, pending the improvement of our correctional services by proposed legislation, temporary assistance is needed by the Board of Parole, NOW, THEREFORE,

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

Section 1. § 7704, Title 11, Delaware Code, is amended to read:

§ 7704. Parole officers; appointment and duties; compensation

(a) The Board of Parole shall appoint such parole officers as the Board deems necessary, to serve at the pleasure of the Board. Their compensation shall be fixed by the Board.

(b) Parole officers shall investigate applicants for parole, supervise persons on parole and do and perform all duties usually performed by parole officers and as the Board may determine. They shall be vested with all the powers of a State constable.

(c) Parole officers shall have at least a Master's Degree in an approved school of social work, with knowledge, training and experience as the Board shall determine, except that when suitable persons with a Master's Degree are unattainable, a minimum of an earned Bachelor's Degree in the social sciences, and two years training or experience in other aspects of social work may be deemed adequate.

Section 2. The provisions of § 7704 (c), Title 11, Delaware Code, enacted herein, shall not apply to any person employed by the Board at the time this Act becomes effective.

Approved June 24, 1963.

CHAPTER 74

AN ACT TO AMEND CHAPTER 636, VOLUME 50, LAWS OF DELAWARE, RELATING TO POLICE PENSION FUND OF THE CITY OF WILMINGTON.

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

Section 1. Chapter 636, Volume 50, Laws of Delaware, is hereby amended by striking out the words and figures "One Hundred and Fifty Dollars (\$150.00)" appearing in Section 1 thereof and substituting in lieu thereof the following words and figures: "Two Hundred Twenty-Five Dollars (\$225.00)".

Section 2. Chapter 636, Volume 50, Laws of Delaware, is further amended by striking out the words and figures "Seventy-Five Dollars (\$75.00)" appearing in line four of the third paragraph thereof and substituting in lieu thereof the following words and figures: "One Hundred Twelve Dollars (\$112.00)".

Section 3. The benefits conferred by this Act shall apply to all persons who had retired from the Bureau of Police and to the widows of all persons who shall have so retired prior to the effective date of this Act, as well as any person retiring from the Bureau of Police after the effective date of this Act.

Section 4. The increase in benefits provided by this Act shall become effective on the first day of the month following the date when this Act becomes law.

Approved June 25, 1963.

CHAPTER 75

AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 180, VOLUME 49, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON" BY PROVIDING FOR A BASE MONTHLY MINIMUM PENSION PAYMENT.

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 118, Volume 33, Laws of Delaware, as amended by Chapter 180, Volume 49, Laws of Delaware, is amended by striking out the words "One Hundred Fifty Dollars (\$150.00)" as they appear in lines 5 and 6 of the last paragraph and inserting in lieu thereof the words "Two Hundred Twenty-five Dollars (\$225.00)".

Section 2. Chapter 118, Volume 33, Laws of Delaware, as amended by Chapter 180, Volume 49, Laws of Delaware, is amended by striking out the words "Seventy-five Dollars (\$75.00)" as they appear in lines 10 and 11 of the last paragraph and inserting in lieu thereof the words "One Hundred Twelve Dollars (\$112.00)".

Section 3. The benefits conferred by this Act shall apply to all persons who had retired from the Bureau of Fire of the Department of Public Safety and to the widows of all persons who shall have so retired prior to the effective date of this Act, as well as any person retiring from the Bureau of Fire of the Department of Public Safety after the effective date of this Act.

Section 4. The increase in benefits provided by this Act shall become effective on the first day of the month following the date when this Act becomes law.

Approved June 25, 1963.

CHAPTER 76

AN ACT TO AMEND SECTION 9305, TITLE 9, DELAWARE CODE, RELATING TO DUTIES AND POWERS OF COUNTY COMPTROLLERS.

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

Section 1. Section 9305, Title 9, Delaware Code, is amended by adding the following new sub-sections, (j); (k); (l) and (m) as follows:

(j) The Comptroller may adopt a facsimile of his signature, in lieu of his usual signature, and affix such facsimile to any check, draft, warrant, voucher or other instrument for the payment of money that he is required to sign. 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.

(k) 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.

(l) No person shall fraudulently imitate or duplicate or attempt to fraudulently imitate or duplicate the facsimile signature of the County Comptroller who is permitted 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.

(m) No provision 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 Levy Court.

Any person violating any provisions of sub-section (l) 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 June 26, 1963.

CHAPTER 77

**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 eight thousand five hundred nine dollars and sixty-three cents (\$8,509.63) is hereby appropriated to the Middletown School District No. 60 for the fiscal year beginning July 1, 1962, and ending June 30, 1963, 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.

Section 3. Any funds not expended that are hereby appropriated by this Act on June 30, 1963, shall revert to the General Fund.

Approved June 26, 1963.

CHAPTER 78

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE INDUSTRIAL ACCIDENT BOARD FOR THE
FISCAL YEAR ENDING JUNE 30, 1963, TO BE USED
TO PAY ITS ATTORNEY.**

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

Section 1. The sum of \$1,200.00 is hereby appropriated to the Industrial Accident Board to be used to pay its attorney for conducting pre-trial hearings during the months remaining in the fiscal year ending June 30, 1963.

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

Approved June 27, 1963.

CHAPTER 79

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION, BY ELIMINATING THE REQUIREMENT FOR A WAITING PERIOD.

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

Section 1. Title 19, § 3314 (4), Delaware Code, is amended to read as follows:

(4) No week shall be counted as a week of unemployment for the purposes of this subdivision—

(a) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits;

(b) If benefits have been paid with respect thereto;

(c) Unless the individual was eligible for benefits with respect thereto as provided in Sections 3314 and 3315 of this Title, except for the requirements of this subdivision and of subdivisions (5) and (6) of Section 3315 of this Title;

Section 2. This Act shall be effective as to new claims filed on and after the thirtieth day after its enactment.

Approved June 27, 1963.

CHAPTER 80

**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. The last sentence of Section 510, Title 31, Delaware Code, is amended by striking the words "need not" following the words "Section 501 (a), Title 13, Delaware Code", and before the words "be considered by the Department", and inserting in lieu thereof the words "shall not".

Approved June 28, 1963.

CHAPTER 81

AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO THE NUMBER, METHOD OF APPOINTMENT, TERMS AND QUALIFICATIONS OF THE JUDGES OF THE FAMILY COURT FOR NEW CASTLE COUNTY.

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

Section 1. Amend Title 10, Delaware Code, by striking out § 904 of Chapter 9 thereof, and substituting in lieu a new § 904 to read as follows:

§ 904. Composition

The Court shall be composed of, be in charge of, and be presided over by three Judges, of equal authority and rank, who may hold Court separately, jointly or concurrently.

Section 2. Further amend Title 10, Delaware Code, by striking out § 907 of Chapter 9 thereof, and substituting in lieu a new § 907, to read:

§ 907. Appointment of Judges; terms; qualifications

(a) Any Judge necessary to bring the Composition of the Court up to the number required in § 904 hereof, shall be appointed and commissioned by the Governor, by and with the consent of a majority of all members elected to the Senate.

(b) Judges shall be appointed for terms of twelve years, and unless disqualified in some manner other than expiration of their respective terms, shall serve until their respective successors are qualified.

(c) Not more than two (2) of the three (3) Judges shall be appointed from the major political party and one (1) from the opposite major political party.

(d) The Judges shall be residents of New Castle County. They shall be duly admitted to the practice of law in Delaware and selected with reference to their interest and experience in, and understanding of the problems of family and child welfare. They shall be eligible for reappointment and during their tenure of office shall not engage in the private practice of law.

Approved June 28, 1963.

CHAPTER 82

AN ACT TO RE-INCORPORATE THE TOWN OF HOUSTON.

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

NAME AND TERRITORIAL LIMITS

Section 1. The inhabitants of the Town of Houston, in the County of Kent, State of Delaware, are hereby constituted a municipal corporation and body politic. The name and style of said corporation shall be "The Town of Houston".

The Boundaries of The Town of Houston are hereby established and declared to be as follows:

BEGINNING at a point one hundred and thirty-seven rods East and eighty rods North of the Station and tracks of the Philadelphia, Baltimore, and Washington Railroad Company, thence West two hundred and forty-seven rods to another corner, thence south one hundred and sixty rods to another corner, thence East two hundred and forty-seven rods to another corner, thence North one hundred and sixty rods to the place of beginning.

The Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot, when so made and approved by the said Council, and signed by the President and Secretary of Council, and sealed with the Town Seal, and when recorded in the office of the Recorder of Deeds of the State of Delaware, in and for Kent County, at Dover, shall be deemed to be a true map and plot of the Town, and the same, or the record thereof or a duly certified copy of said record, shall be evidence in any Courts of law and equity in this State.

GENERAL POWERS

Section 2. (A) The inhabitants of the Town of Houston within the limits and boundaries referred to in Section 1 of this

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 Town of Houston", hereinafter called the Town, 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 the 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, subject however to other sections of this Act.

As hereinafter provided in Section 22 of this Charter relating to power to issue Bonds, the Town shall have all powers and functions requisite to or appropriate, for the government of the Town, 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, and proceedings shall be brought in the name of "The Town of Houston".

(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 thereby, or appropriate to the exercise thereof, it is intended that the Town of Houston shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town of Houston whether expressed or implied, shall be exercised as prescribed by this Charter, or, if not prescribed herein, by ordinance or resolution of the Town Council.

STRUCTURE OF GOVERNMENT

Section 3. The Government of the Town and the exercise of the powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Town Council. The Town

Council shall consist of five members, who shall be citizens of the State of Delaware and residents of said Town for a period of at least one year and non-delinquent taxables of the said Town above the age of twenty-one years and the owner of real estate within the said Town in their own name, at the time of their nomination and election, provided, however, that any married man, resident of said Town, whose wife is a freeholder of said Town, may be elected a member of said Council, although he may not be in his own right, in any real estate within said Town.

ELECTION IN GENERAL

Section 4. The present Members of the Town Council, shall by this Act be appointed to serve and shall continue to act as Councilmen of said Town from and after the passage hereof until Councilmen are duly elected; and that at the annual election held on the last Saturday in March, A. D. 1964, after the passage of this Act as provided for in Section 5 of this Act, five Councilmen shall be elected, three of whom shall be elected for the term of one year, or until their successors shall be duly qualified, and two for the term of two years, or until their successors shall be duly qualified; and thereafter at every subsequent annual election the successors to the Councilmen whose terms shall have expired shall be chosen to serve for the term of two years, or until their successors shall be duly chosen and qualified; and if any vacancy or vacancies shall occur among them by death, resignation, refusal to serve, or otherwise, the remaining Councilmen shall have the power to fill such vacancy or vacancies until the ensuing annual election, at which time such vacancy or vacancies shall be filled by the election of Councilman or Councilmen to fill the unexpired term of the Councilman or Councilmen in whose stead they shall be elected.

MANNER OF HOLDING ELECTIONS AND MAKING NOMINATIONS

Section 5. (A) The annual municipal election shall be held on the last Saturday in the Month of March from one o'clock P. M. until four o'clock P. M., at such places as shall be determined by the Council, due notices of which shall be given

by posting notices thereof in five public places within the limits of the Town of Houston, not less than ten days before the day of the annual election.

(B) Said members of the Council shall be nominated as follows viz.:

On the last Saturday in February two members of Council shall sit at the School House between the hours of two o'clock, P. M. and four o'clock, P. M., to accept the names of candidates for election to the Town Council. Notice stating the date, time and place of sitting for the purpose of accepting names of candidates for election to Town Council shall be posted in five public places in the Town of Houston at least ten days prior to date of sitting. Council shall cause to be printed ballots, at least as many in number as the number of citizens in said town entitled to vote at the election. Said ballots shall contain the names of all persons nominated under headings designating the offices for which nominated, and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls, and every citizen calling for a ballot shall receive one from the persons holding the election. Voters may also prepare for themselves ballots, either printed or written, provided that such ballots do not contain a name or names other than those nominated as aforesaid.

(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva voca vote, a qualified voter or voters to act. The three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.

(D) Every citizen of the said Town of the age of twenty-one years, or upwards, who has within twelve months of said election paid a Town Tax which has been assessed within

twelve months, shall have a right to vote, and persons arriving at the age of twenty-one years since the last Town assessment shall have a right to vote. The voters shall not vote for more candidates than are to be voted for at the election and in voting shall cross out the names of all candidates which he or she does not desire to vote for.

(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie, the three persons holding the Election shall, by a majority vote, decide which of the candidates so tied shall be elected.

(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of the Election, which Book, consisting such minutes, shall be preserved by the Council, and shall be evidence in any Court of Law and Equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 6. On the last Wednesday in April following the annual election each year, the Council shall meet and the newly elected officers shall assume the duties of office. Before entering upon the duty of their office, the newly elected members shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over Member of the Council to faithfully and impartially perform their duties. At this annual meeting the Council shall organize and thereafter shall hold meetings at such time as hereinafter provided.

SPECIAL MEETING, WAIVER OF NOTICE

Section 7. Special meetings shall be called by the Secretary upon the written request of the President of Council, or upon the written request of any two members of Council, stating the

day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the President and to each member of Council of the day, hour and place of such special meeting and of the subject or subjects proposed to be considered thereat. Such notices of the Secretary must be deposited in the U. S. mail in the main post office in the Town of Houston at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the President and all other members of Council prior to or immediately upon the convening of such special meeting, shall make such forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Houston shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at regular meeting.

QUORUM

Section 8. That in the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they 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. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it received the affirmative vote of a majority of all members elected to Council.

RULES AND MINUTES OF COUNCIL

Section 9. 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 10. In case of vacancy created in the Members of Council either by death, resignation, loss of residence in the Town of Houston, or otherwise, the Council shall fill such vacancy for the residue of the whole term; provided, however, if a vacancy shall be created in the office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person to serve until the next annual election, at which time there shall be elected a suitable person to fill the unexpired term of said office.

DISQUALIFICATION

Section 11. If any Councilman shall, during his term of office, lose his residence in said Town, or his citizenship in the State of Delaware, or be found guilty of any felony or crime involving moral turpitude, he shall forthwith be disqualified to act as a Member of Council, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

CONTRACTS WITH MEMBERS

Section 12. It shall be unlawful for the said Council to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Houston with any member of the Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent.

REGULAR MEETINGS OF COUNCIL

Section 13. The Council of the Town of Houston shall hold regular meetings once a month on the last Wednesday in each month, at such times and places as may be prescribed by resolution.

OFFICERS

Section 14. (A) The Council shall, at the annual meeting held on the first Monday next following the annual election, organize by the election of a President, a Secretary, Treasurer, Alderman, Collector of Taxes, Town Solicitor, Board of Assessors, Auditors and Police Force. The President of the Council shall be a Member of the Council. The Secretary, Treasurer, Auditors, Town Solicitors, Board of Assessors, Police Force, Collector of Taxes and Alderman may or may not be a member of the Town Council. The Council shall also elect and appoint any such other officers, employees and agents of the Town which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer may be removed at any time by the Town Council for sufficient cause.

(B) The Council shall by ordinance fix the salaries and compensation of employees, officers and agents of the Town and the time and manner of his or her payment; which salaries or compensations shall not be increased during the terms of said office. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation in any form in addition to the salary or compensation fixed by Council.

(C) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the Town containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of service.

DUTIES AND POWERS OF PRESIDENT

(D) The duties of the President of the Council shall be to preside at all meetings of Council; to have general superintendence of municipal affairs, provided, however, that such general superintendency shall in all cases be subordinate to the authority of all committees, and appointees as selected by Council for the superintendency or conduct of any specified municipal activity to receive complaints or nuisances and all complaints

or violations of Laws and Ordinances and present the same to Council at its first meeting thereafter for action of Council and to cause such infractions or violations of the Law or Ordinances, as require immediate action, to be proceeded on before the Town Alderman. The President shall issue and sign all licenses for every exhibition within the Town, or licenses for any other purpose for which, under the Laws of Delaware, or the Ordinances of said Town, a license therefor is required.

The President shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by resolution or ordinance of Council. If the President be incapacitated from acting by reason or absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed under him by this Act, or any other Law, or any resolution or ordinance, now or hereafter adopted or enacted by Council, shall be exercised and performed by the Member of Council chosen by Council as acting President for the period of such incapacity.

The President 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.

SECRETARY

(E) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for the purpose; and shall file and keep in a safe place the Seal of the Town and all papers, and documents, relative to the affairs of the Town, and deliver the same to his successor in office. The Secretary shall attest the seal of the Town when authorized by Council, and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers and documents in the custody of the Secretary shall be always open for the inspection of Council and the public under such regulations as Council may prescribe.

ALDERMAN

(F) The Alderman shall be sworn or affirmed to perform the duties of his office with fidelity. In absence or disability or otherwise, the Council, at any meeting, may appoint an acting citizen as Alderman, and he shall have all powers of a Justice of the Peace within said Town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the Town as far as to arrest and hold to bail, or fine and imprison offenders; of all fines, penalties and forfeitures prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware, of all neglects, omissions or defaults of any member of the police force, or other Town officer, agent or employee; provided, that he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days. The Kent County Correctional Institution may be used for imprisonment under the provisions of this Charter, provided, that the Council shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

The Alderman shall also have jurisdiction in suits of civil nature, for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matter which may arise in the proper government and control of the Town under the provisions of this Charter; and within his jurisdiction he shall have all the powers and authority, and shall be subject to all the limitations of the Justice of the Peace of Kent County, except as herein otherwise provided; and his fee shall be the same as those of a Justice of the Peace for like service. For any service or duty for which no fee is provided by law, such fee shall be established by ordinance.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payment for

the space of five (5) days, he shall be deemed guilty of a misdemeanor and upon conviction in the Court of General Sessions of the State of Delaware shall be fined not more than Five Hundred Dollars (\$500.00), or imprisonment for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the Town. He shall pay all such moneys to the Treasurer within ten (10) days after making report thereof to the Council; and failure to make report to the Council, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished upon conviction as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered which shall be open to public inspection and examination at all times.

TREASURER

(G) The Treasurer shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

The Town Treasurer, before entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by the President, or acting President of Council.

The Town Treasurer, before entering upon the duties of his office shall also give bond to the Town of Houston, with sufficient surety to be approved by Council, in the penal sum of Five Thousand Dollars (\$5,000.00), conditioned for the faithful discharge of the duties of his office and for the payment of his successor in office of all sums of money belonging to said Town, which may remain in his hands upon the settlement of his accounts, to which bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Treasurer shall pay all orders drawn on him by order of said Council and be signed by the President and Secretary thereof, out of any moneys in his hands belonging to said Town. He shall settle his accounts with said Council annually by the end of the fiscal year, and oftener and at such other times as Council may require.

COLLECTOR OF TAXES

(H) The Collector of Taxes shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

It shall be the duty of the Town Collector to collect all Town Taxes, water and sewer rents, charges for electric current and all other kinds of Town revenue and to pay the same to the Town Treasurer as herein otherwise provided.

The Town Collector, before entering upon the duties of his offices, shall give bond to the Town of Houston with sufficient surety to be approved by Council, in the sum of Five Thousand Dollars (\$5,000.00), conditioned for the faithful performance of the duties of his office, and the payment to the Treasurer of said Town of all moneys collected by him belonging to said Town from taxes, sewer and water rents, electric current accounts and all other Town revenue and for the settlement of his accounts with the Treasurer of the Town at the end of each fiscal year, and oftener and at such other times as Council may require, to which bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment for said penalty.

AUDITORS

(I) The Auditors shall be residents and taxables of the Town and it shall be their duty to audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of the moneys of the Town. They shall audit the books of the Alderman and the records of all fines, penalties and costs imposed or collected by either of them pursuant to any judgment order or decree made. The Auditors on

or before the fifth day of January next following this appointment shall make and deliver a detailed report of all and every of the accounts, records and books by them examined and audited. The Auditors in the performance of their duties shall have access to all records of Council and the officers of the Town; and are authorized and empowered to employ such clerks or accountants as in their judgment may be necessary for the proper performance of their duties.

TOWN SOLICITOR

(J) At the annual meeting, the Council shall select a Town Solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The Town Solicitor shall be a member of the Bar of Kent County. It shall be his duty to give legal advice to the Council and other officers of the Town, and to perform other legal services as may be required of him by the Council.

POLICE OFFICERS

(K) It shall be the duty of the Council to appoint a Police force consisting of a Chief and such member or subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the Police force. The members of the force shall be subject to the direction of the Council, and may be removed by the Council at any time. They shall preserve peace and order, and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police force shall be vested with all powers and authority of a Constable of Kent County, within the Town limits and within one (1) mile outside said limits, and in the case of the pursuit of an offender, his power and authority shall extend to all parts of the State of Delaware.

Every person sentenced to imprisonment by the Alderman shall be delivered by a member of the Police force to the Kent

County Correctional Institution, or lock-up of the Town, to be there imprisoned for the term of the sentence. In the case of any arrest at a time when the Alderman shall not be available to hear and determine the charge, the person arrested may be delivered to either the Kent County Correctional Institution, or to the lock-up of the Town, for imprisonment until such reasonable time thereafter as shall enable the Alderman to hear and determine the charge against such person.

It shall be the duty of the police to suppress riotous disorderly or turbulent assemblages of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the above, or upon the view of the violation of any ordinances of the Town 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.

ASSESSORS AND ASSESSMENT OF TAXES

Section 15. The Board of Assessment shall consist of three members all of whom shall be residents of said Town and over the age of twenty-one years. They shall be sworn and affirmed by a Justice of the Peace or by the Alderman to perform their duties with fidelity and without favor. It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation situate within the Town.

1. In the year 1964 and every fourth year thereafter, there shall be a true, just and impartial valuation and assessment of all the real property subject to County taxation within the Town, locating each parcel of real property by street and number, or other description, and also an assessment of all the male and female residents of the Town above the age of twenty-one years (21), whether owners or not owners of either real estate or personal property within its limits.

2. All assessments shall be made and completed by the Board of Assessors prior to the first day of March. The assessment made in the year 1964 and in every fourth year thereafter shall be known as the General Assessment. In other years, there shall be made a scrap assessment, as hereinafter provided.

3. The scrap assessment shall value and assess all taxable real property in the Town not already valued and assessed by the General Assessment then in force, and all improvement made upon said real property since said General Assessment and all male and female residents of the Town above the age of twenty-one (21) years and not already assessed, and said assessment shall omit the name of those who have removed from the Town or who have died. In the year that a scrap assessment is made, the General Assessment then in force as supplemented or modified by the scrap assessment, shall constitute the assessment of the year.

4. The assessors shall make and deliver to the Council as soon as the assessments are made such numbers of copies thereof as the Council shall direct.

5. The real property of the several members of the Board of Assessors shall be assessed by the Council.

6. The Council shall, prior to the fifteenth day of March in each year, cause a copy of the General Assessment, or scrap assessment as made in said year, to be hung in two public places, in the Town, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notices of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be posted in at least five public places in the Town.

7. At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

8. The assessment, as revised and adjusted by the Council, shall be the basis for the levy collection of the taxes for the Town.

9. The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections or like character erected within the limits of the Town, 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 Town 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 case of other taxes and the Council shall have authority to cause the same to be removed.

10. No farm lands hereby included within the limits of the Town of Houston shall be subject to any Town tax unless the same shall be laid out as building lots and unless the same shall front upon some public street of the Town of Houston which shall be laid out and improved; and all farm lands within the aforesaid limits which shall be laid out as building lots and which shall front upon some public street of the Town of Houston laid out and improved shall be subject to be taxed to the depth of three hundred (300) feet from said street line for Town purposes. The Council shall be sole judges of what lands are, and what lands are not "farm lands" within the meaning of this Charter.

11. The General Assessment made and in force under the Charter of the Town of Houston and the amendments thereto shall continue in force and effect until the next General Assessment to be made in the year 1964.

12. 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 Town for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

13. The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Five Thousand Dollars (\$5,000.00) in any one year clear of all delinquencies and expenses of collection, provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held

and conducted in all respects as provided for in Section 5 of this Act as amended, may raise by taxation any amount above and exceeding the sum of Five Thousand Dollars (\$5,000.00). At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation" and another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised, when, however, any sum in excess of Five Thousand Dollars (\$5,000.00) shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum when in order to authorize any such increase a new referendum shall be necessary and whenever any increased sum shall be authorized at any referendum said sum shall represent the maximum amount authorized to be raised from year to year by taxation until an increase shall have been authorized by referendum duly held as aforesaid.

COLLECTION OF TAXES

Section 16. On or before the fifth day of April in each year, the Council shall deliver to the Collector of Taxes a list containing the names of the taxable of the Town, opposite the name of each the amount of his real property assessment, the amount of his personal property assessment and his poll assessment, and the tax upon the whole of his assessment, and the rate per hundred dollars. Attached to said tax list shall be a warrant, under the seal of the Town of Houston, signed by the President and attested by the Secretary, commanding the Collector of Taxes to make collection of the taxes as stated and set forth in the tax list.

All taxes laid or imposed by the Council of the Town of Houston, shall be and constitute a lien upon all the real estate of the taxable against or upon whom such taxes are laid or imposed of which such taxable was seized at any time after such taxes shall have been levied and imposed, situate in the

Town of Houston, and such lien shall have preference and priority to all other liens on such real estate created or suffered by the said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided that the lien for town taxes shall remain a lien for the period of three years from the fifth day of April of the year in which such tax shall have been imposed and no longer.

All taxes when and as collected by the Collector of Taxes shall be paid to the Town Treasurer and all taxes shall be due and payable at and from the time of delivery of the tax list to the Collector of Taxes. A discount shall be allowed by the Collector of Taxes of three per cent on every tax paid before the first day of May in each year; and of two per cent on every tax paid before the first day of June in each year; of one per cent on every tax paid before the first day of July in each year and to every tax paid after the thirtieth day of September, no discount shall be allowed by the Collector of Taxes, and to every tax paid after the thirtieth day of September in each year, there shall be added and collected one per centum for every month or fraction of a month after the said thirtieth day of September that the tax remains unpaid. Before exercising any of the powers herein given for collection of taxes, notices shall be given to the taxable of the amount due.

The Collector of Taxes shall have the following powers for the collection of taxes:

(a) By distraint of the goods and chattels of the taxable.

(b) At any time after the delivery of the tax list and warrant, the Collector of Taxes may, in the name of the Town of Houston, institute suit before any Justice of the Peace of the State of Delaware, in any of the Counties of the State, or before the Alderman of the Town, for the recovery of the unpaid tax, in any action of debt, and upon judgment obtained, may issue writs of execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the

judgment shall have been obtained which, by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by the taxable, except such liens thereon, which may have been created in respect to County Taxes, although such other liens be of a date prior to the time of the attachment of said tax lien.

(C) At any time after the delivery of the tax list and warrant, the Collector of Taxes may notify in writing the person, firm or corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall be signed by the President of the Council and shall contain the correct name of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and thereupon it shall be the duty of the employer to take from the wage, salary, or other money then due the taxable the amount of the tax due and owing from the employee, and charge the same against him, and to pay the same to the Collector of Taxes within ten (10) days. The Collector of Taxes shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If any employer, being notified as aforesaid, and having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in any action of debt before any Justice of the Peace or Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(d) For the purpose of collecting the tax of any taxable, and without the necessity of first employing the other remedy herein provided, the Collector of Taxes is empowered to sell the lands and tenements of a taxable, or the lands and tenements of a taxable alienated subsequent to the levy of the tax. The Collector of Taxes shall present to the Superior Court of Kent County wherein the lands and tenements are situated, a petition of 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 the penalty for non-payment, if any, shall commence, and the rate of such penalty.
- (6). A short description of the lands and tenements proposed to be sold sufficient to identify the same.
- (7). A statement that a bill of said tax has been mailed to the taxable at his last known post office address and that it has been found impractical to collect the said tax by any of the other remedies as herein above provided. The petition shall be signed by the Collector of Taxes and shall be verified before a Notary Public.

The Court thereupon shall make an order for the sale of said lands and tenements returnable at the next succeeding term of said Court. Sales of lands and tenements shall be advertised by posting hand bills in at least five public places in the Town of Houston and publishing the notice of said sale in a newspaper published in Kent County. The notices shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid 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 it be approved, the Collector of Taxes shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due is collected. The petition, return and deed, shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the 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 year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his heirs or assigns of the costs, the amount of the purchase money and twenty per centum interest thereon, and the expense of the deed, provided, that if the purchaser refuses to accept the same, or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of redemption to the Collector of Taxes making the sale, taking from him a good and lawful receipt therefor and such receipt shall be considered for all intents and purposes, as a valid and lawful exercise by the owner, his heirs, executors or assigns, of his or their power to redeem the land so sold.

After satisfying the tax due and the costs and 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 the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the Town of Houston, either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes, the following costs shall be allowed to be deducted from the proceeds of sale, or chargeable against the said owner.

TO THE PROTHONOTARY

For filing and recording petition \$1.00

For filing and recording return of sale \$1.50

In addition, the costs of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

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.

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

If the Collector of Taxes shall be unable by the thirty-first day of December of each year of the date of tax list to collect the tax of any taxable, he is empowered, having first paid the amount thereof to the Town, to collect said tax from such taxable for his own use by any of the processes of law herein prescribed within the space of one further year, from said thirty-first day of December, after which the said tax shall be extinguished and all authority to the Collector of Taxes under said tax list and warrant shall cease.

During the month of December next following the date of the tax list and warrant, the Collector of Taxes shall make full, final and complete settlement with the Treasurer and Council. The Council shall fix such time and place during the said month for settlement with the Collector of Taxes of which he, the said Treasurer shall have due notice. At said settlement, the Council shall allow to the Collector of Taxes all taxes which shall have been impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default or neglect or delay of the Collector of Taxes, and said settlement shall be final and conclusive, and no other allowance in any form shall be made to the Collector of Taxes by the Council. Upon the conclusion of the said settlement, the Collector of Taxes shall forthwith pay over to the credit of the Town the aggregate amount of the taxes found to be due the Town, and upon his failure or neglect to so do, it shall be the duty of the Council to proceed to collect the same from the Collector of Taxes and/or his surety. The Council shall not reappoint as Collector of Taxes of the Town any person, who, as such, shall be in default of the Town in any sum; provided, however, that the

Council for good cause shall have the power to extend the time of settlement by the Collector of Taxes for a period of not exceeding six months.

Section 17. The provision of Title 25, Chapter 29, of the Revised Code of the State of Delaware, 1953, shall be deemed to be laid and applied to all taxes under the provisions of this Act.

ENUMERATION OF SPECIFIC POWERS OF COUNCIL

Section 18. The Town Council shall have power to enact ordinances to preserve the health of the Town and to prevent the introduction and spread of infectious or contagious diseases, for which purpose the jurisdiction of Council shall extend to any distance within one mile of the corporate limits of the Town, to define, prevent and abate nuisances; to ascertain and fix the boundaries, of streets, squares, lanes, alleys and sidewalks, to repave and improve the same, to alter, extend or widen any street, square, lane, alley or sidewalk and to open, lay out, improve and repair new streets, squares, lanes, alleys and sidewalks, subject, however, to the provisions and restrictions in that behalf herein otherwise contained; to regulate and fix the ascents and descents of all streets, lanes, alleys and sidewalks and the drainage thereof, to direct and carry out the paving, repaving and improvement of foot pavements and to prescribe the width and materials thereof hereinafter set forth; to regulate and provide for the improvement of existing and the construction of new gutters and curbs, subject, however, to the provisions and restrictions in that behalf otherwise contained, to prescribe the extent and nature of and to alter or remove steps, bay window, porches, awnings, drains, sheds, cellar doors, posts and pillars and all inlets to lots and buildings; to regulate the construction of and repair to chimneys and to provide for the keeping of the same cleaned and in a safe condition as to fire and other hazards; to regulate or prevent the storage of gasoline, naphtha, oil, gunpowder or any other inflammable combustible or dangerous substance and materials, to define, investigate, prevent, abate and remove fire and explosion hazards, both within and without buildings in the said Town; to improve, extend, construct and maintain water mains, fire hyd-

rants and other proper instruments for the prevention and combating of conflagrations and to expend through its own channels or through those of some fire company in said Town such sum or sums of money from the reappropriated funds of the Town, from time to time, as Council may deem necessary and expedient for the proper protection from fire of the lives and property of the inhabitants of the Town, to enact such 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 pedestrian, automobile, and animal drawn traffic over the streets, squares, lanes, and alleys and other public places of the Town, including power to make and enforce any and all parking and non-parking regulations; to enact such ordinances and police regulations as it shall deem necessary and beneficial for the order, protection and good government of said Town, to enact ordinances in relation to the keeping of dogs, to provide for a registration fee therefor and to regulate or prevent their running at large; to enact ordinances to regulate or prevent the keeping of pigs and hogs in said Town, or in its judgment, in the more thickly populated parts of said Town, to employ from time to time skilled surveyors to make plots and maps showing the limits of said Town and ascents, descents and limits of all streets, lanes, alleys, and sidewalks and the building lines upon the same, to show the location, depth and grade of all sewers and water mains and generally to do and perform all other matters of a cognate nature as may be deemed necessary by Council.

The Town Council shall have superintendence and oversight of all roads, streets, squares, lanes and alleys now opened or hereafter to be opened, within the limits of the Town, and no overseer, or similar official, shall be appointed by the Levy Court of Kent County, but said Levy Court shall annually appropriate for the repairs and upkeep of the roads and streets in said Town for the sums of money provided for by the Laws of the State of Delaware now in force or hereafter enacted and said Levy Court shall make orders for the payment therefor to the Treasurer of the Town of the use of said Town.

The Town Council shall have full power and authority to enact ordinances to prevent, suppress and regulate all bonfires,

the firing of firearms and the setting off and exploding of fire crackers, fire works, torpedoes and all explosives at any places in said Town.

The Town Council shall have power and authority to levy and collect license fees, annually, for such various amount or amounts as 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 said Town, and shall have authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in said Town and supplying the inhabitants thereof with any form or manner of services for any valuable consideration except the said license fees shall not apply to public utilities subject to the jurisdiction of the Public Service Commission of Delaware; to regulate the use of the streets by public utilities and common carriers, either passenger or freight or both, and to require that licenses from the Town be secured and to determine the amount or amounts to be paid therefor, provided, that this power shall not be deemed to apply to steam utilities; 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 said Town, 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 Town assessment, with the authority of Council to cause suit to be instituted to collect the taxes so levied, in the event the owner or lessee thereof refuse or neglect to pay such taxes; Council has power to enact ordinances to prevent, abate or regulate electrical or other interferences with radio reception in said Town.

Council shall have the power to enact ordinances for fire protection and to this end may prohibit the use of building materials that Council may deem would create a fire hazard in the section to be used and may zone or district the Town and make particular provisions for particular zones or districts with regard to building and building materials, and may forbid any building except for which a building permit therefor has been obtained from and as prescribed by Council. This provision shall be deemed to include new buildings, or rebuildings or additions

to or alterations of existing structures of any kind. Council shall have power upon inspection to condemn any existing buildings or structures that it deems to be a fire menace and to cause the same to be torn down or removed; Council shall have power to establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from front line of the lots.

The Town Council shall be vested with power and authority to prescribe fines, or penalties, or both, for violations of any of the provisions of this Act, or of the ordinances now in force, or which may hereafter be enacted in pursuance of any power hereof or of any power which may not be enumerated herein, provided, that no ordinance or other Act of Council shall provide any fine of more than Two Hundred Dollars, exclusive of costs, nor any penalty by way of imprisonment, in excess of sixty days, but Council may provide for both fine and imprisonment, not in excess of said limits.

In the preparation and printing of any bonds and the interest coupons therefor now or hereafter authorized by Legislative enactment to be issued by the Town of Houston, where any such bond is signed by the President of the Town Council of the Town of Houston and by the Treasurer of the Town of Houston, and the Trustee's Certificate on said bond is signed by the Secretary on behalf of the Town Council of the Town of Houston, the signatures of the President of the Town Council and of the Treasurer of said Town on the interest coupons attached to and belonging with such bonds may be facsimiles, either engraved, printed or stamped on said coupons.

USE OF TOWN MONEY

Section 19. The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interest of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolution of Council. In

the general performance of its duties and particularly in the expenditure of moneys of the said Town, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council. In case of the absence or other incapacity of Councilmen or in case of a vacancy or vacancies in Council, the remaining members, providing they constitute a majority of the entire Council, but no funds of the said Town shall be used for any purpose without the affirmative action of a majority of all members elected to Council.

FISCAL YEAR, ANNUAL STATEMENT

Section 20. The fiscal year of the said Town shall begin the first day of March in each year and shall end with the next succeeding last day of February. The Town Council shall cause to be made a full and correct annual statement of the receipts and disbursements of all Town moneys for the fiscal year next preceding.

EXEMPTION OF PROPERTY FROM TAXATION

Section 21. The Town Council of said Town shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt from taxation the real or personal property, or both, of any person, firm, association or corporation used in any manufacturing business within the limits of said Town and employing no less than six persons; and the real, or personal property, or both, of any person, firm, association or corporation used in the manufacture or distribution or both, of water, gas, electric current, telecommunication or other service or commodity deemed desirable or necessary for the best interest of the inhabitants of said Town, and the real or personal property, or both, held, owned, leased, or employed by any person, firm, association or corporation with whom Council may now or in the future have a contract for the furnishing to said Town and its inhabitants of electric current, light, power, heat, water or any or all of them over which Council has power or authority and from the payment of taxes on the same. No property shall be exempt from taxation aforesaid until such an ordinance is enacted or such a special resolution adopted and

the period of such exemption shall be only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years, and shall only be revokable upon the breach of a condition contained in such ordinance or resolution.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 22. (A) The Council of the Town of Houston may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Houston to provide funds for the erection, the extension, the enlargement 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 or repair or improvement of highways, streets, or lanes or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the costs of the Town of Houston of any permanent municipal improvements, providing, however, that the borrowing of the money therefor shall be authorized by the Town Council and shall have been approved in the manner following:

(B) 1. Council by resolution shall propose to the electors of the Town by resolution that the state amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

2. Notice of the time and place of hearing on the resolution authorizing said loan shall be posted in five public places at least one week before the time set for said hearing.

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be given the inhabitants by posting notices in five public places for two weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of annual election.

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

6. At the special election, every person who had a right at the next preceding annual Town election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property, whether individual, partnership or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

7. 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 should deliver the same to the Council, which said Certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(C) The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council. The bonds shall be offered for sale to the best and most responsible bidder therefor for after advertisement in a newspaper of the Town or otherwise, 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 bond at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Houston 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.

(D) The bonded indebtedness of the Town of Houston shall not at any one time in the aggregate exceed the total sum of Forty Thousand Dollars (\$40,000).

OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS

Section 23. The Town 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 whether in the street, squares, lanes, or alleys, or on the sidewalks, or in any other public or private place within the limits of said Town either on its own inspection, or upon the written complaint of any citizen of said Town, stating the character and location of the obstructions, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of 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, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition and Council shall thereupon give notice in writing, signed by the President or acting President of Council 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 days after such notice is mailed to remove or abate the stated condition, Council shall have 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 Town of Houston, under the hand of its President, or acting President, and the seal of the Town, and directed to any Constable of Kent County, commanding him forthwith to remove or 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 for such purpose he shall have full power and authority to enter into and upon any lands and premises in said Town, and to take with him such

assistants, 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 Town 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 Treasurer of said Town, for the use of the Town, by the person or persons causing or responsible for such obstruction, 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 Town of Houston under the hand of the President of Council, or the acting President, and seal of the Town, directed to the Alderman of the Town, commanding him that of the goods and chattels, lands 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, 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 posing five or more notices of sale in at least five of the most public places in said Town 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 Town, 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 Town, 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, 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 Town, 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 Kent 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 of said Town 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 the same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expense of the Town in removing or abating such obstruction, nuisance or unsanitary condition, and all costs, shall be a lien of 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, 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 Town Treasurer, for the use of the Town, the amount of the said bill to the Town, and the residue of said purchase money, if any, shall be at once deposited in some Bank in the Town of Houston to the credit of the owner or owners of said goods and chattels, or lands and tenements. The Alderman 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 no owner shall reside in said Town, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her last and best known post office address shall be deemed proper notice. Council in addition to the provisions of this Section hereinbefore set forth shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing 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 abate-

ment. 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 Town, 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.

STREETS

Section 24. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen or abandon streets or parts thereof, whenever they shall deem it for the best interest of the said Town. The procedure in every case as aforesaid, shall be as follows: The Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street, or any part thereof, as the case may be, and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution said Council shall hear such residents of the Town or owners of the property affected as shall attend, and it shall at said meeting, at a subsequent day, as it shall deem proper, adopt a resolution by a majority vote, to proceed with, or to abandon as it shall deem for the best interest of the said Town, the opening of the street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or part thereof, as the case may be, as contemplated in its prior resolution. And in case the determination of the said Council shall be to proceed with the plan contemplated by the resolution first aforesaid, Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the

Treasurer of the Town, on a warrant drawn on him by authority of the Council aforesaid upon delivery of a Deed in fee simple in favor of the Town of Houston and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Council aforesaid, he may, within five days after the award of the Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary or President of Council. In order to prosecute said appeal such appellant shall within five days, after the expiration of the five days allowed for the appeal as aforesaid, apply to the Judge of the Superior Court for the State of Delaware, resident in Kent County, or in his absence at that time, to the President Judge of the said Court, for the appointment of freeholders to hear and determine the matter of compensation to such appellant for any of which will be deprived as aforesaid, and thereupon the said Judge or President Judge as the case may be, shall issue a commission under his hand directed to five impartial freeholders of Kent County, commanding them to determine and fix the damages which the said appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefits or advantages that will enure to the said appellant from said new street or otherwise, and to make return of their finds to the said Judge or President Judge, as the case may be, at a time appointed in said commission. The said freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five days before the day when they are to view the premises as aforesaid and a copy of such notice shall also be served on the Secretary or the President of Council at least five days before the day of such meeting.

The freeholders named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the

said freeholders shall make return in writing of their proceedings in the premises to the said Judge or President Judge, as the case may be, who shall cause the said return to be delivered to the said Secretary or President of Council and such return shall be final and conclusive. The said Judge or President Judge shall have power to fill any vacancy among the freeholders. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or may deposit the same to his credit in any Bank in Kent County to the credit of the person or persons entitled thereto within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Judge or President Judge aforesaid, if the damages shall be increased or if the Council shall decide not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town out of any money in his hands belonging to the Town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees of the freeholders shall be five dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, Council shall have option of paying the damages assessed within the term aforesaid and proceed with the improvements, or upon the payment of the costs only, may abandon the proposed improvement.

Whenever the land comprehended or included in any street, or part thereof, vacated or abandoned under this Section if owned by the said Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the Council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the said Town may have therein.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes, and alleys for all the purposes of this Section.

PAVING, GUTTERING, CURBING

Section 25. The Council shall have the power to cause to be paved or repaved the sidewalks of the said Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relaid, or new curbs or gutters, or both, constructed, or any part of portion thereof, in said Town, with such material or materials and of such width or size, and subject to such specifications as it shall determine. Before the exercise of said power in any particular instance, the Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place the Council will meet to consider the question of paving or repaving the sidewalks with a specified material or materials, or repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials and according to the stated specifications on a named street in front of the property of named owners, and of assessment of the costs thereof against such owners. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the said Town, or in a newspaper published elsewhere in Kent County, if there be none in said Town published. The Council shall hold a meeting in said Town in accordance with said ordinance or resolution and thereat shall hear the aforesaid owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.

After such hearing, the Council, either at said meeting or at a subsequent meeting, shall decide whether or not to proceed with the improvements referred to in said ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the costs of the improvements aforesaid in front of the real property of the owner or owners named in the aforesaid ordinance or resolution shall be borne by said owners. If said determination shall be that the whole or specified proportion of said costs shall be borne by said owners, then and in such case the said owners shall be compelled to pay the whole or specified proportion of the cost aforesaid, as the case may be, the amount to be paid by the owner of each parcel of property affected to be determined by

the lineal frontage of the parcel on the side walk to be paved or repaved, or in the gutter to be repaired or laid, or on the curb, to be repaired or constructed, or any or all of said improvements, as the case may be.

When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them, have been done and the costs thereof ascertained, the Council shall ascertain the amount that the owner of each parcel of property aforesaid shall pay as hereinbefore stated, and shall give written notice thereof to such owner, or one of the co-owners, by mailing the same to his last known address. If any such owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same may be collected by the sale of his aforesaid real property. Such sale shall be made by the Alderman who shall advertise the parcel of real property for sale in at least two issues of a newspaper published in Kent County, before the day and sale and shall post five such notices in said Town at least ten days before the day of sale. Such advertisements shall give such general description of the day, hour and place in the Town at which the sale will be held.

Unless a sum of money, for the payment of which the said parcel is to be sold as aforesaid, together with the cost of advertisements of the sale, shall be paid prior to the sale, and the said parcel of real property shall be sold by the Alderman at public sale on the day and at the hour and place named in the advertisements for the sale to the highest and best bidder for the same.

Upon the payment to the Alderman of the price for which the property is sold at such sale, a deed of the property sold shall be executed in the name of The Town of Houston by the President of Council and attested by the Secretary of Council and bearing an imprint of the corporate seal of The Town of Houston and delivered to the purchaser. Such deed shall vest in the purchaser the same estate or interest in the property sold as the owner or owners of the parcel at the time of the sale had therein or thereto, subject to the same liens and encumbrances of records against said property at the date of the first appearance of the newspaper advertisement of its sale as aforesaid.

The money paid to the Town Treasurer by the Alderman as the price of the property sold as aforesaid shall be dealt with by the Treasurer as follows:

The Town Treasurer shall first deduct the costs of the sale, which shall include the cost of the advertisements of the sale, the charges of an auctioneer, and all other expenses incident to the sale and also ten per centum of the amount that the owner of the property had failed to pay for the cost of the improvements as aforesaid, which ten per centum shall be paid to the Alderman as his fee for the sale.

The Town Treasurer shall then deduct the amount that the owner of the property had failed to pay to the Town as aforesaid, and shall pay the same so deducted into the Town Treasury.

Any balance remaining shall be paid by the Town Treasurer to the person or persons who were the owners of the property sold or, if this be not possible for any reason, he shall deposit said balance to their credit in any Bank in Kent County.

The term "Owner" as used in this Section shall be deemed to mean the person or persons who owned the property in question at the time of the adoption or passage of the ordinances or resolutions first in this Section referred to, and any change of ownership thereafter shall not be deemed or held to affect any of the steps or proceedings mentioned in this Section.

The aforesaid deed of the property shall recite briefly the amount that the owner had failed to pay to the Town as aforesaid, the advertisements and notice of sale, the holding of the sale, the amount of the successful bid, and the amount of the costs of the sale, provided that Council shall have power and authority to pave, repave, gutter, regutter, curb or recurb, or any or all of such improvements, in such parts of the Town and in front of such properties and in such manner and at such time, at the entire expense of the Town and may use Town money for such purposes, whenever it deems it wise to do so, and in such event no notice to property owners or others shall be required, provided, however, that where such entire cost is

to be paid by the Town Council shall adopt a resolution authorizing such improvements and particularly stating therein the specific reasons the Town is to bear the entire cost thereof.

CONSTRUCTING, PAVING, REPAIRING OF STREETS

Section 26. The Town Council of the Town of Houston shall have full power and authority to regrade, redress or otherwise repair and rebuild all existing streets, lanes, alleys and other public thoroughfares in the Town of Houston and to construct, build, pave and in any manner improve all new and existing streets, lanes, alleys and other public thoroughfares now opened or to be hereafter opened for public use in said Town, and in so doing shall use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as the Council shall deem expedient and may use different materials and different methods of construction on different streets, or on different parts of the same street, as Council deems advisable. For the purpose of this Section Council shall have full power and authority to expend such part or parts of the money of the said Town in the general fund of the Town not otherwise appropriated.

CONTRACTS

Section 27. The Council is vested with authority on behalf of the Town to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the Town, provided:

A. No contract shall be made by Council for any purposes, the contract price of which is in excess of \$2000, without public competition bidding. Nothing in this Subsection shall be construed to apply to contracts for the provision of utility service at rates regularly on file with the Public Service Commission of Delaware or any federal regulatory body; and

B. The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the Town; and

C. All formal contracts shall be signed by the President of the Council with the Seal of the Town attached attested by the Secretary.

WATER SYSTEM

Section 28. The Town Council is hereby vested with full power and authority to provide for the Town of Houston an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control wells, reservoirs, pumping machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

SEWER SYSTEM

Section 29. The Town Council is hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use

thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may, at the option, furnish, sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in the Town, for which there is any available sewer, to be connected with the sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor, as provided in Section 23 of this Act.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 24 of this Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

ELECTRIC CURRENT, POWER PLANT, FRANCHISES

Section 30. The Town Council of the Town of Houston shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacturing of electric current for the use of the inhabitants of said Town and for lighting of streets, square, lanes, alleys and public places and buildings of said Town and shall have full power and authority to construct, erect, maintain, improve, extend, equip, and operate such transmission and distributing lines for said current as may be necessary to properly light said Town and to furnish proper connections for electric current to the properties of the inhabitants thereof who may desire the same. The Council shall have power to make contracts for the purchase of heat, light, sewer, water and electric current with any responsible persons, firms, or corporations and to distribute the same to users within or without the said Town with the same full powers as if such heat, light, power, water or electric current had been generated or manufactured by the

said Town as herein expressly provided for by this Act. Council shall grant to all persons whosoever in said Town the privilege of using the electric current conveyed and distributed by said Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may seem just and proper and shall enact such ordinances relating to electric current, its generation and distribution in said Town and the regulation of the connections thereof with the properties of individuals in said Town and its general management and control as to said Council shall from time to time seem most expedient. The Council may at its option transmit electric current from said Town to places and properties within an area not more than one mile outside of the Town limits upon such terms, charges and conditions as it shall deem wise.

The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council, to use the present and future streets, square, alleys, and lanes of the said Town for purposes of furnishing light, heat, power, gas or water, or any or all of them to said Town and to the persons, firms, or corporations residing therein and for the purpose of transmitting light, heat, power, gas and water, or any or all of them through (over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of light, heat, power, gas or water, or any or all of them, or for the furnishing of electric current, either at wholesale or retail, to said Town, and to persons, firms and corporations residing therein, or adjacent thereto.

SALE OF PROPERTY

The Council, by a majority vote, is hereby authorized and empowered in its discretion to sell and convey or lease to any

responsible persons, firms, associations or corporations any or all real or personal property, or both, now or hereafter owned by said Town, and used for generating or furnishing light, heat, power, water or electric current, or any or all of them, and to execute to the purchaser or purchasers thereof proper deeds for bills of sale or other legal assurance of title for the same. Provided, however, that before the Council shall sell or convey all of the real or personal property for any sum in excess of One Thousand Dollars now or hereafter owned by said Town and used for generating or furnishing light, heat, power, water or electric current, or any or all of them, a special election shall be held in the same place, in the same manner as other Town elections in said Town. Notice of said election shall be given by advertisements in a newspaper published in Kent County, at least ten days before said election, and by posing notices in at least ten public places in said Town at least ten days before the said election, which said advertisement and notices shall state the time and place of the election and a general description of the property proposed to be sold. At said election every taxable paying Town taxes in said Town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by said taxable according to the last assessment in said Town. Residence shall not be a qualification to vote at said election.

DRAINAGE

Section 31. The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 24 of this Act for the open-

ing and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

ORDINANCES

Section 32. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protections and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

All ordinances or resolutions of general character relating to the government of the Town shall not be of force and effect until the same shall have been posted in at least two public places in the Town.

It shall be the duty of the Council to compile the ordinances of the Town, to have a reasonable number of copies printed for the use of the officials of the Town and for public information; and from time to time, upon the enactment of new ordinances, or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined; and also to furnish the Alderman with copies thereof as they are enacted and published.

HEALTH

Section 33. A. The power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the Town, shall extend to the area outside of the Town limits, and within one mile from said limits.

FIRE

B. The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the Town or by a Volunteer Fire Company.

ZONING

C. For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof; to establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from front line of the lots.

The Council may adopt zoning ordinances limiting and specifying districts and regulating thereon buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

The powers to be exercised under and by virtue of this provision shall be deemed to have been exercised under the police power and for the general welfare of the inhabitants.

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

BUILDING INSPECTION PERMITS

D. The Council may provide for the issuance of building permits, and may forbid the construction of any new building, or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

Should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphate, fertilizers or manure of any kind, he or they before erecting such buildings or building, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such building will not endanger the other property of the Town, and said business will not jeopardize the health of or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

The Council shall have full power to regulate the placing or replacing of poles or other structures on, in, under, and through the streets, alleys and highways within the town limits so that such poles or other structures will not interfere with the safety and convenience of people traveling on said streets, alleys and highways.

LICENSES

Section 34. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers; to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by the license, interference with any place of business or with the convenience of public travel; to provide for the payment of taxes, fines, penalties, and forfeitures by performance of labor for the Town by those who may owe taxes, fines, penalties or forfeitures, and to make proper regulations and rules therefor.

TREES

Town, and their preservation requiring that they be treated

Section 35. Trees being among the chief beauties of the

with special care and intelligence, the Council is empowered to create a Tree Commission for the trees in the streets, and other public places of the Town, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ experts, provided that they do not exceed the appropriation regulations made by the Council.

PENALTIES

Section 36. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations, thereof relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

FINES AND IMPRISONMENTS

Section 37. No fine shall be imposed in a sum exceeding Two Hundred Dollars (\$200.00) exclusive of costs; and no term of imprisonment shall be imposed for violation of any rules, regulation or ordinance, or other offense, or for failure to pay any fine or penalty imposed, in excess of a period of sixty days.

FLOATING DEBT

Section 38. The Town Council of said Town shall have full power and authority to borrow upon the faith and credit of the Town of Houston, the sum or sums of money, not exceeding Twenty-five Hundred Dollars (\$2500) in any one fiscal year, when in the opinion of the majority of Council the needs of said Town demand it. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the Town of Houston duly authorized by resolutions of Council, and signed by the President, or by the acting President, of the Council and by the Secretary, either with or without the corporate seal of the Town, affixed as is requested by the bank or

person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum of money borrowed on the faith and credit of the Town of Houston as aforesaid in any fiscal year shall be paid out of the general funds of the Town, at the minimum rate of twenty per centum per fiscal year and shall be paid at the end of five fiscal years following the first fiscal year which said money was borrowed with interest thereon.

SURVIVAL OF POWER AND VALIDATING SECTION

Section 39. That the Act entitled "An Act to incorporate the Town of Houston," passed at Dover, March 26th, 1913, being Chapter 240, Volume 27, Laws of Delaware, and several Acts and parts of Acts therein are thereby repealed, excepting, however, from the effect of such repeal, and expressly declaring that all the ordinances of The Town of Houston, heretofore enacted or adopted, and now in force in pursuance of any Laws of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of said Town. That all acts and doings of the Council of said Town, or of any officers of said Town lawfully done or performed under the provisions of any Law of this State or of any ordinance of the Council of said Town, are hereby ratified and confirmed. That all debts, fines, or penalties and forfeitures due to said The Town of Houston, all debts due from The Town of Houston to any person or persons whomsoever, or to any firm, association, or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and shall continue in full force until the same shall be fully paid and discharged according to the terms thereof. That all powers conferred by Law upon the Collector of Taxes for the collection of all taxes in the said Town, heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid, and the official bonds of said Collector, and of all other bonded officers not employees of said Town, shall be unaffected and unimpaired by this repeal, and they and their sureties therein shall continue liable for any breaches of any conditions of said

bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to the said Town, under any Law or Ordinance, shall not be affected or impaired by the repeal, but the same may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged.

Section 40. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 41. This Act shall be deemed and taken to be a public Act.

Approved June 28, 1963.

CHAPTER 83

AN ACT PROVIDING FOR THE TRANSFER OF THE FUNCTIONS OF THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN AND FOR THE DISPOSITION OF ITS UNEXPENDED FUNDS AND PROPERTIES AND REPEALING CHAPTER 5, TITLE 23, DELAWARE CODE, RELATING TO CONSERVATION AND SAFEGUARD OF WATER RESOURCES IN THE DELAWARE RIVER BASIN.

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

Section 1. Any and all interests in the funds and properties of the Interstate Commission on the Delaware River Basin which are or may be in the possession or control of the State of Delaware, or to which the State of Delaware may have title, are transferred to the Delaware River Basin Commission, with power to hold, use and dispose of any and all such interests in accordance with the compact under which the commission functions.

Section 2. Pending the dissolution of the Interstate Commission on the Delaware River Basin, the commission may transfer any interest of the State in funds or property of the State of Delaware in the possession of the Interstate Commission on the Delaware River Basin to the Delaware River Basin Commission which may hold, use and dispose of any and all such interests pursuant to the provisions of the compact under which it functions.

Section 3. The dissolution of the Interstate Commission on the Delaware River Basin and the transfer of its funds and properties or any portion thereof, shall not be construed as a disavowal of any activity or program of the commission, nor as a direction for the discontinuance of any such program or activity. Henceforth, the Delaware River Basin Commission, subject to the provisions of the Delaware River Basin Compact, shall continue any activity or program heretofore carried on by the Interstate Commission on the Delaware River Basin.

bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to the said Town, under any Law or Ordinance, shall not be affected or impaired by the repeal, but the same may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged.

Section 40. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 41. This Act shall be deemed and taken to be a public Act.

Approved June 28, 1963.

CHAPTER 83

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

Section 1. Any and all interests in the funds and properties of the Interstate Commission on the Delaware River Basin which are or may be in the possession or control of the State of Delaware, or to which the State of Delaware may have title, are transferred to the Delaware River Basin Commission, with power to hold, use and dispose of any and all such interests in accordance with the compact under which the commission functions.

Section 2. Pending the dissolution of the Interstate Commission on the Delaware River Basin, the commission may transfer any interest of the State in funds or property of the State of Delaware in the possession of the Interstate Commission on the Delaware River Basin to the Delaware River Basin Commission which may hold, use and dispose of any and all such interests pursuant to the provisions of the compact under which it functions.

Section 3. The dissolution of the Interstate Commission on the Delaware River Basin and the transfer of its funds and properties or any portion thereof, shall not be construed as a disavowal of any activity or program of the commission, nor as a direction for the discontinuance of any such program or activity. Henceforth, the Delaware River Basin Commission, subject to the provisions of the Delaware River Basin Compact, shall continue any activity or program heretofore carried on by the Interstate Commission on the Delaware River Basin.

Section 4. Chapter 93, Volume 43, Laws of Delaware, entitled "An Act to Promote Interstate Cooperation for the Conservation and Safeguard of Water Resources in the Delaware River Basin" and Chapter 5, Title 23, Delaware Code, relating to Conservation and Safeguard of water resources in the Delaware River Basin are hereby repealed.

Section 5. Section 2 of this Act shall take effect immediately. Sections 1, 3 and 4 of this Act shall take effect on June 1, 1963, or as soon thereafter as the States of New York and New Jersey, and the Commonwealth of Pennsylvania have enacted statutes transferring the functions and assets of the Interstate Commission on the Delaware River Basin to the Delaware River Basin Commission.

Approved June 28, 1963.

NOTE: Sections 1, 2, 3, and 5 appear as a note under § 1001, Title 23, Delaware Code.

CHAPTER 84

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, 1964, the sums of money set after the names of such Hospitals respectively:

Hospital	No. of Beds	Amount
Beebe Hospital of Sussex County, Inc.	128	\$ 70,400.00
(The) Delaware Hospital, Inc.	381	209,550.00
Kent General Hospital	130	71,500.00
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.....		\$1,018,600.00

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-E. duPont Memorial Hospital at Wilmington for the above mentioned fiscal years, the sum of \$550 per bed not in excess of 10 beds; the same sum per bed for Milford Memorial Hospital not in excess of 10 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, 1963; 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, 1963; 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, 1963.

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 June 28, 1963.

CHAPTER 85

AN ACT TO AMEND TITLE 5, DELAWARE CODE, RELATING TO PLEDGING OR HYPOTHECATING ASSETS.

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

Section 1. Title 5, Section 918, Delaware Code, is amended by adding a new paragraph at the end thereof to be known as paragraph (d) as follows:

(d) Any Savings Bank or Savings Society doing business in this State may borrow money, and may secure the same by the assignment or pledge of any mortgage, mortgages, bonds, or other assets held by said Savings Bank or Savings Society, provided that the amount borrowed from all sources shall not at any time exceed in the aggregate 25% of the amount set aside for surplus and reserves. The amounts borrowed from all sources shall at all times, irrespective of whether or not the same are secured, constitute a preferred claim superior to all other claims on the assets of said Savings Bank or Savings Society. Provided, however, that any Savings Bank or Savings Society may borrow in excess of the 25% limitation set out above on written approval by the State Bank Commissioner.

Approved June 28, 1963.

CHAPTER 86

AN ACT TO AMEND TITLE 5, DELAWARE CODE, BY PROVIDING AUTHORITY FOR BUILDING AND LOAN ASSOCIATIONS TO OPEN AND MAINTAIN BRANCH OFFICES.

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

Section 1. Title 5, Delaware Code, is amended by adding a new section after Section 2010, to be known as Section 2011, as follows:

§ 2011. Branch Offices

(a) Any Building and Loan Association incorporated under the laws of this State may open and maintain a branch office or place of business, or branch offices or places of business in this State, upon application submitted to and approved by the State Bank Commissioner, and upon the issuance of a certificate of authority by said Commissioner. The application shall state the exact location of the intended branch office and the necessity for its opening. The Commissioner shall inquire into the matter and if he deems that the public convenience will be served thereby and that there is good and sufficient reason that the Association shall have the branch office, he shall issue the certificate of authority. Any certificate of authority issued by the Commissioner shall be void and of no effect at the expiration of six months after date of issue, unless the branch is actually opened for business. Unavoidable delay in opening the branch, due to construction problems or controls, or other matters beyond the control of the parent company, may be taken into consideration, and the Commissioner may extend the certificate for periods of 30 days in the event of such circumstances.

A fee of \$50 for every such certificate shall be required by the Commissioner before issuing the same.

(b) In the event of a merger or consolidation of Associations under the provisions of Chapter 20, Title 5, Delaware

Code, the merging or consolidating associations may in their plan of merger or consolidation, and in their articles of merger or consolidation, provide for the continuance of the office or offices of the associations to be merged or consolidated as a branch office or branch offices of the surviving or new association, and if said articles are approved as required under the provisions of Chapter 20 relating to merger and consolidation, said office or offices may be continued after merger or consolidation as branch offices of the surviving or new association, without the necessity of filing separate applications under paragraph (a) hereof.

(c) Nothing in this section shall deny any Building and Loan Association the right to continue a branch office or offices if such branch office or offices shall have been actually established prior to the effective date of this statute.

Approved June 28, 1963.

CHAPTER 87

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
MILTON CONSOLIDATED SCHOOL NO. 8 FOR THE
FISCAL YEAR ENDING JUNE 30, 1963.**

*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 \$1526.35 for the following purposes for the fiscal year ending June 30, 1963:

Supplies	\$ 266.95
Fuel	690.62
Repairs	149.57
Telephone	100.00
Electric	319.21
	<hr/>
	\$1526.35

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 28, 1963.

CHAPTER 88

**AN ACT TO AMEND CHAPTERS 1 AND 5 OF 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. § 109, Title 8, Delaware Code, is amended by striking out said section in its entirety and substituting in lieu thereof a new Section 109 as follows:

§ 109. By-laws; Emergency By-laws and Other Powers in Emergency

(a) The original by-laws of a corporation may be adopted by the incorporators. Thereafter, the power to make, alter or repeal by-laws shall be in the stockholders, but any corporation may, in the certificate of incorporation, confer that power upon the directors.

(b) The board of directors of any corporation may adopt emergency by-laws, subject to repeal or change by action of the stockholders, which shall notwithstanding any different provision elsewhere in this Title or in Chapters 3 and 5 of Title 26, or in Chapter 7 of Title 5, or in the articles of incorporation or by-laws, be operative during any emergency resulting from an attack on the United States or on a locality in which the corporation conducts its business or customarily holds meetings of its board of directors or its stockholders, or during any nuclear or atomic disaster, or during the existence of any catastrophe, or other similar emergency condition, as a result of which a quorum of the board of directors or a standing committee thereof cannot readily be convened for action. The emergency by-laws may make any provision that may be practical and necessary for the circumstances of the emergency, including provisions that:

(i) A meeting of the board of directors or a committee thereof may be called by any officer or director in such manner and under such conditions as shall be prescribed in the emergency by-laws;

(ii) The director or directors in attendance at the meeting, or any greater number fixed by the emergency by-laws, shall constitute a quorum; and

(iii) The officers or other persons designated on a list approved by the board of directors before the emergency, all in such order of priority and subject to such conditions and for such period of time (not longer than reasonably necessary after the termination of the emergency) as may be provided in the emergency by-laws or in the resolution approving the list, shall, to the extent required to provide a quorum at any meeting of the board of directors, be deemed directors for such meeting.

The board of directors, either before or during any such emergency, may provide, and from time to time modify, lines of succession in the event that during such emergency any or all officers or agents of the corporation shall for any reason be rendered incapable of discharging their duties.

The board of directors, either before or during any such emergency, may, effective in the emergency, change the head office or designate several alternative head offices or regional offices, or authorize the officers so to do.

No officer, director or employee acting in accordance with any emergency by-laws shall be liable except for willful misconduct.

To the extent not inconsistent with any emergency by-laws so adopted, the by-laws of the corporation shall remain in effect during any emergency and upon its termination the emergency by-laws shall cease to be operative.

Unless otherwise provided in emergency by-laws, notice of any meeting of the board of directors during such an emergency may be given only to such of the directors as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication or radio.

To the extent required to constitute a quorum at any meeting of the board of directors during such an emergency, the

officers of the corporation who are present shall, unless otherwise provided in emergency by-laws, be deemed, in order of rank and within the same rank in order of seniority, directors for such meeting.

(c) Nothing contained in sub-section (b) hereof shall be deemed exclusive of any other provisions for emergency powers consistent with other sections of this Title which have been or may be adopted by corporations created under the provisions of this Chapter.

Section 2. § 122 (4), Title 8, Delaware Code, is amended by striking out said sub-section in its entirety and substituting in lieu thereof a new sub-section as follows:

(4) Hold, purchase and convey real and personal estate, and to mortgage or lease any such real and personal estate with its franchises. The power to hold real and personal estate shall include the power to take the same by bequest or devise.

Section 3. § 141 (c), Title 8, Delaware Code, is amended by striking out the first sentence thereof and substituting in lieu thereof the following:

(c) The board of directors may, by resolution passed by a majority of the whole board, designate one or more committees, each committee to consist of two or more of the directors of the corporation. Any such committee, to the extent provided in the resolution or in the by-laws of the corporation, shall have and may exercise the powers of the board of directors in the management of the business and affairs of the corporation, and may authorize the seal of the corporation to be affixed to all papers which may require it; provided, however, the by-laws may provide that, in the absence or disqualification of any member of such committee or committees, the member or members thereof present at any meeting and not disqualified from voting, whether or not he or they constitute a quorum, may unanimously appoint another member of the board of directors to act at the meeting in the place of any such absent or disqualified member.

Section 4. § 158, Title 8 of the Delaware Code, is amended by striking out the first sentence thereof and inserting in lieu thereof a new first sentence as follows:

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 by 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.

Section 5. § 242 (d) (1), Title 8, Delaware Code, is amended by striking out the first two sentences thereof and substituting in lieu thereof the following:

(1) If the corporation has capital stock, its board of directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and either calling a special meeting of the stockholders entitled to vote in respect thereof for the consideration of such amendment or directing that the amendment proposed be considered at the next annual meeting of the stockholders. Such special or annual meeting shall be called and held upon such notice as the certificate of incorporation or by-laws of the corporation shall provide, or, in the absence of such provision, upon notice thereof to each stockholder so entitled to vote, either delivered to such stockholder or mailed to him at his post office address, if known, at least ten days before the date fixed for the meeting.

Section 6. § 251 (c), Title 8, Delaware Code, is amended by adding at the end thereof the following:

An agreement of merger may provide that it is not to become effective until a date to be specified in the agreement, which date may be the date of recording, or a date not later than thirty (30) days after the date on which the agreement is recorded in the proper county or counties of this State as hereinabove provided.

Section 7. § 252 (c), Title 8, Delaware Code, is amended by striking out the last sentence thereof and substituting in lieu thereof the following:

The agreement, when so recorded, shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of the constituent corporations for all purposes of the laws of this State, provided, however, the right to specify the effective date of such merger, as provided in Section 251 (c), shall apply to mergers consummated under this section.

Section 8. § 253 (a), Title 8, Delaware Code, is amended by adding at the end thereof the following:

The right to specify the effective date of such merger, as provided in Section 251 (c), shall apply to mergers consummated under this section.

Section 9. § 253 (b), Title 8, Delaware Code, is amended by striking out the first sentence thereof and substituting in lieu thereof the following:

(b) Upon the recording of the certificate pursuant to sub-section (a) of this section, or upon the effective date of the merger if otherwise stated in the certificate, all of the estate, property, rights, privileges and franchises of the corporation or corporations which did not survive the merger shall vest in and be held and enjoyed by the surviving corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by the corporation or corporations which did not survive the merger, and be managed and controlled by the surviving corporation, and except as hereinafter in this section provided, in its name, but subject to all liabilities and obligations of the corporation or corporations which did not survive the merger and the rights of all creditors thereof.

Section 10. § 253 (e), Title 8, Delaware Code, is amended by striking out the first sentence thereof and substituting in lieu thereof the following:

(e) In the event all of the stock of a subsidiary Delaware corporation party to a merger effected under this section is not owned by the parent corporation immediately prior to the merger, the surviving corporation shall within 10 days after the date on which the certificate of ownership and merger has

been filed and recorded, or within 10 days after the effective date if an effective date is stated in the certificate, notify each stockholder of such Delaware corporation that the certificate of ownership and merger has been filed and recorded and the terms and conditions of the merger.

Section 11. § 259 (a), Title 8, Delaware Code, is amended by striking out the first sentence thereof and substituting in lieu thereof the following:

(a) When an agreement of consolidation or merger shall have been signed, acknowledged, filed and recorded, in accordance with the requirements of this sub-chapter, or upon the effective date of the merger if otherwise stated in the certificate, for all purposes of the laws of this State the separate existence of all the constituent corporations, parties to said agreement, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated or merged and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, including in the case of banks or trust companies, without any order or action on the part of any court or otherwise, appointments, designations, and nominations and all other rights and interests as trustees, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, trustee of estates of lunatics and in every other fiduciary capacity, and all debts due to any of said constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the resulting or surviving corporation as they

were of the several and respective constituents corporations, and the title to any real estate vested by deed or otherwise, under the laws of this State, in any of such constituent corporations, shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Section 12. § 262 (b), Title 8, Delaware Code, is amended by striking out the first sentence thereof and substituting in lieu thereof the following:

(b) The corporation resulting from or surviving any consolidation or merger shall within 10 days after the date on which the agreement of consolidation or merger has been filed and recorded, or within 10 days after the effective date if an effective date is stated in the agreement, notify each stockholder in any corporation of this State consolidating or merging, who objected thereto in writing and whose shares were not voted in favor of such consolidation or merger, and who filed such written objection with the corporation before the taking of the vote on such consolidation or merger, that the agreement has been filed and recorded.

Section 13. § 275 (d), Title 8, Delaware Code, is amended by striking out the last sentence thereof and substituting in lieu a new sentence as follows:

The consent filed with the Secretary of State shall have attached to it the affidavit of the secretary or some other officer of the corporation stating that the consent has been signed by or on behalf of all the stockholders having voting power; in addition there shall be attached to the consent a certification by the secretary or some other officer of the corporation setting forth the names and residences of the directors and officers of the corporation.

Section 14. § 502 (c), Title 8, Delaware Code, is amended by striking out the phrase "three months" as the same appears in the second sentence thereof and substituting in lieu thereof the phrase "two months".

Approved June 28, 1963.

CHAPTER 89

AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE, RELATING TO STATE POLICE PENSIONS BY LIBERALIZING THE SAME.

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

Section 1. § 8323, Title 11, Delaware Code, is hereby amended by changing the period at the end of subsection (a) of said Section to a semicolon and adding to said subsection (a) the following:

; provided, however, that if after retirement of such member the monthly salary payable to officer on active duty of equivalent rank as that held by a member at the time of his retirement, shall from time to time be increased over the salary received by any such member at the time of his retirement, the monthly amount payable to such retired member shall at all times and irrespective of the salary received by such member at the time of his retirement, be an amount equal to one-half of the monthly salary received by any such officer of equivalent rank on active duty.

Section 2. § 8324, Title 11, Delaware Code, is amended by changing the period at the end of said Section to a semicolon and by adding the following:

; provided, however, that if after retirement of a member by reason of permanent injuries received by such member in the performance of his duties, the monthly salary payable to officers on active duty of equivalent rank as that held by a member at the time of such retirement, shall from time to time be increased over the salary received by any such member at the time of his retirement, the monthly amount payable to such retired member shall at all times and irrespective of the salary received by such member at the time of his retirement be an amount equal to one-half of the monthly salary received by any such officer of equivalent rank on active duty; and, provided further that if after a member shall be retired by reason

of injury or disease, upon such member's application to the Board as aforesaid, the monthly salary payable to officers on active duty of equivalent rank as that held by a member at the time of his retirement, shall from time to time be increased over the salary received by any such member at the time of his retirement, the monthly amount payable to such retired member shall at all times and irrespective of the salary received by such member at the time of his retirement, be an amount equal to three-fourths of the monthly salary received by any such officer of equivalent rank on active duty.

Section 3. § 8325, Title 11, Delaware Code, be and the same is hereby amended by changing the period at the end of said section to a semicolon and adding the following:

; provided, however, that if after a widow or minor child or sole dependent parent of a member of the State Police, as the case may be, shall be entitled to receive a pension, the monthly salary payable to officers on active duty of equivalent rank as that held by such member at the time of his death shall from time to time be increased over the salary received by any such member at the time of his death, the monthly amount payable to any such person or persons during the period they are entitled to receive said pension shall at all times and irrespective of the salary received by such member at the time of his death be an amount equal to three-fourths of the monthly salary received by any such officer of equivalent rank on active duty.

Section 4. § 8326, Title 11, Delaware Code, is hereby amended by adding the following at the end of said section:

If after such member or his widow, children or dependent parent, as the case may be, shall be entitled to receive the pension in this section provided, the monthly salary payable to officers on active duty of equivalent rank as that held by such member at the time of his retirement and/or his death, as the case may be, shall from time to time be increased over the salary received by any such member

at the time of his retirement and/or his death, as the case may be, the monthly amount payable as a pension under this section shall at all times and irrespective of the salary received by such member at the time of his retirement or his death, be an amount equal to one-half of the monthly salary received by any such officer or equivalent rank on active duty.

Section 5. Chapter 83, Title 11, Delaware Code, is hereby amended by adding a new Section to be known as Section 8327 to read as follows:

§ 8327. Limitations on Pension Benefits.

Sections 8323, 8324, 8325 and 8326, as above amended, shall apply to and be for the benefit of all members of the State Police retired as of the effective date of this Act and/or to his widow, minor children or sole dependent parent, as the case may be, and such adjusted pension payments to such persons, as hereinabove provided, shall continue as long as any such person is entitled thereto by virtue of the provisions of this Chapter; provided, however, all such adjustment figures in the pension payments to any such person or persons shall be taken as of December 31, 1962, in accordance with the provisions of the foregoing Sections, as amended, it being the intent of this Act that all adjustments provided for in the pension payable to any such person shall continue to be paid to such person but that this Act is limited to adjustments in such pension payments as of December 31, 1962, as reflected in the salary scale and corresponding rank of active State Police members as of that date and no further or additional adjustment in such pension shall be made on and after said date.

Approved June 28, 1963.

CHAPTER 90

AN ACT CREATING A COMMISSION TO TAKE APPROPRIATE LEGAL ACTION CONCERNING REAPPORTIONMENT OF THE GENERAL ASSEMBLY AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR.

WHEREAS, the United States District Court for the District of Delaware in the Case of Richard Sincock et. al. v. William Duffy, Jr., et. al., being Civil Action No. 2470 has ruled that the present composition of the Delaware Assembly is unconstitutional; AND

WHEREAS, there is considerable legal opinion that the decision may be erroneous in all or part; AND

WHEREAS, the Supreme Court of the United States has not ruled that the Senate of the State Legislature must be apportioned on a population basis, although the United States District Court so ruled; AND

WHEREAS, the Supreme Court of the United States has not ruled that a state cannot adopt the Federal System for its state legislature, although the United States District Court so ruled; AND

WHEREAS, the manner of the method of apportionment of the Delaware General Assembly should be determined by the Court of last resort of the nation and not be an inferior court, in order to give finality to the matter; AND

WHEREAS, the Constitution of the State of Delaware is unique and there are cultural and historical factors peculiar to the State of Delaware, distinguishing the Delaware case from all others in the nation; AND

WHEREAS, it is in the best interest of the General Assembly and of the State of Delaware, and its people that the provisions of the Constitution of the State of Delaware be upheld and amended only by the elected Representatives of the people, NOW THEREFORE

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

Section 1. There is hereby created a Reapportionment Appeal Commission to consist of the members of the Reapportionment Legal Review Committee of the Senate as created by the Senate of the 122nd General Assembly and three members of the House of Representatives of the 122nd General Assembly to be appointed by the Speaker of the House.

Section 2. The Commission is hereby empowered and directed to do all things necessary and proper to appeal the decision of the United States District Court in the Case of Sincock et. al. v. Duffy et. al. (CA 2470) to the proper Appellate Court or Courts, including, but not limited to the retaining of counsel, payment of printing and other costs, hiring of personnel and payment of other expenses.

Section 3. The sum of \$95,000 is appropriated to the said Reapportionment Appeal Commission.

Section 4. 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.

Section 5. The funds herein appropriated shall not revert to the General Fund until July 1, 1965.

Section 6. The appropriation herein made shall be disbursed by the State Treasurer upon vouchers signed and approved by the Chairman and Secretary of the Commission.

Section 7. The Commission created by this Act shall cease to exist on July 1, 1966.

Approved June 28, 1963.

CHAPTER 91

**AN ACT TO AMEND TITLE 27 OF THE DELAWARE CODE,
RELATING TO RELIGIOUS SOCIETIES AND CORPOR-
ATIONS TO ELIMINATE THE LIMITATION ON THE
MAXIMUM NUMBER OF TRUSTEES.**

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

Section 1. Section 101, Title 27 of the Delaware Code, is amended to read as follows:

§ 101. Formation: increasing or decreasing number of trustees

Any religious society or congregation, consisting of 15 or more persons, may become incorporated by the election of not less than 3 trustees, and the taking of a name and certifying the same, under the hands and seals of the trustees, to the Recorder of Deeds. Such society or congregation may from time to time increase the number of trustees, and may decrease the number to not less than 3, by a vote of the society or congregation at a public meeting called for that purpose in the same manner as provided in Section 105 of this Title for the election of trustees, voting and counting the votes as provided therein. If the society or congregation, by a plurality of votes of the members present, determines to increase or diminish the number of trustees, such fact shall be certified to the Recorder in the county in which such society or congregation has property, to be by him recorded in the deed records thereof, which certificate shall set forth the number of trustees heretofore contained in the act of incorporation and the number fixed by the meeting provided for by this Chapter, and shall be signed by a majority of the new board of trustees. The Recorder shall receive the same fees now provided by law for like services.

Approved June 28, 1963.

CHAPTER 92

AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO TRAFFIC VIOLATIONS.

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 237, Volume 51, Laws of Delaware, is amended by adding a new section to read as follows:

Section 48. All driving and vehicular traffic and coaches, as well as pedestrians on the public streets within the limits and territory of the Commisisoners of Bridgeville shall be governed by the provisions of Sections 4111 and 4181, inclusive, Title 21, Delaware Code 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 Commisisoners as authorized by Title 21, Chapter 41, Delaware Code of 1953. The Alderman of the Commissioners of Bridgeville shall have the power to impose the maximum penalty authorized by the provisions above referred to.

Approved June 28, 1963.

CHAPTER 93

AN ACT TO AMEND SECTION 23, CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO REMOVAL OF EMPLOYEES.

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 23, Chapter 237, Volume 51, Laws of Delaware, is amended by deleting the last sentence as it now appears and inserting in lieu thereof a new sentence to read as follows:

Any officer or employee may be removed by the commissioners for sufficient cause; however after 5 years service, removal may not be made without a hearing before the full Board of Commissioners.

Approved June 28, 1963.

CHAPTER 94

**AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF
DELAWARE, ENTITLED "AN ACT TO REINCORPOR-
ATE THE TOWN OF BRIDGEVILLE" RELATING TO
VACANCIES IN OFFICE.**

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 237, Volume 51, Laws of Delaware, is amended by adding a new section following Section 13 to read as follows:

Section 13 A. Vacancies

If any vacancy shall occur in the office of President or Commissioner, by death, resignation, loss of residence in the City of Bridgeville, refusal to serve, failure to elect or otherwise, the same may be filled by a majority vote of the Commissioners of Bridgeville, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected Commissioners 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.

Approved June 28, 1963.

CHAPTER 95

AN ACT TO AMEND CHAPTER 6, TITLE 9, DELAWARE CODE, RELATING TO PARKS AND RECREATIONAL FACILITIES.

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

Section 1. Chapter 6, Title 9, Delaware Code, is amended by striking Section 616 thereof and substituting in lieu thereof a new Section 616 as follows:

§ 616. Limitation Upon Authority

No provision of this Chapter shall be construed as intending to confer upon the Levy Court or any Park Commission or Commissioner established or appointed by said Levy Court any power or authority to acquire by condemnation, or otherwise, or to exercise in any manner any power or authority over any lands owned by an incorporated city or town of this State, except pursuant to an agreement executed by the incorporated city or town owning said land and the Levy Court prior to said acquisition.

Section 2. Chapter 6, Title 9, Delaware Code, is amended by adding at the end of Section 670 (a) thereof a new sentence to read as follows:

The Levy Court, pursuant to agreement executed by an incorporated city or town, may acquire by agreement, purchase or gift, or may lease or agree to undertake to control and maintain for a term of years, lands located within the county owned by the incorporated city or town.

Approved June 28, 1963.

CHAPTER 96

**AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF
DELAWARE (AS AMENDED) PROVIDING FOR
CHANGES IN THE CHARTER OF THE CITY OF DOVER.**

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

Section 1. Section 7 of Volume 36, Laws of Delaware, Chapter 158, is hereby amended by striking out all of paragraph one of said section and inserting in lieu thereof the following:

Section 7. The mode of nominations of candidates for the Council and for Mayor shall be by petition signed by not less than ten or more than twenty-five electors of the City and filed with the Clerk of Council on or before 4:00 P. M. o'clock of the last Friday of December of the year preceding the next regular municipal election. Should the last Friday of the year fall on a legal holiday, the filing date shall be 4:00 P. M. o'clock on the next working day thereafter.

Section 2. Section 52, of Volume 36, Laws of Delaware, Chapter 158, is hereby amended by adding new paragraphs at the end of Section 52 to read as follows:

At the annual meeting the Council shall elect a Deputy Alderman for the term of one year or until his successor has been duly chosen and qualified. The Deputy Alderman shall be sworn in the same manner as the Alderman.

The Deputy Alderman shall have the power and authority to act in any manner which the Alderman deems necessary and proper.

Section 3. Section 54, of Volume 36, Laws of Delaware, Chapter 158, is hereby amended by adding a new paragraph to the end of Section 54 to read as follows:

At the annual meeting the Council shall elect a Deputy City Solicitor for the term of one year or until his successor has been duly chosen and qualified. The Deputy City Solicitor shall be an Attorney-at-Law entitled to practice law in the State of Delaware, and shall serve in such manner as shall be determined by the City Solicitor to be necessary and proper.

Section 4. Section 50 (a) of Volume 36, Laws of Delaware, Chapter 158, is hereby amended by striking out all of paragraph one of Section 50 (a) and inserting in lieu thereof a new paragraph to read as follows:

Section 50 (a). Whenever the needs of the City shall require more money than is at the time in the City Treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one (1%) percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

Section 5. Section 48 of Volume 36, Laws of Delaware, Chapter 158, is hereby amended by striking out all of the first sentence of Section 48 and inserting in lieu thereof a new sentence to read as follows:

Section 48. The Council shall in the month of April of each year determine the amount of money to be raised for the City for general purposes for the next fiscal year not exceeding two (2%) percent of the total taxable assessment for a general tax, and shall also determine the amount of money required to be raised in such year by The City for interest, sinking fund and redemption of the bonds of the City.

Section 6. Section 5 of Volume 36, Laws of Delaware, Chapter 158, is hereby amended by striking out all of paragraph two of said section and inserting in lieu thereof a new paragraph to read as follows:

In order that the members of Council shall be distributed over the City, the City shall be divided into four representative

districts, and two of said members of Council shall be residents of each district. The first district shall be that portion of the City lying south of the center line of North Street, and Hazletteville Road west of State Street; the second district shall be that portion of the City lying east of the center line of State Street and south of the center line of Kings Highway East and North Little Creek Road; the third district shall be that portion of the City lying north of the center line of North Street between the center line of Governors Avenue and the center line of State Street and extending in a northerly direction from Kings Highway and North Little Creek Road; the fourth district shall be that portion of the City lying north of the center line of North Street and west of the center line of Governors Avenue.

Approved July 8, 1963.

CHAPTER 97

**AN ACT MAKING AN APPROPRIATION TO THE BOARD OF
GAME AND FISH COMMISSIONERS OF THE STATE OF
DELAWARE FOR THE PURCHASE AND DEVELOP-
MENT OF PUBLIC RECREATIONAL FACILITIES OF
DELAWARE BAY AT BOWERS, KENT COUNTY, DELA-
WARE.**

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

Section 1. The sum of \$75,000.00, is hereby appropriated to the Board of Game and Fish Commissioners of the State of Delaware to be used for the purchase and development of sites for boat launching, parking, bathing, picnicking, and other outdoor recreational uses in the township of Bowers in Kent County.

Section 2. This Act is a Supplementary Appropriation Act for the fiscal year ending June 30, 1964, and the money hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware. The moneys hereby appropriated shall remain available to the Board of Game and Fish Commissioners until the purposes of this Act have been accomplished, or until June 30, 1965, and any of said moneys remaining unexpended upon the completion of said project or on June 30, 1965, shall revert to the General Fund of the State.

Approved July 8, 1963.

CHAPTER 98

**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 \$750 is appropriated to the American Legion Department of Delaware for the bearing of expenses incident to the holding of Boys' State during the year 1963; and the further sum of \$750 is appropriated to the American Legion Auxiliary Department of Delaware for the bearing of expenses incident to the holding of Girls' State during the year 1963.

Section 2. The State Treasurer is authorized and empowered to pay to the Department Finance Officer of the American Legion Department of Delaware a sum not exceeding \$750 for the holding of Boys' State in 1963, 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 \$750 for the holding of Girls' State in 1963 and a sum upon receipt of drafts properly drawn and signed by said Department Treasurer.

Section 4. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 8, 1963.

CHAPTER 99

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE FRANKFORD SCHOOL #206 FOR THE IN-
STALLATION OF A WATER LINE FOR SCHOOL SERV-
ICE.**

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

Section 1. The sum of \$8,700.00 is hereby appropriated to the Frankford School #206 for the installation of a water line for school service.

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

Section 3. Any fund hereby appropriated and not used for the purpose set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved July 8, 1963.

CHAPTER 100

AN ACT TO AMEND CHAPTER 274, VOLUME 53, LAWS OF DELAWARE, ENTITLED "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. Section 4 of Chapter 274, Volume 53, Laws of Delaware, is amended to read:

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, 1968, whichever first occurs.

Approved July 15, 1963.

CHAPTER 101

AN ACT TO AMEND CHAPTER 51, TITLE 6, DELAWARE CODE, RELATING TO WEIGHTS AND MEASURES.

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

Section 1. Amend Section 5136, Title 6, Delaware Code, by repealing it in its entirety and enacting a new Section 5136 as follows:

§ 5136. Licensed Weighmasters; Appointment; Tenture: 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, or has been employed in 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 until December 31 of that year, but any weighmaster may have his license revoked by the director by whom he was appointed or his successor, for misconduct in office, dishonesty, in competency, violation of a provision of this subchapter, or if he ceases to possess the qualifications specified for his original appointment.

(c) For each appointment or reappointment made, the State Board of Agriculture shall receive from the licensee a fee of \$5.00. 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.

(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.

(h) All solid fuels, live poultry, grain, livestock and commodities requiring a certificate of weight by the purchaser shall be weighed by a duly licensed weighmaster.

(i) The license shall be displayed in a conspicuous place where the weighmaster is engaged in weighing.

Approved July 16, 1963.

CHAPTER 102

**AN ACT TO AMEND CHAPTER 11, TITLE 28, DELAWARE
CODE BY INCREASING THE BINGO LICENSE FEE.**

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

Section 1. Chapter 11, Title 28, is hereby amended by striking Section 1133 therefrom in its entirety and by substituting in lieu thereof a new Section 1133 to read as follows:

§ 1133. Fees.

There shall be a license fee of \$10 for each occasion upon which any games are to be conducted under such license.

Approved July 16, 1963.

CHAPTER 103

AN ACT MAKING AN APPROPRIATION TO THE CIVIL WAR CENTENNIAL COMMISSION.

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

Section 1. The sum of Four Thousand Dollars (\$4,000.00) is hereby appropriated to the Civil War Centennial Commission.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid from any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. The moneys herein appropriated and unused shall not revert to the General Fund of the State of Delaware until June 30, 1964.

Approved July 16, 1963.

CHAPTER 104

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE COMMISSION ON MODERNIZATION OF STATE
LAWS FOR PREPARING FOR ENACTMENT THE UNI-
FORM COMMERCIAL CODE.**

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

Section 1. There is hereby appropriated to the Commission on Modernization of State Laws the sum of \$6,500 to be used for the drafting, preparation, printing and distribution of the Uniform Commercial Code.

Section 2. This is a supplementary appropriation act and the sums hereby appropriated shall be paid out of any sums in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. Any unused sums hereby appropriated shall not revert to the General Fund of the State of Delaware until June 30, 1966.

Approved July 16, 1963.

CHAPTER 105

AN ACT TO AMEND CHAPTER 31, VOLUME 54, LAWS OF DELAWARE, ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1964, AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$40,644.00 FOR THE PROPOSED AMENDMENTS".

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

Section 1. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by adding under Delaware Commisison on Interstate Cooperation a new item as follows and changing the totals accordingly:

Southern Regional Educational Board \$33,000.00

Section 2. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the numbers in parenthesis after the words, "Salary of State Director" under the heading "Department of Civil Defense" as follows:

"(Total \$9,000.00—State \$4,500.00—Other Sources \$4,500.00)"

Section 3. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the amount appearing across from the word "Travel" under the heading "State Department of Labor and Industrial Relations" from \$6,500.00 to \$4,920.00 and by changing the amount appearing across from the words "Salary of Chief of Safety Inspections" under the heading "State Department of Labor and Industrial Relations" from \$4,920.00 to \$6,500.00 and changing the totals accordingly.

Section 4. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the amount appearing across from the words "Salary of Parole Officer" under the heading "Board of Parole" from \$4,200.00 to \$5,400.00 and by changing the

amount appearing across from the words "Salary and Wages of Employees" under the heading "Board of Parole" from \$3,600.00 to \$9,300.00 and by changing the amount appearing across from the words "Office Expense" under the heading "Board of Parole" from \$1,700.00 to \$2,000.00 and changing the totals accordingly.

Section 5. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by adding the following after the words "Salary of Director" under the heading "State Planning Office":

"(Total \$16,000.00—State \$12,000.00—Other Sources \$4,000.00)"

Section 6. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the salary figures opposite the word "Supervisor" under the heading of "Air Pollution" from \$9,000.00 to \$9,444.00 and changing the totals accordingly.

Section 7. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by adding the following after the words "Salary of State Forester" under the heading "State Forestry Department":

"(Total \$8,400.00—State \$4,000.00—Other Sources \$4,400.00)"

Section 8. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the numbers in parenthesis after the words "Salary of Director and Game Technician" under the heading "Delaware Game and Fish Commission" as follows:

"(Total \$9,500.00—State \$6,000.00—Other Sources \$3,500.00)"

Section 9. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the number in parenthesis after the words "Salary of Director" under the heading "Department of Public Welfare" as follows:

"(Total \$14,000.00—State \$6,000.00—Other Sources \$8,000.00)"

Section 10. This Act is a supplementary appropriation Act for the fiscal year commencing July 1, 1963, in the amount of \$40,644.00 and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved July 16, 1963.

CHAPTER 106

**AN ACT CONCERNING PROCUREMENT OF MATERIEL
AND AWARDING OF CONTRACTS FOR PUBLIC WORKS
BY STATE AGENCIES.**

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

Section 1. Sections 151 to 158, inclusive, of Title 17, are hereby repealed and the two following new sections, to be designated Sections 151 and 152, are substituted therefor:

**§ 151. Procedure For Procurement Of Materiels, Equipment Or
Supplies And Award Of Contracts For Performance Of
Work**

The Department shall not purchase any materials, equipment or supplies nor enter into any contract for the performance of any work except in accordance with Chapter 69 of Title 29 of this Code.

§ 152. Supervision By Director Of Operations

The execution and performance of all contracts awarded by the Department shall be under the charge of the Director of Operations, and his decision shall, in all matters concerning the performance of the work and the compliance of the terms of the contract, be final.

Section 2. Chapter 67 and Sections 6901 to Section 6912, inclusive, and Section 6916, of Chapter 69 of Title 29 of the Delaware Code, are hereby repealed and in lieu thereof the following new sections are to be added to Chapter 69 and the present title of Chapter 69, "Contracts For Public Improvements" is to be repealed and Chapter 69 is to be entitled as follows:

**CHAPTER 69. PROCUREMENT OF MATERIEL AND
AWARD OF CONTRACTS FOR PUBLIC
WORKS BY STATE AGENCIES**

§ 6901. Definitions

As used in this chapter—

"Agency" means any board, department, bureau, commission or officer of the State.

"Materiel" means materials, equipment, tools, supplies or any other personal property but does not include electric, gas, water, telephone or similar utilities.

"Public works contract" means any contract for the construction, alteration or repair of any public building, road, street, highway or other public improvement.

§ 6902. Limitation On Cost Of Automobiles For State Use

No agency shall purchase any passenger motor vehicle to be used for State purposes when the initial cost of such vehicle, including the fair value or values of any motor vehicle or motor vehicles traded in as a part of a particular transaction, exceeds \$2200.

§ 6903. Procurement of Materiel and Work in Absence of Appropriation; Payment; Exception

(a) An item shall be set up in the Budget Appropriation Bill for State Departmental Supplies to be drawn upon by warrants signed by the Secretary of State with the written approval of the State Treasurer and Auditor of Accounts.

The offices of the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, State Banking Commissioner and Insurance Commissioner may obtain materiel, including but not limited to, printing and binding, from the Secretary of State to be paid for out of Departmental Supplies insofar as any funds appropriated to such offices for such purposes are inadequate.

Any other agency which receives no appropriation for office expenses may obtain such materiel, including but not limited to, printing and binding, from the Secretary of State to be paid for out of Departmental Supplies.

(b) All materiel and printing and binding procured in accordance with the provisions of subsection (a) of this section shall be purchased or contracted for pursuant to the provisions

of Section 6904 of this chapter. The Secretary of State, by and with the consent of the State Treasurer and Auditor of Accounts, may enter into contracts on the part of the State with the person furnishing such materiel or doing such printing and binding for any agency not having an appropriation therefor and pay for such materiel or printing and binding performed.

§ 6904. Procurement of Materiel and Work; Competitive Bidding; Power to Act Without Bids

(a) All materiel required by any agency shall be purchased, and all work of a non-professional nature which is not to be performed by employees of the agency shall be performed, under a contract entered into pursuant to the provisions of this chapter and after competitive bidding as provided for in this section, except that an agency may purchase materiel or contract for work to be performed without competitive bidding in the following instances:

(1) If the probable cost of the purchase or contract does not exceed \$1,000;

(2) Whenever an unusual emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against and which in the opinion of the chief administrative officers of the agency concerned requires immediate action for the protection of public health, welfare, safety or property, provided that within ten (10) days after such an emergency expenditure, an affidavit of the chief administrative officer of the agency authorizing such expenditure shall be filed with the State Treasurer setting forth the conditions and circumstances requiring such emergency expenditure;

(3) Where, because of a patent or licensed franchise situation, the materiel or work is procureable within the State from only one source; this paragraph (3) shall not apply to the construction of public buildings.

(b) If the probable cost of the materiel or work is estimated to exceed \$1,000 but not more than \$2,500, the purchase

or contract may be made in the open market but shall be based on at least three competitive bids.

(c) If the probable cost of the materiel or work is estimated to exceed \$2,500, the purchase or contract shall be made only after public advertising and the receipt of sealed bids as provided for in this chapter.

(d) Any person, who, with intent to avoid compliance with this section, wilfully fragmentizes or sub-divides any contract for the purchase of materiel or work, the probable cost of which will require the receipt of competitive bids under paragraphs (b) or (c) hereof, into two or more contracts for the purchase of the same materiel or work shall be guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$5,000 for each offense.

§ 6905. Plans and Specifications; Description; Advertisement

(a) When an agency proposes to purchase any materiel or contract for any work to be done, and the probable cost of such purchase or contract exceeds \$2,500, the agency shall prepare a suitable description of such materiel or plans and specifications for such work, and shall prescribe such other terms and conditions as it deems necessary.

(b) The agency shall then advertise for formal sealed bids for furnishing the materiel or performing the work. The advertisement for such bids shall be published at least once a week for two consecutive weeks in a newspaper published or circulated in each County of the State. The advertisement shall state the name of the procuring agency, shall indicate with reasonable accuracy the character, quantity and location of the work or the character and quantity of materiel, the time and place for the opening of bids, and where the plans and specifications or descriptions may be obtained.

§ 6906. Qualifying Bidders

(a) An agency may require any person proposing to bid on a contract to answer a questionnaire and file a financial state-

ment containing a complete statement of that person's financial ability and experience in performing such work.

(b) If the agency is not satisfied with the sufficiency of the answers to the questionnaire or the financial statement, it may refuse to furnish the person submitting such unsatisfactory answers or financial statement the plans and specifications for the work and the bid of any such person may be disregarded.

(c) No action of any nature shall lie against any agency because of its refusal to furnish a person with plans and specifications.

§ 6907. Deposit Required To Accompany Bids; Return of Deposit

(a) All bids shall be accompanied by a deposit of either a good and sufficient bond to the State of Delaware for the benefit of the agency involved, with corporate surety authorized to do business in this State, the form of the bond and the surety to be approved by the agency, with a warrant of attorney to confess judgment thereon attached thereto, or a certified check of the bidder drawn upon some responsible banking institution to the order of the agency, for a sum equal to at least 10% of the bid. The bid bond need not be for a specific sum but may be stated to be for a sum equal to 10% of the bid to which it relates and not to exceed a certain stated sum, if said sum is equal to at least 10% of the bid.

(b) Upon the execution of a formal contract and bond, the bid bond or certified check deposit shall be returned to the successful bidder. The deposit of the unsuccessful bidders shall be returned to them immediately upon the awarding of the contract or the rejection of all bids, but in no event later than thirty (30) days after the opening of bids.

§ 6908. Opening Of Bids; Awards Of Contracts; Right To Reject Bids

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

within thirty (30) days thereafter by the agency to the lowest responsible bidder unless, in the opinion of the agency, 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 agency 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 agency may award the contract to any one of them. The agency may reject all bids.

§ 6909. Formal Contracts; Failure To Execute Contract And Bond; Deposit as Damages, New Awards

(a) Within twenty (20) days after the award of the contract, the successful bidder shall promptly execute a formal contract to be approved as to its form, terms and conditions by the agency and also the bond required by Section 6910 of this Chapter.

(b) In the event of any successful bidder refusing or neglecting to execute a formal contract and bond within twenty (20) days of the awarding of the contract, the bid bond or certified check deposited by the successful bidder shall be taken and become the absolute property of the State for the benefit of the agency as liquidated damages, and not as a forfeiture or as a penalty, and shall be deposited with the State Treasurer, and the agency may award the contract to the next lowest responsible bidder or readvertise for new bids. The agency shall forthwith proceed to collect on the bid bond.

§ 6910. Performance and Payment Bonds

(a) Simultaneous with the execution of the formal contract, the successful bidder shall also execute a good and sufficient bond to the State of Delaware for the benefit of the agency, with corporate surety authorized to do business in this State, in a sum equal to 100 per cent of the contract price.

(b) The bond shall be conditioned upon the faithful compliance and performance by the successful bidder of each and

every term and condition of the contract and the proposal and plans and specifications thereof, at the time and in the manner prescribed by the contract and the plans and specifications, including the payment in full, to every person furnishing materiel or performing labor in the performance of the contract, of all sums of money due him for such labor or materiel. The bond shall also contain the successful bidder's guarantee to indemnify and save harmless the State and the agency from all costs, damages and expenses growing out of or by reason of the successful bidder's failure to comply and perform the work and complete the contract in accordance with the contract.

(c) The bond shall have attached thereto a warrant of attorney authorizing the confession of judgment thereon for the benefit of the State. The agency may, when it considers that the interests of the State so require, cause judgment to be confessed upon the bond. All sums received through confession of judgment shall be paid to the State Treasurer for the credit of the agency.

(d) Every person furnishing materials or performing labor under the contract for which the successful bidder is liable may maintain an action on the bond for his own use in the name of the State in any court of competent jurisdiction for the recovery of such sum or sums as may be due such person from the successful bidder, but if the bond so provides, no suit shall be commenced after the expiration of one (1) year following the date on which the successful bidder ceased work on the contract, otherwise suits may be commenced at any time within three (3) years following the date the last work was done on the contract.

(e) No person or surety, in any action brought under this section, or on the bond required by this section, shall assert as a defense to such action, the claim that the bond given pursuant to this section contained a limitation or restriction not provided for by this section.

§ 6911. Failure To Comply With Contract; New Award; Supervision

If any person entering into a contract under the authority of this chapter neglects or refuses to perform it or fails to com-

ply with the terms thereof, the agency may terminate the contract and proceed to award a new contract in accordance with the provisions of this chapter, or may require the surety on the performance bond to complete the contract in accordance with the terms of the performance bond.

§ 6912. Contracts for Public Buildings; Listing Subcontractors; Bidder as Subcontractor; Substitution of Subcontractors; Penalties

Any contract, the probable cost of which exceeds \$5,000, for the construction, alteration or repair of any public building of the State or any political subdivision thereof, shall, in addition to the other requirements of this chapter be subject to the following provisions.

(a) Such contract shall be awarded only to a bidder whose bid is accompanied by a statement containing the names and addresses of the subcontractors whose services the bidder intends to use in performing the work. No bidder for such a contract shall list himself in any accompanying statement as the subcontractor of any part of the public building unless the bidder, in addition to being licensed as a general contractor of the State, shall also be recognized in the trade as a subcontractor in and for any such part or parts of such work so listed in such accompanying statement.

(b) Neither the State nor any political subdivision thereof nor any of their respective agencies shall accept any bid for such a contract or award any such contract to any bidder, as the general contractor, if the bidder has listed himself as the subcontractor of any specialty work required to complete such public building, such as plumbing, electrical wiring, heating, roofing, insulating, weather stripping, masonry, bricklaying, plastering, or any other specialty work, unless it has been established to the satisfaction of the awarding agency that the bidder has customarily performed such specialty work by artisans regularly employed by the bidder in his organization, that the bidder is duly licensed by the State to engage in such specialty work, if the State requires such licenses, and that the bidder is recognized in the trade as a bona fide sub-contractor in such specialty work.

(c) After such a contract has been awarded, the successful bidder shall not substitute another subcontractor for any subcontractor whose name was set forth in the statement which accompanied his bid without the written consent of the agency awarding the contract. No agency shall consent to such substitution unless the agency is satisfied that the subcontractor in question whose name is listed in the successful bidder's accompanying statement (1) is unqualified to perform the work required, or (2) has failed to execute a timely reasonable subcontract, or (3) has defaulted in the performance of the part of the work covered by the sub-contract, or (4) is no longer engaged in such business.

(d) Such a contract shall contain a provision for withholding from, or requiring the payment by, the successful bidder of a penalty, the amount to be determined by the agency, for the failure to utilize any or all the subcontractors set forth in the successful bidder's accompanying statement in the performance of the work on the public building contemplated by the contract. Any sum so withheld from or paid by the contractor for any such failure may be remitted or refunded, in whole or in part, by the agency awarding the contract, but only in the event it is established to the satisfaction of the agency, that the subcontractor in question has defaulted or is no longer engaged in such business. No claim for the remission or refund of any penalty shall be granted under this section unless application therefor is filed within one year after the liability of the successful bidder accrues. If any such application for refund of any sum paid as a penalty is denied, or if no application for refund is filed within the period provided herein for filing an application, such sum shall revert to the State Treasury.

§ 6914. Preference For Delaware Labor; Stipulation In Contract

In the construction of all public works for the State or any political subdivision thereof, or by persons contracting with the State or any political subdivision thereof, preference in employment of laborers, workmen or mechanics, shall be given to bona fide legal citizens of the State, who have established citizenship by residence of at least 90 days in the State. Each public works contract for the construction of public works for

the State or any political subdivision thereof shall contain a stipulation that any person, company or corporations who violates the provisions of this section shall pay a penalty to the State Treasurer equal to the amount of compensation paid to any person in violation of this section.

§ 6915. Conflict With Federal Statutes Or Regulations

If any provision of this chapter conflicts or is inconsistent with any statute, rule or regulation of the Federal government applicable to a project or activity the cost of which is to be paid or reimbursed in whole or in part, by the Federal government, and due to such conflict or inconsistency the availability of Federal funds may be jeopardized, such provision shall not apply to such project or activity.

§ 6916. Purchases From The Federal Government

The provisions of this chapter shall not apply to any purchase of materiel from the Federal government.

Approved July 16, 1963.

CHAPTER 107

AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO MOTOR FUEL TAX.

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

Section 1. That Chapter 51, Title 30, Delaware Code, is amended by repealing and striking out all of Subchapters I, II, and III thereof and enacting and substituting in lieu thereof the following:

SUBCHAPTER I. GASOLINE**§ 5101. Definitions**

As used in this chapter—

"Distributor" includes any person, association of persons, firm or corporation, wherever resident or located, who imports or causes to be imported into the State gasoline as defined in this section for use, distribution, storage, or sale after the gasoline reaches the State; and also any person, association of persons, firm or corporation who produces, refines, or manufactures or compounds, or causes to be produced, refined, manufactured or compounded gasoline as defined in this section within the State;

"Gasoline" includes all products commonly or commercially known or sold as gasoline, including casinghead gasoline, natural gasoline, aviation gasoline, all flammable liquids, composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating spark-ignited internal combustion engines. The term "gasoline" does not include liquefied gases such as propane, butane, or pentane, or mixtures of the same, or any product—

(i) Having an ASTM Designation D908 research octane number of less than 70, or

(ii) Having a Reid vapor pressure at 100° F. of more than 30 pounds;

"Highway Department" means the State Highway Department.

§ 5102. License for retail sale of gasoline; requirement, issuance, term, fee and display

Every person engaged in the retail sale of gasoline shall, before engaging in such business procure from the Highway Department a license for each establishment operated by such person. Such license shall be issued by the Highway Department and shall expire on the 30th day of June next following, subject to such reasonable regulations as the Highway Department shall provide. Every person desiring to continue to engage in the retail sale of gasoline shall annually thereafter on the first day of July procure from the Highway Department a license for such establishment operated by such person, which shall expire on the 30th day of June next following, subject to such reasonable regulations as the Highway Department shall provide. A license fee of \$2 shall be paid for the issuing of every such license and the Highway Department shall supply a certificate, which the licensee shall publicly display in a manner to be regulated by the Highway Department.

§ 5103. License for distributor of gasoline; requirement, application, bond and fee

(a) No distributor shall receive, use, sell or distribute any gasoline or engage in business within this State unless such distributor is the holder of an uncanceled license issued by the Highway Department to engage in such business. To procure such license, a distributor shall file with the Highway Department an application under oath and in such form as the Highway Department may prescribe, setting forth—

(1) The name under which the distributor will transact business within the State;

(2) The location, with street number address of its principal office or place of business within this State;

(3) The name and complete residence address of the owner or the names and addresses of the partners, if such

distributor is a partnership, or the names and addresses of the principal officers, if such distributor is a corporation or association; and if such distributor is a corporation organized under the laws of another State, territory or country, or the laws of the United States, it shall also file with such application a certified copy of the certificate issued by the Secretary of State of Delaware showing that such corporation is authorized to transact business in the State.

(b) Upon the filing of an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in Section 5107 of this title, shall be filed with the Highway Department. No license shall be issued upon any application unless accompanied by such bond.

(c) Upon the filing of the application for a license, a filing fee of \$5 shall be paid to the Highway Department.

§ 5104. Issuance of distributor's license; term of license

The application, referred to in Section 5103 of this title, in proper form having been accepted for filing, the filing fee paid, and the bond having been accepted and approved, the Highway Department shall, except as herein provided, issue to such distributor a license to transact business as a distributor in this State. Such license shall be valid until suspended or revoked for cause or otherwise cancelled. Each distributor shall be assigned a license number upon qualifying for a license under this subchapter. The Highway Department shall publish and furnish to all licensed distributors a list of all licensed distributors and a monthly supplement thereto.

§ 5105. Refusal of distributor's license; grounds

If any application for a license to transact business as a distributor in this State shall be filed by any person whose license shall at any time theretofore have been cancelled for cause, or in case the Highway Department shall be of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license or registration shall therefore have been cancelled for cause, the Highway Department after

a hearing, of which the applicant shall be given 5 days' notice in writing and at which the applicant shall have the right to appear in person or by a counsel and present testimony, may refuse to issue to such person a license to transact business as a distributor in this State.

§ 5106. Assignability of distributor's license

The license issued under this subchapter by the Highway Department shall not be assignable, and is valid only for the distributor in whose name it was issued.

§ 5107. Bond of licensed distributor

(a) Every distributor shall file with the Highway Department a bond in the approximate sum of three times the average monthly gasoline tax due or estimated to be due, by such distributor under the existing law of the State. In no case shall such bond be less than \$5,000 nor more than \$20,000. Every bond filed with and approved by the Highway Department shall without the necessity of periodic renewal, remain in force and effect until such time as the distributor's license is revoked for cause, or otherwise cancelled or surrendered.

(b) The bond shall be in such form as may be approved by the Highway Department, and shall be executed by a surety company to be approved by the Highway Department and duly licensed to do business under the laws of this State. The bond shall be payable to the State, and be conditioned upon the prompt filing of true reports and the payment by such distributor to the Highway Department of any and all gasoline taxes levied or imposed by this State, together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this chapter.

(c) If liability upon the bond thus filed by the distributor with the Highway Department shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the Highway Department any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the Highway Department may require the

filing of a new bond with like surety as hereinbefore provided in the same amount, failing which, the Highway Department shall forthwith cancel the license of the distributor. If the new bond is furnished by the distributor as above provided, the Highway Department shall cancel and surrender the bond of the distributor for which such new bond shall be substituted, provided, however, that such bond shall not be cancelled if any liability shall have accrued under the provisions thereof which shall be still outstanding.

(d) If the Highway Department, after a hearing of which the distributor shall be given 5 days' notice in writing, shall decide that the amount of the existing bond is insufficient to insure payment to the State of the amount of the tax and any penalties and interest for which the distributor is or may at any time become liable, then the distributor shall forthwith upon the written demand of the Highway Department file an additional bond in the same manner and form with like security thereon as hereinbefore provided. The total amount of any such additional bond, as well as the bond required under the provisions of subsection (a) of this section, shall not exceed the maximum of \$20,000, and the Highway Department shall forthwith cancel the license certificate of any distributor failing to file an additional bond as herein provided.

(e) Any surety on any bond furnished by any distributor as above provided shall be released and discharged from any and all liability to the State accruing on such bond after the expiration of 60 days from the date upon which such surety shall have lodged with the Highway Department, written request to be released and discharged. Such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said 60-day period. The Highway Department shall promptly on receipt of notice of such request notify the distributor who furnished such bond, and unless such distributor shall on or before the expiration of such 60-day period file with the Highway Department a new bond in the amount and form hereinbefore in this section provided, the Highway Department shall forthwith cancel the license of the distributor.

§ 5108. Revocation, cancellation and surrender of License and Bond

The Highway Department may revoke the license of any distributor for reasonable cause. Before revoking any such license the Highway Department shall notify the distributor to show cause within 60 days of the date of the notice why such license should not be revoked; provided, however, that at any time prior to or pending such hearing the Highway Department may, in the exercise of reasonable discretion, suspend such license.

The Highway Department shall cancel any license to act as a distributor immediately upon surrender thereof by the holder. If the license of any distributor shall be cancelled by the Highway Department and if the distributor shall have paid to the State of Delaware all taxes, penalties and interest due and payable by it under the gasoline laws of this State, then the Highway Department shall cancel and surrender the bond or other surety theretofore filed by said distributor. The Highway Department shall promptly notify all licensed distributors of any such cancellation.

§ 5109. Records of Highway Department

The Highway Department shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

§ 5110. Levy and rate of tax

There is levied a tax of 6 cents per gallon on all gasoline which is sold or used in this State. The tax herein imposed shall be collected by and paid to the State of Delaware but once in respect to any gasoline. Nothing in this section shall be construed to exempt from the tax any distributor of gasoline with respect to gasoline used in making such distribution. The tax herein levied shall be collected in the manner hereinafter provided.

§ 5111. Exempt sales of Gasoline

The tax imposed by this chapter shall not apply to gasoline:

(a) Sold to the United States or any of the governmental agencies thereof;

(b) Sold or delivered under the protection of the interstate commerce clause of the Constitution of the United States;

(c) Sold by a distributor to another distributor;

(d) Sold by a distributor to a purchaser duly registered with, or licensed by, the taxing authorities of another state as a distributor or dealer duly authorized to collect and pay gasoline taxes to such other state for immediate exportation from this State into such other state, provided the distributor making such sale complies with all regulations of the Highway Department relating thereto.

§ 5112. Distributor's Taxable Sales of Gasoline: What is included

The distributor's taxable sales shall, for the purpose of this chapter, include all gasoline delivered to retail dealers, including gasoline delivered to retail outlets on consignment or to retail outlets owned or operated by the distributor.

§ 5113. Monthly reports of distributors

(a) On or before the next to last business day of each calendar month, each distributor of gasoline shall file with the office of the Highway Department, a statement on a form prepared by the Highway Department, which shall show the quantity of gasoline on hand on the first and last days of the preceding calendar month; the quantity of gasoline received, produced, manufactured, refined, or compounded during the preceding calendar month; and the quantities of gasoline sold, delivered or used within this State during the preceding calendar month, and such other information as the Highway Department may require. The fact that a distributor's name is signed to such statement shall be prima facie evidence for all purposes that the report was actually signed by such distributor or his duly authorized agent. Such statement shall contain a declaration by the person making the same, to the effect that the

statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification.

(b) The monthly statement, or payment of tax as provided in Section 5114, will be considered to have been duly and timely filed if such statement or payment is deposited in the United States mail with postage prepaid in sufficient time to reach the Highway Department in the ordinary course of such mails on or before the next to last business day of a given calendar month.

§ 5114. Payment of tax by distributor

At the time of rendering each report required by Section 5113 of this title, the distributor shall pay to the Highway Department the tax or taxes levied by this chapter on all gasoline sold or used within this State during the preceding calendar month.

§ 5115. Penalties for failure to file report or pay tax when due

When any distributor fails to file his monthly report with the Highway Department as required by Section 5113 of this title, or when such distributor fails to pay the Highway Department the amount of taxes due to this State as required by Section 5114 of this title, a penalty of 25 percent shall be added to the amount of the tax due, and the penalty of 25 percent shall immediately accrue, and thereafter the tax and penalty shall bear interest at the rate of 1 percent per month until the same is paid; however, the Highway Department may waive the 25 percent penalty when it is established to the satisfaction of the Highway Department that failure to file the monthly report or pay the tax by the next to last business day of the month was not with intent to violate the law.

§ 5116. Estimate by Highway Department in absence of tax report

(a) Whenever any distributor neglects or refuses to make and file any report for any calendar month as required by this

chapter or files an incorrect or fraudulent report, the Highway Department shall determine, from any information obtainable in its office, or elsewhere, the number of gallons of gasoline with respect to which the distributor has incurred liability under the gasoline laws of this State.

(b) In any action or proceeding for the collection of the gasoline tax and/or penalties or interest imposed in connection therewith, an assessment by the Highway Department of the amount of the tax due and/or interest or penalties due to the State shall constitute prima facie evidence of the claim of the State, and the burden of proof shall be upon the distributor to show that the assessment was incorrect and contrary to law.

§ 5117. Collection by Highway Department of delinquent taxes

If any distributor shall be in default for more than 10 days in payment of any taxes and/or penalties thereon payable under the terms of this chapter, the Highway Department shall issue a warrant under its official seal, and signed by its chairman, directed to the sheriff of any county of the State, commanding the sheriff to levy upon and sell the goods and chattels of such distributor, without exemption, found within his jurisdiction, for the payment of the amount of such delinquency, with the added penalties and interest and the cost of executing the warrant, and to return such warrant to the Highway Department and to pay the Highway Department the money collected by virtue thereof within the time to be therein specified, which shall not be less than 20 nor more than 60 days from the date of the warrant. The sheriff to whom any such warrant is directed shall proceed upon the same in all respects and with like effect and in the same manner as prescribed by law in respect to executions issued against the goods and chattels upon judgments by a court of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner; provided, that nothing in this section shall be construed as forfeiting or waiving any rights to collect such taxes by an action upon any bond that may be filed with the Highway Department under the provisions of this chapter, or by suit or otherwise, and in case such suit, action or other proceeding shall have been instituted for the collection of said

tax, such suit, action or other proceeding shall not be construed as waiving any other right herein provided.

§ 5118. Rules and regulations

The Highway Department may prescribe reasonable rules and regulations for the carrying out of this chapter and all forms of reports required by this chapter.

§ 5119. Deposit of receipts by Highway Department

All money received by the Highway Department under the provisions of this chapter shall be deposited to the credit of the general fund of the State not later than the close of the business day next following such receipt.

§ 5120. Refunds of motor fuel taxes

(a) The State Treasurer shall refund out of the general fund of this State the tax paid on gasoline upon receipt of written authorization from the Highway Department so to do, which written authorization shall be given under the following conditions:

(1) Gasoline sold and delivered to and used by the State and every political subdivision thereof;

(2) Gasoline used by any person for the purpose of operating stationary gas engines, tractors, motor boats, airplanes or air-crafts, or any other purpose except in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the State.

(3) Gasoline sold and delivered to and used by Volunteer Fire Companies in any of their vehicles, and gasoline sold and delivered to and used by Veteran Organizations in their ambulances when such ambulances are used on a voluntary basis.

(b) Such application shall be in such form as shall be prescribed by the Highway Department, shall be under the penalties of perjury, and shall state the quantity of gasoline with respect to which refund is claimed, the purpose for which said

gasoline was used, date of purchase, from whom purchased, and such other information as the Highway Department shall require.

(c) Such application shall be accompanied by the original invoice showing such purchase, together with evidence of the payment thereof.

(d) All applications for refunds must be filed with the Highway Department within 12 calendar months from the date of the purchase or invoice of the gasoline with respect to which a tax refund is claimed.

The conditions of this section having been fully complied with, the Highway Department shall determine the amount of the refund due on such application and authorizes the State Treasurer in writing to pay such amount within 30 days from the time of filing of the application for refund.

§ 5121. Reports from carriers transporting gasoline

(a) Every railroad company, suburban or interurban railroad company, pipe line company, water transportation company, and common carrier transporting gasoline, either in interstate or in intrastate commerce, to points within this State, and every person, except distributors, transporting gasoline by whatever manner to a point in this State from any point outside this State, shall report under penalty of perjury to the Highway Department on forms prescribed by the Highway Department all deliveries of gasoline so made to points within this State.

(b) The reports shall cover monthly periods, shall be on file in the office of the Highway Department on or before the next to last business day of the calendar month immediately following the month covered by the report, shall show the name and address of the person to whom the deliveries of gasoline have actually and in fact been made, and such other additional information relative to shipments of gasoline as the Highway Department may require.

§ 5122. Retention of records by distributors; penalties

(a) Each distributor shall maintain and keep, for a period of two years, such records of gasoline received, used, sold and/or delivered within this State by such distributor, together with invoices, bills of lading, and other pertinent records and papers as may be required by the Highway Department for the reasonable administration of this chapter.

(b) Whoever violates any of the provisions of this section shall be fined not more than \$1,000, and the costs of prosecution, or imprisoned not more than one year, or both.

§ 5123. Inspection of records

(a) The record of all purchases, receipts, sales, distribution and use of gasoline of every distributor shall at all times during the business hours of the day be subject to inspection by the Highway Department or by any agent or employee duly authorized by it.

(b) The Highway Department shall make an inspection of the records of all purchases, receipts, sales, distribution and use of gasoline of every distributor at least once in each year, by or through such agent or employee as may be duly authorized by it, for the purpose of ascertaining whether the distributors are complying with the provisions of this chapter. If it is found that the distributors are not complying with the provisions of this chapter, the Highway Department shall report to the Attorney General in what respects the distributors are failing to so comply with the provisions of this chapter.

§ 5124. Discontinuance, sale or transfer of business by distributor; penalties

(a) Whenever a person ceases to engage in business as a distributor within this State by reason of the discontinuance, sale or transfer of the business of such distributor, the distributor shall notify the Highway Department in writing at least 10 days prior to the time the discontinuance, sale or transfer takes effect. Such notice shall give the date of discontinuance,

and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties, and interest under this chapter not yet due and payable under the provisions of this chapter shall, notwithstanding such provisions, become due and payable concurrently with the discontinuance, sale or transfer, and the distributor shall concurrently with such discontinuance, sale or transfer, make a report and pay all such taxes, interest, and penalties, and surrender to the Highway Department the license theretofore issued to the distributor by the Highway Department.

(b) Unless the notice provided for in subsection (a) of this section shall have been given to the Highway Department, the purchaser or transferee shall be liable to this State for the amount of all taxes, penalties, and interest under this chapter, accrued against any such distributor so selling or transferring his business, on the date of such sale or transfer, but only to the extent of the value of the property and business thereby acquired from such distributor.

(c) Whoever violates any of the provisions of this section shall be fined not less than \$50 nor more than \$300 and the costs of the prosecution, or imprisoned not more than one year, or both.

§ 5125. Delivery from tank truck to motor vehicle; penalty

The delivery of gasoline from a tank truck to the gasoline tank of a motor vehicle is prohibited except in cases of emergency. Whoever violates this section shall be fined not more than \$50 or imprisoned not more than 30 days, or both.

§ 5126. Exchange of information among the states

The Highway Department shall, upon request duly received from the officials to whom are entrusted the enforcement of the gasoline tax laws of any other state, or the Federal Government, forward to such officials any information which it may have in its possession relative to the manufacture, receipt, sale, use, transportation and/or shipment by any person of gasoline.

§ 5127. Reports of Department to Distributors

The Highway Department shall furnish monthly to all distributors a statement of all tax paid gallons of gasoline sold by distributors in this State.

§ 5128. Violations and penalties

(a) Whoever violates any provision of this chapter a penalty for which is not otherwise provided, or fails or refuses to pay the tax imposed by this chapter, or engages in business in this State as a distributor without being the holder of an uncanceled license to engage in such business, or makes any false statement in any application, report or statement required by this chapter, or refuses to permit the Highway Department or any deputy to examine records as provided by this chapter, or fails to keep proper records of quantities of gasoline received, produced, refined, manufactured, compounded, sold, used and/or delivered in this State as required by this chapter, or collects or causes to be repaid to any person any tax not being entitled to the same under the provisions of this chapter, shall for the first offense be fined not more than \$500 or imprisoned not more than 6 months, or both, and for a second and any subsequent offense shall be fined not more than \$1,000 or imprisoned not more than one year, or both. In addition to the penalty imposed in conformity to the above the defendant shall be required to pay all taxes and penalties due the State under this chapter and/or pay to the State any other moneys wrongfully withheld or illegally refunded. Each day or part thereof during which any person shall engage in business as a distributor without being the holder of an uncanceled license shall constitute a separate offense within the meaning of this section.

(b) Whoever refuses or neglects to make any statement, report or return required by the provisions of this chapter, or knowingly makes, or aids or assists any other person in making, a false statement in a report to the Highway Department or in connection with an application for refund of any tax, or sells any gasoline purchased by such person from any person other than a duly licensed distributor upon which the tax herein imposed shall not be paid, shall, when no other penalty of fine

and/or imprisonment is imposed by the provisions of this chapter, be fined not less than \$100 nor more than \$1,000, or imprisoned not less than 30 days nor more than one year, or both.

SUBCHAPTER II. SPECIAL FUEL

§ 5131. Definitions

As used in this chapter—

(a) "Person" includes every natural person, fiduciary, association, or corporation. Whenever used in any cause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(b) "Highway Department" means the State Highway Department.

(c) "Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel, not withstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(d) "Motor vehicle" means any vehicle propelled by an internal combustion engine and licensed for operation or operated upon the highways.

(e) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include gasoline as defined in Subchapter I, Section 5101.

(f) "Use" means the receipt, delivery or placing of special fuel by a special fuel user into the fuel supply tank or tanks of any motor vehicle while such vehicle is within this State.

(g) "Special fuel dealer" means any person in the business of handling special fuel who delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him.

(h) "Special fuel user" means the owner or other person responsible for the operation of a motor vehicle at the time special fuel is placed in the fuel supply tank or tanks thereof while such vehicle is within this State.

§ 5132. Tax imposed

There is hereby levied and imposed an excise of 6 cents per gallon on the use (within the meaning of the word "use" as defined herein) of special fuel in any motor vehicle. Said tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this State, shall attach at the time of such delivery and shall be collected by such dealer from the special fuel user and shall be paid over to the Highway Department as hereinafter provided. Said tax, with respect to special fuel acquired by any special fuel user in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle, shall attach at the time of the use (as herein defined) of such fuel and shall be paid over to the Highway Department by the user as hereinafter provided.

§ 5133. Exemptions

The tax imposed by this chapter shall not apply to special fuel sold to or used by:

(a) The United States or any of the governmental agencies thereof;

(b) The State and every political subdivision thereof;

(c) Volunteer Fire Companies in any of their vehicles and Veteran Organizations in their ambulances when such ambulances are used on a voluntary basis.

§ 5134. Special Fuel Dealers' and Special Fuel Users' Licenses

(a) Required: It shall be unlawful for any person to act as a special fuel dealer in this State unless such person is the holder of an uncanceled special fuel dealer's license issued to him by the Highway Department. Except for special fuel which

is delivered by a special fuel dealer into a fuel supply tank of any motor vehicle in this State, the use (as defined herein) of special fuel in this State by any person shall be unlawful unless such person is the holder of an uncanceled special fuel user's license issued to him by the Highway Department. A license fee of \$5 shall be paid for the issuing of every such special fuels license.

(b) Application: Application for a special fuel dealer's license or a special fuel user's license shall be made to the Highway Department. A special fuel dealer's license or a special fuel user's license, whichever is applicable, shall be required for each separate place of business or location where special fuels are regularly delivered or placed into the fuel supply tank of a motor vehicle.

(c) Form of Application: The application shall be filed upon a form prepared and furnished by the Highway Department. The application shall contain such information as the Highway deems necessary.

(d) Bond: No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished a surety bond in such forms and amount as the Highway Department may require, but not less than \$500, nor more than \$20,000 to secure his compliance with this chapter, and the payment of any and all taxes, interest and penalties due and to become due hereunder. Every bond filed with and approved by the Highway Department shall without the necessity of periodic renewal, remain in force and effect until such time as the license is revoked for cause, or otherwise cancelled or surrendered.

The bond shall be in such form as may be approved by the Highway Department, and shall be executed by a surety company to be approved by the Highway Department and duly licensed to do business under the laws of this State. The bond shall be payable to the State, and be conditioned upon the prompt filing of true reports and the payment by such licensee to the Highway Department of any and all special fuel taxes levied or imposed by this State, together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this chapter.

If liability upon the bond thus filed by the licensee with the Highway Department shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the Highway Department any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the Highway Department may require the filing of a new bond with like surety as hereinbefore provided in the same amount, failing which, the Highway Department shall forthwith cancel the license of the licensee. If the new bond is furnished by the licensee as above provided, the Highway Department shall cancel and surrender the bond of the licensee for which such new bond shall be substituted, provided, however, that such bond shall not be cancelled if any liability shall have accrued under the provisions thereof which shall be still outstanding.

If the Highway Department, after a hearing of which the licensee shall be given 5 days' notice in writing, shall decide that the amount of the existing bond is insufficient to insure payment to the State of the amount of the tax and any penalties and interest for which the licensee is or may at any time become liable, then the licensee shall forthwith upon the written demand of the Highway Department file an additional bond in the same manner and form with like security thereon as hereinbefore provided. The total amount of any such additional bond as well as the bond required under the provisions of the first paragraph of this subsection shall not exceed the maximum of \$20,000, and the Highway Department shall forthwith cancel the license certificate of any licensee failing to file an additional bond as herein provided.

Any surety on any bond furnished by any licensee as above provided shall be released and discharged from any and all liability to the State accruing on such bond after the expiration of 60 days from the date upon which such surety shall have lodged with the Highway Department, written request to be released and discharged. Such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said 60-day period. The Highway Department shall promptly on receipt of notice of such request notify the licensee who furnished such bond, and unless such licensee shall on or before

the expiration of such 60-day period file with the Highway Department a new bond in the amount and form hereinbefore in this subsection provided, the Highway Department shall forthwith cancel the license of the licensee.

(e) Issuance: Upon receipt of the application and bond in proper form, the Highway Department shall issue to the applicant a license to act as a special fuel dealer or a special fuel user; provided, however, the Highway Department may refuse to issue a special fuel dealer's license or a special fuel user's license to any person: (1) who formerly held either type of license, which, prior to the time of filing application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license, prior to the time of filing application, has been revoked for cause; or (3) upon other sufficient cause being shown. Before such refusal, the Highway Department shall grant the applicant a hearing and shall grant him at least 30 days written notice of the time and place thereof.

(f) Term of License: Each special fuel dealer's license and special fuel user's license shall expire on the 30th day of June next following. Every person desiring to continue as a special fuel dealer or as a licensed special fuel user shall annually thereafter on the 1st day of July procure from the Highway Department such a license, which shall expire on the 30th day of June next following.

(g) Assignment Forbidden: No special fuel dealer's license or special fuel user's license shall be transferable.

(h) Revocation, Cancellation and Surrender of License and Bond: The Highway Department may revoke the license of any special fuel dealer or special fuel user for reasonable cause. Before revoking any such license the Highway Department shall notify the licensee to show cause within 30 days of the date of the notice why such license should not be revoked; provided, however, that at any time prior to and pending such hearing the Highway Department may, in the exercise of reasonable discretion, suspend such license.

The Highway Department shall cancel any license to act as a special fuel dealer or a special fuel user immediately upon surrender thereof by the holder.

§ 5135. Special Fuel Dealers' and Special Fuel Users' Records

(a) Preparation of Records: For each location where special fuel is delivered or placed into the fuel supply tank of a motor vehicle, the special fuel dealer or user making such delivery shall prepare and maintain such records as the Highway Department may reasonably require with respect to all such deliveries, and with respect to inventories, receipts, purchases, and sales or other dispositions of special fuel.

(b) Retention of Records: The records required under this section shall be retained for a minimum period of 2 years, and shall be available, at all reasonable times, for examination by the Highway Department.

§ 5136. Monthly Reports and Payments

(a) Reports: For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file with the Highway Department, on forms prescribed by the Highway Department, a monthly tax report. Such report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and shall be in lieu of such verification. The report shall show, with reference to each location at which special fuel is delivered or placed by such dealer or user into a fuel supply tank of any motor vehicle, such information as the Highway Department may reasonably require for the proper administration and enforcement of this chapter; provided, however, that if a special fuel dealer or user is also a wholesale distributor of special fuel at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the monthly report to the Highway Department covering such location need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. No report need be made by any special fuel user, not licensed as a special fuel dealer, whose entire use of special

fuel in this State is limited solely to special fuel delivered into the fuel supply tank of such user's motor vehicle by special fuel dealers. The special fuel dealer or special fuel user shall file the report on or before the next to last business day of the next succeeding calendar month following the monthly period to which it relates.

Such report and payment will be considered to have been duly and timely filed if such report or payment is deposited in the U. S. mail with postage prepaid in sufficient time to reach the Highway Department in the ordinary course of such mails on or before the next to last business day of a given calendar month; provided, however, that for good cause the Highway Department may grant a licensee a reasonable extension of time.

(b) Computation: The tax imposed by this chapter shall be computed by each special fuel dealer or special fuel user by multiplying the tax rate per gallon provided in this chapter by the number of gallons of special fuel delivered or placed by him into the supply tank or tanks of a motor vehicle.

(c) Payments: The monthly tax report shall be accompanied by remittance covering the tax due hereunder on special fuel delivered during the preceding month into the fuel supply tank or tanks of any motor vehicle.

(d) Refusal or Failure to File Report or Pay Tax When Due: In case any special fuel dealer or special fuel user refuses or fails to file a report required by this chapter within the time prescribed by subsection (a) of this section, there is hereby imposed a penalty of \$500, or a sum equal to 25% of the tax due, whichever is greater, together with interest at the rate of 1% on the tax due, for each calendar month or fraction thereof during which such refusal or failure continues; provided, however, that if any such special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report within the time prescribed was due to reasonable cause and was not with intent to violate the law, the Highway Department may waive the penalty provided by this subsection.

(e) Failure to Pay Tax: Where a special fuel dealer or a special fuel user files a report, but fails to pay in whole or in

part the tax due hereunder, there shall be added to the amount due and unpaid interest at the rate of 1% per month or fraction thereof from the date such tax was due to the date of payment in full thereof.

(f) **Deficiency:** If it be determined by the Highway Department that the tax reported by any special fuel dealer or special fuel user is deficient the Highway Department shall proceed to assess the deficiency on the basis of information available to the Highway Department and there shall be added to this deficiency interest at the rate of 1% per month or fraction thereof from the date the return was due.

(g) **Determination If No Report Made:** If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report when due, the Highway Department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined the Highway Department shall add the penalty and interest provided in Section 5136 (d).

An assessment made by the Highway Department pursuant to this subsection or to subsection (f) of this section shall be presumed to be correct, and in any case where the validity of the assessment is questioned, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(h) **Fraudulent Report:** If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the Highway Department a penalty equal to 25% of the deficiency together with interest at 1% per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to all other penalties prescribed by law.

(i) **Limitation:** Except in the case of a fraudulent report or of neglect, or refusal to make a report, every deficiency shall

be assessed under Section 5136 (f) of this chapter within 2 years after the next to last business day of the next succeeding calendar month following the monthly period for which the amount is proposed to be determined or within 2 years after the report is filed, whichever period expires the later.

§ 5137. Refund of Taxes Erroneously or Illegally Collected

In the event that any taxes, penalties, or interest imposed by this law have been erroneously or illegally collected from a special fuel dealer or user, the Highway Department may permit such special fuel dealer or user to take credit against a subsequent tax report for the amount of the erroneous or illegal overpayment, or shall certify the amount thereof to the State Treasurer who shall thereupon draw a warrant for such certified amount to such special fuel dealer or user. Such refund shall be paid to the special fuel dealer or user forthwith.

No refunds shall be made under the provisions of this section unless a written claim therefor setting forth the circumstances by reason of which such refund shall be allowed, which claim shall be in such form as the Highway Department shall prescribe, and shall be filed with the Highway Department within 12 calendar months from the date of the payment of the taxes erroneously or illegally collected.

§ 5138. Administration

(a) **Rules and Regulations:** The Highway Department shall enforce the provisions of this chapter, and may prescribe, adopt, and enforce reasonable rules and regulations relating to the administration and enforcement thereof.

(b) **Examination of Records:** The Highway Department may examine the records of special fuel dealers and special fuel users and make such other investigations as it may deem necessary in the administration and enforcement of this chapter.

(c) **Presumption:** For the purpose of enforcing the provisions of this chapter, it shall be prima facie presumed that all special fuel received by a special fuel dealer or a special fuel user into storage and dispensing equipment designed to fuel

motor vehicles is to be transferred or delivered by the special fuel dealer or special fuel user into the fuel supply tanks of motor vehicles.

(d) **Reciprocal Exchange of Data:** The Highway Department shall, upon request from the officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces or the Dominion of Canada, forward to such officials any information which it may have relative to the receipt, storage, delivery, sale, use, or other disposition of special fuel by any special fuel dealer or special fuel user, provided such other state or states furnish like information to this State.

(e) **Records Open to Public:** Reports required by this chapter, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public.

§ 5139. Violations and Penalties

(a) **Acts Forbidden:** It shall be unlawful for any person to:

(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;

(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, report, or affidavit provided for in this chapter;

(3) Conduct any activities requiring a license under this chapter without a license or after a license has been surrendered, cancelled, or revoked;

(4) Assign or attempt to assign a license to act as a special fuel dealer or a special fuel user;

(5) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to receive special fuel in this State into the supply tank or tanks of a motor vehicle from a person not holding a valid license as a special fuel dealer;

(6) Fail to keep and maintain the books and records required by this chapter.

(b) Penalties and Remedies: Any person violating any provision of this section is guilty of a misdemeanor, unless the act is by any other law of this State declared to be a felony, and upon conviction is punishable by a fine of not less than \$500 nor more than \$1,000, or by imprisonment for not less than 30 days nor more than six months, or by both such fine and imprisonment.

(c) Penalties are Cumulative: The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.

SUBCHAPTER III. SEVERABILITY

§ 5151. Severability

If any provision of Subchapter I or Subchapter II or the application thereof to any person or circumstances is held invalid such invalidity shall not effect other provisions or applications of these subchapters which can be given effect without the invalid provision or application, and to this end the provisions of these subchapters are declared to be severable.

Approved July 16, 1963.

CHAPTER 108

AN ACT TO PROVIDE, IN THE EVENT OF ATTACK UPON THE UNITED STATES, FOR THE CONTINUITY OF THE EXECUTIVE FUNCTIONS OF THE GOVERNMENT OF THE STATE AND THE GOVERNMENTS OF POLITICAL SUBDIVISIONS OF THE STATE BY PROVIDING FOR EMERGENCY INTERIM SUCCESSION TO EXECUTIVE OFFICES OF THE STATE AND ITS POLITICAL SUBDIVISIONS; AND BY AUTHORIZING POLITICAL SUBDIVISIONS TO ENACT RESOLUTIONS AND ORDINANCES RELATING TO THE SUBJECT.

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. Part VII, Title 29, Delaware Code, is amended by adding thereto a new Chapter as follows:

CHAPTER 78. EMERGENCY INTERIM EXECUTIVE SUCCESSION ACT

§ 7801. Short Title

This Chapter shall be known and may be cited as the "Emergency Interim Executive Succession Act."

§ 7802. Statement of Policy

Because of the existing possibility of attack upon the United States of unprecedented size and destructiveness, and in order, in the event of such an attack, to assure continuity of government through legally constituted leadership, authority and responsibility in offices of the government of the State and its political subdivisions; 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 emergency interim succession to governmental offices of this State and its political subdivisions in the event the incumbents thereof (and their

deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices hereinafter referred to as deputies) are unavailable to perform the duties and functions of such offices.

§ 7803. Definitions

Unless otherwise clearly required by the context, as used in this Act:

(a) "Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are 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 Chapter, in the event the officer is unavailable, to exercise, the powers and discharge the duties of an office until a successor is appointed or elected 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) "Office" includes all State and local offices, the powers and duties of which are defined by the constitution, statutes, charters, and ordinances, except the office of Governor, and except those in the General Assembly and the judiciary.

(d) "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.

(e) "Political subdivision" includes counties, cities, towns, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

§ 7804. Emergency Interim Successors for State Officers

All State officers, subject to such regulations as the Governor (or other official authorized under the constitution to exercise the powers and discharge the duties of the office of Governor) may issue, shall, upon approval of this Act, in addition to any deputy authorized pursuant to law to exercise all of the powers and discharge the duties of the office, designate by title emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this Act to insure their current status. The officer will designate a sufficient number of such emergency interim successors so that there will be not less than three nor more than seven such deputies or emergency interim successors or any combination thereof, at any time. In the event that any State officer is unavailable following an attack, and in the event his deputy, if any, is also unavailable, the said powers of his office shall be exercised and said duties of his office shall be discharged by his designated emergency interim successors in the order specified. Such emergency interim successors shall exercise said powers and discharge said duties only until such time as the Governor under the constitution or authority other than this Chapter (or other official authorized under the constitution to exercise the powers and discharge the duties of the office of Governor) may, where a vacancy exists, appoint a successor to fill the vacancy or until a successor is otherwise appointed, or elected and qualified as provided by law; or an officer (or his deputy or a preceding named emergency interim successor) becomes available to exercise or resume the exercise of the powers and discharge the duties of his office.

**§ 7805. Enabling Authority for Emergency Interim Successors
for Local Offices**

With respect to local offices for which the legislative bodies of cities, towns, and counties may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, such legislative bodies are hereby authorized to enact resolutions or ordinances providing for emergency interim successors to offices of the afore-

deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices hereinafter referred to as deputies) are unavailable to perform the duties and functions of such offices.

§ 7803. Definitions

Unless otherwise clearly required by the context, as used in this Act:

(a) "Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are 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 Chapter, in the event the officer is unavailable, to exercise, the powers and discharge the duties of an office until a successor is appointed or elected 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) "Office" includes all State and local offices, the powers and duties of which are defined by the constitution, statutes, charters, and ordinances, except the office of Governor, and except those in the General Assembly and the judiciary.

(d) "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.

(e) "Political subdivision" includes counties, cities, towns, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

§ 7804. Emergency Interim Successors for State Officers

All State officers, subject to such regulations as the Governor (or other official authorized under the constitution to exercise the powers and discharge the duties of the office of Governor) may issue, shall, upon approval of this Act, in addition to any deputy authorized pursuant to law to exercise all of the powers and discharge the duties of the office, designate by title emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this Act to insure their current status. The officer will designate a sufficient number of such emergency interim successors so that there will be not less than three nor more than seven such deputies or emergency interim successors or any combination thereof, at any time. In the event that any State officer is unavailable following an attack, and in the event his deputy, if any, is also unavailable, the said powers of his office shall be exercised and said duties of his office shall be discharged by his designated emergency interim successors in the order specified. Such emergency interim successors shall exercise said powers and discharge said duties only until such time as the Governor under the constitution or authority other than this Chapter (or other official authorized under the constitution to exercise the powers and discharge the duties of the office of Governor) may, where a vacancy exists, appoint a successor to fill the vacancy or until a successor is otherwise appointed, or elected and qualified as provided by law; or an officer (or his deputy or a preceding named emergency interim successor) becomes available to exercise or resume the exercise of the powers and discharge the duties of his office.

**§ 7805. Enabling Authority for Emergency Interim Successors
for Local Offices**

With respect to local offices for which the legislative bodies of cities, towns, and counties may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, such legislative bodies are hereby authorized to enact resolutions or ordinances providing for emergency interim successors to offices of the afore-

mentioned governmental units. Such resolutions and ordinances shall not be inconsistent with the provisions of this Chapter.

§ 7806. Emergency Interim Successors for Local Officers

The provisions of this section shall be applicable to officers of political subdivisions (including, but not limited to, cities, towns and counties, as well as school and drainage districts) not included in Section 7805 of this Chapter. Such officers, subject to such regulations as the executive head of the political subdivision may issue, shall upon the enactment of this Chapter, designate by title (if feasible) or by named person, emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this Chapter to insure their current status. The officer will designate a sufficient number of persons so that there will be not less than three, nor more than seven, deputies or emergency interim successors or any combination thereof, at any time. In the event that any officer of any political subdivision (or his deputy provided for pursuant to law) is unavailable, the powers of the office shall be exercised and duties shall be discharged by his designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the constitution or statutes; or until the officer (or his deputy or a preceding emergency interim successor) again becomes available to exercise the powers and discharge the duties of his office.

§ 7807. Formalities of Taking Office

At the time of their designation, emergency interim successors 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.

§ 7808. Period In Which Authority May Be Exercised

Officials authorized to act as emergency interim successors 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 General Assembly by concurrent resolution, may at any time terminate the authority of said emergency interim successors to exercise the powers and discharge the duties of office as herein provided.

§ 7809. Removal of Designees

Until such time as the persons designated as emergency interim successors are authorized to exercise the powers and discharge the duties of an office in accordance with this Chapter, including Section 7808 of this Chapter, 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.

§ 7810. Disputes

Any dispute concerning a question of fact arising under this Chapter with respect to an office in the executive branch of the State government shall be adjudicated by the Governor (or other official authorized under the constitution to exercise the powers and discharge the duties of the office of Governor) and his decision shall be final.

§ 7811. 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 Chapter shall not be thereby affected.

Approved July 18, 1963.

CHAPTER 109

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 the fiscal year beginning July 1, 1963, and ending June 30, 1964, 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 priorities 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 the fiscal year beginning July 1, 1963, and ending June 30, 1964, 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 priorities imposed by Section 3 of this Act.

Section 3. The moneys made available under this Act shall be used first, 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 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 Kent County located within the limits of any such watershed area or areas.

Section 4. (a) 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.

(b) The sums of money so paid from time to time to the Board of Soil District Supervisors of the Soil Conservation District of Kent County shall be used by the 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 within 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 July 18, 1963.

CHAPTER 110

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 Con-

servation 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 repayments 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. 1962, 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 122nd 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 18, 1963.

CHAPTER 111

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 the fiscal year beginning July 1, 1963, and ending June 30, 1964, 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 the fiscal year beginning July 1, 1963, and ending June 30, 1964, 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 water-

sheds. 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 July 18, 1963.

CHAPTER 112

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE STATE BOARD OF EXAMINERS OF BARBERS
TO REPAY CERTAIN BARBERS AMOUNTS PAID BY
THEM IN EXCESS OF THE AMOUNTS REQUIRED
UNDER SECTION 414, TITLE 24, DELAWARE CODE.**

WHEREAS, the following named barbers paid the sum of one hundred dollars (\$100.00) for "new barber shop inspection fee" as provided in House Bill 90, as amended:

Mr. Halland Fisher
Mr. Milton Benjamin West
Mr. Richard Chaiken
Mr. Paul West
Mr. Grand O'Neil Lewis
Mr. Raymond Birch; and

WHEREAS, the sum was paid before the passage of Senate Bill No. 363, as amended, one of which amendments reduced the fee for a "new barbershop inspection fee" from \$100.00 to \$25.00; and

WHEREAS, the intent of Section 414, Title 24, Delaware Code, is to establish a fee of \$25.00 for a new barber shop inspection fee,

NOW, THEREFORE,

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

Section 1. There is appropriated the sum of \$450.00 to the State Board of Examiners of Barbers to be used to repay certain barbers who paid in excess of the \$25.00 fee as set out in Section 414, Title 24, Delaware Code.

Section 2. This Act is a supplemental appropriation and the moneys shall be paid by the State Treasurer out of the moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 18, 1963.

sheds. 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 July 18, 1963.

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TO THE STATE BOARD OF EXAMINERS OF BARBERS
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Mr. Milton Benjamin West
Mr. Richard Chaiken
Mr. Paul West
Mr. Grand O'Neil Lewis
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WHEREAS, the sum was paid before the passage of Senate Bill No. 363, as amended, one of which amendments reduced the fee for a "new barbershop inspection fee" from \$100.00 to \$25.00; and

WHEREAS, the intent of Section 414, Title 24, Delaware Code, is to establish a fee of \$25.00 for a new barber shop inspection fee,

NOW, THEREFORE,

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Section 1. There is appropriated the sum of \$450.00 to the State Board of Examiners of Barbers to be used to repay certain barbers who paid in excess of the \$25.00 fee as set out in Section 414, Title 24, Delaware Code.

Section 2. This Act is a supplemental appropriation and the moneys shall be paid by the State Treasurer out of the moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 18, 1963.

CHAPTER 113

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE DEFINITION OF "DEPENDENT" AND CREDITS FOR DEPENDENTS.

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

Section 1. § 1101, Title 30, Delaware Code, is amended by striking out the following:

"Dependent" means any person receiving his chief support from the taxable if such dependent person is under twenty years of age or is incapable of self-support because mentally or physically defective, and inserting in lieu thereof the following:

"Dependent" means any individual over half of whose support and maintenance, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer.

Section 2. § 1117 (a) is amended by striking out paragraph (4) in its entirety as it appears therein and inserting in lieu thereof the following:

(4) An exemption of six hundred dollars (\$600.00) for each dependent (as defined in Section 1101 of this Title):

(a) whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred Dollars (\$600.00), or

(b) who is a child of the taxpayer and has not attained the age of nineteen (19) at the close of the calendar year in which the taxable year of the taxpayer begins, or

(c) who is a child of the taxpayer and is a full-time student at an educational institution for at least five (5) calendar months during the calendar year in which the taxable year of the taxpayer begins.

Approved July 18, 1963.

CHAPTER 114

AN ACT APPROPRIATING MONEYS TO THE STATE SOIL CONSERVATION COMMISSION FOR THE CONSTRUCTION, IMPROVEMENT AND PROTECTION OF 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 \$30,000.00 for fiscal year beginning July 1, 1963, and ending June 30, 1964, for the purpose of paying for or contributing to the costs of all works of improvement and easements or rights-of-way required for the construction, improvement and protection of public group ditches and tax ditches as may be approved by the Commission, and highway ditches as may be jointly approved by the Commission and the State Highway Department.

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 \$20,000.00 for the fiscal year beginning July 1, 1963, and ending June 30, 1964, for the purpose of paying for or contributing to the costs of all works of improvement required for the construction, improvement and protection of public group ditches and tax ditches as may be approved by the Commission, and highway ditches as may be jointly approved by the Commission and the State Highway Department.

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, public group ditches and highway 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 easements or rights-of-way for construction and maintenance operations shall have been acquired by the State of Delaware or by New Castle County,

and which said highway ditches shall be ditches maintained by the public on State or County owned easements or rights-of-way adjacent to the roads of 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 to landowners for rights-of-way or easements, 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 July 18, 1963.

CHAPTER 115

AN ACT TO AID CERTAIN FIRE COMPANIES WHICH ARE ORGANIZED TO EXTINGUISH FIRES OR MAINTAIN AMBULANCES OR RESCUE TRUCKS, BY MAKING APPROPRIATIONS FOR THEM.

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

Section 1. There is appropriated to the listed fire companies, for the fiscal year beginning July 1, 1963, and ending June 30, 1964, the following sums to be used for the prevention and extinguishment of fires throughout the State and for the maintenance of apparatus and equipment:

NEW CASTLE COUNTY

Aetna Hose, Hook and Ladder		
Company	Newark	\$1,750
Brandywine Hundred Fire Company ..	Bellefonte	1,750
Christiana Fire Company	Christiana	1,750
Claymont Fire Company	Claymont	1,750
Cranston Heights Fire Company	Cranston Heights	1,750
Delaware City Fire Company	Delaware City	1,750
Elsmere Fire Company	Elsmere	1,750
Five Points Fire Company	Richardson Park	1,750
Goodwill Fire Company	New Castle	1,750
Hockessin Fire Company	Hockessin	1,750
Holloway Terrace Fire Company	Holloway Terrace	1,750
Mill Creek Fire Company	Marshallton	1,750
Minquadale Fire Company	Minquadale	1,750
Minquas Fire Company	Newport	1,750
Odessa Fire Company, Inc.	Odessa	1,750
Port Penn Volunteer Fire Company ..	Port Penn	1,750
Talleyville Fire Company	Talleyville	1,750
Townsend Fire Company	Townsend	1,750
Volunteer Hose Company, Inc.	Middletown	1,750
Wilmington Manor Fire Company	Wilmington Manor	1,750

KENT COUNTY

Bowers Volunteer Fire Company	Bowers	1,750
Camden-Wyoming Fire Company	Camden	1,750
Carlisle Fire Company	Milford	1,750
Cheswold Volunteer Fire Company	Cheswold	1,750
Citizens' Hose Company, Inc. No. 1....	Smyrna	1,750
Clayton Fire Company	Clayton	1,750
Dover Fire Department	Dover	1,750
Farmington Volunteer Fire Company	Farmington	1,750
Felton Community Fire Company	Felton	1,750
Frederica Volunteer Fire Company	Frederica	1,750
Harrington Volunteer Fire Company	Harrington	1,750
Hartly Volunteer Fire Company	Hartly	1,750
Houston Volunteer Fire Company	Houston	1,750
Leipsic Volunteer Fire Company	Leipsic	1,750
Little Creek Volunteer Fire Company	Little Creek	1,750
Magnolia Volunteer Fire Company	Magnolia	1,750
Mary-Dei Volunteer Fire Company	Mary-Dei	1,750
South Bowers Fire Company, Inc.	South Bowers	1,750

SUSSEX COUNTY

Bethany Beach Volunteer Fire Company	Bethany Beach	1,750
Blades Volunteer Fire Company	Blades	1,750
Bridgeville Volunteer Fire Company....	Bridgeville	1,750
Dagsboro Fire Company	Dagsboro	1,750
Delmar Fire Department, Inc.	Delmar	1,750
Ellendale Volunteer Fire Company....	Ellendale	1,750
Frankford Volunteer Fire Company....	Frankford	1,750
Georgetown Fire Company, Inc.	Georgetown	1,750
Greenwood Volunteer Fire Company..	Greenwood	1,750
Gumboro Volunteer Fire Company....	Gumboro	1,750
Indian River Volunteer Fire Company	Indian River	1,750
Laurel Volunteer Fire Company	Laurel	1,750
Lewes Fire Department	Lewes	1,750

Millsboro Fire Company	Millsboro	1,750
Milton Volunteer Fire Department....	Milton	1,750
Millville Volunteer Fire Company	Millville	1,750
Rehoboth Volunteer Fire Company....	Rehoboth Beach	1,750
Roxana Volunteer Fire Company	Roxana	1,750
Seaford Volunteer Fire Company	Seaford	1,750
Selbyville Volunteer Fire Company....	Selbyville	1,750

TOTAL \$101,500

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1963, and ending June 30, 1964, the following sums, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment:

Belvedere Volunteer Fire Company	\$1,750
Slaughter Beach Volunteer Memorial Fire Company..	1,750

TOTAL \$3,500

Section 3. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1963, and ending June 30, 1964, the following sums, to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook and Ladder		
Company	Newark	\$750
Brandywine Hundred Fire Company..	Bellefonte	750
Claymont Fire Company	Claymont	750
Elsmere Fire Company	Elsmere	750
Five Points Fire Company	Richardson Park	750
Goodwill Fire Company	New Castle	750
Holloway Terrace Fire Company	Holloway Terrace	750
Hockessin Fire Company	Hockessin	750
Mill Creek Fire Company	Marshallton	750
Minquadale Fire Company	Minquadale	750
Minquas Fire Company	Newport	750
Talleyville Fire Company	Talleyville	750
Wilmington Manor Fire Company	Wilmington Manor	750
Bowers Volunteer Fire Company	Bowers	750

Carlisle Fire Company, Inc.	Milford	750
Cheswold Volunteer Fire Company....	Cheswold	750
Harrington Volunteer Fire Company..	Harrington	750
Hartly Volunteer Fire Company	Hartly	750
Leipsice Volunteer Fire Company,		
Inc.	Leipsic	750
Blades Volunteer Fire Company	Blades	750
Bridgeville Volunteer Fire Company..	Bridgeville	750
Delmar Fire Department	Delmar	750
Ellendale Volunteer Fire Company	Ellendale	750
Frankford Volunteer Fire Company....	Frankford	750
Gumboro Volunteer Fire Company	Gumboro	750
Lewes Fire Department	Lewes	750
Laurel Volunteer Fire Department....	Laurel	750
Millville Volunteer Fire Company	Millville	750
Milton Volunteer Fire Company	Milton	750
Rehoboth Volunteer Fire Company....	Rehoboth Beach	750
Seaford Volunteer Fire Department..	Seaford	750

TOTAL \$23,250

Section 4. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1963, and ending June 30, 1964, the following sums, to be used for the maintenance and operation of rescue trucks in the public service:

Aetna, Hose and Ladder Company....	Newark	\$750
Brandywine Hundred Fire Company..	Bellefonte	750
Claymont Fire Company	Claymont	750
Delaware City Fire Company	Delaware City	750
Elsmere Fire Company	Elsmere	750
Five Points Fire Company	Richardson Park	750
Goodwill Fire Company	New Castle	750
Holloway Terrace Fire Company	Holloway Terrace	750
Mill Creek Fire Company	Marshallton	750
Minquadale Fire Company	Minquadale	750
Minquas Fire Company	Newport	750
Port Penn Volunteer Fire Company..	Port Penn	750
Talleyville Fire Company	Talleyville	750
Volunteer Hose Company	Middletown	750
Wilmington Manor Fire Company.....	Wilmington Manor	750
Carlisle Fire Company	Milford	750

Camden-Wyoming Fire Company	Camden	750
Citizens' Hose Co., No. 1, Inc.	Smyrna	750
Clayton Fire Company	Clayton	750
Dover Fire Department	Dover	750
Leipsic Volunteer Fire Company	Leipsic	750
Little Creek Fire Company	Little Creek	750
Harrington Volunteer Fire Company..	Harrington	750
Magnolia Volunteer Fire Company....	Magnolia	750
Bethany Beach Fire Company	Bethany Beach	750
Bridgeville Volunteer Fire Company..	Bridgeville	750
Delmar Fire Department, Inc.	Delmar	750
Millville Volunteer Fire Company	Millville	750
Milton Volunteer Fire Department....	Milton	750
Rehoboth Volunteer Fire Company....	Rehoboth Beach	750
Seaford Volunteer Fire Department..	Seaford	750
Selbyville Volunteer Fire Company....	Selbyville	750
Lewes Fire Department	Lewes	750
TOTAL		\$24,750

Section 5. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year beginning July 1, 1963, and ending June 30, 1964, the following sum to be used for the prevention and extinguishment of fires throughout the City of Wilmington and for the maintenance of the apparatus and equipment of the 12 fire companies organized and equipped in the City\$ 21,000

GRAND TOTAL \$174,000

Section 6. The above said sums shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 7. This Act is a supplementary appropriation Act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 18, 1963.

CHAPTER 116

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
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 appropriated to the "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 1963. 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 Delaware State Fair, Inc. Said corporation shall on or before the first day of December next, 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 for the fiscal year commencing July 1, 1963, and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 18, 1963.

CHAPTER 117

AN ACT TO AMEND SECTION 173, TITLE 6, DELAWARE CODE, RELATING TO THE PLACE OF PRESENTMENT OF A NEGOTIABLE INSTRUMENT.

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

Section 1. Section 173, Title 6, Delaware Code, is amended by renumbering subparagraph (4) thereof as subparagraph (5) and adding a new paragraph (4) thereto to read as follows:

(4) Where a bank presents for payment an item drawn upon or payable at another bank, either—

(i) Through a clearing house, or

(ii) at a place where such other bank has requested such bank to make presentment of such items for payment.

Approved July 19, 1963.

CHAPTER 118

AN ACT TO AMEND SECTION 229, TITLE 6, DELAWARE CODE, RELATING TO INLAND AND FOREIGN BILLS OF EXCHANGE.

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

Section 1. Section 229, Title 6, Delaware Code, is repealed and a new Section 229 enacted in lieu thereof to read as follows:

An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within the United States. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill. For the purposes of this paragraph 'United States' means the states, territories, dependencies and possessions of the United States, the District of Columbia and Puerto Rico.

Approved July 19, 1963.

CHAPTER 119

AN ACT TO AMEND CHAPTER 149, VOLUME 29, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF CHESWOLD", 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. Chapter 149, Volume 29, Laws of Delaware, being an Act entitled "An Act to Reincorporate the Town of Cheswold", as amended from time to time by various acts of the General Assembly is amended by adding thereto a new Section 2A to read:

Section 2A. In addition to the limits of the said Town of Cheswold as set forth in Section 2, the limits of said Town of Cheswold shall include all the lands and premises of Cheswold Volunteer Fire Company, a corporation of the State of Delaware, as such lands and premises were conveyed unto said Cheswold Volunteer Fire Company by deed of Harry Andrew Smith and Naomi R. Smith, his wife, dated October 22, 1962, and of record in the office of the Recorder of Deeds in and for Kent County, Delaware, in Deed Record A, Volume 23, at page 297, the said lands and premises are described in said deed as follows:

All that certain tract, piece or parcel of land and premises situated in Little Creek Hundred, Kent County and State of Delaware lying on the southerly side of the public highway leading from Bishop's Corner to Cheswold, the metes and bounds, course and distances whereof are as follows, to-wit:

BEGINNING at a point along the south line of the State Highway leading from Bishop's Corner to Cheswold, a corner for these lands and lands of the Methodist Church Parsonage at the northwest corner of the driveway leading into the lands and premises hereby conveyed; thence with the southern right of way line of the aforesaid highway north sixty-nine (69) degrees east six hundred eighty-eight (688) feet to a new corner

now established for the lands hereby conveyed and lands now or formerly of Vaughn; thence by a new line now established separating the lands hereby conveyed from lands now or formerly of Vaughn, south eleven (11) degrees fifteen (15) minutes east three hundred (300) feet to another new corner now established; thence by another new line now established separating the lands hereby conveyed from lands now or formerly of said Vaughn, north sixty-nine (69) degrees east two hundred ten (210) feet to another corner for these lands and in line of lands of Smith Orchards Company; thence running with line of lands of said Smith Orchards Company south eleven (11) degrees fifteen (15) minutes east twenty-one hundred fifteen (2,115) feet to another corner for these lands and in line of lands of Edgar Farrow where a stone is set in an old hedge fence; thence with said Farrow lands the following courses and distances: north seventy-one (71) degrees thirty (30) minutes west three hundred forty-five (345) feet to a stone, north forty-seven (47) degrees thirty (30) minutes west five hundred twenty (520) feet, north eighty-four (84) degrees thirty (30) minutes west two hundred seventy-five (275) feet to a stone, south sixty (60) degrees west one hundred ninety-seven (197) feet to an iron post, a corner for these lands and in line of lands of the Delaware Railroad Company; thence with line of lands of said Railroad Company north twenty-three (23) degrees forty-five (45) minutes west thirteen hundred (1300) feet to a point in a deep ditch, a corner for these lands and in line of lands of Lewis Anderson; thence with said ditch and lands of said Anderson north eight (8) degrees thirty (30) minutes west one hundred fifty-two (152) feet to another corner for these lands and in line of lands of Delaware Power and Light Company; thence with line of lands of said Delaware Power and Light Company, lands of Norris L. Remley, lands of Bennett H. Emory, lands of George Anderson and lands of the Methodist Church Parsonage north sixty-nine (69) degrees east four hundred seventy-nine (479) feet to another corner for these lands and in line of lands of said Parsonage; thence with line of lands of said Parsonage and along the west side of the driveway leading into the lands and premises hereby conveyed north twenty-one (21) degrees west one hundred forty (140) feet to the southern right of way line of the aforesaid State Highway, the place of BEGINNING, and containing forty-six and five-tenths (46.5)

acres of land, be the same more or less.

AND BEING all the same lands and premises conveyed unto the said Harry Andrew Smith and Naomi R. Smith, his wife, by deed of Abram F. Vaughn and Elizabeth A. Vaughn, his wife, bearing date the 13th day of September, 1944, of record in the office of the Recorder of Deeds of the State of Delaware in and for Kent County in Deed Record Book R, Volume 16, Page 280, EXPRESSLY EXCEPTING therefrom all that certain piece or parcel of land and premises heretofore conveyed by the said Harry Andrew Smith and Naomi R. Smith, his wife, to Raymond Morgan and Mary Virginia Morgan, his wife, by deed bearing date the 12th day of April, 1955, and more particularly described as follows, to-wit:

ALL that certain triangular piece or parcel of land and premises situated in Little Creek Hundred, Kent County, State of Delaware, lying on the southerly side of the public highway leading from Bishop's Corner to Cheswold, bounded on the North by said public highway, on the East by lands of Elmer S. Strimel, on the Southwest by a ditch separating the lands hereby conveyed from other lands of the Grantors, the metes and bounds, courses and distances whereof are as follows, to-wit:

BEGINNING at a point in the southerly right of way line of the public highway leading from Bishop's Corner to Cheswold, a corner for these lands and for lands of Elmer S. Strimel; thence with said Strimel lands and south nine (9) degrees ten (10) minutes east a distance of two hundred one (201) feet to another corner in the center of a small ditch; thence by a new line now established and separating the lands hereby conveyed from other lands of the Grantors along and with the center line of a small ditch north fifty-four (54) degrees four (4) minutes west two hundred forty-one and four-tenths (241.4) feet to another corner in the center of said ditch and in the southerly line of the aforesaid public road; thence with the southerly right of way line of the aforesaid public road north Seventy (70) degrees fifty (50) minutes east one hundred seventy-three (173) feet to the place of BEGINNING and containing four-tenths (4/10) of an acre of land, be the same more or less.

AND FURTHER EXPRESSLY EXCEPTING therefrom, a certain easement, wherein the said Harry Andrew Smith and Naomi R. Smith, his wife, by deed dated February 6, 1961, of record in the office of the Recorder of Deeds aforesaid in Deed Record Book O, Volume 22, Page 395, granted unto Delaware Power and Light Company a right of way agreement in relating to certain privileges for utility purposes.

AND FURTHER EXPRESSLY EXCEPTING therefrom, a certain easement, wherein the said Harry Andrew Smith and Naomi R. Smith, his wife, by deed dated July 20, 1962, of record in the office of the recorder of deeds aforesaid in deed record Book Z, Volume 22, Page 349, granted unto Delaware Power & Light Company a right of way agreement in relation to certain privileges for utility purposes.

Section 2. Chapter 149, Volume 29, Laws of Delaware, being an Act entitled "An Act to Reincorporate the Town of Cheswold", as amended from time to time by various acts of the General Assembly, 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 capitation 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.

It shall be the duty of the Assessor or Assessors of said town, within two weeks from his or their appointment, to make a true, just and impartial valuation and assessment of all the assessable real estate and personal property within said Town, and also an assessment of all the male citizens residing in said Town, above the age of twenty-one years as well as those owning real estate within the limits, at least one dollar per head; and the said Assessor or Assessors shall forthwith, after

making such assessments, deliver to the Commissioners for the time being, a duplicate containing the names of all persons assessed, and the amount, of their assessments, distinguishing the real and personal assessments of each.

When the assessment is returned the Commissioners shall give five days public notice of the fact, that they will sit together at a certain place and on a certain day, to be designated by them, from one until four o'clock in the afternoon, to hear appeals from the said assessments.

They shall have power on such day to add to or decrease any assessment. All taxes shall be paid within thirty days from the appeal day to the Treasurer of said Town who shall receipt for the same.

At the expiration of the said thirty days, the Commissioners shall cause a transcript of the assessment list, covering all unpaid taxes, to be made and delivered to the Collector, who shall thereupon collect, from each taxable, on his list, his proportion of the tax laid.

The collector shall, after the said thirty days following appeal day, add to the taxes to be paid thereafter a penalty of one per cent per month until the same shall be paid, and shall pay over the whole of the tax so collected to the said Treasurer by the first day of October next after the receipt of his duplicate.

The Collector shall have the same power for the collection of said taxes as are conferred by law on the Collectors of county taxes.

Approved July 19, 1963.

CHAPTER 120

AN ACT TO AMEND SECTION 27, CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE POWER TO RAISE REVENUE.

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 27, Chapter 237, Laws of Delaware, Volume 51, is amended by striking the first paragraph of said section and inserting a new paragraph in lieu thereof to read as follows:

The Commissioners shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than \$40,000 in any one year clear of all delinquencies and expenses of collection provided that the Commisisoners shall have power to levy and collect taxes on all real property in the Town in an amount unlimited as to rate or amount for the purpose of paying the principal and interest on general obligation bonds of the Town issued pursuant to Section 29 of this Act. The Commissioners shall have the right to grant or refuse, and to charge fees for licenses, or permits for businesses of any description carried on within the limits of the Town as well as for transient businesses and shows except as otherwise provided herein. The Commissioners shall likewise have the power to levy and collect taxes upon the individual residents of the age of twenty-one years or over, commonly known as "head tax". The Commissioners shall also have the power to levy and collect franchise taxes and to impose sewer rentals and water rentals.

Approved July 25, 1963.

CHAPTER 121

AN ACT AMENDING CHAPTER 61, ENTITLED "GENERAL FUND", OF TITLE 29, DELAWARE CODE, BY ADDING THERETO A NEW SECTION RELATING TO A RESTRICTION UPON THE STATE'S BORROWING MONEY AND PLEDGING CREDIT.

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

Section 1. Chapter 61 of Title 29 of the Delaware Code, is hereby amended by adding thereto a new Section 6104 thereof, to read as follows:

§ 6104. Restriction upon State's borrowing money and pledging credit

(a) No money shall be borrowed or debt created by or on behalf of the State, which under § 3 of Article VIII of the Constitution of the State of Delaware requires an Act of the General Assembly passed with the concurrence of three-fourths of all the members elected to each House, nor shall the credit of the State be pledged, when the amount of money, which would or might be necessary in the next succeeding fiscal year to service such borrowing, debt, or pledge and any outstanding balance of a borrowing, debt, or pledge created or made by or on behalf of the State after July 1, 1963, plus all amounts of money which will or may be necessary in such fiscal year to meet according to their terms the obligations upon all such borrowings, debts, and pledges created or made by or on behalf of the State before July 1, 1963, shall exceed the hereinafter prescribed portion of the receipts of the general fund of the State for the preceding fiscal year, unless a majority of the votes cast by the voters of the State qualified at the time to vote in a general election shall have authorized such borrowing, debt, or pledge by a vote taken within two years prior to creating or making such borrowing, debt, or pledge, or shall have approved an Act of the General Assembly for such borrowing, debt, or pledge by a vote taken within two years after the passage of the Act, in a referendum, held specially or in conjunction with a general election, provided for by majority vote of each House

of the General Assembly.

(b) As used in this section, the following terms shall have the meaning hereinafter described:

(1) The "amount of money, which would or might be necessary in the next succeeding fiscal year to service such borrowing, debt, or pledge and any outstanding balance of a borrowing, debt, or pledge created or made by or on behalf of the State after July 1, 1963," is the amount which would or might be required in the next succeeding fiscal year to pay the principal thereof in twenty equal, succeeding yearly installments, commencing with the next fiscal year after such borrowing, debt, or pledge is or was created or made, without regard to the actual terms thereof, and to pay the actual yearly interest upon what the outstanding principal balance thereof would be if such payment of principal were made in such twenty installments.

(2) The "prescribed portion of the receipts of the general fund of the State for the preceding fiscal year" shall be: 30% of such receipts for the preceding fiscal year, when such year ends in 1963; 29% of such receipts for the preceding fiscal year, when such year ends in 1964; 28% of such receipts for the preceding fiscal year, when such year ends in 1965; 27% of such receipts for the preceding fiscal year, when such year ends in 1966; 26% of such receipts for the preceding fiscal year, when such year ends in 1967; 25% of such receipts for the preceding fiscal year, when such year ends in 1968; 24% of such receipts for the preceding fiscal year, when such year ends in 1969; 23% of such receipts for the preceding fiscal year, when such year ends in 1970; 22% of such receipts for the preceding fiscal year, when such year ends in 1971; 21% of such receipts for the preceding fiscal year, when such year ends in 1972; and, 20% of such receipts for the preceding fiscal year, when such year ends in 1973 or in any year thereafter.

(3) The "receipts of the general fund of the State" shall include all monies actually derived from taxes, fees, permits, licenses, fines, forfeitures or from any other sources, or of other receipts of any kind or from any other source, including the sale or disposition of surplus or other property of the State, and of every agency thereof, including receipts heretofore au-

thorized as funds for public use of any agency by the authority of any law of this State, and monies at any time heretofore credited to the School Fund, except for all sums required to be credited to such School Fund by the Constitution of this State; but not including: funds specified by the Constitution of this State to the extent thereof only; funds derived from the sale of bonds for the specific purposes named therein; funds or receipts or grants made for a particular purpose pursuant to an Act of Congress of the United States; any endowment fund or gift made for particular purposes; any sinking fund authorized by the laws of this State; all proceeds collected by any agency of this State for board, tuition or hospital treatment and from the sale of farm products produced primarily for experimental purposes; any money or other property received by the University of Delaware and Delaware State College from any source except money appropriated to them or for their use by the General Assembly of the State of Delaware; any taxes arising from a distribution of divested stock as defined in Section 1111 of Title 26 of the United States Code, as in effect July 1, 1963; and any funds derived from inheritance, estate, or other death or succession taxes which in any fiscal year exceed One Million Dollars.

Approved July 25, 1963.

NOTE: § 6104 was codified as § 6104 (a) and (b).

CHAPTER 122

**AN ACT MAKING AN APPROPRIATION TO THE STATE
HIGHWAY DEPARTMENT FOR THE CONSTRUCTION
OF A BRIDGE, DAM AND WATER CONTROL STRUC-
TURE AT ANDREWS LAKE IN KENT COUNTY.**

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

Section 1. The sum of \$34,000, or so much thereof as may be necessary, is appropriated to the State Highway Department to be used to construct a bridge, dam and water control structure at Andrews Lake in Kent County.

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 25, 1963.

CHAPTER 123

AN ACT APPROPRIATING FUNDS TO THE STATE HIGHWAY DEPARTMENT AND TO THE BOARD OF GAME AND FISH COMMISSIONERS OF THE STATE OF DELAWARE TO CONSTRUCT AND MAINTAIN A WATER CONTROL STRUCTURE AT SILVER LAKE AT MILFORD, DELAWARE.

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 \$15,000, to be used to construct, reconstruct, maintain and repair a Water Control Structure at Silver Lake at Milford, Delaware.

Section 2. There is hereby appropriated to the Board of Game and Fish Commisisoners of the State of Delaware the sum of \$15,000, to be used to construct, reconstruct, maintain and repair a Water Control Structure at Silver Lake at Milford, Delaware.

Section 3. This Act is a supplementary appropriation and the moneys appropriated shall be paid out of moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 4. Any unused funds hereby appropriated shall not revert to the General Fund until June 30, 1965.

Approved July 25, 1963.

CHAPTER 124

AN ACT RELATING TO THE ISSUANCE OF BONDS AND NOTES OF THE 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. Title 29, Delaware Code, is amended by enacting a new Chapter as follows:

CHAPTER 74. BONDS AND NOTES OF THE STATE**§ 7401. Definitions**

As used in this Chapter—

(a) "Issuing Officers" means: The Governor, Secretary of State and State Treasurer of the State of Delaware.

(b) "Authorization Act" means: An act of the General Assembly, concurred in by $\frac{3}{4}$ of all the members of each House, appropriating moneys of the State for capital improvements of the State and authorizing the State of Delaware to borrow money therefor, and to issue bonds and notes in connection therewith.

(c) "Bonds" means any bonds authorized to be issued by the State of Delaware pursuant to an Authorization Act.

(d) "Notes" means anticipation notes issued by the State of Delaware in anticipation of the issuance of Bonds.

§ 7402. Applicability of this Chapter; relation to authorization act

(a) Unless otherwise provided in any Authorization Act the provisions of this Chapter shall apply to the issuance of Bonds and Notes of the State.

(b) The provisions of this Chapter are hereby incorporated in any Authorization Act unless specifically excepted

therefrom and shall be deemed a part of any Authorization Act just as if contained verbatim in the Authorization Act.

§ 7403. Issuing authority

(a) The Issuing Officers shall borrow, and issue negotiable bonds as evidence thereof, upon the faith and credit of the State of Delaware such sums of money as may be from time to time authorized in any Authorization Act.

(b) The sums received by the issuance of Bonds or Notes shall be expended as set forth in the Authorization Act and this Chapter.

§ 7404. Anticipation notes

(a) 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 and at a rate which shall not exceed 6% per annum. Such Notes may be issued for a period of not exceeding one year and may be renewed from time to time for periods not exceeding one year but all such Notes, including renewals, shall mature and be paid not later than four years after issuance. No Notes shall be issued in excess of the amount of Bonds authorized by the Authorization Act. In the event that Bonds are issued pursuant to the Authorization Act, the aggregate amount of Notes which may be issued shall be reduced by an amount equal to the principal amount of the Bonds so issued. If the aggregate amount of outstanding Bonds and Notes issued pursuant to any one Authorization Act shall at any time exceed the amount of Bonds authorized by the Authorization Act, 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.

(b) Notes may be issued payable to bearer with interest payable to bearer or may be in registered form. Notes payable to bearer may be made subject to registration and the principal and interest on Notes so registered shall be payable to the registered owner. Notes may be issued subject to redemption

prior to maturity at par and accrued interest, at the option of the State, upon such terms and conditions as may be fixed by the Issuing Officers and stated in the Notes.

§ 7405. Full faith and credit of the State, pledged; exemption from taxation

All Bonds and Notes issued in accordance with the provisions of this Chapter 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 evidenced by such Bonds and Notes. Principal and interest of the Bonds and Notes 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 subdivision thereof for any purpose.

§ 7406. Recitals in bonds and notes; conclusive on the State

All the Bonds and Notes shall recite that they are issued for the purpose set forth in the Authorization Act, that they are issued in pursuance of the Authorization Act, this Chapter and the Constitution of this State, and upon the sale and delivery of any such Bonds or Notes, 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.

§ 7407. Designation of bonds

The Bonds, if constituting a single issue of Bonds under one Authorization Act, shall be known and styled as provided in the Authorization Act, or, in the absence of such designation, the Issuing Officers shall assign an identifying title. In the event that the Issuing Officers decide, as hereinafter provided,

to combine Bonds authorized by two or more Authorization Acts into a single issue of Bonds, the Issuing Officers are hereby authorized to designate an identifying title for the combined issue, notwithstanding the designation in any Authorization Act.

§ 7408. Form of bonds; other recitals

The Bonds may be issued either in coupon form or registered form. The Bonds, as well as the interest coupons thereto attached, may contain such 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, all as may be determined by the Issuing Officers. Both principal of and interest on the Bonds shall be payable at the Farmers Bank of the State of Delaware, at Dover.

§ 7409. Denominations of bonds; coupons, numbering of bonds, dates and interest

Bonds may be issued in the denomination of One Thousand Dollars (\$1,000), or a multiple thereof, as shall be determined by the Issuing Officers, or a majority of them, with coupons thereto attached for each semi-annual interest thereon. The Bonds of each issue shall be numbered consecutively and shall bear such date as the Issuing Officers shall fix, and shall bear interest at such rate or rates as shall be determined by the bid accepted by the Issuing Officers, which interest shall be payable semi-annually in each year that the Bonds remain unpaid.

§ 7410. Maturity of bonds

(a) The Bonds authorized by an Authorization Act may be issued at one time or in series as may be determined by the Issuing Officers. Each series shall constitute an issue of Bonds. An issue of Bonds authorized by the Authorization Act, or any series thereof, shall be made to mature fully within twenty years from the date of issue thereof.

(b) The Issuing Officers may determine to issue Bonds, or any series thereof, authorized by two or more Authorization

Acts as a single issue of Bonds, and may be sold as a single issue of Bonds.

§ 7411. Execution of bonds; seal; signatures; attached interest coupons; termination of office

(a) 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 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.

(b) 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.

(c) 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 said Bonds.

§ 7412. Redemption, record, cancellation of bonds; payment of bonds; retention of bonds and coupons

(a) 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 Bonds 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

(b) 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 is unpaid and not redeemed.

§ 7413. Advertisement for bids

Any Bonds issued pursuant to this Chapter shall be sold at public sale and the Issuing Officers are hereby directed to advertise that they will receive bids at such place or places as may be named in said advertisement for such Bonds as may be determined by 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 10 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. In the event that the bonds so offered for sale are not bid for, or if no legally acceptable bid is received for the bonds, they may be sold 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 and at a rate which shall not exceed six per centum (6%) per annum.

§ 7414. Sale of bonds

Without limiting the power granted the Issuing Officers as to the terms and conditions which they may set forth in a notice of sale, the Issuing Officers may request bids and award the Bonds upon any of the following conditions:

(a) Bidders may be invited to name a single rate of interest for the issue or issues contained in the notice of sale, in which event the Bonds can be awarded to the bidder offering to take all of the Bonds at the lowest rate of interest, and as

between bidders naming the same lowest rate of interest, the amount of premium will determine the award; or

(b) Bidders may be invited, with respect to a single issue, a combined issue or several other issues of Bonds included in one notice of sale, to name one rate of interest for part of the Bonds (having the earliest maturities) and another rate or rates for the balance of the Bonds, and may permit a different interest rate for each maturity, or may limit the number of rates which may be proposed. If proposals are so invited, the Bonds should be awarded to the bidder offering to purchase the Bonds at the lowest net interest cost to the State, the net interest cost to be determined by computing the aggregate amount of interest payable on the Bonds from their date to their respective maturities and by deducting from such aggregate amount the premium offered, if any.

§ 7415. Deposit of moneys received from sale of bonds; vouchers; deposit of premiums

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 Chapter and the Authorization Act and for the purpose of paying the principal of Notes issued under this Chapter.

Approved July 25, 1963.

NOTE: § 7413 was codified as § 7413 (a), (b) and (c).

CHAPTER 125

AN ACT TO AID HOMES FOR THE AGED BY APPROPRIATING MONEY TO PALMER HOME, INCORPORATED, AND 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 House thereof concurring therein):

Section 1. The sum of \$4,350 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, for operation expenses for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 2. The sum of \$5,000 is appropriated to the Layton Home for Aged Colored Persons for the care and maintenance of old age persons for operation expenses for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 3. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 25, 1963.

CHAPTER 126

AN ACT TO AMEND CHAPTER 1, TITLE 13, DELAWARE CODE, RELATING TO MARRIAGE LICENSES AND MARRIAGE LICENSE APPLICATIONS, AND MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF HEALTH TO EFFECTUATE THE AMENDMENT.

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

Section 1. Amend § 106 (a), Title 13, Delaware Code, to read:

(a) Any ordained minister of the gospel and every minister in charge of a recognized church and, within the City of Wilmington, the Mayor of the City of Wilmington, may solemnize marriages between persons who may lawfully enter into the matrimonial relation. Marriages shall be solemnized in the presence of at least two reputable witnesses who shall sign the certificate of marriage as prescribed by this Chapter. Marriages may also be solemnized or contracted according to the forms and usages of any religious society where either of the parties belongs to such religious society. No marriage shall be solemnized or contracted without the production of a license regularly issued in accordance with this Chapter authorizing such marriage.

Section 2. Amend § 108, Title 13, Delaware Code, to read:

§ 108. Fee for issuing marriage licenses; prohibition of other charges

Clerks of the Peace shall sell marriage licenses for \$3. each, \$2. of which shall be deposited by the Clerks of the Peace with the State Board of Health for each license delivered to the various Clerks of the Peace, to defray the costs of the various forms and certificates required by this Chapter. No charge shall be made for investigation to establish the validity of any papers required of certain applicants for marriage licenses

under the provisions of this chapter, nor shall any person in this State make any charge for the execution of any papers required under the provisions of this chapter, except that this shall not be construed to prohibit a charge for the execution of any affidavits that are required under the provisions of this chapter, and except that a charge may be made for the marriage license as provided in this chapter.

Section 3. Amend § 109, Title 13, Delaware Code, by repealing all of said section as now written and substituting in lieu thereof a new § 109 to read:

§ 109. Licenses issued by the Clerk of the Peace

The several Clerks of the Peace of the various counties, or their deputies, shall issue all marriage licenses and shall sign them and affix the county seal thereto.

Section 4. Amend § 110, Title 13, Delaware Code, by striking the words "or by a Justice of the Peace" in lines 1 and 2 thereof.

Section 5. Amend § 112, Title 13, Delaware Code, by striking the words "or Justice" in the section heading thereof and by striking the words "or any Justice of the Peace" in line 1 thereof.

Section 6. Amend § 113, Title 13, Delaware Code, to read:

§ 113. Supplies of marriage licenses, books and other forms; form

(a) Marriage licenses, other forms and books used in connection with the issuance of marriage licenses shall be furnished by the State Board of Health on request of the Clerks of the Peace.

(b) Judges shall supply certificates in whatever form they see fit to such divorced persons as they believe should receive them under the provisions of this chapter.

(c) Superintendents of asylums for insane shall supply certificates in whatever form they see fit to such persons as

they believe should receive them under the provisions of this chapter.

(d) In the case of an adult person who is on probation or parole from any court or institution, the chief officer of such court or institution, or such person as such officer may appoint to give consent to marry, shall supply such consent in whatever form he deems advisable, to such applicants for a marriage license as he believes may properly marry.

(e) Marriage licenses, books and forms shall be as prescribed by the State Board of Health or in this Chapter. Each page of the Marriage Record Books for the use of Clerks of the Peace shall be numbered serially before delivery to the Clerks of the Peace.

Section 7. Amend § 114, Title 13, Delaware Code, by repealing all of said section as now written and substituting a new § 114 to read:

§ 114. Retention of marriage license by celebrant

The person performing the marriage ceremony shall retain, either the original or a copy of the marriage license, as may be directed by the State Board of Health, for not less than one year after the ceremony.

Section 8. Amend § 115, Title 13, Delaware Code, by repealing all of said section as now written and substituting a new § 115 to read:

§ 115. Forms for marriage license, certificates of marriage

(a) The State Board of Health shall prescribe a marriage license form which shall be issued by the several Clerks of the Peace and such other forms, books, dockets and records as may be necessary to properly record marriages, and the issuance of marriage licenses. The marriage license shall contain language authorizing any minister of the gospel or other person authorized by the law of the State to solemnize marriage, shall show: the earliest and latest time the marriage may be performed pursuant to the licensee, the place of issuance, of the license,

the names of the parties, the signature of the issuing authority and such other wording as the State Board of Health may prescribe. The license shall also contain spaces to show a certification by the person performing the ceremony that the ceremony was performed and the date and time of the ceremony.

(b) The State Board of Health shall provide, for the person performing the marriage, a suitable form to be given without charge to the bride showing the date and place of the marriage and the celebrant, which shall be given to the bride immediately after the ceremony. The form may be, but need not be, the original or a copy of the marriage license.

Section 9. Amend § 116, Title 13, Delaware Code, to read:

§ 116. Duties of officer issuing marriage license

(a) The number on the marriage license shall be filled in by the issuing officer unless it has been previously affixed and shall be the same number as that appearing on the application. The issuing officer shall immediately note the issuance of a license in the appropriate Marriage Record Book, prescribed by the State Board of Health.

(b) The officer issuing the license shall fill in all the blanks provided on the license. The place and precise time of issue, and the earliest and latest time when the holders of the license may marry, shall be shown, and the issuing officer shall sign his name to the marriage license.

(c) If any Clerk of the Peace fails to perform the duties required by this Section, he shall be fined \$100.

Section 10. Amend § 117, Title 13, Delaware Code, by repealing all of said section as it is now written and substituting a new § 117 to read:

§ 117. Forms to be sent to Clerk of the Peace; Duties of the Clerk

(a) The person performing the marriage shall, within four days after the ceremony return to the issuing Clerk of the Peace, such forms and papers as the State Board of Health may prescribe.

(b) The Clerk of the Peace shall immediately enter in the Marriage Record Book, as prescribed by the State Board of Health, the date of the marriage and the name of the person performing the ceremony.

Section 11. Amend § 118, Title 13, Delaware Code, by inserting the word "issuing" between the words "the" and "Clerk" in line 2 thereof.

Section 12. Amend § 119, Title 13, Delaware Code, to read:

§ 119. Marriage record books and license stubs; Public records

The Marriage Record Books and such other forms and records as may be prescribed by the State Board of Health shall be kept by the issuing officer in his office. They shall be public records open for the inspection of the public, and shall be admitted as evidence of the facts therein contained in any court of record.

Section 13. Amend § 120, Title 13, Delaware Code, to read:

§ 120. Marriage license application; appearance of parties; exception

Before any marriage license shall be issued by the issuing officer, the parties desiring to marry shall together appear before him and he shall examine both parties upon oath, or affirmation, in the presence and hearing of each other, according to the form prescribed in Section 122 of this Chapter, to which the parties applying for the license shall subscribe their names. The license shall be issued only after it has been made to appear that no legal impediment to the proposed marriage exists. In the case of critical illness of one of the parties desiring to marry, the physician attending such party may appear for him and make an application for a marriage license for him, if such physician first make an affidavit and delivers it to the issuing officer stating that in the opinion of said physician the party for whom he is acting, is at the point of death and that he may lawfully marry. The application for the marriage license shall be altered in such case to show that said physician acted

as proxy and the affidavit of the physician shall be filed with the application.

Section 14. Amend § 122, Title 13, Delaware Code, to read:

§ 122. Marriage license application

The marriage license application shall be on such form as shall be prescribed and as provided by the State Board of Health and shall be permanently preserved by the issuing officer in the manner as prescribed by the State Board of Health. The marriage license application shall include the following information, and such other information as prescribed by the State Board of Health: date of application, full name, sex, race, birth date and occupation of applicants, names and addresses of parents of applicants, date and place of previous marriages and termination of previous marriages, place and court where applicants are on probation or parole, if such they be, and time of application. The application shall contain a certification by each applicant that he is not: of a prohibited degree of relationship; of any degree of unsoundness of mind; venereally diseased; suffering from any other communicable disease the nature of which is not known to the other party; an habitual drunkard; a confirmed user of a narcotic drug; and is not a pauper. The applicants and issuing officer shall sign the application and the issuing officer shall certify as follows: "I believe neither party is now under the influence of intoxicating liquor nor a narcotic drug. I have demanded and examined such papers as are required by law and I am satisfied that they are properly executed. I know of no legal impediment to the proposed marriage of the above applicants." The application shall also contain an appropriate affidavit form to be signed by persons certifying that an applicant is a resident of the State, if such certification is required.

Section 15. Amend § 123, Title 13, Delaware Code, by striking out the words "the Resident Associate Judge of New Castle County" in lines 2 and 3 of the second paragraph of (b) and inserting in lieu thereof the words "any Judge of the Superior Court". Further amend § 123 by striking out the words "the Resident Associate Judge of the county in which the minor resides" in lines 5 and 6 of the second paragraph of (b) and

inserting in lieu thereof the words "any Judge of the Superior Court". Also strike out the words "the Resident Judge of the county where he resides" in lines 44 and 45 in (e) and insert in lieu thereof the words "any Superior Court Judge". Also strike out the word "Resident" in line 45 of (e). Further amend § 123 by striking the words "the Resident Judge" in line 48 of (e) and insert in lieu thereof the words "a Judge of the Superior Court".

Section 16. Amend § 128, Title 13, Delaware Code, to read:

§ 128. Performance of marriage ceremony in violation of chapter; false certificate of marriage; penalties

If any person or any religious society, having authority to solemnize marriages, performs any marriage ceremony without the presentation of a license therefor, obtained in accordance with the provisions of this chapter, or performs the same prior to the expiration of 96 hours from the time of the issuance of the license, when both parties are non-residents of the State, or prior to the expiration of 24 hours from the time of the issuance, when one or both parties are residents of the State, or after 30 days of the time of issuance of the license, he shall be imprisoned not more than six months, or fined not more than \$500, or both. Any person or religious society, authorized to perform the ceremony of marriage, who shall make any false certificate of marriage, shall be fined \$100.

Section 17. Amend § 148, Title 13, Delaware Code, by striking the words "The Resident Associate" in line 1 thereof and inserting in lieu thereof the word "Any". Also strike the words "in the county in which the license is to be issued" in lines 1 and 2 thereof.

Section 18. There is hereby appropriated for the fiscal year beginning July 1, 1963, to the State Board of Health the sum of \$1,000 to be used for the purchase of the forms which the State Board of Health must supply pursuant to this Act.

Section 19. The sum herein appropriated is a supplementary appropriation and shall be paid out of any sums in the General Fund not otherwise appropriated.

Section 20. The provisions of this Act shall become effective 120 days after this Act becomes law.

Approved July 31, 1963.

CHAPTER 127

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE PUBLIC ARCHIVES COMMISSION FOR THE
FISCAL YEAR ENDING JUNE 30, 1964, TO BE USED
FOR PRESERVATION OF THE SIGN OF THE BUCK
BUILDING.**

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

Section 1. In addition to any sums heretofore appropriated, the sum of \$25,000 is appropriated to the Public Archives Commission for the fiscal year ending June 30, 1964, to be used for the moving, relocating and restoration of a building known as "Sign of the Buck Tavern" now located on the south bank of the Chesapeake and Delaware Canal near Summit Bridge.

Section 2. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the funds in the General Fund of the State of Delaware, not otherwise appropriated.

Approved August 6, 1963.

CHAPTER 128

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF WYOMING' TO 'THE TOWN OF WYOMING' AND ESTABLISHING A CHARTER THEREFOR," BEING CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, BY AUTHORIZING THE TOWN COUNCIL TO EXTEND THE BOUNDARIES OF SAID TOWN AFTER A SPECIAL ELECTION OF THE QUALIFIED VOTERS AND REAL ESTATE OWNERS OF THE TERRITORY PROPOSED TO BE ANNEXED.

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

SECTION 1. That Chapter 189, Volume 43, Laws of Delaware, be and the same hereby is amended by adding thereto a new section as follows:

SECTION 1A. The Town of Wyoming is hereby authorized and empowered to extend its boundaries as hereinafter provided.

In order to extend the boundaries of The Town of Wyoming, the Town Council shall adopt a resolution proposing the inclusion of territory or territories within the limits of The Town of Wyoming and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code for 1953. Said Resolution shall contain a description of the territory or territories proposed to be annexed and shall specify the date of such election, which shall be not less than thirty nor more than sixty days after the adoption of said resolution, and the place or places of said election. Said resolution shall be published in at least two issues of a newspaper of general circulation within The Town of Wyoming at least two weeks prior to the day of said election.

Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only

the votes of qualified voters and real estate owners of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.

Any such election shall be held by the election officers of the Election District or Districts of Kent County which shall include the territory proposed to be annexed. Every person who is duly registered upon the Books of Registered Voters for said Election District, or Districts, who is a resident of the territory proposed to be included within the limits of The Town of Wyoming, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed, and every person of the age of twenty-one years or upwards who is the owner of real estate within a territory proposed to be included assessed to him on the assessment records of Kent County, shall be entitled to one vote for each One Hundred Dollars (\$100.00) or fractional part thereof of the assessed value of said real estate. Owners of real estate in common shall be entitled to vote according to their respective shares of the assessed value thereof. Owners of real estate by the entireties shall each be entitled to vote one-half of the assessed value thereof. Owners of real estate in joint tenancy shall be entitled to vote according to the assessed value thereof, divided by the number of joint tenants. Life tenants shall be entitled to vote according to the full amount of the assessed value of real estate so held by them, and the holders of remainder of similar interest subject to a life estate shall not be entitled to vote any part of the assessed value of such real estate. The Town Council of The Town of Wyoming shall provide the ballots for any such election and shall bear the cost of holding such election. The ballots shall briefly indicate the territory proposed to be included and shall provide two boxes on the ballot beside which shall appear the words "FOR inclusion within The Town of Wyoming", and "AGAINST inclusion within The Town of Wyoming". Each voter shall indicate his preference by making a mark in pencil within the box beside the words expressing his preference. The election officers shall note on the outside of each ballot before the same is deposited in the ballot box the number of votes to which the person casting such ballot is entitled.

At any such election the polls shall be open from one o'clock P. M. to four 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 Town Council the number of votes cast for and against inclusion within the Town limits. At the next regular or special meeting of the Town Council the Council shall receive the results of the election and make the same a part of the minutes of said meeting.

If the majority of the qualified voters and real estate owners in such territory shall vote approval to be included within the limits of The Town of Wyoming, the Town Council may thereupon adopt a resolution annexing said territory and including same within the limits of The Town of Wyoming. Upon the adoption of a resolution of annexation a copy thereof signed by the President and Secretary of Council and sealed with the Town Seal and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of The Town of Wyoming.

If the majority of the qualified voters and real estate owners in such territory shall vote against the inclusion of that territory within the limits of The Town of Wyoming, the proposed annexation of said territory shall be declared to have failed. Nothing in this Act shall prohibit the Town 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 August 6, 1963.

CHAPTER 129

**AN ACT TO AMEND SECTION 8325, TITLE 11, DELAWARE
CODE, AS AMENDED.**

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

Section 1. Section 8325, Title 11, Delaware Code, is amended by striking the words "on active duty" from the last line thereof and inserting in lieu thereof the words "who has retired".

Approved August 6, 1963.

NOTE: See Chapter 89 of this volume.

CHAPTER 130

**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 \$1,355,000. is appropriated to the State Highway Department for the acquisition of land and for the design, inspection and construction of buildings as follows: Sussex County Office and Maintenance Building: \$775,000.; for New Castle County Office Building: \$505,000.; for Kent County Area Office and Storage Yard: \$75,000.

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.

Section 3. The sums herein appropriated shall not revert to the General Fund of the State of Delaware until the purposes of this Act are completed or until June 30, 1966, whichever first occurs.

Approved August 6, 1963.

CHAPTER 131

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII
OF THE CONSTITUTION OF THE STATE OF DELA-
WARE, RELATING TO REVENUE AND TAXATION
AND THE STATE'S BORROWING MONEY AND PLEDG-
ING CREDIT.**

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

Section 1. Article VIII of the Constitution of the State of Delaware is hereby amended by adding a new section to that Article, to be known as Section 3A thereof, to read as follows:

Section 3A. No money shall be borrowed or debt created by or on behalf of the State, which under § 3 of Article VIII of the Constitution of the State of Delaware requires an Act of the General Assembly passed with the concurrence of three-fourths of all the members elected to each House, nor shall the credit of the State be pledged, when the amount of money, which would or might be necessary in the next succeeding fiscal year to service such borrowing, debt, or pledge and any outstanding balance of a borrowing, debt, or pledge created or made by or on behalf of the State after July 1, 1963, plus all amounts of money which will or may be necessary in such fiscal year to meet according to their terms the obligations upon all such borrowings, debts, and pledges created or made by or on behalf of the State before July 1, 1963, shall exceed the hereinafter prescribed portion of the receipts of the general fund of the State for the preceding fiscal year, unless a majority of the votes cast by the voters of the State qualified at the time to vote in a general election shall have authorized such borrowing, debt, or pledge by a vote taken within two years prior to creating or making such borrowing, debt, or pledge, or shall have approved an Act of the General Assembly for such borrowing, debt, or pledge by a vote taken within two years after the passage of the Act, in a referendum, held specially or in conjunction with a general election, provided for by majority vote of each House of the General Assembly. The following

provisions of this section shall have the meaning hereinafter described for the purposes of construing this Section:

The "amount of money, which would or might be necessary in the next succeeding fiscal year to service such borrowing, debt, or pledge and any outstanding balance of a borrowing, debt, or pledge created or made by or on behalf of the State after July 1, 1963," is the amount which would or might be required in the next succeeding fiscal year to pay the principal thereof in twenty equal, succeeding yearly installments, commencing with the next fiscal year after such borrowing, debt, or pledge is or was created or made, without regard to the actual terms thereof, and to pay the actual yearly interest upon what the outstanding principal balance thereof would be if such payment of principal were made in such twenty installments.

The "prescribed portion of the receipts of the general fund of the State for the preceding fiscal year" shall be: 30% of such receipts for the preceding fiscal year, when such year ends in 1963; 29% of such receipts for the preceding fiscal year, when such year ends in 1964; 28% of such receipts for the preceding fiscal year, when such year ends in 1965; 27% of such receipts for the preceding fiscal year, when such year ends in 1966; 26% of such receipts for the preceding fiscal year, when such year ends in 1967; 25% of such receipts for the preceding fiscal year, when such year ends in 1968; 24% of such receipts for the preceding fiscal year, when such year ends in 1969; 23% of such receipts for the preceding fiscal year, when such year ends in 1970; 22% of such receipts for the preceding fiscal year, when such year ends in 1971; 21% of such receipts for the preceding fiscal year, when such year ends in 1972; and, 20% of such receipts for the preceding fiscal year, when such year ends in 1973 or in any year thereafter.

The "receipts of the general fund of the State" shall include all monies actually derived from taxes, fees, permits, licenses, fines, forfeitures or from any other sources, or of other receipts of any kind or from any other source, including the sale or disposition of surplus or other property of the State, and of every agency thereof, including receipts heretofore authorized as funds for public use of any agency by the authority of any law of this State, and monies at any time heretofore cred-

ited to the School Fund, except for all sums required to be credited to such School Fund by the Constitution of this State; but not including: funds specified by the Constitution of this State to the extent thereof only; funds derived from the sale of bonds for the specific purposes named therein; funds or receipts or grants made for a particular purpose pursuant to an Act of Congress of the United States; any endowment fund or gift made for particular purposes; any sinking fund authorized by the laws of this State; all proceeds collected by any agency of this State for board, tuition or hospital treatment and from the sale of farm products produced primarily for experimental purposes; any money or other property received by the University of Delaware and Delaware State College from any source except money appropriated to them or for their use by the General Assembly of the State of Delaware; any taxes arising from a distribution of divested stock as defined in Section 1111 of Title 26 of the United States Code, as in effect July 1, 1963; and any funds derived from inheritance, estate, or other death or succession taxes which in any fiscal year exceed One Million Dollars.

Effective June 27, 1963.

CHAPTER 132

AN ACT APPROPRIATING MONEY TO THE DELAWARE SAFETY COUNCIL, INC.

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

Section 1. There is appropriated unto the Delaware Safety Council, Inc., the sum of fifteen thousand dollars (\$15,000.00), for the fiscal year beginning July 1, 1963, and ending June 30, 1964, to be used for the operation of the Council.

Section 2. In addition to the reports required by § 6508, Title 29, Delaware Code, the Delaware Safety Council, Inc., shall file with the Budget Commission quarterly reports of the expenditures of the money herein appropriated. The report shall be in such detail as may be required by the Budget Commission and filed with said Commission on the first (1st) day of the following months: October, 1963, January, 1964, April, 1964, and July, 1964.

Section 3. This Act is a supplementary appropriation act and the money appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved September 17, 1963.

CHAPTER 133

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF HEALTH FOR THE FISCAL
YEAR ENDING JUNE 30, 1964, TO BE USED TO RENO-
VATE AND CONVERT THE POST OFFICE BUILDING
AT MILFORD FOR USE AS A CLINIC AND OFFICE
BUILDING.**

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

Section 1. The sum of \$35,000 is appropriated to the State Board of Health for the fiscal year ending June 30, 1964, to be used to renovate and convert the old Post Office Building located on the northeast corner of the intersection of South Walnut Street and Southeast Second Street in Milford for use as an office building and health clinic.

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

Approved September 17, 1963.

CHAPTER 134

AN ACT TO AMEND CHAPTER 166, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE TOWN OF GEORGETOWN BY FIXING THE TIME FOR OPENING AND CLOSING THE POLLS IF THERE IS NO CONTEST FOR ANY OFFICE".

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

Section 1. Section 5 (a), Chapter 166, Laws of Delaware, as amended, is further amended by adding the following sentence at the end.

Section 5 (a):

In the event that there is only one candidate for each office for which nominations have been received, the polls shall be opened at 1:00 o'clock in the afternoon prevailing time and shall close at 2:00 o'clock in the afternoon prevailing time.

Approved September 18, 1963.

CHAPTER 135

AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE, BY GIVING THE COMMISSION OF SHELL FISHERIES ADDED POWER TO MAKE RULES REGARDING PROOF OF OWNERSHIP OF MOTORBOATS.

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

Section 1. Chapter 21, Title 23, Delaware Code, is hereby amended by striking out Section 2113 in its entirety and substituting in lieu thereof a new Section 2113 to read as follows:

§ 2113. Jurisdiction of Delaware Commission of Shell Fisheries

The Delaware Commission of Shell Fisheries shall have overall supervision, direction and coordination of the provisions of this Act, including authorization to make special rules and regulations essential to the safe operation of vessels on the waters of this State, and the satisfactory proof of ownership of motorboats subject to numbering under the provisions of this Act, said rules and regulations to be not inconsistent with rules and regulations promulgated by the United States Coast Guard.

Approved September 20, 1963.

CHAPTER 136

**AN ACT TO AMEND CHAPTER 222, VOLUME 49, LAWS OF
DELAWARE BY CHANGING THE AMOUNT OF THE
FLOATING DEBT OF THE CITY OF HARRINGTON.**

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 222, Volume 49, Laws of Delaware, which amended Chapter 167, Volume 40, Laws of Delaware, is hereby amended by striking out the words "twenty-five thousand dollars (\$25,000.00)", wherever they appear in said Chapter 222 and substituting the words "fifty thousand dollars (\$50,000.00)", in lieu thereof.

Approved September 24, 1963.

CHAPTER 137

AN ACT TO AMEND CHAPTER 31, VOLUME 54, LAWS OF DELAWARE, ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1964, AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$600.00 FOR THE PROPOSED AMENDMENT.

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

Section 1. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the amount appearing across from the word "Health" under the sub-heading Salaries under the heading Townsend No. 81 under the topic Local School District, from \$2,600.00 to \$3,200.00 and changing the totals accordingly.

Section 2. This Act is a supplementary appropriation Act for the fiscal year commencing July 1, 1963, in the amount of \$600.00, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved September 24, 1963.

CHAPTER 138

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT TO BE USED FOR THE ACQUISITION OF LAND AND ERECTION THEREON OF AN INSPECTION LANE AND THE NECESSARY EQUIPMENT AND FURNISHINGS THEREFOR IN NEW CASTLE COUNTY OUTSIDE THE CITY OF WILMINGTON.

WHEREAS, the population of New Castle County outside the City of Wilmington has shown tremendous growth in the last number of years and a corresponding increase in licensed motor vehicles; and

WHEREAS, because of such growth there is an acute need for an inspection lane facility;

NOW, THEREFORE,

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

Section 1. The sum of Four Hundred Seventeen Thousand, Six Hundred Ninety Dollars (\$417,690) is hereby appropriated to the State Highway Department to be used for the acquisition of land and the erection thereon of an inspection lane and the necessary equipment and furnishings therefor in New Castle County outside the City of Wilmington.

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

Section 3. Any funds hereby appropriated and not used for the purpose set forth in Section 1 of this Act shall revert to the General Fund of the State of Delaware.

Approved October 10, 1963.

CHAPTER 139

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT TO BE USED
FOR THE PURCHASE OF LAND, IMPROVEMENTS, AND
EQUIPMENT FOR A STATE POLICE BARRACKS.**

WHEREAS, the need for adequate police protection has been demonstrated to the citizens of the State of Delaware; and

WHEREAS, it is necessary that the State Police have proper housing and equipment to carry out their duties.

NOW, THEREFORE,

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

Section 1. The sum of \$95,000 is hereby appropriated to the State Highway Department to be used for the purchase of land, improvements, and equipment for a State Police Barracks to be located in the area of Prices Corner, New Castle County, Delaware.

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

Approved October 10, 1963.

CHAPTER 140

AN ACT TO AID VETERANS' ORGANIZATIONS AND THEIR SERVICES TO VETERANS BY MAKING AN APPROPRIATION THEREFOR.

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 \$5,000 is appropriated to the American Legion, Department of Delaware, for the fiscal year beginning July 1, 1963, and ending June 30, 1964. This sum shall be paid to the duly elected finance officer of said organization within three months after the beginning of the fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Auditor of Accounts.

Section 2. The sum of \$5,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware for the fiscal year beginning July 1, 1963, and ending June 30, 1964. This sum shall be paid to the duly elected finance officer of said organization within three months after the beginning of the fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Auditor of Accounts.

Section 3. The funds appropriated by Sections 1 and 2 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 4. The American Legion and the Veterans of Foreign Wars, Department of Delaware, shall, each, through its service officer present at the beginning of each regular 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 fiscal year and also a detailed statement as to the expenditure of the appropriations hereby made.

Section 5. The sum of \$1,500 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation expenses for the fiscal year beginning July 1, 1963, and ending June 30, 1964. The sum is 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 6. The sum of \$2,000 is appropriated annually to the American Legion, Department of Delaware, for operation expenses for the fiscal year beginning July 1, 1963, and ending June 30, 1964. 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 7. The sum of \$1,000 is appropriated to the Disabled American Veterans of Delaware for operation expenses for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 8. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved October 10, 1963.

CHAPTER 141

AN ACT TO AMEND TITLE 12, CHAPTER 43, DELAWARE CODE, RELATING TO TRANSFERS OF SECURITIES TO OR BY FIDUCIARIES.

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

Section 1. Title 12, Part IV of the Delaware Code, is amended by repealing all of Chapter 43 and substituting therefor a new Chapter 43, to read in its entirety as follows:

CHAPTER 43. UNIFORM ACT FOR SIMPLIFICATION OF FIDUCIARY SECURITY TRANSFERS**§ 4301. Definitions**

In this Act, unless the context otherwise requires:

(a) "Assignment" includes any written stock power, bond power, bill of sale, deed, declaration of trust or other instrument of transfer.

(b) "Claim of beneficial interest" includes a claim of any interest by a decedent's legatee, distributee, heirs or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of any similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on his behalf, and includes a claim that the transfer would be in breach of fiduciary duties.

(c) "Corporation" means a private or public corporation, association or trust issuing a security.

(d) "Fiduciary" means an executor, administrator, trustee, guardian, committee, conservator, curator, tutor, custodian or nominee.

(e) "Person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(f) "Security" includes any share of stock, bond, debenture, note or other security issued by a corporation which is registered as to ownership on the books of the corporation.

(g) "Transfer" means a change on the books of a corporation in the registered ownership of a security.

(h) "Transfer agent" means a person employed or authorized by a corporation to transfer securities issued by the corporation.

§ 4302. Registration in the Name of a Fiduciary

A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship, and thereafter the corporation and its transfer agent may assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer agent receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

§ 4303. Assignment by a Fiduciary

Except as otherwise provided in this Act, a corporation or transfer agent making a transfer of a security pursuant to an assignment by a fiduciary.

(a) may assume without inquiry that the assignment, even though to the fiduciary himself or to his nominee, is within his authority and capacity and is not in breach of his fiduciary duties.

(b) may assume without inquiry that the fiduciary has complied with any controlling instrument and with the law of

the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(c) is not charged with notice of and is not bound to obtain or examine any court record or any recorded or unrecorded document relating to the fiduciary relationship or the assignment, even though the record or document is in its possession.

§ 4304. Evidence of Appointment or Incumbency

A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall obtain the following evidence of appointment or incumbency:

(a) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the transfer; or

(b) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. Corporations and transfer agents may adopt standards with respect to evidence of appointment or incumbency under this subsection (b) provided such standards are not manifestly unreasonable. Neither the corporation nor transfer agent is charged with notice of the contents of any document obtained pursuant to this subsection (b) except to the extent that the contents relate directly to the appointment or incumbency.

§ 4305. Adverse Claims

(a) A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may give the corporation or transfer agent written notice of the claim. The corporation or transfer agent

is not put on notice unless the written notice identifies the claimant, the registered owner and the issue of which the security is a part, provides an address for communications directed to the claimant and is received before the transfer. Nothing in this Act relieves making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized in subsection (b).

(b) As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by him. If the corporation or transfer agent so mails such a notice, it shall withhold the transfer for thirty days after the mailing, and shall then make the transfer unless restrained by a court order.

§ 4306. Non-Liability of Corporation and Transfer Agent

A corporation or transfer agent incurs no liability to any person by making a transfer or otherwise acting in a manner authorized by this Act.

§ 4307. Non-Liability of Third Persons

(a) No person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary including a person who guarantees the signature of the fiduciary is liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves such a breach unless it is shown that he acted with actual knowledge that the proceeds of the transaction were being or were to be used wrongfully for the individual benefit of the fiduciary or that the transaction was otherwise in breach of duty.

(b) If a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of this Act incurs no liability.

(c) This section does not impose any liability upon the corporation or its transfer agent.

§ 4308. Territorial Application

(a) The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized.

(b) This act applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this State in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this State the signature of a fiduciary in connection with such a transaction.

§ 4309. Tax Obligations

This act does not affect any obligation of a corporation or transfer agent with respect to estate, inheritance, succession or other taxes imposed by the laws of this State.

§ 4310. Uniformity of Interpretation

This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 4311. Short Title

This act may be cited as the Uniform Act for Simplification of Fiduciary Security Transfers.

Approved October 10, 1963.

CHAPTER 142

AN ACT TO AMEND CHAPTER 31, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1964," AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$150,000 FOR THE PROPOSED AMENDMENTS.

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

Section 1. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by adding a new item in Section 1 under State Board of Education, Division 1-A, as follows and changing the totals accordingly:

"Contingency Fund for transition in Office of
State Superintendent \$5,320.00."

Section 2. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by striking the figure "(11)" as it appears after the words "with program" under State Board of Education, Division 1-D, and substituting in lieu thereof the figure "(12)". Said Section 1 is hereby further amended by adding a new item under State Board of Education, Division 1-D-a, as follows and changing the totals accordingly:

"12. Educational Television \$9,800.00".

Section 3. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by striking the figure "(13)" as it appears after the words "without program" under State Board of Education, Division 1-D, and substituting in lieu thereof the figure "(12)". Said Section 1 is hereby further amended by striking out the words and figures "7. Special Classes for Physically Handicapped.....\$8,520.00" as it appears under State Board of Education, Division 1-D-b, and changing the totals accordingly.

Section 4. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by striking the words and figures "2. Art,

Rural Schools (10 months).....\$6,600.00" as they appear under State Board of Education, Division 1-H, and by changing the totals accordingly.

Section 5. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by adding a new item under "Contingency Fund" as follows and changing the totals accordingly:

"Implementation of Educational Television
(Administered by the Permanent Budget
Commission) \$150,000.00"

Section 6. This This Act is a supplementary appropriation Act for the fiscal year commencing July 1, 1963, in the amount of \$150,000. and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved October 10, 1963.

CHAPTER 143

AN ACT TO AMEND CHAPTER 1, TITLE 8 OF THE 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. § 143, Title 8, Delaware Code, is amended by striking out the said Section and substituting in lieu thereof a new § 143 as follows:

§ 143. Loans to employees and officers; guaranty of obligations of employees and officers

Any corporation may lend money to, or guaranty any obligation of, or otherwise assist any officer or other employee of the corporation or of its subsidiary, including any officer or employee who is a director of the corporation or its subsidiary, whenever, in the judgment of the directors, such loan, guaranty or assistance may reasonably be expected to benefit the corporation. The loan, guaranty or other assistance may be with or without interest, and may be unsecured, or secured in such manner as the board of directors shall approve, including, without limitation, a pledge of shares of stock of the corporation. Nothing in this section contained shall be deemed to deny, limit or restrict the powers of guaranty or warranty of any corporation at common law or by special act creating or governing such corporation, or under any other statute.

Section 2. Subchapter VI of Chapter 1, Title 8, Delaware Code, is amended by adding thereto a new Section 181A, to read:

§ 181A. Transfer and Pledge of Certificates, Shares and Rights to Shares held by Clearing Corporation

(a) Definitions:

For the purposes of this Section—

(i) "Clearing Corporation" means a corporation, all of the capital stock of which is held by or for a national securities exchange registered under the Securities Exchange Act of 1934, as amended.

(ii) "Custodian" means a national bank, or a bank or trust company organized under or subject to the banking law of any state, acting as custodian for a clearing corporation.

(b) How title to certificates may be transferred or pledged

Notwithstanding the provisions of Section 181 of this title or any other applicable law, if a certificate or instrument evidencing shares of stock, or rights to purchase or subscribe to shares of stock, is in the custody of a clearing corporation or of a custodian subject to the instructions of a clearing corporation, title to any such certificate or instrument or to any interest therein and to the shares or rights evidenced by such certificate, instrument or interest may be transferred by the making of entries on the books of the clearing corporation reducing the account of the transferor by the number of shares or rights transferred and increasing the account of the transferee by such number of shares or rights. A transfer of title so made shall for all purposes have the same effect as if the transferor had delivered to the transferee a certificate or instrument evidencing the shares or rights transferred, duly indorsed in blank.

A valid pledge may be made of any such certificate or instrument or of any interest therein and of the shares or rights evidenced by such certificate, instrument or interest by:

(i) the giving by the pledgor to the clearing corporation of notice of the pledge and of instructions that, until receipt by the clearing corporation of notice to the contrary from the pledgee, such certificate, instrument or interest therein and the shares or rights evidenced by such certificate, instrument or interest, shall be held by the clearing corporation (either directly or through the custodian) for the account of the pledgee, and

(ii) by the making of entries on the books of the clearing corporation reducing the account of the pledgor by the num-

ber of shares or rights pledged and increasing the account of the pledgee by such number of shares or rights. A pledge so made shall for all purposes be as valid and effective as one made by transfer of actual possession of a certificate or instrument evidencing the shares or rights pledged from the pledgor to the pledgee.

(c) Applicability

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation any shares or rights of which are transferred or pledged as herein provided, and any certificate or instrument evidencing such shares or rights, in whole or in part, provide that such shares or rights shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Section 3. § 251 (c), Title 8, Delaware Code, is amended by striking out the first two sentences thereof, and substituting in lieu the following:

(c) The agreement required by subsection (b) of this section shall be submitted to the stockholders of each constituent corporation at a meeting thereof, called separately for the purpose of taking the same under consideration or at the next annual meeting of the said stockholders. Due notice of the time, place and object of the meeting shall be mailed to the last known post office address of each stockholder of each such corporation at least 20 days prior to the date of the meeting.

Section 4. § 271, Title 8, Delaware Code, is amended by striking out the first sentence thereof, and substituting in lieu the following:

Every corporation organized under the provisions of this chapter, may at any meeting of its board of directors, sell, lease or exchange all of its property and assets, including its good will and its corporate franchises, upon such terms and conditions and for such consideration, which may be in whole or in part shares of stock in, and/or other securities of, any other corporation or corporations, as its board of directors deems

expedient and for the best interests of the corporation, when and as authorized by the affirmative vote of the holders of a majority of the stock issued and outstanding having voting power given at a stockholders' meeting duly called for that purpose, or at the next annual meeting of the stockholders, provided the notice of the said annual meeting contains a notice of the proposed sale, lease or exchange, or when authorized by the written consent of the holders of a majority of the voting stock issued and outstanding.

Section 5. § 275 (a), Title 8, Delaware Code, is amended by striking out the said sub-section and substituting in lieu thereof a new sub-section 275 (a) as follows:

(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 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.

Approved October 10, 1963.

CHAPTER 144

**AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION
TO THE SUPREME COURT OF THE STATE OF DELA-
WARE FOR THE FISCAL YEAR ENDING JUNE 30,
1964, IN THE AMOUNT OF \$10,650.00.**

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

Section 1. The sum of \$10,650.00 is hereby appropriated for the fiscal year ending June 30, 1964, to the Supreme Court of the State of Delaware for the following purposes:

Salaries and Wages	\$ 2,500.00
Travel Expense	500.00
Office Expense	7,650.00
	<hr/>
Total	\$10,650.00

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1964, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved October 10, 1963.

CHAPTER 145

AN ACT TO AMEND SECTION 1563, TITLE 9, DELAWARE CODE, TO PERMIT THE LEVY COURT OF NEW CASTLE COUNTY TO MAKE AN APPROPRIATION TO THE PRISONERS AID SOCIETY OF DELAWARE, AND AMENDING 51 DELAWARE LAWS, CHAPTER 322, AS AMENDED BY 52 DELAWARE LAWS, CHAPTER 274.

WHEREAS, the Levy Court of New Castle County made an appropriation to the Prisoners Aid Society of Delaware for the fiscal year ending July 1, 1963, for the purpose of assisting in operating the 308 West Residence as a rehabilitation center for persons on probation or parole, said residence being a property owned by the State;

WHEREAS, the Governor's Committee for a State Correctional Program has recommended the continued operation of said 308 West Residence in the public interest under temporary private operation with public support, and there is a bill pending in the General Assembly for partial financial assistance and an application will be made to the said Levy Court for partial assistance until the State assumes full responsibility;

WHEREAS, the said Levy Court desires specific statutory authority to make an appropriation for said purposes; NOW, THEREFORE,

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

Section 1. § 1563, Title 9 of the Delaware Code, is amended by placing a comma at the end thereof and adding the following:

The Prisoners Aid Society of Delaware

Section 2. Chapter 322, Volume 51, Laws of Delaware, as amended by Chapter 274, Volume 52, Laws of Delaware, is amended by striking out the words "six (6) years", and inserting the words "six years from January 1, 1964".

Approved October 10, 1963.

CHAPTER 146

AN ACT TO AMEND SECTION 1562, CHAPTER 15, TITLE 9, DELAWARE CODE, RELATING TO APPROPRIATIONS TO THE NEW CASTLE COUNTY LIBRARY, WILMINGTON INSTITUTE BY THE LEVY COURT OF NEW CASTLE COUNTY.

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

Section 1. That § 1562 (a), Title 9, Delaware Code, is hereby amended by striking out the figures "\$175,000" as they appear at the end thereof and substituting in lieu thereof the figures "\$300,000".

Approved October 11, 1963.

CHAPTER 147

AN ACT TO AMEND CHAPTER 7, TITLE 24, DELAWARE CODE, ENTITLED CHIROPRACTIC.

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

Section 1. Section 707, Title 24, Delaware Code, is amended by striking out the words "including qualified credits in science of biology, chemistry and physics" which appear after the words "college work" in lines 7 and 8 of said section.

Section 2. Chapter 7, Title 24, Delaware Code, is amended by adding a new section to read:

§ 717. Chiropractic practioners eligible for compensation from insurance

For purposes of disability insurance, standard health and accident, sick and other insurance policies, a chiropractic physician shall be entitled to compensation for his services.

Approved October 11, 1968.

CHAPTER 148

**AN ACT TO AMEND SECTION 5107, TITLE 31, DELAWARE
CODE, RELATING TO PAYMENT OF ACCOUNTS OF
YOUTH SERVICES COMMISSION.**

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

Section 1. § 5107, Title 31, Delaware Code, is amended
to read:

§ 5107. Payment of accounts

All of the accounts on the Commission shall be paid by
warrant drawn upon the State Treasurer in accordance with
Title 29, Section 6515 (b).

Approved October 11, 1963.

CHAPTER 149

A PRIVATE ACT FOR THE RELIEF OF MARTHA A. SPICER, WIDOW OF MINOS R. SPICER, DECEASED.

WHEREAS, on June 29, 1958, Minos R. Spicer was drowned as a result of riding as a passenger on a ferry owned and operated by the State Highway Department of the State of Delaware across the Nanticoke River in Sussex County; and

WHEREAS, the said Minos R. Spicer left to survive him a widow, Martha A. Spicer, who would have received support and maintenance from the said Minos R. Spicer had the said Minos R. Spicer lived the balance of his natural life; and

WHEREAS, the accident that caused the death of the said Minos R. Spicer could in no wise be attributed to negligence or carelessness on his part; and

WHEREAS, no remedy is available to Martha A. Spicer at law for the recovery of damages;

Be it enacted by the Senate and House of Representatives of the State of Delaware:

Section 1. That the State Treasurer be and is hereby authorized and directed to pay to Martha A. Spicer, Widow of Minos R. Spicer, the sum of Fifteen Thousand Dollars (\$15,000.00).

Section 2. That this bill shall be known as a Supplementary Appropriation Bill and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved October 11, 1963.

CHAPTER 150

AN ACT TO ADOPT ON BEHALF OF THE STATE OF DELAWARE, THE VEHICLE EQUIPMENT SAFETY COMPACT AND PROVIDING FOR ITS EFFECTUATION IN THIS STATE.

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

Section 1. Title 21, Delaware Code, is amended by adding thereto a new Chapter 80 to read:

CHAPTER 80. VEHICLE EQUIPMENT SAFETY COMPACT**Subchapter 1. Vehicle Equipment Safety Compact****§ 8001. Vehicle Equipment Safety Compact**

The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

VEHICLE EQUIPMENT SAFETY COMPACT**ARTICLE I****Findings and Purposes**

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II

Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III

The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission"

hereinafter called the Commission. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the Commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business of the Commission.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the Commission, or the Commis-

sion if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the Commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same.

(i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The Commission shall adopt by-laws for the conduct of its business and shall have the power to amend and rescind these by-laws. The Commission shall publish its by-laws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The by-laws shall provide for appropriate notice to the commissioners of the Commission meetings

and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV

Research and Testing

The Commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V

Vehicular Equipment

(a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the estab-

lishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appro-

appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI

Finance

(a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the

source or sources used in obtaining information concerning vehicular registrations.

(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III (h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII

Conflict of Interest

(a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end

that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII

Advisory and Technical Committees

The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX

Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall

become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X

Construction and Severability

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 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 participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II. EFFECTUATION OF COMPACT

§ 8011. Legislative Findings

The General Assembly finds that:

(a) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(b) The public safety further requires that such standards and requirements be uniform from jurisdiction to juris-

diction, except to the extent that specific and compelling evidence supports variation.

(c) The Motor Vehicle Department, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this Chapter.

§ 8012. Retention by General Assembly of authority

Pursuant to Article V (e) of the Vehicle Equipment Safety Compact, it is the intention of this State and it is hereby provided that no rule, regulation or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact, shall take effect until approved by Act of the General Assembly.

§ 8013. Motor Vehicle Commissioner to be Commissioner

The commissioner of this State on the Vehicle Equipment Safety Commission shall be the Motor Vehicle Commissioner who shall serve during his continuance as such officer, or his alternate as designated by him.

§ 8014. Cooperation by State Agencies

Within appropriations available therefor, the departments, agencies and officers of the government of this State shall cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III (h) of the compact. The departments, agencies and officers of the government of this State are authorized generally to cooperate with said Commission.

§ 8015. Filing of documents, notices

Filing of documents as required by Articles III (j) of the compact shall be with the Secretary of State. Any and all notices required by Commission by-laws to be given pursuant to Article

III (j) of the compact shall be given to the commissioner of this State, his alternate, if any, and the Motor Vehicle Department.

§ 8016. Submission of budget

Pursuant to Article VI (a) of the compact, the Vehicle Equipment Safety Commission shall submit its budget to the Budget Commission.

§ 8017. Inspection of Accounts

Pursuant to Article VI (e) of the compact, the Auditor of Accounts is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

§ 8018. Governor is Executive Head

The term "Executive Head" as used in Article IX (b) of the compact, shall, with reference to this State, mean the Governor.

Approved October 11, 1963.

CHAPTER 151

AN ACT RELATING TO THE IMPROVEMENT OF THE INDIAN RIVER BAY CHANNEL VIA PEPPER'S CREEK IN SUSSEX COUNTY.

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

Section 1. The appropriation of \$40,000 made to the Delaware Commission of Shell Fisheries by Chapter 335, Volume 53, Laws of Delaware, is hereby transferred and appropriated to the State Highway Department.

Section 2. Section 1 of Chapter 335, Volume 53, Laws of Delaware, is amended to read:

Section 1. The State Highway Department 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.

Section 3. Section 2 of Chapter 335, Volume 53, Laws of Delaware, is amended to read:

Section 2. The sum of \$40,000 is appropriated to the State Highway Department for use in carrying out the purposes of this Act, either as the contribution of the State of Delaware to the initial cost of the improvement or for other purposes necessary to be done or performed on the part of the State of Delaware in connection with the project.

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 officials of the State Highway Department.

Section 4. Section 3 of Chapter 335, Volume 53, Laws of Delaware, is amended to read:

Section 3. This shall be known as a Supplementary Appropriation Act, and the moneys hereby appropriated shall be paid out of the General Fund of the State of Delaware from sums not otherwise appropriated. The unexpended funds hereby appropriated shall not revert to the General Fund of the State of Delaware until June 30, 1966, or until the completion by the Federal Government of the improvement of the Indian Bay Channel via Pepper's Creek, whichever first occurs.

Approved October 11, 1963.

CHAPTER 152

AN ACT TO AMEND CHAPTER 57, TITLE 7, DELAWARE CODE, RELATING TO DISASTER RELIEF AND ASSISTANCE BY EXTENDING ITS COVERAGE TO INCLUDE REGULAR FEDERAL AID PROJECTS.

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

Section 1. § 5701, Title 7, Delaware Code, is amended by designating the present section as § 5701 (a).

Section 2. § 5701, Title 7, Delaware Code, is amended by adding thereto a new sub-section to read:

(b) It is the policy and purpose of the State to obtain from the Federal Government all available assistance for the improvement and maintenance of the natural resources of the State, and to that end, to cooperate fully with the Federal Government and its agencies.

Section 3. § 5702, Title 7, Delaware Code, is amended by striking the words "available relief and assistance" in lines 5 and 6 of said section and inserting in lieu thereof the words, "available aid, assistance and relief".

Section 4. § 5702, Title 7, Delaware Code, is amended by inserting the words "aid and" after the word "such" and before the word "assistance" in line 7 of said section.

Section 5. § 5702, Title 7, Delaware Code, is amended by adding thereto a new paragraph (b) (3) to read:

(3) That the State will furnish or provide free of cost to the United States such things as may be required by the Federal Government in connection with the improvement or maintenance thereof.

Approved October 11, 1963.

CHAPTER 153

AN ACT TO PROVIDE FOR THE REGULATION OF THE PRACTICE OF NURSING: TO PROVIDE FOR A BOARD OF NURSING AND TO DEFINE THE POWERS AND DUTIES OF THE BOARD INCLUDING LICENSING OF PRACTITIONERS OF NURSING AND ESTABLISHMENT OF STANDARDS FOR EDUCATIONAL PROGRAMS PREPARING FOR NURSING PRACTICE, AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT.

WHEREAS, a great need exists for professional and practical nurses, and said need is increasing due to greater coverage of insurance and other health programs to include professional and practical nursing services, such covered services including licensed practitioners only; and it appears desirable for the protection of the public that licenses shall be held by persons who offer their services for hire as professional or practical nurses; and

WHEREAS, it has been found that encouragement is given to entering the preparation for nursing where adequate statutory provisions for supervising and preparing of nurses exists;

NOW, THEREFORE,

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

Section 1. Chapter 19, Title 24, Delaware Code, is amended and revised by repealing all of said Chapter 19, and inserting in lieu thereof a new Chapter 19 as follows:

CHAPTER 19. NURSING AND SCHOOLS OF NURSING

§ 1901. Declaration of legislative intent

In order to safeguard life and health, the general administration and supervision of the education, examination, licensing, and regulation of professional and practical nursing is declared essential, and such general administration and supervision hereby is vested in a Board of Nursing.

§ 1902. Definitions

As used in this chapter—

“Attendant” means a person employed by and in a mental hospital or mental institution in the performance of duties assigned to him/her and under the direction of a professional nurse.

“Board” means the Delaware Board of Nursing.

“Non-professional aide” means a person other than a professional or practical nurse employed by a physician or a dentist in his office and performing such duties as are assigned by the physician or dentist in his office.

“Nurse’s aide” means a person employed in and by a hospital or a nursing home other than a mental hospital or mental institution and performing duties assigned by and under the direction of a professional nurse.

“Nursing” shall mean professional nursing or practical nursing.

“Practice of professional nursing” means the performance for compensation of any act in the observation, care and counsel of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments as prescribed by a licensed physicians or dentist; requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures.

“Professional nurse” means a person who has met all the requirements for license as a registered professional nurse, and who engages in nursing as hereinabove described.

“Practice of practical nursing” means the performance for compensation of selected acts in the care of the ill, injured, or

infirm under the direction of a registered professional nurse or a licensed physician or a licensed dentist; and not requiring the substantial specialized skill, judgment, and knowledge required in professional nursing.

"Practical nurse" means a person who has met all the requirements for license as a practical nurse, and who engages in practical nursing as hereinabove described.

§ 1903. Delaware Board of Nursing; appointment; qualifications; terms of office; vacancies

(a) The Delaware Board of Nursing (hereafter in this chapter referred to as the "Board") is hereby established and shall consist of five members. The Term of office of every member appointed to the Board, except those appointed to fill vacancies occurring during any term of office, shall be for three years. All members appointed to the Board shall be professional nurses with an earned degree in nursing, or nursing education or education. All members of the Board shall have had at least three years' active practice as nurses, with administrative or teaching experience.

(b) Upon the expiration of the full term of office of any member of the Board, a successor shall be appointed for a full term of three years by the Governor from a list of three nominations of qualified persons, as herein provided, furnished him annually by the Delaware Nurses' Association. All vacancies occurring on the Board for any cause other than expiration of term shall be filled by appointment by the Governor for the unexpired term from a like list of nominations of qualified persons to be furnished to the Governor by the Association.

(c) At least one member of the Board shall be chosen from persons resident in the City of Wilmington, one from New Castle County, one from Kent County, and one from Sussex County. If no qualified person is available in any of the said foregoing geographical subdivisions, qualified person available in any other geographical subdivision may be appointed.

(d) The nursing experience referred to in this section must be within the last eight years preceding appointment, and

said professional nurse must be currently licensed in Delaware.

§ 1904. Election of officers; quorum; by-laws; special meetings

(a) The members of the Board shall, annually in the month of June, elect from their members a president and a secretary-treasurer.

(b) Three members of the Board shall constitute a quorum.

(c) The Board may adopt and promulgate such by-laws as may be necessary to govern its proceedings, define the duties of its officers and to effectuate the intent and purpose of this chapter.

(d) Special meetings of the Board may be called by the Executive Secretary upon written request of the President or of any two members.

(e) The members of the Board shall receive \$10 for each day actually engaged in service and all proper and necessary expenses.

(f) The Board shall be issued a seal with the rights and privileges to use the seal on all official documents.

§ 1905. Executive Director; appointment; qualifications

The Board may appoint an Executive Director at an annual salary to be fixed by the Board. Such Executive Director shall also be entitled to his or her necessary travel and other expenses incurred in the discharge of his or her official duties. Such Executive Director shall keep a record of all meetings of the Board and maintain a register of names of all nurses duly licensed under this chapter, which shall be at all times open for inspection. Such Executive Director shall be a registered professional nurse and shall have had experience of at least five years in an administrative or teaching position in an accredited school of nursing. She shall have an earned degree in nursing, nursing education or education, and shall have had advanced courses in nursing education.

§ 1906. Powers and duties of the Board of Nursing

The Board may

(a) Adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter;

(b) Prescribe curricula and standards for educational programs preparing persons for license under this chapter;

(c) Provide for surveys of such programs at such times as it may deem necessary;

(d) Accredite such programs as meet the requirements of this chapter and of the Board;

(e) Deny or withdraw accreditation from educational programs for failure to meet prescribed curricula or other standards;

(f) Examine, license, and renew the licenses of duly qualified applicants, including applicants for conducting schools of nursing;

(g) Conduct hearings upon charges calling for discipline of a licensee or revocation of a license;

(h) Have the power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings;

(i) Cause the prosecution of all persons violating this chapter and have power to incur such necessary expenses therefor;

(j) Keep a record of all its proceedings;

(k) Make an annual report to the Governor;

(l) Appoint and employ a qualified person who shall not be a member of the Board to serve as executive officer to the Board;

(m) Define the duties and fix the compensation for the executive director;

(n) Employ such other persons as may be necessary to carry on the work of the Board; and

(o) Appoint and prescribe an advisory committee of licensed practical nurses and such other advisory committees as the Board deems desirable.

§ 1907. Revenue and expenses of Board

(a) All fees and other money received by the Board shall be paid over to the State Treasurer, in accordance with Chapter 61 of Title 29.

(b) Expenses of the Board, within the limits of appropriations made to it, shall be paid by the State Treasurer upon warrants signed by the proper officers of the Board.

§ 1908. Meetings; examinations; fees

(a) The Board shall meet as often as required but no more often than twelve times a year for the purpose of examining applicants for licensing or accreditation under this chapter as professional nurses or as practical nurses.

(b) The Board shall examine all applicants for licensing as professional or practical nurses under this chapter.

(c) The Board shall consider and act upon applications to conduct a school of nursing.

(d) Every applicant for examination and licensing shall deposit a fee of \$15.00.

§ 1909. Requirements for nursing

Any person practicing or offering to practice professional or practical nursing for compensation or personal profit shall be a duly licensed professional or practical nurse. Upon request she shall submit evidence that she is duly licensed.

§ 1910. Requirements for a professional nurse

Applicants for license to practice as a registered professional nurse shall submit to the Board satisfactory evidence that applicant:

- (a) Is twenty years of age;
- (b) Is of good moral character;
- (c) Is in satisfactory physical and mental health;
- (d) Has completed, previous to entering the school of nursing, four years of high school education;
- (e) Has graduated from a school of nursing connected with a general hospital where at least two years of instruction is given in surgical, medical, obstetrical, pediatric, and psychiatric nursing or has received instruction in different hospitals for periods of time amounting to at least a two-year course as aforesaid, and then graduated, which school or combination of schools must be approved by the Board for licensing of nurses as provided in this chapter.

§ 1911. Examination for a professional nurse

An applicant to practice as a registered professional nurse shall be required to pass a written examination in such subjects as the Board may determine. Upon successfully passing such examination, the Board shall issue to the applicant a license to practice nursing as a registered professional nurse.

§ 1912. Endorsement

The Board may issue a license to practice professional nursing as a registered professional nurse by endorsement, without a written examination, to an applicant who has been duly licensed as a graduate, professional or registered nurse under the laws of another state, territory or foreign country, if in the opinion of the Board the applicant, at the time he/she was prior licensed, met with the qualifications for license in this State.

§ 1913. License for a practical nurse

Applicant for license to practice as a licensed practical nurse shall submit to the Board satisfactory evidence that the applicant:

- (a) Is eighteen years of age;
- (b) Is of good moral character;
- (c) Is in satisfactory physical and mental health;
- (d) Has completed two years of high school education;
- (e) Has such other educational qualifications requirements as the Board may prescribe.

§ 1914. Program and Examination for practical nurse

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

§ 1915. Endorsement for practical nurse

The Board may issue a license to practice practical nursing as a licensed practical nurse by endorsement, without a written examination, to an applicant who has as of the effective date of this chapter been duly licensed as a practical nurse or a person entitled to perform similar services under a different title by practical nurse's examination under the laws of any state, territory or foreign country if, in the opinion of the Board, the applicant has the qualifications required by this chapter for the licensing of practical nurses.

§ 1916. Waiver for those licensed prior to enactment of this Chapter

Any person holding a valid license to practice professional or practical nursing issued by the Board on the date this chapter

becomes effective shall be deemed to be licensed under the provisions of this chapter.

§ 1917. Renewal of registration

(a) Every professional or practical nurse who is duly registered under any provision of this chapter shall re-register every year by filing an application to re-register during the month of December. When an applicant re-registers, such applicant shall deposit a fee of \$5.00.

(b) Upon receipt of the application and fee, the Board shall verify the accuracy of the information set forth in the application and issue to the applicant a certificate of renewal for one year. Such certificate of renewal shall render the holder thereof a legal practitioner of professional or practical nursing, for the period stated on the certificate of renewal. Any licensee who allows his license to lapse by failing to renew the license as provided above may be reinstated by the Board on satisfactory explanation for such failure to renew his license and on payment of a penalty of \$1.00.

(c) Any person practicing nursing during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter.

(d) A person licensed under any of the provisions of this chapter, desiring to retire from practice in this State temporarily, shall send a written notice to the Board. Upon receipt of such notice, the Board shall place the name of such person upon a non-practicing list or file. While retained on this list or file, the person shall not be subject to the payment of any renewal fees, but such person shall not practice nursing in this State. When the person desires to resume practice, application for renewal of license and payment of renewal fee shall be made to the Board.

§ 1918. Schools of nursing

(a) A hospital or institution desiring to conduct a school of nursing shall apply to the Board and submit evidence that

it is prepared and qualified to carry out the prescribed basic curriculum for educating nurses, and that it is prepared to meet other standards now or hereafter established by the Board. The Board may set standards for and authorize the temporary operation of a school or program pending evaluation for accreditation. If the Board shall determine that requirements for an accredited school of nursing are met, the Board shall approve the school as an accredited school of nursing. From time to time, as deemed necessary by the Board, it shall be the duty of the Board, through its Executive Director or some member of the Board, to survey all schools of nursing in the State. Written reports of such surveys shall be submitted to the Board.

(b) If the Board determines that any accredited school of nursing is not maintaining the standards required by this chapter and by the Board, notice thereof in writing, specifying the defect or defects and the time within which the same shall be corrected, shall be immediately given to the school. The Board shall withdraw such school's accreditation if it fails to correct the specified defects and such school of nursing shall discontinue its operations; provided, however, that the Board shall grant a hearing to such school upon written application and extend the period for correcting specified defects upon good cause being shown.

(c) A survey of the applicant institution or hospital with which any school of nursing is to be affiliated shall be made by the Executive Director or some other member of the Board who shall submit a written report of the survey so conducted to the Board. The Board is authorized to survey and visit any school of nursing whenever deemed necessary or desirable by the Board.

§ 1919. Certificate required to practice as a professional graduate, registered or licensed practical nurse

(a) No person shall practice nursing as a professional graduate or registered nurse without a certificate from the Board.

(b) A graduate professional nurse who has received a certificate as a professional nurse, according to the provisions

of this chapter, shall be known as a "registered nurse". No other person shall assume such title or use the abbreviation "R. N.", or any other words, letters, signs, figures, to indicate that the person using the same is a registered professional nurse.

(c) No person shall practice nursing as a practical nurse without a certificate from the Board.

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

(e) No letters or symbols shall be used to indicate the differences in preparation except R. N. and L. P. N. on the license or identification card but such information shall be made available to prospective employers upon request from the Board Office.

§ 1920. Exceptions

This Chapter shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family; nor shall it apply to the following cases:

(a) Incidental care of the sick by domestic servants or by persons primarily employed as housekeepers, as long as they do not practice nursing within the meaning of this chapter;

(b) Administration of care of the sick in private homes, by any person, for hire.

(c) Nursing services in case of emergency—"Emergency", as used in this subdivision, means and includes an epidemic or a state or national disaster.

(d) Services rendered by nurses' aides or attendants under adequate nursing supervision;

(e) Persons employed as operating room technicians, first aid attendants employed by industry, dental technicians or dental hygienists or assisting in a dentist's office or non-professional aides or physician's assistants working under the supervision of a dentist or physician licensed to practice in the State;

(f) Nursing services rendered by a student enrolled in an accredited school of professional or practical nursing when these services are incidental to the course of study or given by a graduate of such a school working under supervision pending results of the first licensing examination. The Board shall establish by rules the procedures and extent to which subsequent examinations may be taken and the length of time and the character of nursing service which may be rendered pending subsequent examinations;

(g) The practice of nursing in this State by a legally qualified nurse of another state whose employment requires him or her to accompany and care for a patient temporarily residing in the State, said services not to exceed six months' duration; provided, that such a person does not represent himself or herself as a nurse licensed to practice nursing in this State;

(h) The practice of nursing by any legally qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his or her official duties.

(i) The practice of non-medical nursing in connection with healing by prayer of spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination provided that no persons practicing such non-medical nursing holds himself out to be a professional graduate or registered nurse or licensed practical nurse.

§ 1921. Disciplinary Proceedings

(a) Grounds for discipline: The Board may revoke or suspend any license to practice nursing issued by the Board, or refuse a license on re-registration in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person—

1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or
2. Is guilty of a crime involving moral turpitude or gross immorality; or
3. Is unfit or incompetent by reason of negligence, habits, or other causes; or
4. Is habitually intemperate or is addicted to the use of habit forming drugs; or
5. Is mentally incompetent; or
6. Whose physical condition is or may be injurious or prejudicial to patients or to the public; or
7. Is guilty of unprofessional conduct as shall be determined by the Board which may include any violation of the Code of Ethics adopted by the American Nurses Association or the willful neglect of a patient; or
8. Has willfully or repeatedly violated any of the provisions of this chapter.

(b) Proceedings;

1. Upon filing of a sworn complaint with the Board, charging the person with having been guilty of any of the actions specified in this chapter as a ground for disciplinary action, the Board shall fix a time and place for a hearing of the charges.
2. The Board shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the person charged at least ten days prior to the date fixed for the hearing. When personal service cannot be effected, and such fact is certified on oath by any person duly authorized to make legal service, the Board shall cause to be published, twice in each of two successive weeks, a notice of the hearing in a newspaper of general circulation in the county in which the accused last practiced, according to the records of the Board, and shall mail a copy of the charges and of such notice to the

accused at his or her last known address as shown on the records of the Board. When publication of the notice is necessary, the date of the hearing shall be not less than ten days after the last date of the publication of the notice.

3. In all proceedings herein:

A. The nurse may be represented by counsel with the right of examination and cross-examination.

B. The nurse and the Board may subpoena witnesses. Subpoenas shall be issued by the President or the Secretary-Treasurer of the Board upon written request and shall be served as provided by the Superior Court rules of the State of Delaware and shall have like effect as a subpoena issued by said Court.

C. Testimony before the Board shall be under oath. Any member of the Board shall have power to administer oath for this purpose.

D. A stenographic record of the hearing shall be taken and prepared by a qualified Court stenographer, or otherwise if the parties shall so agree in writing; the transcript to be paid for by the Board with copies to be supplied to the nurse.

E. Any determination by the Board shall be based upon sufficient legal evidence.

4. If the charges shall be sustained, the Board may refuse to issue a license to the applicant or may revoke, suspend, or otherwise discipline a licensee. A suspended license may be reissued upon a hearing initiated at the request of the suspended licensee by written application in accordance with the rules of the Board.

5. Every determination of the Board shall be final and conclusive, unless within twenty days after a copy of the said determination shall have been sent to the said nurse by registered mail such nurse shall appeal to the Superior Court for the county in which he or she shall be a resident.

§ 1922. Judicial Review:

In case of every such appeal, the cause shall be determined by the Court from the record, which shall include a certified copy of the evidence, findings and the decision of the Board, without the aid of a jury. The notice of appeal and all other matters regulating the appeal shall be in the form and according to the procedure as shall be provided by the Rules of the Superior Court. The Court shall decide all relevant questions of law and all other matters involved, and shall sustain any Board action, findings and conclusions supported by substantial evidence. The Court may reverse, affirm or modify the decision of the Board or remand the cause to the Board for a rehearing. In case any cause shall be remanded to the Board for a rehearing, the procedure and the rights of all parties to such cause shall be the same as in the case of the original hearing before the Board.

§ 1923. Unlawful practice of nursing

After June 1, 1963, it shall be unlawful—

(a) For any person except those referred to in Section 1926 of this chapter to practice or to offer to practice professional or practical nursing, or to represent himself or herself as a licensed professional or practical nurse in this State, or to use any title, abbreviation, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been duly licensed and registered under the provisions of this chapter;

(b) For any person, hospital or institution to conduct or offer to conduct a school of professional or practical nursing unless such person, hospital or institution has been duly licensed and registered under the provisions of this chapter.

§ 1924. Violations and penalties

Whoever shall—

(a) Sell or fraudulently obtain or furnish any nursing diploma, license, renewal, or record or aid or abet therein; or

(b) Practice professional or practical nursing and/or hold or represent himself or herself as a licensed professional or practical nurse as defined by this chapter under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representations; or

(c) Practice professional or practical nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter; or

(d) Use in connection with his or her name any designation tending to imply that he or she is a registered licensed professional or practical nurse, unless duly licensed so to practice under provisions of this chapter; or

(e) Practice nursing during the time his or her license issued under the provisions of this chapter shall be suspended or revoked; or

(f) Conduct a school of professional or practical nursing unless the school or the program has been approved or accredited by the Board; or

(g) Shall be fined not more than five hundred dollars or be imprisoned not more than one year, or both.

§ 1925. Status of present Board Members

The members of the State Board of Examiners of Graduate Nurses, existing under the provisions of Chapter 19, Title 24, repealed by the provisions of this chapter, shall continue and shall be members of the Board hereby created until the expiration of the respective terms for which each of them was originally appointed. Any vacancy which may occur in the present members of the said Board before the expiration of the term to which the member was appointed, shall be filled in the manner provided for filling the vacancies.

§ 1926. Waiver

For a period of twelve months after the effective date of this Act, the Board shall accept applications from the following persons:

(a) Unlicensed professional nurses, residents of Delaware, at the time this Act shall become effective, who meet all the requirements of Section 1910.

(b) Notwithstanding the provisions of Section 1913 of this Chapter, the Board shall issue a license to practice as a licensed practical nurse to any person who shall within one year after the effective date of this Chapter submit to the Board satisfactory evidence that the applicant possesses the following qualifications:

- (1) Is at least eighteen years of age.
- (2) Is of good moral character.
- (3) Is in satisfactory physical and mental health.
- (4) Has been engaged in practical nursing within the State of Delaware whether licensed or unlicensed for a period of not less than six months within the preceding two years of the effective date of this Act.
- (5) Has received certification in writing by at least 2 physicians duly licensed to practice medicine in this State, who have knowledge of the applicant's previous experience in practical nursing to the effect that the applicant is qualified to engage in the practical nursing of the ill, injured or infirm within this State.

(c) Practical nurses qualifying under sub-section (b) of this Section shall be subject to examination by the Board within the 2 year period immediately following the effective date of this Act. For the purpose of examination, the Board shall cause to be set up refresher courses for both morning and evening classes in all three counties, prior to the examination given in compliance with this sub-section, which courses shall be given for a period of at least six months prior to said examination.

(d) Professional nurses qualifying under sub-section (a) of this Section shall be subject to examination by the Board within the 2 year period immediately following the effective date of this Act.

(e) The Board shall issue a license to the foregoing applicants who shall make a passing score or better on each part of the written examination.

§ Severability

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.

§ 1928.

Any appropriation heretofore or hereafter made to the Board of Examiners of Graduate Nurses shall be deemed to have been made for the Delaware Board of Nursing provided by this Act which is the continuation of and successor of the Board of Examiners of Graduate Nurses existing at the time this Act becomes effective and any said appropriations shall be paid to the Delaware Board of Nursing provided by this Act.

Approved October 11, 1963.

CHAPTER 154

AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO PROHIBIT THE CHARGING OF CERTAIN FEES IN CONNECTION WITH THE ISSUANCE AND CANCELLATION OF INSURANCE POLICIES AND PROVIDING CRIMINAL PENALTIES THEREFOR.

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 5, Title 18, Delaware Code, is amended by adding thereto a new section as follows:

§ 539. Service and processing charges by mortgagees prohibited; penalty

Any mortgagee or agent of any mortgagee who accepts or received any monetary charge or fee from a mortgagor for handling, servicing or processing insurance policies or endorsements for issuance or cancellation on property located within this State shall be fined not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00).

Approved October 11, 1963.

CHAPTER 155

AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE, BY EXCLUDING FROM THE OPERATION OF SECTIONS 661 THROUGH 664 THEREOF ANY PLAN WHICH DOES NOT REQUIRE A PAYMENT OF MONEY OR SOMETHING OF ACTUAL PECUNIARY VALUE FOR THE OPPORTUNITY TO WIN A PRIZE.

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

Section 1. Chapter 3, Title 11, Delaware Code, is amended by inserting in Subchapter XXXV thereof a new section to be designated Section 664A as follows:

§ 664A. Plans to stimulate public interest in, or sale of, merchandise, services or exhibitions

The provisions of Sections 661, 662, 663 and 664 of this chapter shall not apply with respect to any plan for stimulating public interest in, or sale of, merchandise, services or exhibitions unless the plan requires that the chance to win a prize be paid for in money or something of actual pecuniary value.

Approved October 11, 1963.

CHAPTER 156

AN ACT TO AMEND CHAPTER 345, VOLUME 52, DELAWARE LAWS, KNOWN AS THE SCHOOL BUILDING PROGRAM ACT OF 1960, TO AUTHORIZE THE HARRINGTON SPECIAL SCHOOL DISTRICT TO EXPEND CERTAIN FUNDS RAISED PURSUANT TO SAID ACT.

WHEREAS, the school construction program for the Harrington Special School District heretofore approved by the State Board of Education pursuant to the School Building Program Act of 1960 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 Harrington Special School District, and the proceeds thereof deposited in the 1960 School Construction Account of Harrington Special School District; and

WHEREAS, the Harrington Special School District will have certain funds remaining from the 1960 School Construction Program; and

WHEREAS, there is presently no auditorium or stage facilities in the Harrington Special School District and major repairs are needed in the heating system and the structure of the existing field house and cafeteria; and

WHEREAS, authority to expend the funds remaining for additional facilities and renovations needed in the Harrington Special School District would not make it necessary 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. The Harrington Special School District is hereby authorized to expend funds available under the 1960 School

Building Program Act, being Chapter 345, Volume 52, Delaware Laws (of which sixty per cent is State funds and forty per cent is District funds), for the purpose of constructing and equipping a stage and dressing rooms as additions to the field house.

Section 2. Said expenditure shall be made in accordance with the procedure set forth in Chapter 345, Volume 52, Delaware Laws.

Section 3. The authority hereby granted in this Act shall expire on December 31, 1964.

Approved October 11, 1963.

CHAPTER 157

AN ACT MAKING AN APPROPRIATION TO THE 308 WEST RESIDENCE, PRISONERS AID SOCIETY OF DELAWARE.

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. The sum of Seventeen Thousand Dollars (\$17,000.00) is hereby appropriated to the Prisoners Aid Society of Delaware to cover the expenses of the 308 West Residence in operating the program as provided for by Chapter 322, Volume 51, Laws of Delaware, said sum to be paid during the fiscal year commencing July 1, 1963, in quarterly installments upon proper request signed by the duly authorized officers of the said Society.

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 of Delaware not otherwise appropriated.

Section 3. The Prisoners Aid Society of Delaware shall make its Report concerning the operations of said 308 West Residence to the Governor and the General Assembly at least annually.

Approved October 11, 1963.

CHAPTER 158

AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO PENSIONS FOR STATE POLICE.

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

Section 1. Title 11, Delaware Code, Section 8323, is amended by adding the following words at the end of Sub-section (c) as follows:

For purposes of this Sub-section the word "pay" shall be construed to be any payment made by the State Treasurer directly to any person employed by the State of Delaware.

Approved October 11, 1963.

CHAPTER 159

AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO THE LIMITATIONS UPON TAXING POWER, BY EXEMPTING LANDS AND IMPROVEMENTS OF THE DELAWARE SOCIETY FOR CRIPPLED CHILDREN AND ADULTS, 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 Delaware Society for Crippled Children and Adults, Inc.

Approved December 5, 1963.

CHAPTER 160

**AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE,
RELATING TO MOTOR VEHICLES BY ADOPTING THE
UNIFORM RULES OF THE ROAD AND MAKING OTHER
AMENDMENTS.**

WHEREAS, more uniformity in highway traffic laws between the states is necessitated by an ever increasing volume of interstate travel due to the tremendous growths in motor vehicle registration, the technological advances in the automotive field and the expanded highway building program; and

WHEREAS, uniform motor vehicle laws between the states increase highway safety, in that

Fewer accidents result when motorists follow the same rules everywhere.

Drivers can develop instinctive habits, resulting in safer emergency reactions.

Pedestrians, school children, and drivers more readily understand each others' responsibilities and privileges where all obey the same rules; and

WHEREAS, uniform traffic laws result in definite economic savings, in that

Congestion and traffic delays are reduced by easy to understand rules, thus saving drivers time and money; and

WHEREAS, uniform laws increase highway transportation efficiency, in that

The efficiency of streets and highways is increased by the application of standard traffic engineering controls.

Vehicle operating efficiency increases when traffic is expedited.

Highway barriers are eliminated, thus facilitating commercial transportation.

Life and property will be protected, thereby decreasing annually the tremendous economic loss now caused by traffic accidents, and

WHEREAS, uniform traffic laws assist traffic law enforcement, in that

Conflicting rules are replaced by sound laws everywhere, thereby encouraging voluntary compliance with, and respect for, traffic laws.

Police departments and traffic courts are able to enforce laws uniformly.

The need for arrests is reduced and ill will toward enforcement agencies diminished, many drivers now being stopped for unintentional violations caused by conflicting laws; and

WHEREAS, uniform laws benefit local communities, in that

Business—and especially the tourist trade—prosper where highway transportation flows safely and freely.

Uniform traffic laws remove any cause for extension of Federal control of highway traffic.

Differences in local traffic conditions are recognized and it is feasible to adapt rules of the road to fit different local situations; and

WHEREAS, uniform traffic laws aid national defense transportation, in that

Essential transportation of persons and property for the national defense will be expedited; and

WHEREAS, uniform traffic laws make driving convenient and pleasant, in that

Drivers can follow the same rules wherever they go and can quickly understand standard traffic signs, signals and markings.

Traffic flow is expedited by easy to understand uniform laws.

The elimination of confusion and congestion will lessen driver fatigue and add to pleasant motoring; NOW, THEREFORE,

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 41, Title 21 of the Delaware Code, is repealed and a new Chapter 41 and a new Chapter 42 are inserted in lieu thereof to read as follows:

Chapter 41. RULES OF THE ROAD

SUBCHAPTER I. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

§ 4101. Provisions refer to vehicles upon highways; exceptions; powers of local authorities

(a) The provisions of this title relating to the operation of vehicles refer exclusively to the operation of vehicles upon highway except:

1. Where a different place is specifically referred to in a given section.
2. That the provisions of Subchapter IX shall apply upon highways and elsewhere throughout the State.

(b) Local authorities, except as expressly authorized by law, shall not alter any speed limitations declared in this chapter or enact or enforce any rule or regulations contrary to the provisions of this chapter, except that the local authorities may, with the consent of the State Highway Department, provide by ordinance for the regulation of traffic by means of traffic officers or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous and may prohibit other than one-way traffic upon certain highways

and may regulate the use of the highways by processions or assemblages. Local authorities may also regulate the speed of vehicles in public parks and shall erect at all entrances to such parks adequate signs giving notice of any such special speed regulations. Nothing in this chapter shall be construed to prevent the owner of real property, used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use nor requiring other or different or additional conditions than those specified in this chapter or otherwise regulating such use as seems best to such owner.

§ 4102. Required obedience to traffic laws

(a) It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden, or fail to perform any act required, in this chapter.

§ 4103. Obedience to police officers

(a) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

(b) 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 the 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 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 year period.

§ 4104. Persons riding animals or driving animal-drawn vehicles

(a) Every person riding an animal or driving any animal-drawn vehicles upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

§ 4105. Persons working on highways—exceptions

(a) Unless specifically made applicable, the provisions of this title except those contained in Subchapter IX hereof shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 4106. Authorized emergency vehicles

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible or visual signals meeting the requirements of this title, except that an authorized emergency vehicle operated as a police vehicle need not make use of such signals.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(e) Authorized emergency vehicles within the meaning of this chapter mean vehicles of a fire department, police vehicles, ambulances, and emergency vehicles of state, federal, county or municipal departments, or public service corporations as are designated or authorized by the Commissioner.

SUBCHAPTER II. TRAFFIC SIGNS, SIGNALS AND MARKINGS

§ 4107. Obedience to and required traffic-control devices

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this title, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(b) No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(c) In the event an official or authorized traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application.

(d) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(e) Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

(f) No traffic-control signal exhibiting different colored lights, or colored lighted arrows, shall be considered to be an official or authorized traffic-control signal unless it be in accordance with standards adopted by the State Highway Department.

(g) After the effective date of this section, no traffic-control device, except experimental devices erected by the State Highway Department, shall be erected on any highway, which do not conform to the standards adopted by the State Highway Department.

§ 4108. Traffic-control-signal legend

(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red and Yellow shall be used, except for special pedestrian signals carrying a word legened, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "Go":

(A) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited. No

vehicle shall at any time be driven through or within a safety zone.

(B) Unless otherwise directed by a pedestrian-control signal as provided in Section 4109 of this Title, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked cross walk.

(C) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane or lanes over which a green signal is shown, but shall not enter or travel in any lane or lanes over which a red signal is shown.

(2) Full yellow lens when shown following any green signal, full or arrow, or full red and full amber shown at the same time:

(A) Vehicular traffic facing the signal is thereby warned that a red signal for the previously permitted movement will be exhibited immediately thereafter and such vehicular traffic shall not enter the intersection or be crossing the stop limit whether marked by a sign or painted line, when the red signal is exhibited.

(B) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Full red or red arrow shown following a full amber or red arrow following an amber arrow:

(A) Vehicular traffic facing the signal shall stop before crossing the stop limit, whether marked by sign or painted line, or if none, before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green signal of one of the types listed herein is shown.

(B) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(4) Green arrow or arrows alone:

(A) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way of pedestrians lawfully within an adjacent cross walk and to other traffic lawfully using the intersection.

(B) Vehicles facing such signals are thereby advised that no other traffic movements may be made from the lane or lanes that the signal indication controls. Making or attempting to make any other movement is hereby prohibited.

(C) Pedestrians facing such signals shall not enter the roadway unless they can do so safely and without interfering with any vehicular traffic.

(5) Amber arrow following a green arrow or arrows:

(A) Vehicular traffic facing the signal is thereby warned that the red signal for traffic moving in the direction of the amber arrow will be exhibited immediately thereafter and such vehicular traffic shall not enter the intersection or be crossing the stop limit whether marked by sign or painted line when the red signal for the particular movement is exhibited.

(B) Pedestrians facing such signals are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

(6) Full red with green arrow or arrows:.

(A) Vehicular traffic facing such signals may enter the intersection only to make the movement indicated by such

arrow or arrows except no vehicle shall at any time be driven through or within a safety zone. Vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.

(B) Pedestrians facing such signals shall not enter the roadway unless they can do so safely and without interfering with any vehicular traffic.

§ 4109. Pedestrian control signals

(a) Whenever special pedestrian control signals exhibiting the words "Walk", or "Wait", or "Stop", or "Don't Walk" are in place, such signals shall take precedence over pedestrian movements outlined in Section 4108. Such signals shall apply as follows:

(1) Walk—Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Stop or Don't Walk—No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety island.

§ 4110. Flashing signals

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal)—when a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal)—When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may

proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade shall be governed by the rules as set forth in section 4161 of this title.

§ 4111. Display of unauthorized signs, signals or markings

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising, and no person shall attach to any traffic sign or signal any other sign containing commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, in compliance with the provisions of section 1108 of title 17.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

§ 4112. Interference with official traffic-control devices or railroad signs or signals

(a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or

any inscription, shield or insignia thereon, or any other part thereof.

SUBCHAPTER III. DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING, AND PASSING, ETC.

§ 4114. Drive on right side of roadway—exceptions

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by signs or markings designating certain lanes to the left side of the center of the roadway

for use by traffic not otherwise permitted to use such lanes, or except as permitted under this section.

§ 4115. Passing vehicles proceeding in opposite directions

(a) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

§ 4116. Overtaking a vehicle on the left

(a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicles.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§ 4117. When overtaking on the right is permitted

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon any street or roadway which is officially marked for more than one traffic lane in one direction.

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement whereby the

roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement, main-traveled portion, or regular moving traffic lane of the roadway.

§ 4118. Limitations on overtaking on the left

(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction.

§ 4119. Further limitations on driving to left of center of roadway

(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway.

§ 4120. No-passing zones

(a) The State Highway Department is authorized to determine those portions of any highway where overtaking and

passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

§ 4121. One-way roadways and rotary traffic islands

(a) The State Highway Department may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

(b) Upon a roadway designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

§ 4122. Driving on roadways laned for traffic

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes for two-way traffic a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of

oncoming traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign posted to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

§ 4123. Following too closely

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space but not less than 200 feet so that an overtaking vehicle may enter and occupy such space without danger except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

§ 4124. Driving on divided highways

(a) Whenever any highway has been divided into two or more roadways by an intervening space or by a physical bar-

rier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or interesection as established, unless specifically authorized by public authority.

§ 4125. Restricted Access

(a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

§ 4126. Restrictions on use of controlled-access roadway

(a) The State Highway Department may by resolution or order entered in its minutes, prohibit the use of any such roadway by parades, funeral processions, pedestrians, bicycles or other non-motorized traffic, or by any person operating a motor-driven cycle.

(b) The State Highway Department shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no persons shall disobey the restrictions stated on such signs.

SUBCHAPTER IV. RIGHT OF WAY

§ 4131. Vehicle approaching or entering intersection

(a) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(c) The right of way rules declared in paragraph (a) and (b) are modified at through highways and otherwise as stated in this chapter.

§ 4132. Vehicle turning left

(a) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.

§ 4133. Vehicle entering highway from private road or driveway

(a) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from a crossover on a divided highway shall yield the right of way to all vehicles approaching on the highway.

§ 4134. Operation of vehicles on approach of authorized emergency vehicles

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or of a police vehicle properly and lawfully making use of an audible signal only; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SUBCHAPTER V. PEDESTRIANS' RIGHTS AND DUTIES

§ 4141. Pedestrians subject to traffic regulations

(a) Pedestrians shall be subject to traffic-control signals as provided in Section 4108 of this title unless required by local

ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

§ 4142. Pedestrians' right of way in cross walks

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a cross walk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Paragraph (a) shall not apply under the conditions stated in Section 4143 (b) of this title.

(d) Whenever any vehicle is stopped at a marked cross walk or at any unmarked cross walk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§ 4143. Crossing at other than cross walks

(a) Every pedestrian crossing a roadway at any point other than within a marked cross walk or within an unmarked cross walk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked cross walk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

§ 4144. Drivers to exercise due care

(a) Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person, or a person wholly or partially blind, carrying a cane or walking stick white in color, or white tipped with red, upon a roadway.

§ 4145. Pedestrians to use right half of cross walks

(a) Pedestrians shall move, whenever practicable, upon the right half of cross walks.

§ 4146. Pedestrians on roadways, penalty

(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) Whoever violates this section shall, for the first offense be fined not less than \$2 nor more than \$25, or imprisoned not less than 2 nor more than 10 days, or both. For each subsequent like offense within one year, he shall be fined not less than \$10 nor more than \$25, or imprisoned not less than 2 nor more than 30 days, or both.

§ 4147. Pedestrians soliciting rides or business

(a) No person shall stand in a highway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 4148. Carrying of lights or reflector device by pedestrians: penalty

(a) No pedestrian shall walk upon any roadway or shoulders of roadways of this State that is used for motor or vehicle traffic, beyond the corporate limits of any city or town, without carrying a lighted lantern, lighted flashlight or other similar light or reflector type device during the period of time from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly visible any person or vehicle on the highway.

(b) Whoever violates subsection (a) shall, for the first offense, be fined not less than \$2 or more than \$25, or imprisoned not less than 2 nor more than 10 days, or both. For each subsequent like offense within one year, he shall be fined not less than \$10 nor more than \$25, or imprisoned not less than 2 nor more than 30 days, or both.

§ 4149. Walking on highways under influence of drugs or liquor

(a) No person shall walk or be upon a public highway of this State while under the influence of intoxicating liquor or narcotic drugs.

§ 4150. Use of certain canes restricted to blind pedestrians

(a) No persons except those wholly or partially blind shall carry in a raised or extended position on any street or highway a cane or walking stick which is white in color or white tipped in red.

SUBCHAPTER VI. TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

§ 4152. Required position and method of turning at intersections

(a) The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns—Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. Left turns on two-way roadways—At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Left turns on other than two-way roadways—At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(b) The State Highway Department or local authorities in their respective jurisdictions may cause traffic control devices or markers to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when traffic control devices or markers are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

§ 4153. Turning on curve or crest of grade prohibited

(a) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by

the driver of any other vehicle approaching from either direction within 500 feet.

§ 4154. Starting parked vehicles

(a) No person shall cause a vehicle to be moved which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

§ 4155. Turning movements and required signals

(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 4152 of this title, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals provided for in Section 4156 of this title shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

§ 4156. Signals by hand and arm or signal device

(a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

§ 4157. Method of giving hand-and-arm signals

(a) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn—Hand and arm extended horizontally.
2. Right turn—Hand and arm extended upward.
3. Stop or decrease speed—Hand and arm extended downward.

SUBCHAPTER VII. SPECIAL STOPS REQUIRED

§ 4161. Obedience to signal indicating approach of train, drawbridge, or automatic signal system controlling the flow of traffic

(a) Whenever any person driving a vehicle approaches a railroad grade crossing, drawbridge or automatic signal system controlling the flow of traffic under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

§ 4162. Designation of dangerous grade crossings; Vehicles must stop at certain railroad grade crossings

(a) The State Highway Department and local authorities with the approval of the State Highway Department may designate particularly dangerous highway grade crossings or railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

§ 4163. Certain vehicles must stop at all railroad grade crossings

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at any grade any track or tracks of a railroad shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shiftgears while crossing the track or tracks.

(b) No stop needs to be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

§ 4164. Stop signs and yield signs

(a) Preferential right of way at an intersection or other place may be indicated by stop signs or yield signs as authorized by the State Highway Department.

(b) Except when directed to proceed by a police officer or traffic control device, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection, or, in the event there is no cross walk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(c) The operator of any vehicle who has come to a full stop as provided in subsection (b) of this section, shall not enter into, upon or across, such highway or street until such movement can be made in safety.

(d) 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.

§ 4165. Emerging from alley, driveway or building

(a) The driver of a vehicle emerging from an alley, driveway or building where there is no official traffic control device shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian

as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on the roadway.

§ 4166. Overtaking and passing school bus, stop signal devices; marking of buses

(a) The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on the school bus a visual signal as specified in sub-section (e) of this section, and the driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) Every bus used for the transportation of school children shall be painted chrome yellow, shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height, and in addition shall be equipped with visual signals meeting the requirements of this title, which shall be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

(c) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

(d) The driver of a vehicle proceeding in a direction opposite to that of a school bus on a highway with four or more traffic lanes need not stop upon meeting or passing the school bus. The driver of a motor vehicle upon a controlled-access highway need not stop upon meeting or passing a school bus which is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the highway.

(e) Every school bus in addition to any other equipment and distinctive markings required by this title shall be equip-

ped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

§ 4167. Moving heavy equipment at railroad grade crossings

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

SUBCHAPTER VIII. SPEED RESTRICTIONS

§ 4168. General speed restrictions

(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the con-

ditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b) The driver of every vehicle shall, consistent with the requirements of the provisions of subsection (a) of this section, drive at appropriately reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

§ 4169. Specific speed limits; Penalty

(a) Where no special hazard exists, the following speeds shall be lawful, but any speed in excess of such limits shall be absolute evidence that the speed is not reasonable or prudent and that it is unlawful:

1. All types of motor vehicles, except as provided in subsection (a) (4):
 - (a) 25 miles per hour in any business district;
 - (b) 25 miles per hour in any resident district;
 - (c) 20 miles per hour in all school zones marked as such;
 - (d) 45 miles per hour, under other conditions, any vehicle towing house trailer;
 - (e) 10 miles per hour any vehicle equipped with solid rubber or cushion tires.
2. Passenger vehicles and self-propelled passenger buses, except as otherwise provided herein;
 - (a) 50 miles per hour on two-lane roadways;

- (b) 60 miles per hour on four-lane roadways and on divided roadways;
- 3. Motor truck and motor truck tractors with a maximum gross weight greater than 8,000 pounds, except as otherwise provided herein:
 - (a) 45 miles per hour on all roadways.
- 4. On roadways designated as controlled access express highways by the State Highway Department, 60 miles per hour for all motor vehicles.

(b) Whenever the State Highway Department shall determine upon the basis of an engineering and traffic investigation that any maximum speed herein before set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the State maintained highway system, the State Highway Department may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(c) Whoever violates any provision of this section shall, for the first offense, be fined not less than \$25 nor more than \$200, or be imprisoned not less than 10 nor more than 30 days, or both. For each subsequent violation of this section a person shall be fined not less than \$50 nor more than \$400, or imprisoned not less than 15 nor more than 60 days, or both. A subsequent violation, before being punishable as such, shall have been committed within 24 months after the commission of the prior offense.

§ 4170. Speed limits set by local authorities

(a) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the absolute speed permitted under

this chapter is greater than is reasonable or safe under the conditions found to exist, such local authority subject to subsection (c) of this section shall determine and declare a reasonable and safe absolute speed limit, which shall be effective when appropriate signs giving notice thereof are erected.

(b) Local authorities in their respective jurisdictions may in their discretion, but subject to subsection (c) of this section, authorize by ordinance higher absolute speeds than those stated in this chapter upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections provided signs are erected giving notice of the authorized speed, but local authorities shall not modify or alter the basic rule set forth in subsection (a) of Section 4168 of this title.

(c) Alteration of absolute limits on State maintained highways in any municipality by local authorities shall not be effective until such alteration has been approved by the State Highway Department.

§ 4171. Minimum speed

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway Department or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

§ 4172. Special speed limitation on motor-driven cycles

(a) No person shall operate any motor-driven cycle at any time mentioned in Section 4331 of this title at a speed greater than 35 miles per hour unless such motor-driven cycle

is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

§ 4173. Speed and weight limits on elevated structures

(a) No person shall drive a vehicle over any bridge or elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in subsection (c).

(b) No person shall drive a motor vehicle over any bridge or elevated structure constituting a part of a highway when such vehicle's gross weight, including carried load, is greater than the maximum weight which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in subsection (c) of this section.

(c) The State Highway Department upon request from any local authorities, or upon its own initiative, may conduct an investigation of any public bridge, causeway, or viaduct. It thereupon finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter or withstand vehicular gross weights, including carried load, permissible under this chapter, the State Highway Department shall determine and declare the maximum speed or gross weight, including carried load, or both, of vehicles which such structure can withstand and shall cause or permit suitable signs stating such maximum speed or gross weight, including carried load, to be erected and maintained at a distance of 100 feet beyond each end of such structure. The findings and determinations of the State Highway Department and the existence of signs shall be conclusive evidence of the maximum speed or gross weight, including carried load, which can, with safety to any such structure, be maintained thereon.

§ 4174. Complaint and summons in speed violations

(a) In every charge of violation of any speed regulation in this title, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have

driven and the maximum or minimum speed applicable at the location.

SUBCHAPTER IX. RECKLESS DRIVING, DRIVING WHILE INTOXICATED

§ 4175. Reckless Driving

(a) No person shall drive any vehicle in willful or wanton disregard for the safety of persons or property, and this offense shall be known as reckless driving.

(b) Whoever violates this section shall, for the first offense, be fined not less than \$25 nor more than \$200, or be imprisoned not less than 10 nor more than 30 days, or both. For each subsequent violation of this section he shall be fined not less than \$50 nor more than \$400, or imprisoned not less than 15 nor more than 60 days, or both.

A subsequent violation, before being punishable as such, shall have been committed within 24 months after the commission of the prior offense.

§ 4176. Operation of vehicle while under the influence of intoxicating liquor or narcotics, penalties, revocation of license

(a) Whoever drives a motor vehicle while under the influence of intoxicating liquor or of any drug shall be fined, for the first offense, not less than \$200 nor more than \$1,000, or imprisoned not less than 60 days nor more than 6 months, or both. For each subsequent like offense, he shall be fined not less than \$500 nor more than \$2,000, and imprisoned not less than 60 days nor more than 18 months. A suspended sentence shall not be granted those convicted for a second offense under this section.

(b) Upon conviction of any one under subsection (a) of this section, the judge of the court in which the case was tried shall certify the facts and record in the case to the Commissioner, who shall forthwith revoke the driver's license of the party so convicted for a period of one year. After a driver's

license has been revoked, the Commissioner shall have power and authority not to issue another operator's license to such person so convicted until such person satisfied the Commissioner that he has been of good behavior from the time that his driver's license was so revoked until he makes application for the issuance of another driver's license and until such person has complied with the provisions of this title. If in such case the Commissioner refuses to issue a driver's license to such convicted person after a period of one year from the time that his license was so revoked, the applicant may appeal to the Superior Court of the county wherein he resides.

(c) The term "driver's license" shall also include taxicab driver's license and chauffeur's license.

(d) In determining whether an offense is a second offense hereunder no offense prior to February 29, 1956, shall be taken into consideration.

SUBCHAPTER X. STOPPING, STANDING AND PARKING

§ 4177. Stopping, standing or parking outside of business or residence districts

(a) Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway.

(b) Whenever any person authorized to make arrests under this title finds a vehicle standing upon a highway in violation of the provisions of subsection (a) of this section, he may move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.

(c) Subsections (a) and (b) of this section shall not apply to the driver of any vehicle which is disabled while on the paved

or improved or main traveled portion of a highway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

§ 4178. Stopping, standing and parking; penalty

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places—

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 15 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone or island and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone or island, unless the State Highway Department or the local authority of any city or town indicates a different length by signs or markings;
9. Within 50 feet of the nearest rail or railroad crossing, unless the State Highway Department or the local authority of any city or town indicates a different length by signs or markings;
10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly sign-posted;

11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping, standing or parking.

(b) No person shall move a vehicle not lawfully under his control into such prohibited area or away from a curb such distance as is unlawful.

(c) Whoever violates any of the provisions of this section shall be fined not less than \$2 nor more than \$25.

§ 4179. Additional parking regulations; penalty

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right hand wheels parallel to and within 12 inches of the right hand curb or edge of the roadway.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left wheels within 12 inches of the left-hand curb or edge of the roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any Federal aid or State highway unless the State Highway Department has determined by resolution or order entered in its minutes that the roadway is of sufficient width to

permit angle parking without interfering with the free movement of traffic.

(d) The State Highway Department with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highways or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

(e) Whoever violates any of the provisions of this section shall be fined not less than \$2 nor more than \$25.

SUBCHAPTER XI. MISCELLANEOUS RULES

§ 4180. Unattended motor vehicle

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

§ 4181. Limitations on backing

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

§ 4182. Riding on motorcycles

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry

more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

§ 4183. Obstruction to driver's view of driving mechanism

(a) No person shall drive a vehicle when it is so loaded or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicles or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

§ 4184. Coasting prohibited

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

§ 4185. Following fire apparatus; driving vehicle over fire hose

(a) No driver of any vehicle, other than on official business, shall follow any fire apparatus traveling in response to a firm alarm closer than 500 feet or drive into or park such vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm. No person shall be deemed to have violated the provisions of this subsection with regard to parking, if the act of parking was done prior to the giving of alarm of such fire.

(b) No person shall drive any motor, or horse vehicle, over any line of hose, which has been laid for the purpose of extinguishing a fire.

§ 4186. Putting glass, etc., on a highway prohibited

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) No person shall throw or deposit any goods, merchandise, bundles or litter of any kind upon a highway.

(d) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§ 4187. Opening and closing vehicle doors

(a) No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 4188. Use of flares for certain disabled vehicles

(a) Whenever any vehicle having a width at any part in excess of 80 inches and becomes disabled during the period when lighted lamps must be displayed on vehicles, and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause flares, lanterns, reflectors or other signals to be lighted and placed upon the highway, one at a distance of approximately 100 feet in advance of such vehicle, one at a distance of approximately 100 feet to the rear of the vehicle and the third upon the roadway alongside of the vehicle. If the vehicle is transporting flammables, three red reflectors may be so placed so as to

afford a warning of the presence of the vehicle on the highway in lieu of such other signals and no open burning flare shall be placed adjacent to any such vehicle.

§ 4189. Trailers and towed vehicles

(a) No motor vehicle shall be driven upon any highway drawing or having attached thereto more than one other vehicle, except that a motor vehicle with semi-trailer may draw in addition thereto, one other vehicle.

(b) The draw bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from one vehicle to the other. Whenever such connection consists of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than 12 inches both in length and width.

SUBCHAPTER XII. OPERATION OF BICYCLES AND PLAY VEHICLES

§ 4190. Effect of regulations

(a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

(b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

§ 4191. Traffic laws apply to persons riding bicycles

(a) Every person riding on a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this sub-chapter and except as to those provisions of this title which by their nature can have no application.

§ 4192. Riding on bicycles

(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

§ 4193. Clinging to vehicles

(a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

§ 4194. Riding on roadways and bicycle paths

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

§ 4195. Carry articles

(a) No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

§ 4196. Lamps and other equipment on bicycles

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Depart-

ment which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

SUBCHAPTER XIII. SAFETY ZONES, PASSENGERS IN VEHICLES

§ 4197. Driving through safety zone prohibited

(a) No vehicle shall at any time be driven through or within a safety zone.

§ 4198. Riding without owner's consent; protrusion beyond limits of vehicle

(a) No person shall ride upon any vehicle without the consent of the driver and when any person is riding on any vehicle with the driver's consent, no part of the person's body must protrude beyond the limits of the vehicle.

§ 4199. Riding in house trailers

(a) It shall be unlawful to ride in a house trailer being towed by another vehicle.

CHAPTER 42. REPORTS OF ACCIDENTS: PENALTIES: INTERPRETATION OF LAWS

SUBCHAPTER I. REPORTS OF ACCIDENTS

§ 4201. Duty of driver involved in accident resulting in property damage

(a) The driver of any vehicle involved in an accident on the public highways resulting in apparent damage to property

shall immediately stop such vehicle at the scene of the accident. If the damage resulting from such accident is to the property of the driver only, with no damage to the person or property of another, the driver need not stop at the scene of the accident, but shall immediately make report of the damage resulting.

(b) The driver shall give his name, address and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the owner of the property or the driver or occupants of any vehicle with which his vehicle collides.

§ 4202. Duty of driver involved in accident resulting in injury or death to any person; violations and penalty

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person shall immediately stop such vehicle at the scene of such accident. He shall give his name, address and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a hospital or physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

(b) Whoever violates subsection (a) of this section shall be fined not less than \$100 nor more than \$5,000, or imprisoned not less than 30 days nor more than five years, or both. The Commissioner shall revoke the operator's or chauffeur's license of every person so convicted.

§ 4203. Duty to report accidents; evidence

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person or property damage to an apparent extent of \$25 or more shall immediately after complying with the requirements of Sections 4201 and 4202, of this title report such accident to the nearest State Police Station except that when such accident occurs within the City of Wilmington, such report shall be made to the Department of Public Safety in that city.

(b) The State Highway Department may require drivers involved in accidents, or police departments to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the State Highway Department. Such reports shall be without prejudice, shall be for the information of the State Highway Department and shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section but no report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents.

§ 4204. Report of damaged vehicles; cars involved in fatal accidents

(a) The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within 24 hours after such motor vehicle is received giving the engine number, registration number, and the name and address of the owner of such vehicle.

(b) Cars involved in accidents resulting in death to human beings shall not be moved from the place of the accident until arrival of police, except if needed to convey an injured person to a hospital or doctor.

SUBCHAPTER II. PENALTIES

§ 4211. Penalties

(a) Whoever violates any provision of Chapters 41 or 42 of this title shall, for the first offense, be fined not less than \$10 nor more than \$100, or imprisoned not less than 10 nor more than 30 days, or both. For each subsequent like offense, he shall be fined not less than \$50 nor more than \$200, or imprisoned not less than 15 nor more than 30 days, or both. All second offenses before being punishable as such, shall have been committed within 12 months after the commission of the first offense unless otherwise specifically provided.

(b) Subsection (a) of this section shall not apply to violations for which penalties are prescribed elsewhere in Chapters 41 or 42 of this title.

SUBCHAPTER III. MISCELLANEOUS

§ 4220. Uniformity of interpretation

The provisions of Chapters 41 and 42 of this Title shall be so interpreted and construed as to effectuate the general purpose of those chapters to make uniform among the State the law relating to motor vehicles.

Section 2. Sections 4361 and 4362 of Title 21, Delaware Code, are repealed.

Section 3. § 101, Title 21, Delaware Code, is amended by adding the following definition following the definition of "Road Tractor" therein:

"Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Section 4. § 101, Title 21, Delaware Code, is amended by striking the definition of "Highway" appearing therein and inserting in lieu thereof a new definition of "Highway" as follows:

"Highway" means the entire width between boundary lines of every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel, but does not include a road or driveway upon grounds owned by private persons, colleges, universities or other institutions.

Section 5. This act shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom or to any violation of the motor vehicle laws of this State, occurring prior to the effective date of this act.

Section 6. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The General Assembly hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be (would be) declared unconstitutional.

Section 7. This Act shall take effect six months after the date it becomes law.

Approved December 5, 1963.

CHAPTER 161

AN ACT AUTHORIZING AND DIRECTING THE RECEIVER OF TAXES AND COUNTY TREASURER OF KENT COUNTY TO REIMBURSE MARY D. DERRICKSON McCURDY THE SUM OF \$15.00 COUNTY AND SCHOOL TAXES PAID IN ERROR.

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

Section 1. The Receiver of Taxes and County Treasurer of Kent County is hereby authorized and directed to pay to Mary D. Derrickson McCurdy the sum of \$15.00 which was paid in error for the tax year 1962 as follows:

Kent County	\$10.00
Frederica School Tax	5.00
	<hr/>
Total.....	\$15.00

Approved December 5, 1963.

CHAPTER 162

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 June 24, 1963, and December 2, 1963, adopted resolutions, drawn in form and content to meet certain objectives outlined by members of the General Assembly, defining the Capital Improvement Program for the period beginning July 1, 1963; AND

WHEREAS, the said resolution of June 24, 1963, and December 2, 1963, directed the Chairman and Director of Operations 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 a total sum of \$45,000,000 for the period beginning July 1, 1963, to enable the Department to proceed with the Capital Improvement Program as set forth in the aforementioned resolution, NOW, THEREFORE,

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

Section 1. There is appropriated to the State Highway Department the sum of Forty-five Million Dollars (\$45,000,000), or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used to defray the costs of its Capital Improvements Programs. The Programs to be completed as defined, and under the conditions and provisions as set forth in the pertinent resolutions adopted by the Department on June 24, 1963, and December 2, 1963. The Capital Improvements Programs shall be composed of the following:

A Interstate and Defense Highways

- B. Federal Aid ABC Funds
- C. 100% State Funds
- D. Dirt Road Program
- E. Suburban Development Program
- F. Beach Erosion Control
- G. Drainage Projects
- H. Engineering, Planning and Research
- I. Contingencies

The cost of construction and reconstruction of the aforementioned projects and of carrying out the aforementioned programs shall not include ordinary or normal maintenance expense of highways, bridges, 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.

Section 2. Any of said appropriated funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 3. The said sum of Forty-five Million Dollars (\$45,000,000), shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code. For purpose of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "State Highway Capital Improvement Program of 1964".

Section 4. 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 current fiscal year 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 current fiscal year. 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 5. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act 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 (or notes which are not to be funded by the issuance of 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 December 5, 1963.

CHAPTER 163

AN ACT TO AMEND CHAPTER 1, TITLE 15, DELAWARE CODE, RELATING TO THE DEPARTMENTS OF ELECTIONS FOR NEW CASTLE COUNTY, KENT COUNTY AND SUSSEX COUNTY.

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

Section 1. Sections 103, 104 and 106, Title 15, Delaware Code, are hereby repealed and new sections inserted in lieu thereof to read as follows:

§ 103. Department of Elections for New Castle County; composition; appointment; terms

(a) The Department of Elections for New Castle County shall, until July 1, 1965, consist of fifteen members, and each of the two principal political parties shall be represented at all times by not less than six members. Thereafter, until August 10, 1965, the Department of Elections for New Castle County shall consist of twelve members and each of the two political parties shall be represented at all times by not less than four members. On August 10, 1965, and thereafter, the Department of Elections for New Castle County shall consist of eleven members and each of the two principal political parties shall be represented at all times by not less than four members.

(b) The members heretofore appointed by the Governor and confirmed by the Senate, and serving unexpired terms, shall continue to be members until the expiration of their terms of office as follows:

Joseph A. Panaro until July 1, 1965
William T. Chipman until July 1, 1965
William E. Cross until August 10, 1965
Woodrow Wilson Stanley until July 1, 1965
Martin Devine until October 1, 1967
Joseph F. Grabowski until October 1, 1967
Fred Heinold until October 1, 1967
Van A. Lett until October 1, 1967

William J. McClafferty, Jr., until October 1, 1967

Sigmund Schorr until October 1, 1967

Horace V. Whitlock until October 1, 1967

(c) The Governor shall appoint four additional members. The Governor shall appoint one member for a term of one year, another member for a term of two years, another member for a term of three years, and the fourth additional member for a term of four years.

(d) Upon the expiration of the term of any member of the Department his successor shall be appointed by the Governor for a period of four years, provided, however, that such member shall hold office until his successor shall be duly qualified, and provided further that the term of such successor shall commence on the date he is duly qualified. In the event a vacancy occurs in the Department from any cause, other than the expiration of the term of a member, the Governor shall fill the vacancy for the residue of the term.

(e) The members to be appointed by the Governor under sub-paragraphs (c) and (d) of this Section shall be appointed from a list of not less than three nominees for each member to be appointed, which list shall be submitted by the respective State Chairman of the political party from which the appointment must be made. The aforementioned list shall be composed entirely of nominees recommended by the New Castle County Chairman and the Wilmington City Chairman of the same political party as the State Chairman who is submitting the list. Such appointments shall be made within thirty days of the passage of this Act or within thirty days of the date the Governor receives the aforementioned list, whichever is later, in the case of appointments made pursuant to sub-paragraph (c); such appointments shall be made within thirty days of the expiration of a full term, within thirty days of the date of any vacancy or within thirty days of the date the Governor receives the aforementioned list, whichever is later, in the case of appointments made pursuant to sub-paragraph (d). The Governor may reject all nominees on the aforementioned list and require that a new list of not less than three other nominees be submitted, provided, however, that not more than two lists shall be submitted.

§ 104. Departments of Elections for Kent and Sussex Counties; composition; appointment; term

(a) The Department of Elections for Kent County and the Department of Elections for Sussex County shall each consist of eight members appointed as provided in this section. Each of the two principal political parties shall at all times be represented by not less than three members on each Department.

(b) The members of the Department of Elections of Kent County heretofore appointed by the Governor and confirmed by the Senate, and serving unexpired terms, shall continue to be members of said Department until the expiration of their terms of office as follows:

Leon C. Donovan until May 3, 1964

James B. McIlvaine until January 15, 1965

Mrs. Marian Smitherman until January 15, 1965

(c) The members of the department of Elections for Sussex County heretofore appointed by the Governor and confirmed by the Senate, and serving unexpired terms, shall continue to be members of said Department until the expiration of their terms of office as follows:

Joseph C. Ellis until June 13, 1964

Jacob H. Richards until June 15, 1964

Frederick A. Walls until January 15, 1964

(d) To replace the five members of each Department whose terms expired under existing law on June 30, 1963, the Governor shall appoint for the Department of Elections of both Kent and Sussex Counties two members for a term of two years each and three members for a term of four years each.

(e) Upon the expiration of the term of any member from either Department his successor shall be appointed by the Governor for a term of four years, provided, however, that such members shall hold office until his successor shall be duly qualified, and provided further that the term of such successor shall commence on the date he is duly qualified. In the event that a

vacancy occurs in either Department from any cause, other than expiration of the term of a member, the Governor shall fill the vacancy for the residue of the term.

(f) The members to be appointed by the Governor under sub-paragraphs (d) and (e) of this Section shall be appointed from a list of not less than three nominees for each member to be appointed, which list shall be submitted by the respective State Chairman of the political party from which the appointment must be made. The aforementioned list shall be composed entirely of nominees recommended by the county chairman of the county in which such appointment is to be made and of the same political party as the State Chairman who is submitting the list. Appointments made pursuant to sub-paragraph (d) shall be made within thirty days of the passage of this Act or within thirty days of the date the Governor receives the aforementioned list, whichever is later; appointments made pursuant to sub-paragraph (e) shall be made within thirty days of the expiration of a full term, within thirty days of the date of any vacancy or within thirty days of the date the Governor receives the aforementioned list, whichever is later. The Governor may reject all nominees on the aforementioned list and require that a new list of not less than three other nominees be submitted, provided, however, that not more than two lists shall be submitted.

The Senate shall either confirm or reject any appointment under Sections 103 or 104 of this Chapter within ten legislative days of its receipt.

Section 2. Nothing in this Act is intended to extend, diminish or alter the presently existing term of any member of the Departments of Elections for New Castle, Kent or Sussex Counties.

Section 3. If any clause, section, sentence, paragraph or part of this Act or the application thereof to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act.

Section 4. This Act shall take effect upon its enactment.

Section 5. Section 106, Title 15, Delaware Code

Approved December 5, 1963.

CHAPTER 164

**AN ACT TO AMEND SECTION 602, TITLE 14, DELAWARE
CODE, RELATING TO THE TRANSFER OF PUPILS
FROM ONE SCHOOL DISTRICT TO ANOTHER.**

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

Section 1. Section 602 (a), Title 14, Delaware Code, is amended by adding the words "except the Rose Valley School District" after the word "district" and before the word "shall" in line five thereof.

Approved December 6, 1963.

CHAPTER 165

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO THE 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR".

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

Section 1. The last paragraph of Section 5 of Chapter 158, Volume 36, Laws of Delaware (as amended), is amended to read:

No one shall be eligible to be elected as Mayor or as a member of the Council who was not nominated therefor, as herein-after prescribed, and who at the time of his election was not a resident of the City and had not resided therein, or in an area annexed to the City during the two years next preceding the day of election, for the two years next preceding the day of election, or who was not a citizen of the State of Delaware or who was not of the age of twenty-one years.

Section 2. Subsection (d) of Section 8 of Chapter 158, Volume 36, Laws of Delaware (as amended) is amended to read:

(d) Every resident of the City of Dover who shall have reached the age of 21 years, who has resided in the City of Dover or in an area annexed to the City during the 6 months preceding the day of election, for at least 6 months preceding the day of election and who is not delinquent in the payment of any tax actually levied by the City shall be entitled to vote at the regular municipal elections. Any person who by the 31st day of December next preceding the day of a regular municipal election has failed to pay any tax levied against such person or his property by the City of Dover shall be considered delinquent in the payment of his taxes and shall not be eligible to vote.

The Council by ordinance duly adopted may provide for the registration of voters and require that a person otherwise qualified to vote must also be properly registered in order to vote in the municipal elections. Any such ordinance providing for registration of voters shall make adequate provision for the preparation and custody of registration books and for the entry therein of the names of registered voters, their qualifications as such, the fact of their voting at each municipal election, and such other matters as may be required by this Charter or the Laws of the State of Delaware. Reasonable opportunity shall be provided for voters to register, and there shall be at least 3 registration days in each year, one of which shall be not less than 30 days prior to an election.

Approved December 6, 1963.

CHAPTER 166

**AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS
TO CERTAIN AGENCIES AND DIVISIONS OF THE
STATE GOVERNMENT TO PAY EXPENDITURES IN-
CURRED DURING PRIOR FISCAL YEARS.**

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

Section 1. The several amounts set forth in this Act are appropriated to the following named agencies, but said appropriations are to be expended only upon the approval of the State Budget Commission:

To State Board of Examiners of Barbers	
For Deficiency, Office Expense	\$ 129.00
To State Board of Examiners of Graduate Nurses	
For Deficiency, Office Expense	120.00
To Millside School District No. 132	
For Deficiency, All Other Costs	1,688.51
To Frankford School District No. 206	
For Deficiency, All Other Costs	471.08
To Millsboro School District No. 204	
For Deficiency, All Other Costs	32.99
	<hr/>
Total	\$2,441.58
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Section 2. All parts or portions of the several sums appropriated by this Act which, on the first day of July 1964, shall not have been paid out of the State Treasury, shall revert to the General Fund.

Section 3. This Act is a Supplementary Appropriation and the monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved December 10, 1963.

CHAPTER 167

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE ABSALOM JONES SCHOOL DISTRICT 106 FOR
PAYMENT OF SUMS DUE FOR THE CONSTRUCTION
PROGRAM INCURRED PRIOR TO DECEMBER 1962,
FOR THE FISCAL YEAR ENDING JUNE 30, 1964.**

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

Section 1. The sum of \$26,927.48 is hereby appropriated to the Absalom Jones School District 106 for the fiscal year ending June 30, 1964, for payment of debts incurred in the construction program to the following persons or companies in the amounts listed:

Sears, Roebuck and Co.	\$ 1,304.70
Beckley-Cardy	826.61
John E. Healy and Sons, Inc.	1,682.00
The Welch Scientific Co.	255.05
Central Scientific Co.	237.00
Hollywood Perkins	3,528.00
Joseph Ruzicka, Inc.	14,625.00
Denoyer-Geppert Co.	1,540.15
Vandever's Hobby Center	148.75
Cambosco Scientific Co.	463.30
Science Materials Center	911.92
Dick Balick Company	154.00
A. J. Nystrom and Co.	326.00
Reiver's, Inc.	440.00
H. W. Wilson Co.	450.00
Johnson Service Co.	35.00
	<hr/>
	\$26,927.48

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 12, 1963.

CHAPTER 168

**AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE
CODE, RELATING TO EMPLOYEES' PENSIONS FOR
NEW CASTLE COUNTY.**

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

Section 1. Section 1701, Title 9, Delaware Code, is hereby amended by striking the words and parenthesis "(except the Board of Public Education in Wilmington)" where they appear on the fourth and fifth lines of Section 1701.

Section 2. Section 1702 (c), Title 9, Delaware Code, is hereby amended by striking the word "State" where it appears on line 3 of Section 1702 (c).

Approved December 12, 1963.

CHAPTER 169

AN ACT TO AMEND CHAPTER 237, VOLUME 46, LAWS OF DELAWARE, AS AMENDED, RELATING TO "CITY OF WILMINGTON EMPLOYEES' RETIREMENT ACT".

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

Section 1. Chapter 237, Volume 46, Laws of Delaware, is amended by striking the words and parenthesis "(except the Board of Public Education in Wilmington)" where they appear in Section 3.

Section 2. Chapter 237, Volume 46, Laws of Delaware, is amended by striking the word "State" where it appears on the third line of Section 14.

Approved December 12, 1963.

CHAPTER 170

**AN ACT TO AMEND SECTION 3710 OF TITLE 12 OF THE
DELAWARE CODE, RELATING TO CHARITABLE CON-
TRIBUTIONS BY CERTAIN FIDUCIARIES.**

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

Section 1. Paragraph (b) of § 3710 of Title 12 of the Delaware Code, is hereby amended to read as follows:

(b) No authorization hereunder for a contribution shall be effective beyond the end of the calendar year following the date of the order, and the aggregate of contributions authorized to be made within that period shall not exceed the amount which would be deductible as charitable contributions under the Internal Revenue Code of the United States in the year in which the contributions are made.

Approved December 12, 1963.

CHAPTER 171

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 sites and to provide suitable playgrounds, and the grading or other improvement of such sites, lands 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 forty million six hundred and one thousand and two hundred and fifteen dollars (\$40,601,215), 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 forty million six hundred and one thousand and two hundred and fifteen dollars (\$40,601,215) may be paid, the Governor, the State Treasurer, and the Secretary of State of the State of Delaware, herein sometimes referred to as "issuing officers", are hereby authorized and fully empowered to issue bonds of the State of Delaware in an aggregate amount not exceeding forty million six hundred and one thousand and two hundred and fifteen dollars (\$40,601,215).

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, con-

ditions and regulations as the issuing officers may prescribe, after notice of such sale published at least once ten days or more before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York.

Section 6. In anticipation of the issuance of said bonds, the issuing officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes 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 forty million six hundred and one thousand two hundred and fifteen dollars (\$40,601,215). 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 notes or bonds.

Section 9. Said bonds and notes shall recite that they are issued in pursuance of this act and the Constitution of this State, and such recital shall be conclusive evidence of the validity of said bonds and notes. Any such bonds or notes containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith and shall be incontestable for any cause. Said bonds and notes shall be in such form and in such denominations and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said "issuing officers". The principal of and the interest on said bonds and notes shall be made payable at the Farmers Bank of the State of Delaware at Dover.

Section 10. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover, and shall be used exclusively for the purpose of school construction in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 11. Any funds that shall accrue to any school district in this State from the Treasury of the United States for building purposes shall be deposited in the State Treasury and shall be allocated by the State Board of Education to the school district for which the funds are appropriated. The said funds shall be in addition to any other local share and/or state share.

Section 12. There is hereby appropriated to the State Treasurer of the State of Delaware such sums as shall be necessary during the fiscal year beginning July 1, 1963, 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-Second Ses-

sion, 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 forty million six hundred and one thousand and two hundred and fifteen dollars (\$40,601,215), 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	\$ 462,500	\$ 277,500	\$ 185,000
Bridgeville 220	247,000	247,000	....
Claymont Special	725,000	435,000	290,000
Conrad 131	5,259,000	3,155,400	2,103,600
Delmar 163	14,000	8,400	5,600
Dover Special	2,786,200	1,671,720	1,114,480
Alexis I. duPont Special..	5,388,075	3,232,845	2,155,230
Alfred I. duPont 7	5,517,500	3,310,500	2,207,000
Alfred I. duPont Train- ables	173,100	173,100	....
Felton 54	15,000	9,000	6,000

Frankford 206	220,700	220,700	....
Georgetown Special	233,000	139,800	93,200
Greenwood 91	320,000	192,000	128,000
Greenwood 222	200,000	200,000	....
Hartly 96	525,000	315,000	210,000
Wm. W. M. Henry 133	802,300	802,300	....
Houston 125	17,000	10,200	6,800
Wm. C. Jason 192	85,500	85,500	....
Kent County Vocational..	2,576,450	2,576,450	....
Laurel-Dunbar School	180,000	180,000	....
Lewes-DuPont Avenue School	78,900	78,900	....
Marshallton 77	1,908,000	1,144,800	763,200
Middletown 60	202,000	121,200	80,800
Middletown 120	92,000	92,000	....
Millsboro 204	296,000	296,000	....
Milton 8	982,000	589,200	392,800
Milton 196	478,400	478,400	....
New Castle County Vocational Facilities ..	3,225,000	3,225,000	....
New Castle Special	4,874,000	2,924,400	1,949,600
Newark Special	1,650,000	990,000	660,000
Newport 21	1,113,000	667,800	445,200
Oak Grove 130	179,000	107,400	71,600
Odessa 61	139,000	83,400	55,600
Rose Hill-Minquadale	486,000	486,000	....
Seaford Special	3,550,000	2,130,000	1,420,000
Selbyville 210	343,300	343,300	....
Slaughter Neck 193	484,000	484,000	....
Stanton 38	3,633,000	2,179,800	1,453,200
Stanton Trainables	480,000	480,000	....
Sussex County Vocational	791,700	791,700	....
Wilmington	9,442,500	5,665,500	3,777,000
	<u>\$60,175,125</u>	<u>\$40,601,215</u>	<u>\$19,573,910</u>

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 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 175, Volume 52, or 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.

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, 1967. 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 notes 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 and interest on said notes, including renewal notes, shall be paid from the proceeds of the sale of said bonds or from other funds available therefor. The notes shall be general obligations of the school district and the faith and credit of the school district shall be pledged for the full and complete payment of the principal of and interest on such notes and such notes shall be exempt from taxation with respect to both principal and interest by the State or any political subdivision thereof for any purpose. The Board of Education or the Board of School Trustees of the issuing school district shall have the same power to levy taxes to pay such notes and the interest thereon as in the case of bonds.

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 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.

In the event that an existing school district is divided into two or more school districts, the maximum total cost, the maximum State share, and the maximum local share of the school construction program, as herein set forth, shall be determined and allocated among the resulting districts by the State Board of Education by taking into consideration the same factors prescribed by Section 17 or this Act in determining the necessity for the school construction program in school districts, provided, however, that the aggregate amounts so determined by the Board of Education to be allocated to such resulting districts shall not exceed the amount of the maximum total cost,

maximum State share and maximum local share, respectively, as set forth in Section 13 of this Act with respect to the original school district so divided. Such allocated amounts shall be in lieu of the amounts set forth in Section 13 of this Act for the original school district, and applicable to Certificates of Necessity issued pursuant to this Act.

Section 21. The moneys paid to the State Treasurer by a school district as its local share pursuant to Section 13 of this Act shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover and shall be expended only for school construction in such district. Each of said local shares shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other State moneys in said Bank.

Section 22. 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 Board of Trustees or Board 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 expenditures of five hundred dollars (\$500.00) or more shall be entered into unless the same shall be properly advertised and given to the lowest and best bidder therefor, the School Building Commission reserving the right to reject any and all bids.

Section 27. The School Building Commission in each school district shall supervise, or cause to be supervised 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 provision of this Act and of all moneys expended therefor. Such accounts shall be deemed to be public records.

Section 34. Whenever lands shall be required for school construction under this Act in the City of Wilmington, the Board of Public Education in Wilmington is authorized to select and acquire such land. And whenever land shall be required for the carrying out of any school construction for any special school district outside of the City of Wilmington, the School Building Commission of such special school district is authorized to select and acquire such land. And whenever land shall be required for school construction under this Act in any other school district in this State, the local School Building Commission is authorized to acquire such land 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, build-

ing, franchise, easement or other property of a public utility used by it in providing its service to the public.

The cost of such land 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 1963, 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 effect 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 1963.

Approved December 16, 1963.

CHAPTER 172

AN ACT TO AMEND CHAPTER 144, VOLUME 41, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD," AS AMENDED, BY EXTENDING THE LIMITS AND BOUNDS OF THE TOWN OF FRANKFORD.

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

Section 1. That Section 1 of Chapter 144, Volume 41, Laws of Delaware, as amended, is further amended by adding at the end thereof a new paragraph as follows:

The limits and bounds of the Town of Frankford are hereby extended, and such extension is hereby declared to be as follows:

Beginning at a point on north side of Daisey Street, center of a ditch and culvert, and being in line of old corporation limits; thence with the north side of Daisey Street N. 81 1/2 degrees W. 178 feet to the east intersection of duPont Highway right of way; thence with east right of way of duPont Highway N. 20 1/2 degrees W. 1,490 feet to the south intersection of the Black Top Road leading to Hickory Hill; thence with south right of way of said Black Top Road due east 636 feet to an iron pipe, corner for the old corporation limits; thence with outline of old town limits S. 2 1/2 degrees E. 1,450 feet to place of beginning.

The above description being in accordance with a survey by Isaac L. Bennett, registered surveyor, dated September 5, 1963.

Approved December 17, 1963.

CHAPTER 173

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 18, DELAWARE CODE, ENTITLED "UNFAIR METHODS OF COMPETITION AND UNFAIR AND DECEPTIVE ACTS AND PRACTICES", BY PROHIBITING THE OFFERING OF LIFE OR ACCIDENT OR HEALTH INSURANCE OR ANNUITIES AS AN INDUCEMENT TO PURCHASE GOODS OR SERVICES.

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

Section 1. Section 534, Subchapter II, Chapter 5, Title 18, Delaware Code, is amended by adding a new subsection (9) to read as follows:

(9) Insurance as inducement to purchase.

Directly or indirectly participating in any plan to offer or effect any kind or kinds of life or accident or health insurance or annuities as an inducement to, or in connection with, the purchase by the public of any goods, securities, commodities, services or subscriptions to periodicals; provided, however, that this subsection shall not apply to such insurance written in connection with an indebtedness if the purpose of such insurance is to pay the indebtedness in case of death or disability of the insured.

Approved December 17, 1963.

CHAPTER 174

AN ACT AUTHORIZING THE STATE OF DELAWARE BY ITS PROPER OFFICIALS AND THE STATE HIGHWAY DEPARTMENT BY ITS PROPER OFFICIALS TO TRANSFER CERTAIN LANDS IN GEORGETOWN, DELAWARE, TO AND FOR THE USE OF THE LEVY COURT OF SUSSEX COUNTY, DELAWARE.

WHEREAS, The State of Delaware, now holds title to lots Nos. 46, 45 and parts of lots Nos. 44 and 41 according to the plot of Georgetown, Delaware, as set forth in the office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 2, page 7, for the use of the State Highway Department; and

WHEREAS, it is desirable that the said State Highway Department shall transfer their right, title, interest, claim and demand, of, in and to said lots Nos. 46, 45, and parts of lots Nos. 44 and 41, as they have no further use for said lands; NOW, THEREFORE,

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

Section 1. That the State Highway Department by its Proper Officials may, and the said State Highway Department is hereby empowered and authorized, to relinquish and convey all their right, title, interest, claim and demand of, in and to lots Nos. 46, 45, and parts of lots Nos. 44 and 41, according to the plot of Georgetown, Delaware, as set forth in the office of the Recorder of Deeds, in Plot Book 2, page 7, to the State of Delaware for the use of The Levy Court of Sussex County.

Section 2. That due to the fact that the title to said lots Nos. 46, 45 and parts of lots Nos. 41 and 44 of Georgetown, Delaware, as recorded in Plot Book 2, page 7, is now held in the name of The State of Delaware for the use of the State Highway Department, the proper officials of the State of Delaware, may and they are hereby authorized and empowered to transfer title in said lots to and for the use of The Levy Court of Sussex County.

Section 3. That the transfer of said lots Nos. 46, 45 and part of lots Nos. 41 and 44 of Georgetown, Delaware, as set forth in Plot Book 2, page 7, be signed, sealed, delivered and executed within a period of sixty (60) days after the State Highway Department has occupied their new structure which is being erected near Georgetown, Delaware.

Approved December 17, 1963.

CHAPTER 175

AN ACT TO AMEND CHAPTER 3, TITLE 3, DELAWARE CODE, RELATING TO BUREAU OF MARKETS BY PROVIDING FOR TENURE FOR CERTAIN EMPLOYEES.

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

Section 1. Chapter 3, Title 3, Delaware Code, amended by designating § 301 through § 304 as SUB-CHAPTER I—BUREAU OF MARKETS.

Section 2. Chapter 3, Title 3, Delaware Code, is amended by adding thereto a new sub-chapter to read:

SUBCHAPTER II. TENURE OF OFFICE**§ 311. Definitions**

As used in this sub-chapter:

“Covered employee” means—

(a) The Director of Markets.

(b) Such employees as may be designated by the Board who are federal certificate clerks, federally licensed grain inspectors or other federally licensed inspectors and graders and who are permanent state employees, working under rules, regulations and supervision of the federal government, and for whose services the state is reimbursed by the federal government.

§ 312. Appointment; probation; permanent appointment

(a) A covered employee shall be appointed by the Board only after having qualified for appointment through competitive examinations conducted by the Board.

(b) The initial appointment shall be probationary for six months, during which time it may be terminated at any time for cause at the sole discretion of the Board.

(c) At the expiration of the probationary period, unless terminated at that time, the appointment shall become permanent.

§ 313. Permanent appointee; removal; charges; hearing

A permanent appointee shall hold office during good behavior. He shall not be removed, discharged, or reduced in pay or position except for insubordination, inefficiency, incapacity or conduct unbecoming an employee of the State of Delaware. Before being removed, he shall be furnished a written statement of the reasons for any contemplated removal, discharge or reduction, and shall be given thirty days in which to make written answer thereto. No such removal, discharge, or reduction shall be made until the charge or charges have been examined and found true in fact jointly by the Board and the United States Department 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.

§ 314. Appeal

Any permanent covered employee who has been dismissed by the Board and whose license has not been revoked by the United States Department of Agriculture shall, within fifteen days after dismissal, have the right to appeal to the Governor who shall have the power to uphold the dismissal, reinstate the employee or return the case to the Board for rehearing.

Section 3. The present Director, two senior clerks and federal licensed employees of the Bureau of Markets having served six months prior to the effective date of this Act shall be considered as permanent employees upon this Act becoming law.

Approved December 17, 1963.

CHAPTER 176

AN ACT TO AMEND SECTION 131, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES.

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

Section 1. § 131, Title 23, Delaware Code, is amended to read:

§ 131. Pilotage Rates

The rates of pilotage for conducting a vessel from the Capes of the Delaware to a point on the Delaware River no further upriver than the bridge of The Pennsylvania Railroad Company between Philadelphia, Pennsylvania and Delair, New Jersey, or from a point on the Delaware River no further upriver than the Bridge of the Pennsylvania Railroad Company between Philadelphia, Pennsylvania and Delair, New Jersey, to the Capes of the Delaware, shall be in either case, every half foot of water which a vessel shall draw the sum of four dollars and twenty-five cents. Every such vessel bound to the Breakwater for orders shall pay pilotage fees as follows: a sum equal to one-half of the inward rates of pilotage to the Port of Philadelphia, and the same fees when outward-bound from the Breakwater.

Approved December 17, 1963.

CHAPTER 177

AN ACT TO AMEND SECTION 1317, TITLE 14, DELAWARE CODE, BY PROVIDING A CHANGE IN METHOD OF PAYMENT TO SCHOOL EMPLOYEES FOR ATTENDANCE AT SCHOOL SESSIONS.

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

Section 1. § 1317, Title 14, Delaware Code, is hereby amended by striking said section and substituting the following § 1317 in lieu thereof:

§ 1317. Method of Salary Payments

Teachers, principals and other employees who are employed for ten months per year shall have the option of being paid in twenty (20) or twenty-four (24) equal payments, provided that such employees shall indicate their preference at the time of signing their contract for the ensuing school year, and that the method of salary payment so designated shall not be changed during the period of the aforementioned contract.

Approved December 17, 1963.

CHAPTER 178

AN ACT TO APPROPRIATE MONEY TO GEORGE ELMER SMITH, JR., A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN'S MILITARY PAY ACT NO. 11, BUT WHO DID NOT RECEIVE HIS BONUS.

WHEREAS, George Elmer Smith, Jr., now of 198 Magnolia Street, Hartford, Connecticut, but formerly of 1101 Hillside Avenue, Wilmington, Delaware, was a legal resident of the State of Delaware for 22 years and 1 month prior to his entry into the United States Navy on July 7, 1949; AND

WHEREAS, said George Elmer Smith, Jr., has served in the United States Navy from July 7, 1949, until the present time, and served outside the limits of the States or District of Columbia from September 30, 1950, until July 2, 1952; AND

WHEREAS, since his service was between June 25, 1950, and January 31, 1955, he would have been entitled to a bonus under the Veteran's Military Pay Act No. II as appears in Chapter 449, Volume 50, Laws of Delaware, but through oversight he failed to apply timely for such bonus; AND

WHEREAS, he served 21 months overseas and would therefore be entitled to the maximum bonus of \$300, NOW, THEREFORE,

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

Section 1. The sum of \$300 is appropriated to George Elmer Smith, Jr.

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 December 17, 1963.

CHAPTER 179

AN ACT TO AMEND SECTION 1183 (d), TITLE 30, DELAWARE CODE, RELATING TO PAYMENT OF REFUNDS.

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

Section 1. 1183 (d), Chapter 11, Title 30, Delaware Code, is amended by striking out paragraph (d) and inserting in lieu thereof the following:

(d) No refund or abatement, or credit of excess payment in excess of \$1,000 shall be made until the same has been approved by the Tax Board or a majority thereof either at a recorded meeting or in writing.

Approved December 17, 1963.

CHAPTER 180

AN ACT TO AMEND CHAPTER 1, TITLE 30, DELAWARE CODE PERTAINING TO STATE TAXES, BY ADDING A NEW SECTION THERETO PROVIDING FOR RECIPROCAL COLLECTION OF TAXES.

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

Section 1. Chapter 1, of Title 30, Delaware Code, is amended by adding a new section to be known as §104 and to read as follows:

§ 104. Reciprocal Collection of Taxes; recognition of laws of other states; official to bring action; meaning of taxes

(a) The Courts of this State shall recognize and enforce the liability for taxes lawfully imposed by the laws of any other state or the District of Columbia which extends a like comity in respect of the liability for taxes lawfully imposed by the laws of this State.

(b) The officials of such other states or the District of Columbia are authorized to bring action in the courts of this State for the collection of such taxes, and the certification of the secretary of state of such other state or comparable official in the District of Columbia that such officials have the authority to collect the taxes so to be collected by such action shall be conclusive proof of that authority.

(c) The term "taxes" as herein referred to shall mean taxes similar to those imposed under this article, together with all lawful interest charges and penalties added thereto.

Approved December 17, 1963.

CHAPTER 181

AN ACT AMENDING TITLE 6, DELAWARE CODE OF 1953, BY PROTECTING THE PUBLIC WELFARE, ENTITLING ALL PERSONS TO FULL AND EQUAL ACCOMMODATIONS, FACILITIES, ADVANTAGES AND PRIVILEGES OF PLACES OF PUBLIC ACCOMMODATIONS AND MAKING IT UNLAWFUL TO REFUSE THE SAME TO ANY PERSON ON ACCOUNT OF RACE, CREED, COLOR OR NATIONAL ORIGIN OR TO PUBLISH ANY COMMUNICATION TO THE EFFECT THAT THE SAME SHALL BE REFUSED ON ACCOUNT OF RACE, CREED, COLOR OR NATIONAL ORIGIN, EMPOWERING AND DIRECTING THE STATE HUMAN RELATIONS COMMISSION TO EFFECT VOLUNTARY COMPLIANCE THEREWITH AND PROVIDING CRIMINAL PENALTIES FOR THE VIOLATIONS THEREOF, AND REPEALING SECTION 1501 OF TITLE 24, SECTION 902 OF TITLE 28 AND SECTION 703 OF TITLE 26, DELAWARE CODE OF 1953, INsofar AS SAID SECTIONS ARE INCONSISTENT THEREWITH.

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

Section 1. Title 6, Delaware Code of 1953, is amended by adding a new chapter thereto reading as follows:

CHAPTER 45. EQUAL ACCOMMODATIONS

§ 4501. Definitions

As used in this chapter—

“A place of public accommodation” means any establishment which caters to or offers goods or services or facilities to, or solicits patronage from, the general public. This definition shall apply to hotels and motels catering to the transient public, but it shall not apply to the sale or rental of houses, housing units, apartments, rooming houses, or other dwellings nor to tourist homes with less than ten rentals units catering to the transient public nor to Barbershops or hair dressing establishments.

"Commission" shall mean the State Human Relations Commission.

§ 4502. Purpose and Construction

This chapter is intended to prevent in places of public accommodations practices of discrimination against any person because of race, creed, color or national origin. This chapter shall be liberally construed to the end that the rights herein provided for all people without regard to race, creed, color or national origin may be effectively safeguarded.

§ 4503. Persons entitled to protection

All persons within the jurisdiction of this State are entitled to the full and equal accommodations, facilities, advantages and privileges of any place of public accommodation regardless of the race, creed, color or national origin of such persons.

§ 4504. Unlawful practices

(a) No person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, shall directly or indirectly refuse, withhold from or deny to any person, on account of race, creed, color or national origin, any of the accommodations, facilities, advantages or privileges thereof.

(b) No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation shall directly or indirectly publish, issue, circulate, post or display any written, typewritten, mimeographed, printed or radio communication, notice or advertisement to the effect that any of the accommodations, facilities, advantages and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race, creed, color or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be or appearing to be of any particular race, creed, color or national origin, is unlawful, objectionable or not acceptable, desired, accommodated or solicited, or that the patronage of persons of any particular

race, creed, color or national origin is preferred or is particularly welcomed, desired or solicited.

§ 4505. Duty to induce compliance

The Commission, in addition to other powers granted by this chapter, is empowered and directed to induce compliance with the purposes of this chapter by informal methods of conference, persuasion, and conciliation.

§ 4506. Procedure on complaint

(a) A person believing himself aggrieved by an allegedly unlawful practice prescribed by Section 4504 may, by himself or his attorney-at-law, file with the Chairman of the Commission a complaint in writing which shall state:

(i) The name and address of the complainant.

(ii) The name and location of the place of public accommodation at which the unlawful discriminatory practice occurred, and the date and time thereof.

(iii) If known, the name and address of each respondent, that is, the person or persons who committed the unlawful act and (if different) the person who is the owner, lessee, proprietor, manager or superintendent of the place of public accommodation.

(iv) Such other information as may be required by the Commission.

(b) No complaint shall be filed with the Commission more than ninety (90) days after the occurrence of the alleged act of unlawful discrimination, but any complaint can be amended at any time.

(c) Within ten (10) days after the complaint is filed, the Chairman of the commission shall designate three or more Commissioners who shall themselves or by employees or agents of the Commission, investigate the complaint, ascertain the identity

of the respondents, and endeavor to eliminate any unlawful discriminatory practice they discover by conference, persuasion, and conciliation. The Commissioners so appointed shall decide whether they shall hold a public hearing as part of their investigation.

(d) Within forty-five (45) days from the date the complaint is filed with the Commission, unless another date is fixed by the Chairman, the Commissioners so appointed shall submit a written report to the Chairman which shall:

- (i) State findings of fact.
- (ii) State which of the respondents, if any, had committed an act forbidden by this Chapter, and if so,
- (iii) State what efforts were made to adjust the complainant's grievance by conference, persuasion, and conciliation, and the result thereof.
- (iv) State what action was taken to prevent future violation by the respondents.
- (v) Make recommendations for future handling of the case.

Copies of the report shall be mailed to the complainant, to each respondent, and to the attorney-at-law of any party thus represented.

(e) If a majority of the Commissioners appointed to investigate the complaint determine that no respondent has committed an act prescribed by Section 4504, the complaint shall be dismissed. The order of dismissal shall be signed by the Chairman and mailed to the complainant, to each respondent, and to the attorney-at-law of any party thus represented. However, no order shall issue pursuant to subsection (f) unless a public hearing shall have been held with at least five days' notice to the respondent and unless the respondent shall have been given an opportunity to be represented by counsel and to present evidence.

(f) If a majority of the Commissioners appointed to investigate the complaint determine that one or more of the respondents has committed an act prescribed by Section 4504, the Chairman shall execute with such respondent or respondents who committed such act, an agreement that he or they shall discontinue such unlawful practice and shall refrain from unlawful practices prescribed by Section 4504 of this Chapter. The agreement shall contain such other terms as are reasonable and will effectuate the purposes of this chapter. In the event that the respondent or respondents shall refuse to execute such an agreement the Chairman shall issue an order ordering him or them to discontinue such unlawful practice, to refrain from unlawful practices prescribed in Section 4504 of this chapter and to comply with such other terms of the order as may be contained therein and which are reasonable and will effectuate the purposes of this chapter. Such order shall be served personally on each respondent subject to the order by a member of the Commission or its staff or shall be served by registered or certified mail. A copy of the agreement or order, as the case may be, shall be mailed to the complainant and to the attorney-at-law of any party thus represented.

§ 4507. Commission's Power to Investigate Compliance

The Commission is empowered to investigate compliance with this Chapter whether or not a complaint is filed. In furtherance and not in limitation of this power, the Commission may review practices of any place of public accommodation within this State by three or more Commissioners appointed by the Chairman. The Commissioners thus appointed shall conduct an investigation in a manner which shall follow, so far as is reasonably practicable, the procedure specified in Section 4506 and the Chairman shall conclude such investigation by an agreement or order as provided in Section 4506 (f) or shall notify such place of public accommodation that no agreement or order is deemed necessary.

§ 4508. Commission's Power to adopt Rules

The Commission shall have the power to adopt rules and regulations concerning the manner in which complaints shall be

investigated or other investigations pursuant to this chapter shall be conducted, the manner in which public hearings shall be conducted, the general form and content of agreements and orders provided for in this chapter and such other rules as the Commission shall consider appropriate to assist it in performing its duties and in carrying out the purposes of this chapter. Such rules and regulations shall have the force and effect of law.

§ 4509. Compelling Attendance of Witnesses and Production of Documents, Oaths, Subpoenas

(a) The Commission, or any group of Commissioners appointed to investigate a complaint or otherwise to investigate compliance with this chapter, may compel the attendance of witnesses and the production of papers, books, accounts and all other documents at any public hearing.

(b) At any public hearing, any member of the Commission may administer oaths to all witnesses who may be called before the Commission, or any group of Commissioners appointed to investigate a complaint or otherwise to investigate compliance with this chapter as the case may be.

(c) To compel attendance at any public hearing, subpoenas may be issued in the name of the Commission and shall be signed by a member thereof and may be served by any Sheriff, deputy sheriff, constable or any employee of, or member of, the Commission and return thereof made to the Commission.

§ 4510. Witness Fees and Mileage

Any witness appearing in response to a subpoena shall receive fees and mileage allowances computed at the rate allowed to witnesses in the Superior Court, such fees to be paid when the witness is excused from further attendance.

§ 4511. Refusal to Obey Subpoena, Answer Question or Produce Documents; Contempt

If a person subpoenaed to attend before any group of Commissioners appointed to investigate a complaint or compliance

with this chapter fails to obey the command of such subpoena without reasonable cause, or if a person in attendance refuses without lawful cause to be examined or to answer a legal pertinent question, or to produce papers, books, accounts or other documents when ordered to do so by the Chairman of the public hearing, any member of the Commission may apply to the Superior Court in and for the county where such hearing is being held for an order returnable in not less than two or more than ten days directing such person to show cause before the Court why he would not comply with the subpoena or order of the Chairman of the public hearing. Upon the return of such order the judge before whom the matter comes on for hearing shall examine under oath the persons whose testimony may be relevant to be heard and if the judge determines that the person refused without legal excuse to obey the command of such subpoena or to be examined, or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to produce, the judge may order such person to comply forthwith with the subpoena or order of the Chairman of the public hearing and any failure to obey such order of the court or judge may be punished by the court or judge as a contempt of the Superior Court.

§ 4512. Rules Governing Conduct of Hearings

All public hearings before any group of Commisisoners appointed to investigate a complaint or failure to comply with this chapter shall be conducted in accordance with the rules prescribed by the Commission. In investigations and the conduct of public hearings, the Commissioners shall not be bound by the technical rules of evidence. A record shall be kept of all investigations and all public hearings and all parties shall be entitled to be heard in person or by attorney, and to introduce evidence.

§ 4513. Right to Appeal

(a) Any complainant aggrieved by a dismissal of a complaint under Section 4506 (e) or by an agreement or order as provided by Section 4506 (f) or any respondent aggrieved by any order as provided in Section 4506 (f) or Section 4507, shall have a right of appeal to the Superior Court of the State of

Delaware in and for the county in which the unlawful act is alleged to have occurred by filing a complaint in such Court. Such appeal shall be filed within thirty (30) days of the date of dismissal of the complaint, execution of the agreement or issuance of the order.

(b) On appeal, the aggrieved party shall designate himself as plaintiff and the Commission and any other parties to the matter in which the appeal is taken as defendants. The case shall then be tried de novo in the same manner as any other civil action brought in the Superior Court in accordance with its rules of civil procedure.

(c) Unless otherwise ordered by the Court, the filing of an appeal to the Superior Court shall act as a stay of any agreement or order until disposition of the appeal.

(d) Any aggrieved party shall have a right to appeal from a judgment of the Superior Court.

§ 4514. No Prosecution Unless Approved by the Commission

Other than prosecution instituted by the Attorney General, by way of indictment or information, no criminal prosecution under this chapter shall be instituted unless the Commissioners appointed to investigate the alleged offense, or a majority of them, shall first have certified in writing that such prosecution is in the public interest. The basis for such certification shall not be reviewed in any proceeding whatsoever. The Commissioners may consider that a prosecution is in the public interest when they determine that there is probable cause to believe that any person has violated any provision of any agreement or order executed or issued within twelve months prior to such violation or when they shall determine that there is probable cause to believe that an unlawful practice as prescribed by Section 4504 has occurred and that efforts to eliminate the unlawful practice by informal methods of conference, persuasion and conciliation have failed and that further efforts are likely to be futile.

§ 4515. Violations and Penalties

Any person who, on prosecution instituted by the Attorney General, or on prosecution instituted by any other person after

certification by the Commissioners as provided in Section 4514, shall be found guilty of any unlawful practice prescribed by Section 4504 or who shall be found guilty of violating any provisions of any agreement or order executed or issued within twelve months prior to such violation shall be guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned for not more than ninety days, or both.

§ 4516. Action for Specific Performance; Commission to be a Party; Attorney General to Represent the Commission

Compliance with an order of the Chairman from which an appeal has not been taken as provided in Section 4513, or of an agreement executed by a respondent may be enforced by a civil action in the Court of Chancery to compel specific performance of the order or agreement.

In any action brought under this section the Commission shall be a party and shall be represented by the Attorney General.

Section 2. Section 1501 of Title 24, Section 902, of Title 28, and Section 703 of Title 26, Delaware Code of 1953, and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed insofar as such inconsistency does occur.

Section 3. If any clause, sentence, paragraph or part of this Act or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act.

Approved December 18, 1963.

NOTE: Section 3 of this act has been codified as § 4577, Title 6, Delaware Code.

CHAPTER 182

AN ACT TO AMEND TITLE 15, SECTION 5004, DELAWARE CODE, PERTAINING TO THE USE OF VOTING MACHINES.

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

Section 1. Section 5004, Title 15, Delaware Code, is hereby amended by striking out all of said section and substituting the following in lieu thereof:

§ 5004. When used

Voting machines shall be used throughout the State in all general and special elections, in municipal elections in the City of Wilmington and The City of Dover and in primary elections held under the provisions of Chapter 31 of this title in those districts where a contest exists. Voting machines shall not be used in elections held under the provisions of Title 14, or in municipal elections other than municipal elections held in the City of Wilmington and The City of Dover. In connection with the use by the City of Dover as provided above, the City of Dover shall be authorized and empowered to utilize the voting machines in the custody of the Kent County Board of Election upon the payment by the City of Dover of all costs and expenses incidental to their use.

Approved December 18, 1963.

CHAPTER 183

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
FOR THE SURPLUS FOOD FOR NEEDY FAMILIES
PROGRAM.**

WHEREAS, the Federal Government has revised its regulations governing provisions relating to the donation of government food commodities; AND

WHEREAS, the new regulations require Department of Public Welfare to certify eligibility of all recipients, provide definitions for public assistance and non-public assistance households inconsistent with current interpretations and that non-public assistance households be recertified as eligible every three (3) months; AND

WHEREAS, the government surplus food program will continue to be an economical and efficient welfare program of extreme benefit to the less fortunate residents of Delaware, NOW, THEREFORE,

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

Section 1. Ten Thousand and Five hundred dollars (\$10,500.00) is appropriated to the Department of Public Welfare for the fiscal year beginning July 1, 1963, as follows:

Salaries and wages of employees	\$ 7,500
Office Expense	500
Travel	750
Equipment	1,750

TOTAL..... \$10,500

Section 2. Seven Thousand dollars (\$7,000.00) is appropriated to the Surplus Food for Needy Families Program of the Delaware State Hospital for the fiscal year beginning July 1, 1963, as follows:

Salaries and wages of employees	\$5,700
Office Expense	600
Travel	700
<hr/>	
TOTAL.....	\$7,000

Section 3. 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 December 18, 1963.

CHAPTER 184

AN ACT TO AMEND CHAPTER 177, VOLUME 36, LAWS OF DELAWARE, AND CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, BY REVISING AND AMENDING THE DUTIES OF THE TOWN ALDERMAN OF "THE COMMISSIONERS OF MILLSBORO" AND ELIMINATING THE TOWN CONSTABLE AS SUCH, AND CREATING A POLICE DEPARTMENT.

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. That § 12 of Chapter 203, Volume 25, Laws of Delaware, shall be and the same is hereby repealed, and the following section, to be known as § 12 is enacted in lieu thereof:

Section 12 (A). The Commissioners shall at their second regular meeting after the General Election appoint some suitable person who shall act as Alderman. The person so selected and designated need not be a Justice of the Peace, although such person may be. The Alderman shall hold office from the time of his appointment until the second regular meeting after the General Election, next following his appointment.

(B). In case of sickness, unavoidable absence or vacancy of the office created by death or otherwise, any of the Commissioners shall have, during such sickness or absence, the same power and authority as could, under the circumstances, be exercised by the Alderman. In the event of any vacancy in this office prior to the normal termination of the term of Office, the Commissioners shall appoint a successor to complete the unexpired term.

(C). Before entering upon the duties of his office, the person appointed by the Commissioners to serve as Alderman shall be sworn or affirmed by the Commissioners to perform the duties of his office, honestly, faithfully and diligently. It shall be the duty of the Alderman to enforce all laws enacted for the government of the Town and to carry into effect all orders and

directions of the Commissioners of Millsboro made in pursuance of any law of this State and to carry into effect any ordinance that the Commissioners of Millsboro may legally make or establish. The Commissioners of Millsboro shall procure a suitable record for the use of the Alderman. Such record shall be known as the "Alderman's Docket".

(D). The Alderman shall have jurisdiction and cognizance of all breeches of the peace and other offenses committed within the limits of the Town and within one mile of the limits and territory of the Town so far as to arrest and hold for bail or to fine and imprison offenders; of all fines, penalties and forfeiture prescribed by this Chapter, ordinances enacted hereunder; of all neglects, omissions or defaults of any member of the police force, or of any other Town 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.

(E) The fees of the 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 Commisisoners of Millsboro may establish a fee by ordinance.

(F) If any Alderman shall be removed from office as hereinafter provided, he shall deliver to the Commissioners of Millsboro within two (2) days after his removal from office, all the books and papers belonging to his office, and shall pay over to the Commissioners of Millsboro 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 the Alderman, the Commissioners of Millsboro shall make or cause to be made an audit of the books and papers of the Alderman so removed. Upon the neglect or failure to deliver all the books and papers to the Commissioners of Millsboro within the time specified by this Charter, or to pay over all the monies to the Commissioners of Millsboro within the time specified, the 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 Commissioners of Millsboro or to pay over all monies to the Commissioners of Millsboro.

(G) The Commissioners for any reasonable cause may remove the Alderman from office. The Alderman under such circumstances, shall be given five days notice thereof and shall be accorded a full and fair hearing if so requested in writing, addressed to the Commisisoners, within five days of his formal receipt of the notice of his removal.

Section 2. That § 21 of Chapter 203, Volume 25, Laws of Delaware, shall be and the same is hereby repealed and the following section, to be known as § 21 is enacted in lieu thereof:

Section 21 (A). The Commissioners shall appoint some suitable person to act as Chief of Police. The Chief of Police, as chosen, shall serve at the pleasure of the Commisisoners and shall be the head of the Police Department of the Town of Millsboro, and shall receive such compensation as the Commissioners shall fix. The Commissioners shall also appoint such assistants to the Chief of Police as may by resolution be required. These assistants to the Chief of Police shall hold office at the pleasure of the Commissioners and shall receive such compensation as the Commissioners, by resolution, may fix. The Chief of Police shall pay over to the Commissioners, in the manner designated by them, all fees or other monies collected by the Chief of Police and his staff in the execution of their duties. The Commissioners may for any reasonable cause remove from office either the Chief of Police or any member of his staff. The person against whom the Commissioners may choose to proceed shall receive 5 days notice thereof and shall be accorded a full and fair hearing, if requested in writing, addressed to the Commissioners, within five days of his formal receipt of the notice of his removal.

(B) The said Police Officers shall be conservators of the peace within the limits of the Town of Millsboro and shall monthly, or as often as the Commissioners of Millsboro shall deem desirable, submit a report to the Commissioners of Millsboro setting forth the number of arrests made during said preceding

month. The Police Officers shall see that ordinances are enforced, and they together with said 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 Town, and by the ordinances thereof, and shall have all of the same powers and functions that Constables of Sussex now have, or may hereafter have as conservators of the Peace.

(C) Each member of the Police Force shall be vested, within the Town limits and within one mile outside 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.

(D) It shall be the duty of the police to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town, 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 Town 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 a Justice of the Peace for hearing.

(E) 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 Commissioners of Millsboro 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.

Approved December 18, 1963.

CHAPTER 185

**AN ACT TO AMEND § 6102, TITLE 16, DELAWARE CODE,
RELATING TO THE COMPACT ADMINISTRATION OF
THE INTERSTATE COMPACT ON MENTAL HEALTH.**

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

Section 1. Amend § 6102, Title 16, Delaware Code, by striking the words "The State Psychiatrist" as they appear therein and substituting in lieu thereof the words, "The Superintendent of the Delaware State Hospital at Farnhurst".

Approved December 18, 1963.

CHAPTER 186

AN ACT TO AMEND CHAPTER 5, TITLE 29, DELAWARE CODE, RELATING TO THE SEAL OF STATE OFFICIALS, COURTS AND PUBLIC OFFICERS BY PROVIDING THAT THE LEVY COURT OF NEW CASTLE COUNTY MAY ADOPT A SEAL.

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

Section 1. Section 502, Chapter 5, Title 29, Delaware Code, is amended by striking the last sentence of said Section 502 and inserting in lieu thereof the following sentence: The seal of the office of the Clerk of Peace shall be the seal of the Levy Court; provided that notwithstanding the foregoing, the Levy Court of New Castle County may by resolution adopt a seal which shall be the seal of the Levy Court of New Castle County.

Approved December 18, 1963.

CHAPTER 187

AN ACT TO AMEND CHAPTER 3, TITLE 30, DELAWARE CODE, RELATING TO THE STATE TAX BOARD.

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

Section 1. Chapter 3, Title 30, Delaware Code, is amended by adding a new section as follows:

§ 323 A. Alternate attorney member

(a) Whenever a request in writing shall be addressed to the Governor by any member of the Tax Board stating that the attorney member of the Board has disqualified himself from participating in a particular matter or matters coming before the Board, or that such member is unable because of illness, disability, or other good reason to take part in such matter or matters, the Governor shall designate an attorney-at-law as a special attorney member of the Board for such matter or matters only, and such designee shall be deemed to be the attorney member of the Board for all purposes concerning such matters.

(b) Any attorney so designated who renders service as such special member of the Board shall be paid at the rate of \$50 per diem for his services.

(c) The provisions of this section shall be applicable to any matter or matters over which the Tax Board has jurisdiction, whether pending at or prior to the effective date of this section or at any time subsequent thereto.

Section 2. Section 322, Title 30, Delaware Code, is amended by striking out the figure "\$500" and inserting in lieu thereof the figure "\$1,000".

Section 3. Section 2 of this Act shall become effective at the beginning of the fiscal year next following the day this Act becomes law.

Approved December 18, 1963.

CHAPTER 188

AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE, RELATING TO SOIL CONSERVATION DISTRICTS BY REPEALING SAID CHAPTER AND SUBSTITUTING A NEW CHAPTER 39 IN LIEU THEREOF.

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

Section 1. Chapter 39, Title 7, Delaware Code, is hereby repealed.

Section 2. A new Section 39, Title 7, Delaware Code, is hereby enacted to read as follows:

§ 3901. Declaration of policy

It is the policy of the State of Delaware to provide for the saving of the productive power of Delaware land and water by conserving soil and preventing and controlled all phases of soil and land erosion, by preventing and controlling floodwater and sediment damages, and by furthering the conservation, protection, development, and utilization of land and water resources, including the disposal of water, and thereby to preserve natural resources and promote their beneficial use, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, provide recreation development, protect the tax base, protect public lands and highways, and protect and promote the health, safety and general welfare of the people of this State.

§ 3902. Definitions

For the purpose of this chapter, unless otherwise specifically defined, or another intention clearly appears, or the context requires a different meaning—

“Board of District Supervisors” or “board” means the governing body of a soil and water conservation district, elected or appointed in accordance with the provisions of this chapter;

"Landowner" or "owner of land" means and includes any person, firm or corporation who shall hold title to any land in this State;

"Soil and Water Conservation District" or "district" means a governmental subdivision of this State, the boundaries of which coincide with county boundaries, and having the powers and duties prescribed by this chapter, as herein amended;

"Delaware Soil and Water Conservation Commission" or "Commission" means the agency responsible for the administration of soil and water conservation districts in Delaware, with the powers and duties prescribed by this chapter, as herein amended;

"Farmer" means any person holding legal title to a farm and being actively engaged in farming operations.

§ 3903. Continuation of Commission and Districts

(a) The State Soil Conservation Commission created by Act of April 2, 1943, shall hereafter be known as the Delaware Soil and Water Conservation Commission, and shall continue to carry out the powers and duties prescribed for it by this chapter, as herein amended.

(b) The three soil conservation districts heretofore created under this chapter (herein repealed) shall hereafter be known as the Kent Soil and Water Conservation District, the New Castle Soil and Water Conservation District, and the Sussex Soil and Water Conservation District, respectively, and the said districts shall continue to exercise all the powers and duties prescribed for districts by this chapter, as herein amended.

§ 3904. Delaware Soil and Water Conservation Commission; Composition; Term

(a) The Commission shall be composed of the Dean of the School of Agriculture of the University of Delaware and six members appointed by the Governor of Delaware in the manner hereinafter provided, and the vote and authority of each of said seven members shall be equal.

(b) At least three of the appointed members shall be farmers, one to be appointed from New Castle County, one from Kent County, and one from Sussex County. The remaining three appointed members may be non-farmers, one to be appointed from New Castle County, one from Kent County and one from Sussex County. The term of office of each commissioner shall be three years, beginning on the first day of July in the year of appointment, except that the first terms of the three members who are not required to be farmers shall be for terms of one year, two years and three years, respectively. The appointments shall be made so that no two members from any County shall have simultaneous terms of office, and the two appointed members within each County shall not belong to the same political party. The farmer members now serving on the Commission shall serve until the expiration of their term of office, and their successors shall be appointed for a regular term of three years. Any commissioner shall be eligible to succeed himself. A member appointed to fill a vacancy occurring otherwise than by expiration of his term shall be appointed for the unexpired portion of such term. A commission member shall hold office until his successor has been appointed and duly qualified.

(c) The Commission may invite the Secretary of Agriculture of the United States of America to appoint one person to serve with the Commission in an advisory capacity.

§ 3905. Organization of Commission; Quorum; Expense of Members

The Commission shall designate by election one of its members to serve as chairman, and may, from time to time, change such designation by the same means. The Commission may also appoint a secretary. A majority of the Commission shall constitute a quorum, but the concurrence of a majority of the Commission as a whole on any matter within its duties shall be required for its determination, except as the Commission may invest any of its members with power to determine specified matters or to perform routine duties. Each member of the Commission shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his duties as a member of this Commission.

§ 3906. General Powers and Duties of Commission

(a) The Commission shall—

(1) Formulate policies and general programs to be carried out by the Commission and by soil and water conservation districts for the prevention of erosion, floodwater and sediment damages and for the conservation, protection, development, and utilization of the State's soil and water resources, including the disposal of water;

(2) Exercise overall responsibility for administration and direction of the programs of the districts;

(3) Advise and assist any district in developing and carrying out its program for the prevention of erosion, floodwater and sediment damages, and the conservation, protection, development, and utilization of soil and water resources, including the disposal of water.

(4) Cooperate with and give such other assistance, financial and otherwise, as the Commission may judge to be useful to any district in the exercise of its powers and performance of its duties, including the entering into of such agreements as may be appropriate with such district, with landowners, and with other State, Federal, or local agencies, subject to such conditions as the Commission deems necessary to advance the purposes of this Chapter;

(5) Receive and allocate or otherwise expend any funds appropriated by the Legislature of this State, or received from any other source, for the use or benefit of the Commission or of the districts;

(6) Be the administrative agency to represent this State in all matters arising from the provisions of this chapter;

(7) Keep a full and accurate record of all its proceedings and of all its resolution, regulations, and orders issued or adopted;

(8) Make an annual audit of all its accounts of receipts and disbursements;

(9) Formulate and establish rules and procedures for conducting elections of district supervisors, and for conducting all other local referendums which may from time to time become necessary in order to give landowners an opportunity to reach majority conclusions with respect to the programs of the district;

(10) Make such other rules and regulations as it deems necessary to carry out the purposes of this chapter; and

(11) Make and execute contracts and other instruments, necessary or convenient to the exercise of its powers, with any Federal, State, or local agency, or with any person.

(b) In addition to the above powers, and any other powers granted in other sections of this chapter, the Commission may—

(1) Appoint such employees as it requires, within the limits of available funds, and determine their qualifications, duties and compensation;

(2) Call upon the Attorney General of the State for such legal services as it requires;

(3) Conduct surveys, investigations and research relating to erosion, floodwater and sediment damages, and to the conservation, protection, development, and utilization of land and water resources, including disposal of water, and the prevention and control measures and works of improvement needed; publish the results of such surveys, investigations and research; disseminate information concerning such preventive and control measures and works of improvement; except that any agricultural research shall be in cooperation with the Delaware Agricultural Experiment Station;

(4) Develop comprehensive plans for, and carry out, preventive and control measures and works of improvement for the prevention of erosion, floodwater and sediment damages and for the conservation, protection, development, and utilization of land and water resources, including the disposal of water;

(5) Obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this State or any of its agencies or sub-divisions, or from any other source, for use in carrying out the functions of the Commission under this Act;

(6) Obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise any property, real or personal, or rights or interests therein; maintain, administer, and improve any properties acquired; receive income from such properties and expend such income in carrying out the purposes and provisions of this chapter; and sell, lease, or otherwise dispose of any of its real or personal property or interests therein, in furtherance of the purposes and provisions of this chapter, including conveyances, with or without consideration, of lands or interests therein to soil and water conservation districts for use in carrying out their authorized purposes;

(7) Construct, improve, operate, and maintain such structures as may be necessary or convenient for the performance of any of the functions authorized in this act, and also, with the prior approval and agreement of the State Highway Department, which under Title 17, Section 131, of the Delaware Code, has responsibility for the absolute care, management and control of public roads, causeways, highways and bridges in the State, construct, improve, protect, or repair public roads, causeways, highways, or bridges in those cases where other works of improvement authorized in this Act affect such roads, causeways, highways or bridges;

(8) Cooperate, or enter into agreements with, and within the limits of available appropriations or other funds, furnish financial or other aid to any agency, governmental or otherwise, or any landowner, in the carrying out of operations authorized by this chapter, subject to such conditions as the Commission may deem necessary to advance the purposes of this chapter; and

(9) Appoint district supervisors in certain cases as hereinafter provided.

§ 3907. Board of District Supervisors; Composition; Term

(a) The Board of District Supervisors shall consist of:

(1) four farmers resident within the County and elected by a majority vote of landowners voting under rules and procedures formulated by the Commission;

(2) the chairman of the County Levy Court;

(3) a non-farmer member, to be appointed by the Commission for a term of three years, upon the request of the District involved; and

(4) the County Agricultural Extension Agent, who shall serve as secretary to the board, but with no authority to vote. The vote and authority of each other member of the board shall be equal.

(b) The term of office of the elected supervisors shall be four years. Present elected supervisors shall continue to serve until their present terms expire. Any supervisor will be eligible to succeed himself. The Commission may fill any vacancy, occurring otherwise than by expiration of term, by appointment of a qualified individual to serve the remainder of the unexpired term. A district supervisor shall hold office until his successor has been appointed and elected and duly qualified.

§ 3908. Organization of Board; Quorum; Expenses of District Supervisors

The Board of District Supervisors annually shall designate by election one of its members to be its chairman, and shall designate future chairmen by the same means. A majority of the board shall constitute a quorum, but the concurrence of a majority of the entire board on any matter within its duties shall be required for its determination, except as the board may invest any of its supervisors with power to determine specified matters or to perform routine duties. The board shall be authorized, in its discretion, to reimburse supervisors for their expenses, including travel expenses, necessarily incurred in the discharge of their duties as members of the board.

Any district supervisor may be removed from office by the Commission, upon notice and hearing, for neglect of duty or misconduct, but for no other reason.

§ 3909. Soil and Water Conservation District; Governmental Subdivision; Powers

(a) A soil and water conservation district organized under the provisions of this chapter shall constitute a governmental subdivision of this State, and such district, and the board of supervisors thereof, shall have authority to exercise the following powers, in addition to others granted in other sections of this chapter, subject to the responsibility of the Commission for the administration and direction of the programs of the districts:

(1) To develop comprehensive plans for, and carry out, preventive and control measures and works of improvement for the prevention of erosion, floodwater and sediment damages, and the conservation, development, and utilization of land and water resources, including the disposal of water, within the district:

(2) To conduct, in cooperation with the Commission, surveys, investigations, and research relating to the prevention of erosion, floodwater and sediment damages, and the conservation, protection, development, and utilization of land and water resources, including the disposal of water;

(3) To cooperate or enter into agreements with, and, within the limits of appropriations or other funds duly made available to it by law, to provide aid to any agency, governmental or otherwise, or any landowner within the district, in carrying out the program of the district, subject to such conditions as the board may deem necessary to carry out the purposes of this chapter;

(4) To make available, on such terms as the board shall prescribe, to any landowners within the district, through existing agencies if agreements with them seem feasible, or by such other means as the board shall prescribe, such services, materials and equipment as will assist such landowners to carry on operations for any of the purposes of this chapter;

(5) To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

(6) To obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired; to receive income from such properties and expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its real or personal property or interests therein, in furtherance of the purposes of the district;

(7) To accept the cooperation of, and financial, technical and material assistance from, the United States or any of its agencies, or from this State or any of its agencies or subdivisions, or from any other source, for use in carrying out the purposes of the district; and

(8) To sue and be sued in the name of the district; to make and execute contracts and other legal instruments, necessary or convenient to the exercise of its powers, with any Federal, State, or local agency, or with any person; and to receive and expend funds.

§ 3910. Cooperation

Any two or more soil and water conservation districts organized under the provisions of this chapter may cooperate with one another or with the State or any agency or subdivision thereof in the exercise of all powers conferred upon such districts or any or all duties prescribed for such districts by this chapter.

Approved December 18, 1963.

CHAPTER 189

**AN ACT TO RENAME A PORTION OF THE DELAWARE
TURNPIKE TO THE JOHN F. KENNEDY MEMORIAL
HIGHWAY.**

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

Section 1. Chapter 6, Title 17, Delaware Code, is amended by adding thereto a new section to read:

§ 603A. John F. Kennedy Memorial Highway

(a) That portion of the Delaware Turnpike leading from the Delaware Memorial Bridge to the Maryland State Line shall be known as the "John F. Kennedy Memorial Highway".

(b) The Department shall designate such portions of the Turnpike as may be necessary to effectuate the intention of this section the "John F. Kennedy Memorial Highway" and shall cause to be erected suitable signs or markers to inform the public of the proper name.

Approved December 18, 1963.

CHAPTER 190

AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, BY AUTHORIZING THE STATE TREASURER TO MAKE CERTAIN PAYROLL DEDUCTIONS.

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

Section 1. § 5106, Title 29, Delaware Code, is hereby amended by repealing said section and by substituting and enacting in lieu thereof the following § 5106:

§ 5106. Section 1. The State Treasurer shall, upon written authorization, deduct from any State employee's salary such sum as the person shall direct for hospitalization insurance and for Credit Unions managed by and for State employees, and pay such deducted sum as shall be directed, and the Auditor of Accounts shall give approval thereto. Deductions must be in excess of one dollar.

Section 2. Nothing in this Act shall be construed to make the State Treasurer, Auditor of Accounts, or any employee thereof liable in any manner whatsoever, other than for an accurate accounting of any monies so deducted, as such officers and their employees shall be deemed to be acting in so doing as a matter of courtesy and convenience for the person so directing the retention and payment of part of his salary as aforesaid.

Approved December 20, 1963.

NOTE: Section 1 was codified as § 5106 (a), and Section 2 was codified as § 5106 (b), Title 29, Delaware Code.

CHAPTER 191

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-
INCORPORATE THE TOWN OF FELTON", BEING
CHAPTER 208 OF VOLUME 24, LAWS OF DELAWARE,
BY PROVIDING FOR ZONING.**

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

Section 1. That there be added Section 17 to Chapter 208,
Volume 24, Laws of Delaware, as follows:

Zoning—The Commissioners may adopt zoning ordinances
limiting and restricting to specified districts, and regulating
therein, buildings and structures according to their construc-
tion and the nature and extent of their use.

Approved December 20, 1963.

CHAPTER 192

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF FELTON", BEING CHAPTER 208 OF VOLUME 24, LAWS OF DELAWARE, BY INCREASING THE AMOUNT THAT CAN BE RAISED EACH YEAR BY TAXES.

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

Section 1. That Section 8 of Chapter 208, Volume 24, Laws of Delaware, as amended by Chapter 138, Volume 33, Laws of Delaware, and as amended by Chapter 299, Volume 49, Laws of Delaware, by striking out the words "Thirty-five Hundred Dollars" and by substituting in lieu thereof the words "Seventy-five Hundred Dollars".

Approved December 20, 1963.

CHAPTER 193

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-
INCORPORATE THE TOWN OF FELTON", BEING
CHAPTER 208 OF VOLUME 24, LAWS OF DELAWARE,
BY PROVIDING FOR ANNEXING LAND.**

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

Section 1. That Section 3 shall be amended by adding the following:

Annexation—The corporate boundaries of the Town of Felton 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 Town Commissioners. 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 majority of the Commissioners, shall recite that the described lands are annexed to the Town of Felton 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 Felton just as other lands now within the Town. Provided, however, that there shall be no annexation without a favorable decision by referendum of the Town of Felton.

Approved December 20, 1963.

CHAPTER 194

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF FELTON", BEING CHAPTER 208 OF VOLUME 24, LAWS OF DELAWARE, BY PROVIDING FOR A CHANGE IN VOTING HOURS AND FOR VOTING.

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

Section 1. That Section 1 of Chapter 208, Volume 24, Laws of Delaware, be amended by striking out the words from "two until four o'clock P. M." and by substituting in lieu thereof the words from "five until eight o'clock P. M."

Section 2. That Section 1 of Chapter 208, Volume 24, Laws of Delaware, be amended by striking out all of said section beginning with "all male citizens" etc., and by substituting the following:

All citizens shall be able to vote who are 21 years of age and upwards and have paid all Town taxes assessed against them. All elections shall be duly advertised by notices posted in five of the most public places in said town at least five days previous to the day of holding the same, stating the place, day and hour of such election, and such notices signed by any one of the Commisisoners or by the town Clerk by authority of said Commissioners, or any one of them, shall be sufficient.

Approved December 20, 1963.

CHAPTER 195

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FELTON", BEING CHAPTER 208 OF VOLUME 24, LAWS OF DELAWARE, BY PROVIDING FOR A BOARD OF HEALTH, FIRE REGULATIONS AND MAINTENANCE OF LOTS.

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

Section 1. That Section 7 shall be amended by adding the following:

Board of Health—The Commissioners 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 Commissioners 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 Commissioners 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 Commissioners 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 Commissioners do not deem it necessary to appoint a Board of Health as herein provided said Commissioners shall have all of the duties and powers herein conferred upon the Board of Health.

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 Commissioners may appropriate annually such sums as deemed desirable to any duly organized fire company operating within the Town.

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 Commissioners in their 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 Commissioners shall have the power and authority to pass any ordinance prohibiting or regulating the same.

Approved December 20, 1963.

CHAPTER 196

AN ACT GRANTING THE MAYOR AND COUNCIL OF WILMINGTON THE RIGHT TO CONVEY ALL ITS RIGHT, TITLE AND INTEREST IN A CERTAIN LOT AND BUILDING.

WHEREAS, The State of Delaware by 14 Delaware Laws, Chapter 183, passed on March 23, 1871, did provide that all the right, title, interest, claim and demand whatsoever, legal or equitable, of the State of Delaware of, to and in the lot or piece of land known as the "Old Academy" or "School-house lot," in the Ninth Ward of the City of Wilmington, formerly a part of the Village of Brandywine, be and the same is hereby given and granted to and in the Mayor and Council of Wilmington and their successors and assigns, to and for the sole use and benefit of the Ninth Ward of the City of Wilmington forever, with all the buildings and improvements thereon and the incidents and appurtenances to the said lot appertaining and belonging, be the contents and descriptions thereof what they may.

NOW, THEREFORE,

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

The Mayor and City Council of Wilmington be and is hereby empowered to convey without consideration to Old Brandywine Village, Inc., a charitable, non-profit Delaware corporation all its right, title, interest, claim and demand whatsoever, legal or equitable to and in the lot or piece of land known as the "Old Academy" or "School-house lot," in the Ninth Ward of the City of Wilmington, formerly part of the Village of Brandywine, with all the buildings and improvements thereon and the incidents and appurtenances to the said lot appertaining and belonging, be the contents and descriptions thereof what they may.

Approved December 20, 1963.

CHAPTER 197

AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH.

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

MUNICIPAL CORPORATE NAME AND GENERAL POWERS THEREOF

Section 1—a. The Commissioners of Rehoboth Beach now in Office, and their successors hereafter chosen under the provisions of this Charter, within the limits and boundaries established by this Charter, shall be, and they are, created a body politic and corporate, in fact and in Law and Equity, by the name, style and title of "THE COMMISSIONERS OF REHOBOTH BEACH", hereinafter called The Commissioners, and under that 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 any and all Courts of Law and Equity in the State of Delaware and elsewhere by said corporate name; may take, receive, hold and enjoy any and all lands, tenements and hereditaments located either within or without the limits and boundaries set forth in Section 2 of this Charter, in fee simple or for a lesser estate, interest or otherwise, 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 Commissioners may deem expedient and proper for the purposes hereinafter to be expressed; and may appoint such Officers and agents as shall be necessary or convenient for the management of the affairs of the City, and may fix and determine the compensation of such officers and agents.

b. Except as hereinafter provided in this Charter relative to the power to issue Bonds, The Commissioners 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, government and well-being of its population, and the protection and preservation of property, public and private, and the maintenance of a permanent seaside resort and the furnishing of proper conveniences and attractions requisite to the same: provided, that nothing in this Charter shall be construed as conferring any banking power.

c. All actions, suits and proceedings shall be brought in the name of "THE COMMISSIONERS OF REHOBOTH BEACH".

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

TERRITORIAL LIMITS

Section 2—a. The limits and bounds of the City of Rehoboth Beach are hereby established and declared to be as follows:

b. Beginning at the Northeast line of the present Town of Rehoboth Beach, thence running to and with the coastline of the Atlantic Ocean, in a Southerly direction to the South side of Penn Street; thence with the South side of Penn Street to Silver Lake, thence by and with the North side of Silver Lake, in a Westerly direction, to the line of The Rehoboth Country Golf Club, continuing in a Westerly direction to a point at the North side of the Old County Bridge, across the United States

Inland Waterway, to there intersect the line of the said Inland Waterway; thence by and with the line of the United States Right-of-Way in a Northerly direction, to the present line of the said Town of Rehoboth Beach; thence by and with the said present line in an Easterly direction, to the point of beginning.

c. The Commissioners of Rehoboth Beach may, at any time hereafter cause a survey and plot to be made of said City, and the said plot or any supplement thereto, when so made and approved by said The Commissioners of Rehoboth Beach, signed by the President, who shall affix thereto the municipal corporate seal of the City, attested by the Secretary of the said The Commissioners of Rehoboth Beach, and upon being recorded in the Offices of the Recorder of Deeds of the State of Delaware, in and for Sussex County, shall be, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of Law and Equity of this State.

d. The said The Commissioners of Rehoboth Beach shall have the power to annex certain additional contiguous territory to the present limits of the said City of Rehoboth Beach, the description of City limits, after such additions, shall be: Beginning at the northeasterly line of the present limits of the City of Rehoboth Beach, thence running to and with the coast line of the Atlantic Ocean in a southerly direction to a point east of the center of Collins Avenue; thence by and with a line to the center of Collins Avenue; thence by and with the center of Collins Avenue to the high water mark of Rehoboth Bay; thence by and with the meanderings of the Rehoboth Bay in a northerly and westerly direction across the United States Inland Waterway (Lewes and Rehoboth Canal); thence by and with the westerly boundary of the United States Right-of-Way Line in a northerly direction to the present boundary line of the City of Rehoboth Beach; thence by and with the said line which is approximately one hundred feet northwest of and parallel to the northerly side of Henlopen Avenue in a northeasterly direction to the point and place of beginning, containing the most beautiful resort area along the Atlantic Shore, be the contents what they may.

And extend and apply to such additional territory all laws, ordinances, resolutions in force within said town, so far as they

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

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

STRUCTURE OF THE GOVERNMENT

Section 3—a. The government of the City and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in The Commissioners of Rehoboth Beach. The Commissioners of Rehoboth Beach shall consist of seven (7) members, to be chosen as hereinafter provided. One of said Commissioners shall have the title of Mayor of the City of Rehoboth Beach, with duties hereinafter to be prescribed, and who shall also be President of The Commissioners of Rehoboth Beach. Each of the seven (7) Commissioners of Rehoboth Beach shall be above the age of twenty-one years, a non-delinquent taxable of said City and, at the time of his elec-

tion and during his term of office, a freeholder of the City. His ceasing to be such freeholder shall, ipso facto, vacate his office. Each of three (3) of the said Commissioners shall also reside outside of the corporate limits of the City of Rehoboth Beach and three of the said Commissioners shall reside within the corporate limits of the City of Rehoboth Beach. The Commissioners with the title of Mayor of the City of Rehoboth Beach shall be a bone fide resident of the City of Rehoboth Beach. If, at any one time, more than three (3) incumbents of the office of Commissioners shall not reside in said City, by reason of one or more of them removing from out of said City, then, in such event, The Commissioner last removing from out of said City shall, ipso facto, vacate his office.

b. No compensation shall be paid to the Commissioners. This shall not be construed to deprive the Mayor of the City of Rehoboth Beach of fees and stipends hereinafter to be provided in certain designated instances nor to deprive the Secretary of the Commissioners of Rehoboth Beach of his right to receive compensation, as such Secretary.

ELECTION IN GENERAL

Section 4—a. The present Commissioners and other officers now serving by this Charter appointed to serve and shall continue to serve as The Commissioners of Rehoboth Beach and officers of the City from and after the passage hereof until their successors are duly elected or appointed. At the annual election held on the second Saturday in August, in accordance with Sections 6 and 7 of this Charter in the odd numbered years, four (4) Commissioners shall be elected; three (3) of whom shall be elected for the term of two years, and one of whom, who shall have the title of Mayor of the City of Rehoboth Beach, with duties hereinafter prescribed, shall be elected for the term of two years until his successor shall have been duly elected and qualified. At the annual election held on the second Saturday of August in the even numbered years, as provided for in Sections 6 and 7 of this Charter, three (3) Commissioners shall be elected.

ELECTIVE OFFICES

Section 5—a. The six offices of Commissioners of Rehoboth Beach and the one officer of Commissioner of Rehoboth

Beach with the title of Mayor of the City of Rehoboth Beach, with duties hereinafter to be prescribed, shall be elective. All other offices shall be appointive and the person or person filling such appointive offices shall be appointed by The Commissioners of Rehoboth Beach in the manner hereinafter to be prescribed. Six offices of Commissioner of Rehoboth Beach shall be for a two year term. The office of Commissioner of Rehoboth Beach with the title of Mayor of the City of Rehoboth Beach shall be for a two year term and in every event that a person shall be nominated to this office, the ballots shall not only specify that he seeks the Office of Commissioner of Rehoboth Beach, but also that he seeks that office with the title of Mayor of the City of Rehoboth Beach, with duties hereinafter to be prescribed.

b. The qualifications for the office of Commissioner of Rehoboth Beach as well as the office of Commissioner of Rehoboth Beach having the title of Mayor of the City of Rehoboth Beach shall be as set forth in Section 3 of this Charter.

c. In the case of a vacancy created in any office of Commissioner of Rehoboth Beach, or in the office of Commissioner of Rehoboth Beach having the title of Mayor of the City of Rehoboth Beach, either by death, resignation, loss of residence in the City of Rehoboth Beach, or other disqualifying event, or otherwise, The Commissioners of Rehoboth Beach shall fill such vacancy for the residue of the whole term.

d. Aside from loss of residence, as in those instances specified in Section 3 of this Charter, if any elective officer be found guilty of any crime or misdemeanor, he shall forthwith be disqualified to act as such officer and he shall, ipso facto, vacate his elective office; which office shall be filled by The Commissioners of Rehoboth Beach as in the case of other vacancies.

NOMINATIONS TO ELECTIVE OFFICES

Section 6—a. The mode of nomination of candidates for elective offices in the City of Rehoboth Beach shall be by petition signed by not less than ten (10) nor more than twenty-five (25) qualified electors of the City, and filed with the Secretary of The Commissioners on or before 12 o'clock noon on the second Saturday preceding the annual municipal election.

b. Whenever a petition nominating a person for the office of Commissioner of Rehoboth Beach, or the office of Commissioner of Rehoboth Beach who shall have the title of Mayor of the City of Rehoboth Beach, shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular municipal election as a candidate for the office for which he was nominated; provided, he possesses the qualifications of an incumbent of that office as prescribed by this Charter. The Commissioners of Rehoboth Beach shall be judge of his qualifications as prescribed by this Charter and, on the evening of the second Saturday preceding the next regular municipal election, between the hours of 8 and 10 P. M., The Commissioners of Rehoboth Beach shall sit in open meeting to judge the qualifications of candidates so nominated.

c. No nominating petition shall designate more than one person to be voted for as a Commissioner of Rehoboth Beach, or as Commissioner of Rehoboth Beach with the title of Mayor of the City of Rehoboth Beach.

d. No qualified elector shall sign the nominating petition of more candidates than there are elective offices to be filled at such regular municipal election. Each qualified elector signing such petition shall also state whether he signed such petition as a freeholder in the City or as a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the City for three months immediately preceding such election.

e. There must be attached to each nominating petition an affidavit of the circulator thereof stating: the number of signers; that each signature appended thereto was made in his presence; that each signature is the genuine signature of the person whose name it purports to be; and that all of said signers are entitled to vote at the regular municipal election referred to.

The form of the nominating petition shall be substantially as follows:

We, the undersigned, electors of the City of Rehoboth Beach, hereby nominate..... for the office of.....

to be voted for at the regular municipal election to be held in said City, on the.....day of.....in the year.....: and we individually certify that we are qualified to vote for a candidate for the office named, and that we have truly designated the capacity in which we have signed this petition as such qualified voter.

Name Freeholder Resident of Delaware and Rehoboth

(space for signatures)

State of Delaware:

SS

Sussex County:

.....being duly sworn (or affirmed) deposes and says that he is the circulator of the foregoing petition paper containing.....signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be, and that he verily believes the status of each signer thereof to be truly stated and that all of said signers are entitled to vote at the said regular municipal election referred to in said paper.

.....
Circulator

SUBSCRIBED AND SWORN TO (or affirmed) before me this.....day of, A. D.

.....
Notary Public

MANNER OF HOLDING ELECTIONS

Section 7—a. Annual municipal elections shall be held on the second Saturday in the month of August from 1 o'clock P. M. until 6 o'clock P. M. (EDST) at such public place or places as shall be determined by The Commissioners, due notices of which shall be given by posting notices thereof in five of the most public places within the corporate limits of the City of Rehoboth Beach not less than ten days before the day of such annual election. Provided, however, that in the event that there is no

contest for any of the several offices up for election in any year, the polls shall not remain open after 2 P. M.

b. The Commissioners shall cause to be printed ballots, at least as many in number as the number of qualified electors in said City entitled to vote at such election, which shall contain the names of all persons nominated in accordance with the provisions of Section 6 of this Charter and under proper headings designating the offices for which nominated. Such ballot shall be delivered to the persons appointed, or selected at the opening of the polls, to hold the election and every elector calling for a ballot shall receive one from the persons holding the election. Electors may also prepare for themselves ballots, either printed or written: provided, that such ballots do not contain a name or names other than those nominated as aforesaid.

c. Every election shall be held under the supervision of an Election Board. The Election Board shall consist of one (1) Inspector of the Election and two (2) Judges of the Election. The Judges and Inspector constituting the Election Board shall be qualified voters of the City and shall be appointed for that purpose by The Commissioners at least two (2) weeks before such election. If, at the opening of the polls, there shall not be present the three (3) members of the Election Board, or any one of them, then in such case the persons qualified to vote at such election and then present at the opening of the polls shall, by viva voce, select a qualified voter or voters to so act as a member or members 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. The Election Board shall keep a true and accurate list of all voters voting. The Election Board shall have the power to subpoena persons, and officers of the City and books, records and papers relative to the determination of the validity of any vote or votes offered.

d. At any such election every person, male or female, above the age of twenty-one years, who shall have been a freeholder in the City of Rehoboth Beach for a period of three months immediately preceding such election, against whose property or properties there shall be no due and unpaid taxes, assessments or other charges due the City which may have been

levied, assessed or charged against such property or properties during the fiscal year ending on June 30th preceding such election, whether a resident of the State of Delaware, or the City of Rehoboth Beach, or not shall have one vote and also every person, male or female, above the age of twenty-one years, who shall have been a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the City of Rehoboth Beach for at least three months immediately preceding such election, shall have one vote, if all City taxes, assessments and charges levied against such person during the fiscal year ending on June 30th preceding such election shall have been paid at the time of said election. All votes shall be offered in person. No voter shall vote for more candidates than there are offices to be filled at the election, and in voting shall mark an "X" in the box opposite the name of each candidates for whom the voter desires to cast his or her vote.

e. 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 City Elector as prescribed by this Charter, they shall receive the ballot but shall not count it, and shall return it in a separate package to the Commissioners with the name of the person presenting the ballot.

f. Upon the close of the election, the votes shall be read and counted publicly and the person having the highest number of votes for each office shall be declared, by the Election Board, to be duly elected, and such person shall continue in office during the terms for which they were chosen, or until their successors are duly elected or appointed and qualified.

g. In the event of a tie vote for any office, the Election Board shall determine the tie by lot.

h. All ballots cast and all records of the election kept by the Election Board shall be preserved in the custody of the Election Board for the period of ten days, save and excepting those ballots offered by persons who shall not have satisfied a majority of the Election Board that he or she or they possessed the qualifications of a City elector as prescribed by this Charter.

i. The Election Board shall enter in a book, to be provided for that purpose, a minute of the election, containing the names of the persons chosen. They shall subscribe the same and shall give to the persons elected certificates of their election. The book, containing such matters, shall be preserved by The Commissioners and shall be evidence in any Court of Law and Equity.

ANNUAL ORGANIZATION MEETING OF COMMISSIONERS

Section 8—a. The Commissioners of Rehoboth Beach, at noon, on the second Saturday in September next succeeding the annual election, in each and every year, shall meet for the purpose of organization at the usual place for holding meetings of The Commissioners of Rehoboth Beach. The newly elected officers shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity; which oath or affirmation shall be taken before a Notary Public, a Justice of the Peace or by a holding-over member of The Commissioners. The newly elected Commissioner with the title of Mayor of the City of Rehoboth Beach shall assume the chair of the office of Mayor of the City of Rehoboth Beach. The Commissioners shall likewise select a Secretary from their own number to serve until the first annual organization meeting after the next succeeding election. They shall also choose an Assistant Secretary to serve as aforesaid, who may or may not be from among their own number.

b. The Commissioners at such annual organization meeting shall also appoint, by a majority vote, a City Manager, Treasurer, Auditors, Board of Health, Town Solicitor, Board of Assessment, Police Chief, and such other officers, employees and agents of the City which it may deem proper and necessary for the proper conduct and management of the City.

c. The Commissioners shall by ordinance fix the salaries and compensation of the employees, officers and agents of the City, and the time and manner of his or her, or their payment; Provided, that the salary or compensation of any such employee, officer or agent shall not be increased, during the term of said office should said appointment thereto be for a designated term. 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 The Commissioners.

d. The Commissioners shall 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 dates of their employment, the salary and compensation to be by them received and the date of the termination of their services. In the event that they shall hold their office for an indefinite term, the record shall so state.

REGULAR AND SPECIAL MEETING

Section 9—a. The Board of Commissioners shall hold one meeting in each month on the second Friday of the month.

Special meetings shall be called by the Secretary upon the written request of the Mayor of the City of Rehoboth Beach, or upon the written request of any two members of The Commissioners, stating the day, hour and place of the special meeting request, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the President and to each member of The Commissioners of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary must be deposited in the United States mail in the main post office of the City of Rehoboth Beach at least forty-eight (48) hours before the time of such special meeting: provided, that a written waiver of such notice, signed by the Mayor of the City of Rehoboth Beach and all other members of The Commissioners prior to or immediately upon the convening of such special meeting, shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states.

b. In the event of the absence of the Secretary and Assistant Secretary at such time as any such special meeting should be called, the Mayor of the City of Rehoboth Beach or any two (2) members of The Commissioners shall have full authority to

issue such call and, in such event, a notice signed by the Mayor of the City of Rehoboth Beach or any two (2) members shall be as effective as though issued by the Secretary or Assistant Secretary.

c. The Commissioners of Rehoboth Beach shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at such special meeting, called as aforesaid, as The Commissioners have at regular monthly meetings.

d. All meetings shall be held in some public room in the City of Rehoboth Beach and shall be open at all times to the lawful voters of the City excepting during such time or times as The Commissioners shall deem it advisable to discuss any matter in executive session; provided, however, that no vote or ballot shall be taken by The Commissioners of Rehoboth Beach upon any question or matter coming before it except in open, public session and any vote or ballot taken by The Commissioners upon any matter or subject while in executive session shall be absolutely null and void.

QUORUM

Section 10—a. A majority of the members elected to The Commissioners of Rehoboth Beach 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 Commissioners.

RULES AND MINUTES OF THE COMMISSIONERS

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

CONTRACTS WITH MEMBERS

Section 12. It shall be unlawful for the said The Commissioners of Rehoboth Beach to make or enter into any contract

for materials, supplies, work or labor for the use and benefit of the City of Rehoboth Beach with any member of The Commissioners or with any partnership in which any member of The Commissioners is a partner, or with any corporation in which any member of The Commissioners is a director or stockholder, or with any firm or company in which any member of The Commissioners is pecuniarily interested, except with the unanimous consent of the entire Commissioners. Such contracts shall be absolutely null and void without such unanimous consent.

DUTIES AND POWERS OF THE MAYOR

Section 13—a. The Mayor of the City of Rehoboth Beach shall be sworn or affirmed to perform the duties of his office with fidelity.

b. He shall be the chief executive of the City. He shall preside at meetings of The Commissioners. He shall receive all communications and complaints and present the same to The Commissioners. He shall sign all deeds necessary and contracts made by The Commissioners and shall countersign all checks and warrants authorized by The Commissioners 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 The Commissioners, and shall have all and every power conferred, and perform the duties imposed upon him by this Charter or the ordinances of the City.

c. In the performance of his duties as Mayor of the City of Rehoboth Beach, he shall be known and designated as Mayor of the City of Rehoboth Beach and in executing any deed, lease, contract, warrant on the Treasurer, or other papers and instruments in writing necessary for him, as such Mayor of the City of Rehoboth Beach, to sign, he shall sign and execute the same as Mayor of the City of Rehoboth Beach.

d. As a Commissioner of Rehoboth Beach and as Mayor of the City of Rehoboth Beach, he shall have the same right as other Commissioners to vote on all matters and may at any time

appoint another Commissioner to preside if he desired 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.

e. In addition to his powers and duties as Mayor of the City of Rehoboth Beach, he shall, as Mayor of the City of Rehoboth Beach, have all powers of a Justice of the Peace within said City and shall have jurisdiction and cognizance on all breaches of the peace and other offenses committed within the limits of the City as far as arrest and hold to bail and fine and imprisonment offenders. He shall have jurisdiction and cognizance of all fines and penalties prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware; of all neglects, omissions or defaults of any member of the Police Force or other Town Officer, agent or employee; provided, that he shall impose no fine and penalty in excess of that fixed by the ordinance; which, in any event, shall not exceed a fine of \$500.00, or such sum as may hereafter be made the maximum fine under the State Motor Vehicle Code, and shall not commit to prison for a longer term than thirty days; provided, however, that in motor vehicle violations the fines and penalties imposed under the ordinances of the City of Rehoboth Beach shall be the same as those provided by the Laws of Delaware for the same offense. The jails of Sussex County may be used for imprisonment under the provisions of this Charter; provided, that The Commissioners shall pay for the board of persons committed for breaches of ordinances, which are not breaches of the General Law.

f. As Mayor of the City of Rehoboth Beach, he shall also have jurisdiction in suits of civil nature for the collection of taxes and assessments, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the City under the provisions of this Charter. Within his jurisdiction, he shall have all the powers and authority and shall be subject to all the limitations of a Justice of the Peace of Sussex County, except as herein otherwise provided; 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.

g. Upon the expiration of this term of office or upon resignation or removal from office, he shall forthwith turn over all records, books, papers, documents and other things belonging to or appertaining to his office of Mayor of the City of Rehoboth Beach. He shall also pay over to the Treasurer all monies in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and, upon conviction in the Court of General Sessions of the State of Delaware, shall be fined not more than \$500.00, or imprisoned for not more than one year, or shall suffer both fine and imprisonment at the discretion of the Court.

h. As Mayor of the City of Rehoboth Beach, he shall, at every regular monthly meeting of The Commissioners, report in writing all fines imposed by him and all fines and penalties and other money received by him for the preceding month belonging to the City. He shall pay all such monies to the Treasurer within ten (10) days after making report thereof to The Commissioner and failure to make report thereof to The Commissioners, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor and shall be punished upon conviction as hereinbefore provided.

i. As Mayor of the City of Rehoboth Beach, he shall keep a docket in which all his official acts shall be entered which shall be open to public inspection and examination at all times.

THE SECRETARY

Section 14—a. The Secretary shall have charge and custody of the books, journal, records, papers and other effects of the City and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions of The Commissioners of Rehoboth Beach. He shall be ex-officio, a member of all committees and shall keep a record of the transactions and proceedings of the same, together with such other

duties as may be prescribed by this Charter or by ordinance or rule of The Commissioners of Rehoboth Beach. He shall file and keep in a safe place the seal of The Commissioners of Rehoboth Beach and all papers and documents arising out of the proceedings of The Commissioners of Rehoboth Beach and relative to the affairs of the City. He shall deliver the same to his successor in office. He shall attest the seal of The Commissioners of Rehoboth Beach when authorized by The Commissioners and shall perform such duties and have such other powers as may be prescribed by ordinance.

b. All books, records and journals of the corporation in the custody of the Secretary may, in the presence of the Mayor, Secretary, Assistant Secretary, or any member of the Commissioners of Rehoboth Beach be inspected by any freeholder of the City desiring legitimate information at any time, or times, as may be convenient.

c. All records, books, papers and documents in the custody of the Secretary shall at all times be open for the inspection of members of The Commissioners of Rehoboth Beach.

d. The compensation of the Secretary for his duties, as such, shall be determined by The Commissioners.

ASSISTANT SECRETARY

Section 15. The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon the Assistant Secretary in the absence or inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other powers as may be prescribed by ordinance of The Commissioners of Rehoboth Beach.

THE TREASURER

Section 16—a. A Treasurer of the City of Rehoboth Beach shall be appointed by The Commissioners of Rehoboth Beach at their annual meeting hereinbefore provided. He shall hold his office for the term of one year from the date of his appointment at such annual meeting or if he be appointed to fulfill an unex-

pired term, his appointment shall expire one year from the date of the annual meeting immediately preceding his appointment.

b. The Treasurer of the City of Rehoboth Beach shall be a substantial freeholder of Lewes and Rehoboth Hundred. The Treasurer of the City of Rehoboth Beach shall be either a person resident in said Town or a corporation doing business therein.

c. The compensation to be received by the Treasurer of Rehoboth Beach shall be fixed by The Commissioners of Rehoboth Beach.

d. The Treasurer shall file with The Commissioners of Rehoboth Beach, a Bond with corporate surety, approved by The Commissioners in the sum of not less than \$5,000.00 to be paid for by The Commissioners. The Bond shall be conditioned upon the faithful performance of his duties of his office and the restoration to The Commissioners of Rehoboth Beach in the case of his death, resignation or removal from office of all books, papers, vouchers and other property of whatever kind in his possession belonging to The Commissioners of Rehoboth Beach.

e. The Treasurer shall be the custodian of all the funds of the City. He shall deposit them in banking institutions prescribed by The Commissioners.

f. All sums paid on account of assessments for the sewer system and sewage treatment plant authorized by Chapter 119, Volume 38, Laws of Delaware, shall be by him deposited within forty-eight hours of their receipt, in some banking institution authorized by The Commissioners as a "Sinking Fund for Sewers" and shall be by him kept entirely separate and distinct from any other funds handled by said Treasurer. All such amounts thus received shall form a sinking fund and shall only be paid out for the indebtedness incurred for building said sewers and sewage treatment plant authorized by the aforesaid Act, for paying the interest thereon as it becomes due, and for retiring the Bonds in accordance with the provisions of the aforesaid Act.

g. The Treasurer shall pay out no money except upon check or warrant countersigned by the Mayor of the City of

Rehoboth Beach and authorized by The Commissioners of Rehoboth Beach.

h. He shall keep a true, and accurate and detailed account of all monies received and of all monies paid out by him. He shall preserve all vouchers for monies paid out by him and his books and accounts shall, at all times, be open to inspection by The Commissioners. He shall make such reports and at such times as The Commissioners shall direct.

i. He shall prepare, in conjunction with the Secretary and the City Manager an annual report of the financial condition of the City, showing receipts and expenditures and submit the same to the Board of Commissioners, which said report shall be open to inspection to any freeholder of the City. He shall take his affidavit to his belief in the truth and correctness of such annual report and, at the end of the fiscal year, shall publish the same in one issue of a newspaper published in said City.

j. The Treasurer shall perform such other duties as The Commissioners of Rehoboth Beach may from time to time prescribe or require.

CITY MANAGER

Section 17—a. The Commissioners of Rehoboth Beach shall appoint a City Manager who shall be Chief Administrative Officer of the City.

b. He shall not, when originally appointed, be a resident of the City of Rehoboth Beach. His qualifications for that office shall meet the approval of The Commissioners of Rehoboth Beach; provided, however, that he shall at least have a degree in engineering from an approved college or university, or shall have served as City Manager of some other municipality for a period not less than four (4) years, or shall have had practical engineering experience for a period of not less than four (4) years. No member of The Commissioners of Rehoboth Beach shall, during the time for which elected, be chosen as City Manager.

c. The City Manager shall be appointed for an indefinite term but shall be removable at the pleasure of The Commis-

sioners of Rehoboth Beach. Before the Manager may be removed, he shall, if he so demands, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of The Commissioners prior to the final vote on the question of his removal. Pending and during such hearing The Commissioners may suspend him from office. The action of The Commissioners in suspending or removing the Manager shall be final. For it is the intention of this Charter to vest all authority in and fix all responsibility on The Commissioners for such suspension or removal.

d. In case of the absence or disability of the Manager, the Commissioners may designate some qualified person to perform the duties of such office during his absence or disability. The compensation which the Manager shall receive for the performance of his duties shall be fixed by The Commissioners of Rehoboth Beach.

e. The City Manager shall be responsible to The Commissioners for the proper administration of all the affairs of the City placed in his charge, and, to that end, except as otherwise provided herein, he shall have the power to appoint and remove all employees in the administrative affairs of the City under his charge; provided, however, that in no event shall the Police Force or employees under that Department or any of the employees in that Department be under the administrative control or answerable to the Manager. All appointments made by the Manager shall be without definite term. All such employees appointed by the Manager, or by his authorization, may be removed by him at any time. He shall exercise his sole discretion in the appointment or hiring of any such employees; provided, however, that if a resident or residents of the City, competent to perform the work required by the Manager, can be found, such resident or residents shall be given first choice. The Manager shall be the sole judge of the competence or incompetence of any such person. The decision of the Manager as to the removal of any employee or employees appointed by him shall be final and there shall be no appeal therefrom to any other officer, body, or Court whatsoever.

f. It is the intention of this Charter that, in the performance of his duties and in the exercise of his powers, the City

Manager shall not be influenced by any matters whatsoever of a political or factional nature. It is the intention of this Charter that the City Manager shall be guided solely by matters of expediency and efficiency in the administration of the affairs of the City placed in his charge. To that end, neither The Commissioners nor any of its committees or members shall direct or request that appointment of any person to, or his removal from, any office by the City Manager or any of his subordinates, nor, in any manner, take part in the appointment or removal of the employees in the administrative service of the affairs of the City under the charge of the Manager. Except for purposes of inquiry, The Commissioners and its members shall deal with that portion of the administrative service for which the Manager is responsible solely through the Manager, and neither The Commissioners, nor any member thereof, shall give orders to any subordinate of the City under the City Manager either publicly or privately.

g. It shall be the duty of the City Manager to supervise the administration of the affairs of the City under his charge. He shall make such recommendations to The Commissioners concerning the affairs of the City as may seem to him desirable. He shall keep the Commissioners advised of the financial conditions and future needs of the City. He shall prepare and submit to The Commissioners the annual budget estimate. He shall render to The Commissioners, at their monthly meeting of each and every month, a true, accurate and detailed account of all monies collected or by him received in the performance of his duties, and shall promptly turn over the same to the Treasurer of Rehoboth Beach.

h. In conjunction with the Mayor of the City of Rehoboth Beach, he shall sign warrants on the Treasurer of the City pursuant to appropriations or resolutions theretofore made by The Commissioners. He shall prepare and submit to The Commissioners such reports as may be required by that body. He shall perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of The Commissioners.

i. The City Manager and such other officers of the City as may be designated by vote of The Commissioners shall be

entitled to seats in the meetings of The Commissioners but shall have no vote therein.

j. The City Manager shall have charge of the light, water, sewer, gas, or other public utility system or plant or plants of the City. He shall have charge of the supervision of street, gutters, curbs, sidewalks, boardwalk, jetties, piers, parks and other administrative affairs of the City and of all work relating thereto. He shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the City. He shall have charge of the administration of all provisions of this Charter and ordinances and resolutions of The Commissioners relating to the affairs of the City, when not otherwise provided for by this Charter, or by any ordinance or resolution of The Commissioners. He shall pay over to the City Treasurer, at least monthly, as hereinbefore provided, and oftener if required by The Commissioners, all monies received or collected by him and by any employee under him.

k. He shall keep a full and strict account of all monies received and all disbursements by him and such account shall, at all times, be open to inspection by The Commissioners.

l. He shall give The Commissioners of Rehoboth Beach a Bond, if required by that body, in such sum and in form and with security satisfactory to that body for the faithful performance of the duties of his office and the restoration to The Commissioners of Rehoboth Beach, in case of his death, resignation or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the City.

m. In the event of a vacancy in the office of City Manager for any reason or reasons whatsoever, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.

AUDITORS

Section 18-a. Three auditors of Accounts, who may or may not be residents but who shall be substantial free holders of the City, shall be appointed by The Commissioners at each annual meeting hereinbefore provided to serve for the term of one year or until their successors shall have been duly appointed and qualified.

b. It shall be their duty to audit the accounts of the City and all of its officers whose duty involves the collection, custody and payment of monies to the City. They shall audit the books of the Mayor of the City of Rehoboth Beach, and the records of all fines, penalties and costs imposed or collected by him pursuant to any judgment, order, or decree made. The auditors on or before the fifteenth day of September, annually, next following their appointment, shall make and deliver a detailed report of every and all accounts, records, and books by them examined and audited, which report under their hands and seals shall be printed in a newspaper published in the City in the issue immediately succeeding their annual report. The Auditors, in the performance of their duties, shall have access to all records of The Commissioners, and of all records and accounts of the officers of The Commissioners and they are authorized and empowered to employ such clerks and accountants as in their judgment may be necessary in the proper performance of their duties.

TOWN SOLICITOR

Section 19. At the annual meeting hereinbefore provided, The Commissioners shall select and appoint a Town Solicitor for an indefinite term who shall be removable at the pleasure of The Commissioners of Rehoboth Beach either with or without due cause stated. The Town Solicitor shall be a member in good standing of the Bar of the State of Delaware with offices in Sussex County. It shall be his duty to give legal advice to The Commissioners and other officers of the City and to perform other legal services as may be required of him by The Commissioners.

BOARD OF HEALTH

Section 20-a. The Board of Health shall consist of four members, one of whom shall be a practicing physician with

offices in the City. The Board shall be appointed by The Commissioners at their annual meeting hereinbefore provided and shall serve for one year or until their successors are duly appointed and qualified. The Board of Health shall have cognizance of and interest in the life and health of the people of the City. It shall report to The Commissioners, in writing, whatever is deemed by the Board to be injurious to the health of the people of the City and, shall make recommendations to The Commissioners concerning whatever may contribute to the health and sanitation of the people. The Board shall organize by the election of a President and Secretary within ten days after the notice of their appointments, and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

b. The Secretary of the Board may be allowed a reasonable annual compensation for his services which shall be determined by The Commissioners and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by The Commissioners, but he shall be a resident of the City.

c. The power to adopt ordinance relating to the health of the population of the City, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the same, shall extend to area outside of the City within one mile from said limits.

POLICE FORCE

Section 21-a. It shall be the duty of The Commissioners to appoint a Police Force, consisting of a Chief of Police and such members or subordinates as The Commissioners may deem wise. The Commissioners shall, from time to time, make rules and regulations as may be necessary for the organization, government and control of the Police Force. The members of the Police Force shall be subject to the direction of the Commissioners and may be removed by The Commissioners at any time. They shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the Laws of the State of Delaware. They shall have such

other duties as The Commissioners shall, from time to time, prescribe.

b. Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits with all the powers and authority of any Constable of Sussex County and in the case of a pursuit of an offender their power and authority shall be without territorial limitations.

c. Every person sentenced to imprisonment by the Mayor of the City of Rehoboth shall be delivered by a member of the Police Force to the County Jail of Sussex County, or to the lock-up of the City, to be there imprisoned for the term of the sentence.

d. In the case of any arrest at a time when the Mayor of the City of Rehoboth Beach shall not be available to hear and determine the charge, the person arrested may be taken before a Justice of the Peace with offices in the City who shall hear and determine the charge and who, in such case, is hereby vested with all the authority and powers granted by this Charter unto the Mayor of the City of Rehoboth Beach. In case of an arrest at the time when the Mayor of the City of Rehoboth Beach, or the Justice of the Peace with offices in the City, shall not be available to hear and determine the charge, the person arrested may be delivered to the County Jail, or to the City lock-up for imprisonment until such reasonable time thereafter as shall enable the Mayor of the City of Rehoboth Beach, or the Justice of the Peace, to hear and determine the charge against such person.

e. It shall be the duty of the Police to suppress riotous, disorderly or turbulent assemblages of persons in the street of the City, or the noisy conduct of any person in the same, and upon view of the above, or upon view of the violation 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 Mayor of the City of the City of Rehoboth Beach for hearing thereon.

f. It shall be the duty of The Commissioners to appoint a Rehoboth Beach Beach Patrol composed of one Chief Beach

Patrolman and such other members or subordinates as The Commissioners may deem wise. They shall be appointed for such term or terms as The Commissioners shall designate, but may be removed during the course of said appointment by The Commissioners either with or without cause.

g. The Commissioners shall have the power to establish rules and regulations concerning the qualifications of members of the Beach Patrol; provided, however, they shall at least be able to pass a test substantially equal to the test required of a Senior Lifesaver of the American Red Cross.

h. The Commissioners shall likewise have the power to establish rules and regulations respecting the personal conduct of members of the Beach Patrol during the course of their appointment; any infraction of which shall, ipso facto, render nugatory their appointment.

i. The compensation to be received by the Rehoboth Beach Beach Patrol shall be fixed by The Commissioners. They shall be under direct control of The Commissioners; provided, that in cases of emergency they may be called upon by the Chief of the Police Force to assist the members of the Police Force in the performance of their duties. In such cases, they shall be vested with all the authorities of a member of the Police Force.

j. They shall be in direct charge of the preservation of human life along the beach front of the City. They shall restrain and suppress the careless, dangerous or wanton conduct of bathers and swimmers along the beach front of the City. They shall restrain and suppress unseemly conduct, and the wearing of unseemly apparel by those enjoying the advantages of the beach front of the City as those terms are defined by The Commissioners. They shall enforce regulatory measures ordained by The Commissioners in respect to the cleanliness, uses, and enjoyments of the beach front of the City and shall have such other duties as The Commissioners shall, from time to time prescribe.

k. In performance of their duties, they shall be vested with all the powers and Authorities of a member of the Police Force of the City.

BOARD OF ASSESSMENT

Section 22-a. At the annual organization meeting of The Commissioners of Rehoboth Beach, held on the second Saturday in September next succeeding the annual election, in each and every year, it shall be the duty of The Commissioners to appoint a Board of Assessment. The Board of Assessment shall consist of three members, all of whom shall be over the age of twenty-one years, bona fide residents of the City of Rehoboth Beach, and substantial freeholders of the City.

b. On good behavior, the term of office for each member of the Board of Assessment shall be one year and shall expire on the second Saturday in September on the year succeeding their said appointment.

c. They shall be sworn or affirmed by the Mayor of the City of Rehoboth Beach, or by a Justice of the Peace, to perform their duties with fidelity and without favor. It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation situated within the City and to perform such other duties in reference thereto as shall be prescribed, from time to time, by The Commissioners of Rehoboth Beach.

d. The Compensation to be by them received for the performance of their duties and the hiring of employees to assist them in the performance of their duties shall be fixed by and subject to the approval of The Commissioners of Rehoboth Beach.

e. From and after the passage of this Charter until such time as the next annual organization meeting shall have been held, the members of the present Board of Assessment are hereby appointed to and shall constitute said Board of Assessment, at which time their terms and the term of each of them shall expire and their successors shall be appointed.

ASSESSMENT OF TAXES

Section 23—a. The Board of Assessment shall, prior to the first Monday in May, make a just, true and impartial an-

nual valuation or assessment of all real estate within the City of Rehoboth Beach. In making such assessment, the rules and exemptions now applicable by law to the making of the County Assessment of persons and properties shall be applicable insofar as consistent with the provisions of this Charter. All real estate shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be found or ascertained, it may be assessed to "Owner Unknown". A mistake in the name of the owner or owners, or a wrong name, or an assessment to "Owner Unknown", shall not affect the validity of the assessment of any municipal tax or assessment based thereon; provided, the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Offices of the Recorder of Deeds of Sussex County at Georgetown, Delaware.

b. The Board of Assessment shall also make a personal assessment of all the male and female citizens of the City above the age of twenty-one years. They shall also make a personal assessment against all person or persons residing within the limits of the City whether he be an owner of said real estate or not; said personal assessment shall be determined by The Commissioners and certified to the Board of Assessment. Said personal assessment or per-capita tax, in the case of both resident and non-resident real estate owner, shall be in addition to the assessment levied on the real estate so owned by and assessed against them.

c. The Board of Assessment, after making such annual assessment, shall, on the first Monday of May, aforesaid, deliver to The Commissioners of Rehoboth Beach a list containing the names of all persons assessed and the amount of the assessment against each. They shall also deliver at such time as many copies of said list as The Commissioners shall direct.

d The annual assessment list shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per-capita assessment shall appear in separate column of spaces. In making its assessment, the Board shall make its valuation accordingly.

e. The real property of the several members of the Board of Assessment shall be assessed by The Commissioners of Rehoboth Beach.

f. Immediately upon receiving the annual assessment list from the Board of Assessment, The Commissioners of Rehoboth Beach shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung up in a public place in the City of Rehoboth Beach, and there it shall remain for a period of at least ten (10) days for the information of and examination by all concerned. Appended thereto and also in five or more public places in said City shall be posted notices advising all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices, between the hours of one o'clock P. M. and five o'clock P. M., The Commissioners of Rehoboth Beach will hold a Court of Appeals; at which time, and place they shall hear appeals from the said annual assessment. The decision of The Commissioners, sitting as a Court of Appeals, shall be final and conclusive and the said Commissioners shall revise and complete said assessment at this sitting. No Commissioner shall sit upon his own appeal but the same shall be heard and determined by the other Commissioners.

g. All the members of the Board of Assessment shall be present on the day fixed for hearing appeals and shall furnish to The Commissioners such information and answer such questions as The Commissioners may require in respect to any assessment from which an appeal has been taken. The Commissioners shall have authority to enforce their attendance by appropriate process.

LEVY OF ANNUAL TAXES

Section 24-a. At the first regular meeting in July, after having revised and completed the assessment, The Commissioners shall determine, to their best judgment and knowledge, the total amount necessary to be raised by the City to meet all fixed and anticipated expenses and obligations of the City, including reasonable and appropriate reserves, for the then cur-

rent fiscal year as set forth in the City Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.

b. They shall then proceed to determine, in their sole discretion, from which sources of the authorized revenues of the City the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source.

They shall then proceed to determine, assess, fix and/or levy

- a. the rate of tax on real estate per \$100 of assessed value; and/or
- b. the amount of personal or per capita tax upon each qualified voter; and/or
- c. the rate of tax upon all poles, constructions, erections, wires and appliances more particularly mentioned, or intended so to be in sub-Section 29 (33) of this Charter, as amended; and/or
- d. the several license fees to be charged for carrying on or conducting of the several businesses, professions or occupations more particularly mentioned, or intended so to be, in sub-Section 29 (33) of this Charter, as amended; and/or
- e. the several rates to be changed for furnishing water service, sewer service, electric service, gas service, and/or the like by the City; and/or
- f. the fees or rates to be charged in respect of any other authorized source of revenue sufficient in their best judgment and estimation to realize the amount to be raised from each such source determined by them to be used, as aforesaid: Provided, however, that sources d, e, and f, aforementioned, may be determined, fixed, assessed, levied and/or altered or changed upon other than

a fiscal year basis and at any other regular or special meeting of The Commissioners as they in their own proper discretion shall determine.

c. Immediately after the first regular meeting in July of each and every year, The Commissioners shall make, or cause to be made, a full, true and correct annual tax list showing the amount of tax levied against each taxable thereon from sources a, b, and c, abovementioned. This List shall be known as the annual tax list of the City of Rehoboth Beach. In addition to the information contained in the assessment list, it shall likewise contain information as to the rate of tax upon real estate per \$100 of assessed value thereof.

d. The Commissioners shall cause to be delivered to the City Manager a duplicate of said annual tax list, and the City Manager shall immediately proceed to collect the same as hereinafter provided.

e. Nothing contained in this Charter shall be construed to effect or impair in any way the validity of any tax, fee, assessment or other charge lawfully levied, assessed, or due the City of Rehoboth Beach under existing laws in reference to said City and the same are hereby declared to be valid, binding and vested in the City of Rehoboth Beach created hereby.

COLLECTION OF ANNUAL TAXES

Section 25—a. The City Manager, as soon as The Commissioners shall have placed in his hands the duplicate annual tax list, shall proceed at once to collect the taxes on said duplicate list.

b. All taxes so laid or imposed by The Commissioners of Rehoboth Beach in such annual tax list, shall be and constitute a lien upon all the real estate of the taxable, against or upon whom such taxes are laid or imposed, of which such taxable was seized, at any time after such taxes shall have been levied and imposed, that is situated in the City of Rehoboth Beach. Such lien shall have preference and priority to all other such liens on real estate created or suffered by said taxable although such

other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided, that the lien for such City taxes shall remain a lien for a period of two years from the date upon which The Commissioners shall deliver unto the City Manager the tax list therefor. But if such real estate remains the property of such person or persons who owned it at the time the tax was laid, then the lien shall not be extinguished until the tax is collected.

c. All taxes, when and as collected by the City Manager shall be paid to the Treasurer of Rehoboth, and all taxes shall be due and payable at and from the time of the delivery of the tax list to the City Manager.

d. The City Manager shall, by public notice, posted in at least five (5) of the most public places in said City designate some place in the City of Rehoboth Beach where he will sit at least one day in each week during the months of July and August, in each year, for the purpose of receiving taxes.

e. In the collection of said taxes, the said City Manager shall deduct five (5%) per centum from the amount of taxes assessed against the real property of any person who pays said tax on or before the first day of September next succeeding the delivery of the duplicate annual tax list to the City Manager. He shall likewise deduct four (4%) per centum from the amount of the tax assessed against the real property of any person who pays such tax on the first day of October next succeeding the delivery of the duplicate annual tax list to the City Manager. On all taxes paid after the first day of October and before the first day of January next succeeding the delivery of the duplicate annual tax list to the City Manager, there shall be no deduction or abatement. On all taxes paid after the first day of January next succeeding the delivery of the annual duplicate tax list to the City Manager, there shall be added an amount equal to one (1%) per centum per month for each and every month such taxes shall remain unpaid and shall be collected in the same manner as the original amount of the tax.

f. On the same day of the month of the second year following the delivery of the duplicate annual tax list to the City

Manager, the City Manager shall make full, final and complete settlement with the Treasurer and Commissioners. The settlement shall take place on that day in the room in which The Commissioners hold their meetings. At such settlement, The Commissioners shall allow to the City Manager all taxes which shall have been impossible to collect by reason of errors in the assessment list, delinquencies or otherwise. No allowances shall be made for the default of neglect or delay of the City Manager. The settlement shall be final and conclusive and no other allowances, in any form, shall be made to the City Manager by The Commissioner. Upon the conclusion of the settlement, the City Manager shall forthwith pay over to the Treasurer of the City the aggregate amount of the taxes found to be due the City. Upon his failure or neglect to do so, it shall be the duty of The Commissioners to proceed to collect the same from the City Manager and/or his surety. Default by the City Manager to the City in any sum, shall, ipso facto, vacate his office; provided, however, that The Commissioners, for good cause shown, shall have the power to extend the time for settlement by the City Manager for a period of not exceeding six months.

g. If the City Manager shall be unable, within one year of the date of the delivery of the duplicate annual tax list to him, to collect the tax of any taxable, he is authorized and empowered, having first paid the amount thereof to the Treasurer of Rehoboth, to collect such tax from such taxable for his own use and benefit by any of the processes of law herein prescribed, within the space of one further year; the said further year to commence upon the day above specified as the day of settlement between him and the Commissioners of Rehoboth Beach. After such additional year has elapsed, the said tax shall be extinguished unless the lien of the same shall not have been extinguished.

SCRAP ASSESSMENT FOR SEWERS

Section 26—a. All things done, or actions taken, or all assessments levied in accordance with and under and by virtue of the powers vested in The Commissioners of Rehoboth Beach in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, are hereby declared to remain in full force

and virtue and nothing contained in this Charter shall be construed to affect, in any way, the validity thereof.

b. From and after the passage of this Charter and at such time as a City Manager shall have been appointed by The Commissioners of Rehoboth Beach and shall have qualified to perform the duties of that office, the City Manager shall have general administrative supervision and control of the said sewer system and sewage treatment plant as constructed in the City. Likewise, at such time, he shall assume the duties imposed by Chapter 119, of Volume 38, Laws of Delaware, upon the Treasurer of the City of Rehoboth Beach in respect to the collection of all assessments that shall remain due and unpaid. He shall also have all the powers granted by that Chapter unto the Treasurer of the Town of Rehoboth Beach in respect thereto and all acts and things done by him by virtue hereof shall be as valid and as binding as though done by the Treasurer. The provisions of this Section of the Charter shall not, in any way, be considered to impair the validity of any act or thing done by the Treasurer of the City of Rehoboth Beach in respect thereto prior to the date that the City Manager shall undertake the performance thereof. The City Manager shall proceed to collect said special assessment for sewers in the manner provided by the aforesaid Chapter 119, Volume 38, Laws of Delaware, and shall have all powers in respect to the collection thereof as are hereinafter granted unto him in respect to the collection of any other taxes or charges due the City.

c. All sums paid to the City Manager on account of such assessment shall be by him paid to the Treasurer of the Commissioners of Rehoboth Beach within forty-eight hours of their receipt. The Treasurer upon the receipt thereof, from the City Manager, shall deposit the same within forty-eight hours in some banking institution in Sussex County or elsewhere in Delaware as a "Sinking Fund for Sewers", which shall be kept entirely separate and distinct from any other funds handled by the Treasurer. All such amounts thus received shall form a "Sinking Fund", and shall only be paid out for the purpose of indebtedness incurred for building such sewers and sewage treatment plant thereby authorized, for the payment of interest thereon as it becomes due, and for retiring the Bonds in ac-

cordance with the provisions of Chapter 119, Volume 38, Laws of Delaware.

d. So long as any "Rehoboth Sewer Bonds" or the interest thereon, as provided for in Section 23 of Chapter 119, Volume 38, Laws of Delaware, remains outstanding, due and unpaid and so long as sufficient funds be not available in the "Sinking Fund for Sewers" to pay off such outstanding, due and unpaid Bonds and interest thereon, the City Manager shall, at the end of each and every calendar year, cause a survey to be made of all properties now assessable and taxable within the corporate limits of the City of Rehoboth Beach.

e. From such survey the City Manager shall determine:

(1) The entire area of the floors including the floor of the cellar or basement of all new buildings to be drained, constructed during any such calendar year upon any property or properties theretofore assessed upon the sole basis of the lineal feet thereof abutting on any street or streets, highway or highways, lane or lanes, alley or alleys, in which sewers have been constructed under the provisions of Chapter 119, Volume 38, Laws of Delaware.

(2) The increased area of the floors including the floor of the cellar or basement of building or buildings to be drained; which increased area was created by virtue of repairs and additions made during any such calendar year to such building or buildings theretofore constructed upon any property in the Town of Rehoboth and assessed in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, and the rules and regulations of The Commissioners of Rehoboth Beach adopted in pursuance thereof.

(3) The increased area of the floors, including the floor of the cellar or basement of all new buildings to be drained, constructed during any such calendar year, over and above the entire area of the floors including the area of the cellar or basement of any old buildings razed or removed by the owner or owners theretofore to make way for such new building or buildings; provided, such old building or buildings so razed or re-

moved shall have been assessed in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, and the rules and regulations of The Commissioners adopted in pursuance thereof.

(4) The entire area of the floors including the floor of the cellar or basement of all buildings theretofore determined to be non-assessable by The Commissioners by virtue of their use, or otherwise, which shall, by virtue of a change in the use thereof, or otherwise, in the judgment of The Commissioners exercised in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, be deemed to have become assessable under the provisions thereof.

(5) The lineal feet of all properties within the City of Rehoboth Beach abutting on any street or streets, highway or highways, lane or lanes, alley or alleys, in which sewers have been constructed under the provision of that Act and which theretofore had been determined to be non-assessable by The Commissioners by virtue of their use, or otherwise, which shall, by virtue of a change in the use thereof, or otherwise, in the judgment of The Commissioners, exercised in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, be deemed to have become assessable under the provisions thereof.

f. On or before the regular monthly meeting of The Commissioners to be held in the month of February of each and every year, the City Manager shall prepare and deliver unto The Commissioners, a complete list of all the properties to be thus assessed as a scrap sewer assessment. Said list, and as many copies thereof as shall be required by The Commissioners, shall show the name of the owner or owners of the property or properties to be affected thereby: provided, that, no error or mistake in regards to the name of an owner shall be held to invalidate any assessment so made and it shall be sufficient if the name of the last owner, as shown by the records in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, appears on such assessment list; a description locating the property to be assessed thereunder; the lineal feet of each property abutting upon street or streets, highway or highways, lane or lanes, alley or alleys, in which sewers are built and

which is to be subject to a scrap assessment; the square footage of floor area which is to be assessed under said scrap assessment; the rate of assessment per lineal foot, which shall be and is hereby fixed at forty (40c) cents per lineal foot; the rate of assessment per square foot of floor area, which shall be and is hereby fixed at two and one-quarter ($2\frac{1}{4}$ c) cents per square foot; and the total amount to be assessed against such property or properties under such scrap assessment.

g. Immediately upon the receipt of such list, The Commissioners shall cause a copy thereof to be exhibited in some public place within the City for one week and a notice of such exhibit shall be advertised in the local newspaper in at least two successive issues thereof, and the said notice shall also state a time and place, when and where, the said Commissioners shall sit to hear any and all objections which may be made against such scrap sewer assessments as set forth in the aforesaid list. The time of such meeting shall be not less than one week nor more than two weeks after the date of the last issue of said notice. The said Commissioners shall sit on the evening of the day appointed in said notice from 8 P. M. until 10 P. M., and may adjourn from night to night and shall hear all objections which may have been made to such scrap assessment list and shall make such alteration and corrections in said list as said Commissioners may deem proper: provided, such alterations and correction shall be in compliance with this Charter and in compliance with the provisions of Chapter 119, Volume 38, Laws of Delaware.

h. After having heard such objections, and after having made such alterations and corrections, The Commissioners shall cause to be exhibited, for at least one week following the date of the last meeting as aforesaid, a copy of the said scrap sewer assessment list as thus altered and corrected.

i. After the said scrap sewer assessment list, altered and corrected as aforesaid, shall have been exhibited for one full week, the said list shall be certified to by the said Commissioners as correct and the several amounts shown upon such altered and corrected list, as having been assessed against the properties assessed therein, shall be liens upon the respective properties

upon which such assessment is made, and such liens, shall have priority over any liens, incumbrances or conveyances except tax liens and prior liens of a like nature for public improvement.

j. Immediately after certifying said list, The Commissioners shall cause a duplicate thereof to be delivered to the City Manager, who shall immediately prepare statements of such assessments against each property so assessed and shall mail, or deliver, or cause to be delivered, such statements to the party or parties whose name or names appear as the owner of said property. If mailed to the last known address of such party, it shall be full and sufficient notice of such assessment for the purposes of this Charter.

k. All sums paid on account of such scrap sewer assessments shall be paid to the City Manager of Rehoboth who shall give his receipt therefor, and all such sums shall be by him delivered, within forty-eight hours of their receipt, to the Treasurer of the City of Rehoboth Beach, who shall deposit them in some banking institution and they shall be subjected to the same rules and regulations in respect to the "Sinking Fund for Sewers".

l. All scrap sewer assessments so made shall be due upon the date of the certifying by The Commissioners as to the correctness of the same, and, if paid in full within sixty (60) days after the date of such certifying, a discount of five (5%) per centum shall be allowed from the amount of such assessment and shall be accepted by the City Manager of Rehoboth, as in full payment and release of the lien of such assessment. Upon all payments made after sixty (60) days of the date of certifying as aforesaid, the full amounts of the assessment shall be paid with interest at the rate of six (6%) per centum per annum, computed from the date of certifying as aforesaid, and the said interest so computed shall be added to the amount of the assessment.

m. Any property owner at his, her or its discretion to be expressed in writing to the said The Commissioners within sixty days after the certifying of the scrap sewer assessment as aforesaid, may pay the said scrap sewer assessment in five

equal installments, together with interest on the unpaid balance from the date of certifying said scrap sewer assessment; the first installment to be due and payable within sixty (60) days from the date of certifying as aforesaid, and each subsequent installment with accrued interest to be due and payable on the first day of July each year thereafter. Any property owner may have the right at any installment period to pay the balance due on his, her or its scrap sewer assessment in full.

n. In all cases where the property owner does not elect to pay in installments, or, having elected to pay in installments, fails to pay the first installment in sixty (60) days after the date of certifying, as aforesaid, he, she or it shall be held to waive the right to pay in installments, and the entire scrap sewer assessment, together with accrued interest from the date of certifying, as aforesaid, shall immediately thereafter become due and payable. If the property owner who has elected to pay in installments, fails to pay his, her or its scrap sewer assessment within sixty (60) days after the date of certifying as aforesaid, or makes default in the payment of any equal installment, or the accrued interest thereon, the whole of such assessment shall immediately become due and payable, and in such case it shall be the duty of, and The Commissioners are hereby directed to proceed forthwith to collect such assessment, and the accrued interest thereon in the manner hereafter to be provided for the collection of annual taxes and other charges due the City.

o. In respect to the collection of all amounts due under any such scrap sewer assessment, the City Manager shall have all the rights and power and shall proceed to collect the same in any of the manners provided for the collection of other taxes and charges due the City.

**REMEDIES, POWERS AND METHODS FOR THE
COLLECTION OF TAXES, ASSESSMENTS AND
OTHER CHARGES DUE THE CITY BY THE
CITY MANAGER**

Section 27—a. A remedy by distress as now prescribed by law is hereby preserved to the City Manager for the collection

of any taxes, assessments, license fees, warrants or other charges for which he may be responsible.

b. At any time after the delivery of the duplicate annual tax list or duplicate scrap sewer assessment list or warrant or any other list of charges due the City of Rehoboth Beach, the City Manager may in the name of The Commissioners of Rehoboth Beach institute suit before any Justice of the Peace or Court of the State of Delaware, in any of the Counties of the State, or before the Mayor of the City of Rehoboth Beach, for the recovery of the unpaid tax, assessment, license fee, or other charge, in an action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered before a Justice of the Peace.

c. The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which by virtue of such execution shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against said personal property created or suffered by the taxable, except such liens thereon which may have been created in respect to County Taxes, although such other liens be of date prior to the time of the attachment of the said tax liens.

d. Any time after the delivery of any such duplicate annual tax list, duplicate scrap assessment list, or warrant, or other lists containing charges due the City, the City Manager may notify, in writing, the person, firm or corporation by whom any taxable is employed that the tax, assessment, license fee, warrant, or other charge of said employee is due and unpaid. The notice shall be signed by the City Manager and shall contain the correct name of the taxable as it appears upon any such list, the amount of the tax, assessment or other charge due with penalties and interest added, if any. Thereupon it shall be the duty of the employer to take from the wage, salary or other money then due the taxable the amount of the tax, assessment, license fee, warrant, or other charge, together with penalties and interest added, if any owing, from the employee, and charge the same against him, and to pay the same to the City Manager within ten (10) days. The City Manager shall give to

the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If the employer be notified as aforesaid and, having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax, assessment, license fee, warrant, or other charges, together with penalties and interest due thereon, if any, of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in an action of debt before any Justice of the Peace, or Court of State of Delaware, as aforesaid, or the Mayor of the City of Rehoboth Beach, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceedings.

e. The City Manager may make a complaint under oath before any Justice of the Peace with offices in the City of Rehoboth Beach or before the Mayor of the City of Rehoboth Beach, that the tax of any taxable is due and unpaid and that he has been unable to make collection of the tax, assessment, license fee, warrant or other charge by any of the methods for the recovery of taxes prescribed by this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing it shall be found that the tax, assessment, license fee, warrant or other charge, of the person arrested is due and unpaid, and if the taxable shall thereon fail to pay the tax, assessment, license fee, warrant or other charge, together with accrued costs, he shall be committed to the jail of Sussex County, or City lock-up, until the tax, assessment, license fee, warrant, penalty, cost and charges are paid, but, in no event, shall the term of his imprisonment exceed thirty (30) days.

f. For the purpose of collecting the tax, assessment, license fee, warrant, or any other charge due the City from any taxable, and without the necessity of first employing the other remedies herein provided the City Manager is empowered to sell the lands and tenements of the taxable or the lands and tenements of a taxable, alienated, subsequent to the levy of the tax, assessment, license fee, warrant, or other charge.

g. The City Manager shall present to the Superior Court of Sussex County a petition in which shall be stated:

- (1) The name of the taxable, assessee, license, or charges.
- (2) The year for which the tax, assessment, license, or other charge was levied.
- (3) The rate of the tax, assessment, license, or other charge.
- (4) The total amount due.
- (5) The date from which the penalty for non-payment, if any, shall commence and the rate of such penalty.
- (6) A short description of the lands and tenements proposed to be sold sufficient to identify the same.
- (7) A statement that a bill of said tax, assessment, license, or other charge has been mailed to the taxable that he will proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, or other charge due the City, and the date of such mailing.
- (8) That it has been found impractical to attempt to collect the said tax, assessment, license, or other charge, by any other remedy hereinbefore provided.

h. At least ten (10) days prior to the filing of any such petition, the City Manager shall deposit in the mail, in a sealed and stamped wrapper and requiring a return registry receipt, addressed to the taxable at his last known address, an itemized statement of the tax, assessment, license, warrant or other charge due the City, together with all penalties and costs then due thereon, together with a notice to the taxable that he shall proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, warrant or other charge due the City. The City Manager shall exhibit the return registry receipt to the Court by filing the same with the petition.

i. The petition shall be filed by the City Manager and shall be verified before a Notary Public.

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

k. The City Manager shall then proceed to advertise the lands and tenements of the taxable by posting handbills in at least five (5) public places in the City of Rehoboth Beach (one of which shall be posted on the premises) and publishing the notice of said sale in a newspaper published in Sussex County. The notice shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same. The notice shall be posted at least ten (10) days before the day fixed for sale and shall be published in the newspaper at least one week before the day of sale.

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

m. If the sale shall be approved by the Court, then at the expiration of one year from the date of the sale (which shall be known as the redemption year) the City Manager shall make, execute and deliver a deed to the purchaser, his heirs or assigns, which shall convey the title of the taxable, assessee, licensee, or charges or his alienee, as the case may be: provided, however, that within the redemption year, the owner, his heirs or assigns, shall have power to redeem the lands on payment of the cost, the amount of the purchase money and twenty per cent

interest thereon to the purchaser, his heirs or assigns. If the purchaser refuses to accept the same or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of the redemption money to the City Manager of the City of Rehoboth Beach and, upon taking from him a good and lawful receipt therefor, such receipt shall be considered for all intents and purposes as a valid and lawful exercise of the owner, his heirs, executors and assigns, of his or their power to redeem the land so sold.

n. After satisfying the tax, assessment, license or other charge due and the cost and expenses of sale from the proceeds of the sale, the amount remaining in the hands of the City Manager shall be paid, at once, to the owner of the land. Should the owner of the land refuse to accept the same, or the owner is unknown or cannot be found the amount remaining shall be deposited in some bank in the City of Rehoboth Beach, either to the credit of the owner, or in a manner by which the fund may be identified.

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

p. The cost of the deed shall not be chargeable as costs but shall be paid by the purchaser.

q. 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 and in the Petition to the Court.

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

TOWN BUDGET

Section 28—a. The fiscal year for the City of Rehoboth Beach shall be from July 1st of one year to June 30th of next succeeding year.

b. Annually each year and not later than June 1st, the City Manager shall prepare a rough draft of a City Budget. From this rough draft The Commissioners of Rehoboth Beach shall, not later than June 15th of each year, prepare the City Budget, containing the financial plan for conducting the affairs of the City for the ensuing fiscal year.

c. The Budget shall contain the following information:

(1) A detailed estimate showing the expense of conducting each department and office of the City for the ensuing fiscal year.

(2) The value of supplies and materials on hand, together with the nature and kind of 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) An itemized statement of all other estimated expenses to be incurred in the affairs of the City.

(5) 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" or "Sinking Funds".

(6) An estimate of the amount of money to be received from taxes, assessments, scrap assessments and all other anticipated income of the City from any source or sources whatsoever.

d. The Commissioners shall, so far as possible, adhere to the Budget so adopted in the making of appropriations.

ENUMERATION OF POWERS

Section 29—a. Not by way of limitation upon the power vested in The Commissioners to exercise all powers delegated by this Charter to the municipal corporation of The Commissioners of Rehoboth Beach except as may expressly appear herein to the contrary, but, rather, by way of enumeration and for purposes of clarity, The Commissioners are vested by this Charter with the following powers, to be exercised by said The Commissioners in the interest of good government and the safety, health and welfare of the City, its inhabitants and affairs, that is to say,

1. To prevent vice, drunkenness and immorality.
2. To provide for and preserve the health, peace, safety, cleanliness, ornament and good order of the City and its inhabitants.
3. To prohibit all gaming and fraudulent devices.
4. To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games.
5. To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove,

repair or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, dock sewer, drain, aqueduct or pipe line, or portion thereof, or any new or present sidewalk, curb or gutter, or portion thereof, in the City; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State Highway of the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other highway within the City.

6. To regulate or control the observance of the Sabbath Day.

7. To establish and regulate pounds and to restrain, prohibit and empound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same, and to impose taxes on the owners of dogs.

8. To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer or manure plants or establishments, swine pens, privies, water closets and any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or noxious nature.

9. To enforce the removal of snow, ice, dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.

10. To prohibit, remove, or regulate the erection and maintenance of, any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection or projection in, over, upon or under any street, highway, alley, lane, watercourse, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the City.

11. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.

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11. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.

12. To provide an ample supply of pure water for the City and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in and about the collection, storage, purification, conveyance, distribution or sale of water; to regulate and prescribe for what private or public purposes the water furnished by the municipal corporation may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the water system or equipment of the City; to furnish, or refuse to furnish, water from the City system to places and properties outside the City limits; and to contract for and purchase water and distribute the same to users within or without the City with the same full powers as though such water had been initially reduced to usefulness by the municipal corporation itself.

13. To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the City; to regulate and prescribe for what private or public purposes the system may be use, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to, or interference with the said system, plant or facilities; to furnish or refuse to furnish, sewer disposal service from the City system to places and properties outside the City limits; in the interest of the public's health, to compel any and all properties in the City to be connected to the sewer system of the City; and to contract for and purchase sewer disposal service and to resell the same to users within or without the City with the same full powers as though such service had been initially provided by the facilities therefor of the municipal corporation itself.

14. To provide, construct, extend, maintain, manage and control a plant and system, or plants and systems, for the gen-

erating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the City and for lighting the streets, highways, lanes, alleys, watercourses, parks, lake, strands, sidewalks, crosswalks, wharves, docks, public buildings or other public places of the City, and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessary properly to light the City, and to furnish proper connections for electric current and gas to the properties of the inhabitants of the City who may desire the same; to regulate and prescribe for what private or public purpose the current or gas furnished by the municipal corporation may be used, the manner of its use, the amount to be paid by the users thereof, the mains whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the electric or gas system or systems of the City; to furnish or refuse to furnish, electric current or gas from the City's system or systems to places and properties outside the City limits; and to contract for and purchase electric current or gas and distribute the same to user within or without the City with the same full powers as though such current or gas had been initially reduced to usefulness by the municipal corporation itself.

15. To fully control within the City the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, runs or rivulet within the City, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend, maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the City.

16. To provide, construct, extend, maintain, manage and control jetties, bulkheads, embankments, flood gates, piers, boardwalks or fills for the preservation of any strand or high land within the limits of the City or contiguous thereto, to the end that the same may be preserved, property protected and the general public might enjoy the use thereof.

17. To grant franchises or licenses to any responsible person, firm, association or corporation, for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as The Commisisoners shall deem wise, to use the present and future streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, and other public places of the City for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the City and to the persons, firms, or corporations residing or located therein and for the purpose of transmitting the same from or through the City to points outside the limits thereof, and for the purpose of erecting wharves and piers, and for the purposes of vending any article of merchandise or service upon, or from any vehicle upon, any such present and future street, highway, lane, alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.

18. To regulate and control the exercise of any license or franchise mentioned in Section 29 (17) of this Charter or intended so to be.

19. To direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds of the City and to authorize or prohibit the removal or destruction of said trees.

20. To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the City which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

21. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.

22. To regulate, control or prevent the use of storage of gunpowder, fireworks, tar, pitch, resin and all other combustible

materials and the use of candles, lamps and other lights in stores, shops, stables and other places; to suppress, remove, or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fire.

23. For the prevention of fire and the preservation of the beauty of the City, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the City and make particular provisions for particular zones or districts with regard to building or building materials; and, generally to exercise all the powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 179, Revised Code of Delaware, 1935, and all amendments thereto.

24. To acquire, build, erect and maintain a suitable place as a lock-up or jail for the City which shall be used as a place of detention for persons convicted of violation of law or ordinance, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars and vagrants; provided, that the jails of Sussex County may be used for any such purpose, in which event the City shall pay for the board of persons committed thereto for violations of ordinances of the City which are not violations of any general law of the State.

25. To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping offices of the City.

26. To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, beanshooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.

27. To provide for the punishment of a violation of any ordinance of the City by fine or imprisonment, or both, not ex-

ceeding One Hundred Dollars or thirty days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.

28. To provide for the organization of a fire department and the control and government thereof; to establish fire limits and do all things necessary for the prevention of extinguishment of fires; and, in their discretion, to contribute, donate or give an amount or amounts, not to exceed in the total during any given fiscal year three per centum (3%) of the total taxes levied on real estate, unto any Volunteer Fire Company or Companies incorporated under the Laws of Delaware, or any Volunteer Fire Association or Associations maintaining and operating fire fighting equipment and service to the City; provided, that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as The Commissioners shall deem advisable.

29. To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due the City and to sell the same.

30. To levy and collect taxes for any and all municipal purposes upon all real estate within the City, except lands belonging to the City; provided, that the amount to be raised from this source shall not exceed the sum of two hundred thousand dollars (\$200,000) for the fiscal year ending June 30, 1959, and two hundred twenty-five thousand dollars (\$225,000) for each and every fiscal year thereafter.

31. To levy and collect a personal or per capita tax upon all persons otherwise qualified to vote at any annual municipal election to be used for any and all municipal purposes and not to exceed the sum of One Dollar (\$1.00) in any one year for each such person.

32. To levy and collect taxes upon all telephone, telegraph, power poles, pipe lines, rail lines or other constructions or erections of a like character erected within the limits of the

City, together with the wire or other appliances thereto or thereon attached, expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in interstate commerce, for any and all purposes, 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 constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies for the collection thereof set forth in Section 27 of this Charter, The Commissioners shall have authority to cause the same to be removed.

33. To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the City) of such various amounts as The Commissioners from time to time shall 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 to apply for a license in order to sell in the City any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

34. To determine from which authorized sources and in what proportions taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the municipal corporation and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.

35. To provide for the collection of and disbursement of all monies to which the City may become entitled by law, including licenses and fines, where no provision for the collection and disbursement thereof is otherwise provided in the Charter.

36. To borrow money in the name of the City for any proper municipal purpose, and in order to secure the payment of the same, to issue bonds or other kinds or forms of certificate or certificates of indebtedness, pledging the full faith and credit of the City or such other security or securities as The

Commissioners shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the City shall be exempt from all State, County or municipal taxes; provided, that in no event shall the indebtedness of the City, for any and all purposes, at any one time exceed in the aggregate fifteen per centum (15%) of the assessed value of all real estate in the City subject to assessment for the purpose of levying the annual tax hereinbefore mentioned.

37. To acquire, and/or to vacate the use of, lands, tenements, personalty, property, easements, rights of way, or any interest in property, either within or without the limits of the City, by way of condemnation and eminent domain, for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the municipal corporation by the Charter. Proceedings by way of condemnation in any such case shall be the same or prescribed hereafter in Section 33 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 33 shall be changed and modified to cover any case contemplated hereby.

38. To appropriate money to pay the debts, liabilities and expenditures of the City, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.

39. To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge or other amount due the City by the performance of labor or service for the City by any person owing the same.

40. To inquire into and investigate the conduct of any office, officer, agent, or employee of the City or any municipal affair, and for any such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.

41. To make, adopt and establish all such ordinances, regulations, rules and by-laws, not contrary to the laws of this

State and the United States, as The Commissioners may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the City, the protection and preservation of persons and property and of the public health and welfare of the City and its inhabitants; provided, that any ordinance relating to the public health of the City and its inhabitants, or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same, shall apply not only within the corporate limits of the City but as well to all areas and persons outside the City within one mile from said limits.

COLLECTION OF CHARGES DUE THE CITY

Section 30—a. In the collection of water rentals, electric bills, gas bills, license fees, tapping fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the City and authorized to be levied and charged against the owner or owners of property within the City, the collection thereof shall be under the supervision of the City Manager. It shall be the duty of the City Manager to collect all such rentals, bills, fees and charges. He shall, in conjunction with the police force keep The Commissioners advised as to any and all failures or neglects to pay the same.

b. In respect to the amount of any such water rentals, electric bills, gas bills, license fees, tapping fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the City and authorized to be levied and charged against the owner or owners of property within the City, and which owner or owners of property within the City shall have failed or neglected to pay the same within the time prescribed by the Provisions of this Charter, or a duly adopted Ordinance of said City and should the required procedure, if any there be, have been complied with as regards the imposition thereof against such owner or owners. The Commissioners shall issue a warrant to the City Manager directing him to collect the same against the person or persons, firm or firms, corporation or corporations from which it shall be due, together with inter-

est from the due date and other charges attendant thereto. Thereafter, from the date of the issuance of any such warrant or warrants, the amount or amounts therein provided shall be and constitute liens upon the respective property or properties of such owner or owners upon which or for which any such rentals, bills, fees or other charges shall have been made and such liens shall, for a period of two years from the date of such warrant or warrants, have priority over any liens, incumbrances or conveyances except tax liens, general or special sewer assessment liens and prior liens of a like nature.

c. Upon the receipt of such warrant from The Commissioners, the City Manager shall have the same authorities, remedies and powers with respect to the collection of the same as hereinbefore provided in Section 27 of this Charter.

d. Nothing contained in this Section shall be construed as a limitation upon The Commissioners of Rehoboth Beach to establish and fix fines, or terms of imprisonment, or other penalty, in a proper case, for neglects or failures nor shall any fines imposed by a judicial officer with reference to any such neglects so enrolled or failures be construed as being within the provisions hereof.

REMOVAL OF OBSTRUCTIONS, NUISANCES, AND UNSANITARY CONDITIONS

Section 31—a. In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, and unsanitary conditions, as those terms should be defined by The Commissioners if The Commissioners either upon their own inspection or upon information obtained from the Board of Health, City Manager or Police Force, shall deem that such obstruction, nuisances, or unsanitary condition ought to be removed or abated as the case may be, The Commissioners shall enact an ordinance or adopt a resolution, or both, to that effect and thereupon shall direct the Secretary to forward, to the person or persons continuing or causing such obstruction, nuisances, or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, by the mails of the United States, in a sealed wrapper addressed to his or their last and

best known postoffice address, a notice to remove or abate the same. If such person or persons refuse or neglect, for the space of five days after such notice is mailed, to remove or abate the same, The Commissioners shall issue a warrant in the name of The Commissioners of Rehoboth Beach under the hand of its President, who shall affix thereto the corporate seal, attested by the Secretary and directed to the City Manager. The warrant shall command him forthwith to remove or abate such obstruction, nuisance, or unsanitary condition. The City Manager shall forthwith proceed to remove or abate the same and, to that end, he shall have full power and authority to enter into and upon any lands and premises in the City. He shall likewise have the authority to take with him such assistants, implements, horses, carts, wagons, automobiles, trucks, 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 obstruction, nuisance, or unsanitary condition.

b. At the regular monthly meeting of The Commissioners next succeeding the delivery of the warrant to him, the City Manager shall make a return to The Commissioners of his proceedings upon the warrant and shall specify the costs and expenses of all necessary work, labor, and proceedings incurred by him in the abatement or the removal of the same.

c. At such meeting, The Commissioners shall determine, from the return of the City Manager, the costs and expenses of all necessary work, labor, and proceedings in reference to the abatement or removal of such obstruction, nuisance, or unsanitary condition. The Commissioners shall then issue a warrant, containing an itemized account of that information, together with the name and last and best known address of the person from whom The Commissioners shall determine the amount to be due and shall deliver such warrant to the City Manager. The warrant shall command him forthwith to collect the amount stated to be due thereon from the person or persons designated therein. The City Manager 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 mails and addressed to such person's or persons' last and best known postoffice address. If such person or persons shall refuse or neglect to pay

the same to the City Manager for the use of the City within thirty (30) days from the date of the mailing of such true and exact copy of the warrant, the City Manager shall then be authorized and required to collect the same in any of the manners hereinbefore provided in Section 27 of this Charter.

PAVING, GUTTERING, CURBING

Section 32—a. In respect to leveling, grading, flagging, or re-flagging, curb or re-curb, guttering and re-guttering, paving or re-paving the sidewalks, crosswalks and gutters of the City, the expenses thereof shall be borne by the owner of the property abutting upon such pavement, curb or gutters and The Commissioners shall have the authority to specify the manner of performance and the materials to be used in the leveling, grading, flagging or re-flagging, curb or re-curb or guttering or re-guttering, paving or re-paving of the same.

b. Before any such owner shall be required to lay out a pavement, curb or gutter, or either or both, a written petition of the majority of the freeholders owning property abutting on the street in the City of Rehoboth Beach shall first have been received or obtained by The Commissioners.

c. Upon the receipt of such petition, The Commissioners shall direct the Secretary to forward a written notice to owner or owners of any house or lands, along, in front of, or adjoining which they may deem proper that a pavement shall be laid, or a curb or gutter constructed, or both. Such notice shall specify to the owner any rules or regulations adopted by The Commissioners in respect to the laying thereof or the materials to be used in the doing of such work.

d. Should the owner neglect or refuse to comply with said notice for the space of sixty (60) days, The Commissioners shall issue a warrant in the name of the City, under the hand of its President, who shall affix thereto a corporate seal, attested by the Secretary, and directed to the City Manager, commanding him forthwith to do the work as specified in the above mentioned notice to the owner or owners. Whereupon the City Manager to whom the said warrant shall have been directed, shall

forthwith proceed to lay such pavement, or construct curbs or gutters, or either, or both, as directed in the warrant. To that end he shall have full power and authority to enter into any premises or lands in the City and to take with him such assistance, materials, implements, horses, carts, wagons, trucks, or other things as may be necessary or proper to perform the work specified in the warrant. At the next regular monthly meeting of The Commissioners, after delivery of the warrant to the City Manager, he shall make a return thereon which shall include an itemized statement of all costs incurred by him in the performance of necessary work and labor attendant thereunto.

e. From the return of the City Manager, The Commissioners shall determine the amount due the City by reason of the work done and shall issue a warrant thereon, directed to the City Manager, which shall contain the amount to be by him collected, and the person or person from whom it shall by him be collected and commanding him forthwith to collect the same from the person or persons so specified in the warrant.

f. Immediately upon the receipt of such warrant, the City Manager shall forward a true and exact copy of the same to the person or persons specified therein as owing the City the amount specified as due thereon. Such true and exact copy of the warrant shall be enclosed in a sealed wrapper, addressed to the last and best known postoffice address of the person or persons, by the mails of the United States.

g. If the amount specified as due the City shall not have been paid to the City Manager within thirty (30) days from the date of the mailing of such true and exact copy of the warrant, the City Manager shall then be authorized and required to collect the same in any manner hereinbefore provided in Section 27 of this Charter.

h. The provisions contained in this Section shall also apply to the repair or repaving of any sidewalks, curb or gutter; provided, however, that in the case of repair and repaving of any sidewalk, curb, or gutter, heretofore laid or paved, it shall not be necessary that a written petition to that end, signed by five

or more substantial freeholders, be presented to The Commissioners of Rehoboth Beach.

STREETS

Section 33—a. The Commissioners of Rehoboth Beach shall have the power and authority to locate, lay-out and open new streets and to widen or abandon streets, or parts thereof, whenever they shall deem it for the best interest of the City.

b. In every case the procedure to be followed in respect thereto shall be as follows: The Commissioners shall adopt a resolution favorable to the opening of such new street or to the widening or altering of a street or to the vacating or abandoning of a street, or any part thereof, as the case may be. The resolution shall give a general description of the street to be opened, widened or altered or of the street, or part thereof, to be vacated or abandoned, as the case may be. The resolution shall also state the day, hour and place where the said, The Commissioners, will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of his property by reason thereof.

c. Copies of such resolution shall be posted in at least five, or more, of the most public places in the City, and at least five days prior to the date fixed by The Commissioners for the hearing as aforesaid.

d. At the time and at the place fixed in the resolution, The Commissioners shall hear such residents or taxables of the City, or owners of property affected thereby, as shall attend the hearing. After hearing all objections, The Commissioners shall, at said meeting or at a subsequent date, as it may deem proper, adopt a resolution to proceed with, or abandon the proposed locating, laying-out, widening, altering, vacating or abandoning of any street or streets contemplated in its aforementioned prior resolution.

e. In every case where the Commissioners shall resolve to proceed with the plan contemplated, or a portion thereof, The Commissioners shall award just and reasonable compensation

to any person or persons who will thereby be deprived of property by virtue of the execution of the plan so contemplated. Such compensation, if any be awarded, shall be paid by The Treasurer of The Commissioners of Rehoboth Beach, on a warrant drawn upon him by authority of The Commissioners aforesaid upon delivery of a good and sufficient deed conveying a fee simple title unto "The Commissioners of Rehoboth Beach"; which title, shall be clear and free of all liens and incumbrances.

f. If anyone who shall be deprived of his property by virtue thereof be dissatisfied with the compensation awarded by The Commissioners, as aforesaid, he may, within five days after the award of The Commissioners, as aforesaid, appeal from such award by serving written notice to that effect upon the Secretary or President or, in their absence, upon any member of the Commissioners of Rehoboth Beach.

g. In order to prosecute said appeal, such appellant shall, within ten (10) days after the award of The Commissioners, as aforesaid, apply to the Resident Judge of the Superior Court of the State of Delaware, in and for Sussex County, or, should he be absent from the County during that time, such application shall be made to the Chief Justice of the State of Delaware, for the appointment of freeholders to hear and determine the matter of compensation due such appellant by virtue of the deprivation of his property, as aforesaid. Thereupon, the said Resident Judge, or Chief Justice shall issue a commission under his hand directed to five impartial freeholders of Sussex County, commanding them to determine and fix the damages which the said appellant shall have sustained by reason of being deprived of his property, as aforesaid. The freeholders, so appointed, shall take into consideration the benefits or advantages that will enure to the said appellant from any such new street, or otherwise. The freeholders, so appointed, shall make return of their findings to the said Resident Judge, or Chief Justice, as the case may be, at a time appointed in the said Commission.

h. The freeholders so appointed shall give notice of the day, hour and place when they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy

thereof on the premises affected, at least five days before the day specified therein as upon which they are to view the premises, as aforesaid. A copy of such notice shall also be served on the Secretary or the President of The Commissioners of Rehoboth Beach at least five days before the day of such meeting.

i. The freeholders named in such Commission, being first sworn or affirmed to fully, fairly and honestly determine the damages to the best of their several abilities, and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses, and The Commissioners and its witnesses, and shall, without delay, determine and fix the damages, if any, which the said appellant will have sustained by reason of being deprived of any property, as aforesaid.

j. Thereupon, and without delay, the said freeholders shall make return, in writing, of their proceedings in the premises to the said Resident Judge, or Chief Justice, as the case may be, The Resident Judge, or Chief Justice, or as the case may be, shall cause the said return to be delivered to the Secretary or the President of The Commissioners. Such return shall be final and conclusive. The Resident Judge, or Chief Justice, as the case may be, shall have full power to fill any vacancy among the freeholders.

The amount of the damages being ascertained, as aforesaid, The Commissioners of Rehoboth Beach, shall pay or tender the amount thereof to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or The Commissioners may deposit the same to his credit in any bank in the City of Rehoboth Beach, within the said period of one month, and thereupon The Commissioners of Rehoboth Beach may carry into effect the plan contemplated in their resolution aforementioned.

In the ascertainment and assessment of damages by the freeholders appointed by the Resident Judge, or Chief Justice, if the damages shall be increased above the amount fixed by The Commissioners, or if The Commissioners shall decide not to take such property, the cost of the appeal shall be paid by the Treasurer of The Commissioners of Rehoboth Beach out of any

monies in his hands belonging to the City. If the said damages be not increased, the cost of the appeal shall be paid by the party appealing.

The fees of the freeholders shall be \$5.00 per day to each, and shall be taxed as a part of the cost.

After the damages shall be fixed and ascertained by the freeholders as aforesaid, The Commisisoners shall have the option of either paying the damages assessed within the period of one month aforementioned, and proceeding with the improvement, or paying the costs only and abandoning the proposed improvements.

Whenever the land comprehended or included in any street or part thereof vacated or abandoned under this section be owned by the City, The Commissioners may, in its discretion, sell such land at public sale and for such consideration as The Commissioners shall deem proper. The Commissioners shall have the right and power to convey to the purchaser or purchasers thereof, a good and sufficient title thereto for whatever estate the City may have therein.

For all the purposes of this Section, the word "street" shall be deemed and held to comprehend and include sidewalks, lanes, alleys, roadways or other highways.

The Commissioners of Rehoboth Beach shall have full power and authority to re-grade, re-dress, or otherwise repair or rebuild all existing streets, lanes, alleys, roadways or other highways within the City limits. It shall also have the power and authority to construct, build, pave and in any manner improve all new and existing streets, lanes, alleys, roadways and other highways now open or to be hereafter opened for public use in the City. In so doing, it shall use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors or others as The Commissioners shall deem expedient and may use different materials and different methods of construction on different streets or on different parts of streets as The Commissioners shall deem advisable. To this end, The Commissioners shall have full power and authority

to enter into contracts or agreements with the State Highway Department of the State of Delaware for the permanent maintenance, repair and up-keep of any street, lane, alley, roadway or other highway within the City limits.

The Commissioners shall also have full power and authority to expend such part or parts of the money of the City, in the general fund of the City, not otherwise appropriated, towards the carrying out of any powers and authorities granted unto The Commissioners under and by virtue of this Section of the Charter.

STREET IMPROVEMENT COST

Section 1. This Act shall be designated as Section 33A of the Charter of the City of Rehoboth Beach as established by Chapter 161, Volume 41, Laws of Delaware, and as amended.

Section 2. Definitions—The Word street shall include present and future streets, highways, thoroughfares, lanes, avenues and alleys of the City of Rehoboth Beach.

The word block shall include the lineal frontage of all property fronting and abutting upon both sides of any street between two other successive intersecting streets.

The word City shall mean the City of Rehoboth Beach within its territorial limits.

The word Commissioners shall mean The Commissioners of Rehoboth Beach.

Section 3. In addition to the power and authority to improve the streets of the City and to expend its funds therefor, The Commissioners are authorized and empowered to apportion and impose not exceeding two-thirds of the entire cost to the City of improving any street, or part thereof, upon the abutting property owners, block by block, in the following manner:

The entire cost to the City of any such improvement shall include the total costs to be paid by the City out of City funds

for improving and repairing the surface of any such street from curb line to curb line.

The cost of improvement of intersections shall be borne solely by the City.

Upon the petition in writing signed by the owners of a majority of the entire lineal frontage of all property fronting on any given block of the City between intersections, and filed with The Commissioners praying that The Commissioners proceed to improve such block of street and the street intersections at each end thereof, The Commissioners may at any time thereafter proceed to improve the street and intersection pursuant to the provisions hereof. No petition shall be received if it purports to restrict the time within which such improvement shall be carried out, or the discretion of The Commissioners as to the nature, extent and cost thereof; nor unless it shall have attached thereto an oath or affirmation of at least two (2) freeholders of the City taken before a person authorized to administer oaths, and verifying that the signatures appended were made in their presence and are the signatures of the persons whose names they purport to be, and that they did fully read such petition to each signer prior to the signing thereof. Whenever any such petition shall have been received, approved and filed by The Commissioners, it may not thereafter be withdrawn, nor shall the signature of any signer be stricken therefrom, except by and with the consent of The Commissioners; and such petitions, received, approved and filed shall be admitted into evidence in any Court of law or equity, and shall be prima facie proof of its contents and of the signatures of the respective signers.

With respect to any one street there shall be, so far as possible, a uniformity of the character of the improvement, and of the kind or class of materials used.

The entire cost of any improvement under the provisions hereof, may be paid, when due, by The Commissioners out of any funds of the City not otherwise appropriated or set aside and for any such purpose The Commissioners may borrow money and secure the payment thereof by the issuance of bonds or certificates of indebtedness pledging the full faith and credit

of the City, or such other security as The Commissioners shall determine, for the payment of the principal thereof, and the interest due thereon, and pursuant to the terms and provisions of and in the manner provided by Section 40 of the Charter of the City as amended; provided, however, that it shall not be necessary to call or hold a Special Election of the taxables of the City to secure their approval of such borrowing; and each bond and certificate of indebtedness shall provide that the same may be called in and redeemed and paid by The Commissioners in whole or in part, at its option, at any interest date designated therein.

Upon the completion and acceptance of any such improvement of any block of street The Commissioners shall cause to be made an accurate statement of the whole costs to the City and shall deduct from such whole cost the costs of such improvement to the intersections of any street done and improved in connection with and as a part of any such street improvement.

The entire cost of any street improvement under the provisions hereof, excluding the cost of the improvement of street intersections, shall be divided into three equal parts and the amount of two such equal parts shall be apportioned among, and levied and assessed upon all of the adjacent property and property owners of such block according to the lineal footage of the respective properties abutting upon both sides of the block of the street.

Such levy and assessment shall be made by The Commissioners by causing a complete list of all properties to be assessed, setting forth the number of lineal feet of each such property fronting or abutting upon the street, the owner or owners thereof, and the amount levied and assessed against such property and the owner or owners thereof.

A copy of such special assessment list shall be posted in the City Hall of the City for one week for public inspection. An advertising stating the fact of such posting and the time and place when and where The Commissioners shall sit to hear objections to the assessment list shall be published in two successive issues of a newspaper published in the City prior to

the day fixed for hearing; and the hearing shall not be less than ten (10) days nor more than twenty (20) days after the last publication of such advertisement. The hearing shall be in public on the day and hour and at the place stated in the advertisement, and The Commissioners shall hear and determine all objections to such special assessment list as shall have been made by any party in interest in writing and filed with The Commissioners at any time prior to the hour of such public hearing as fixed in the advertisement. The hearing may be adjourned from time to time until all objections have been heard and determined.

Upon determination of all objections The Commissioners shall cause said assessment list to be corrected and altered, if need be, to conform to and comply with the terms hereof; and such list showing the several amounts, finally determined as having been levied and assessed against the several properties and the owners thereof shall be certified to by The Commissioners as correct.

Any special assessment made hereunder shall be a lien upon the respective properties upon which any such assessment is levied and assessed as of the date that the list shall be certified to by The Commissioners as correct; and such lien shall be certified to by The Commissioners as correct; and such lien shall have priority over all other liens, incumbrances or conveyances excepting only tax liens and prior special assessment lists of like nature for public improvement.

Immediately after certification of the assessment list, The Commissioners shall cause a duplicate thereof to be prepared and delivered to the City Manager, who shall immediately prepare statements of such assessments against each property so assessed, and shall mail, deliver or cause to be delivered such statements to the person or persons whose names appear therein as the owner or owners of such property, or properties, respectively. The mailing of a statement to the last known post office address of any person shall be a sufficient notice of such assessment.

All sums of money paid on account of any such assessment shall be paid to the City Manager who shall give his receipt

therefor, and all such sums of money shall be by him paid and delivered to the Treasurer of the City who shall deposit them in some banking institution in the State of Delaware in a special account to be designated as a "Sinking Fund for Street Improvement", separate and distinct from any other funds controlled by said Treasurer. The money so deposited shall only be paid out of any such account for the purpose of paying, retiring or redeeming any borrowing of money, bonds or certificates of indebtedness incurred or issued by the City in pursuance hereof, and for the paying of interest thereon. If at any time all such outstanding borrowings, bonds or certificates of indebtedness, and interest thereon be fully paid and satisfied, any amount remaining in such sinking fund may be paid over into the general fund of the City and used for any lawful municipal purpose.

All special assessments shall be due and payable upon the date that The Commissioners certify to the correctness thereof, and all amounts unpaid thereon after sixty (60) days of the date of certification shall bear lawful interest until the date of payment, and such interest shall be added and considered as a part of any such assessment. Any assessment paid in full within sixty (60) days of the due date shall not bear interest.

Any property owner or owners so assessed may file with the City Manager a statement in writing signed by him or them and stating that such owner or owners elect to pay the assessment in five equal installments. Any such statement must be filed within sixty (60) days from the due date of such assessment, and if so filed such owner or owners shall then be allowed to pay the same in five (5) equal installments with interest as aforesaid upon the unpaid balance. The first such installment shall be due and payable within sixty (60) days from the date that The Commissioners shall certify the list, and a subsequent installment, with interest as aforesaid, shall be due and payable on the first day of July in each year thereafter until fully paid. Any owner of property shall have the right to pay the full balance due upon his assessment at any time. If any owner, not electing to pay the assessment in installments, or having so elected, shall neglect to pay any installment or any part thereof, when due, the whole of said assessment and interest shall be

forthwith collected by the City Manager who is hereby vested with all the rights and powers, and shall proceed to collect the same in any of the manners provided for the collection of other taxes, assessments and charges due the City as more particularly set forth in Section 27 of the Charter of the City.

JETTIES, BULKHEADS, EMBANKMENTS AND BOARDWALKS

Section 34. The Commissioners of Rehoboth Beach 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 City or contiguous thereto, to the ends 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 Commissioners 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 Commissioners shall deem expedient and advisable. For the purpose of this Section The Commissioners shall have full power and authority to expend such part or parts of the money of the City, in the general fund of the City not otherwise appropriated.

The Commissioners 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 33 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 33 shall be changed and modified to cover cases contemplated by this present Section.

WATER SYSTEM

Section 35. The Commissioners of Rehoboth Beach shall have full power and authority to provide an ample supply of

pure water for the City and the inhabitants thereof. To this end, it shall have full power and authority to purchase, acquire by grant or gift, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace and control wells, reservoirs, pumping machines and stations, tanks, standpipes, water mains, fire hydrants and all other instruments for the collection, storage, purification, conveyance and distribution of water, over, on, under or through the lands controlled by The Commissioners or belonging to private individual or individuals.

The Commissioners shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by The Commissioners; the amounts to be paid by the users thereof; the means or methods whereby the same shall be collected; the fixing of fines, or penalties, or both, for any wilful or negligent injury or damage to or interference with the water system or equipment of the City.

The Commissioners may, at its option, furnish water from the City system to places and properties outside the City limits and upon such special terms, charges and conditions as it shall deem wise.

The Commissioners shall have the power to make contracts for the purchase or water with any responsible person, firm or corporation and to distribute the same to users within or without the said City with the same full powers as if such water had been initially reduced to usefulness by The Commissioners itself.

The Commissioners shall have full power and authority, at any regular or special meeting, to enact ordinances or to adopt resolution granting franchises to any responsible person, firm, association or corporation and for such term or terms of years as shall seem wise to The Commissioners, to use the present or future streets, squares, alleys, lanes and beach strand of the City for the purposes of furnishing water to the City and to the persons, firms, or corporations residing therein, and for the purpose of transmitting the same, or any, or all of them, through, over, across or under said streets, squares, alleys, lanes and beach strands to points outside the City limits, any such fran-

chise or franchises to contain such restrictions, conditions and stipulations as shall, to the said, The Commissioners seem wise.

The Commissioners may, by condemnation proceedings, take private land and property, or the right to use private land and property, under, over, or on the surface thereof, for the proper furnishing of an ample supply of pure water or the creation, construction, extension, maintenance of a proper water system, or the distribution thereof as above provided. The proceedings by condemnation under this Section shall be the same as prescribed by Section 33 of this Charter, which is concerned with the opening and laying-out of new streets, and the resolutions referred to in said Section 33 shall be changed and modified to cover these cases contemplated by this particular Section of the Charter.

SEWER SYSTEM

Section 36. All the powers and authorities vested in The Commissioners of Rehoboth Beach are under and by virtue of Chapter 119, Volume 38, Laws of Delaware, are hereby vested in The Commissioners of Rehoboth Beach under and by virtue of the provisions of this Charter.

The Commissioners of Rehoboth Beach are hereby vested with full power and authority to provide, construct, extend, maintain, manage and control sewer system for the health, sanitation and convenience of the inhabitants of the City, on, over, under, or through the streets, alleys, lanes, roadways or other highways, or on, over, under or through the lands of any person.

The Commissioners of Rehoboth Beach shall have the power to enact ordinances, rules and regulations regarding the sewerage system and sewage treatment plant of the City and the use thereof, and the amounts to be paid by the users thereof, and to fix fines and penalties, or both, for the wilful or negligent injury or damage to, or interference with the said sewerage system or sewage treatment plant of the City.

The Commissioners may, at its option, furnish sewer facilities to places and properties outside the City limits upon such special terms, charges and conditions as it may deem wise. In a proper case, the Commissioners of Rehoboth Beach may re-

quire any property in the City to be connected with the sewer system and may compel the owner to pay the charge of such connection and the tapping fee charged therefor and in respect thereto may use any method provided in Section 31 of this Charter.

The Commissioners may, by condemnation proceedings, take private land or property, or the right to use private land and property, under, over, or on the surface thereof, for the proper operation or extension of the sewer system or sewage treatment plant in the City. The proceedings by condemnation under this Section shall be the same as prescribed by Section 33 of this Charter; which provides for the opening and laying-out of new streets, and the resolutions referred to in Section 33 shall be changed and modified to cover those instances contemplated by this particular Section of the Charter.

ELECTRIC, GAS AND POWER PLANTS AND FRANCHISES

Section 37. The Commissioners of Rehoboth Beach shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacturing of electric current or gas, or both, for the inhabitants of the City and for lighting of streets, squares, alleys, lanes and public places and buildings of the City and shall have full power and authority to construct, erect, maintain, improve, extend, equip and operate such transmission and distributing lines, pipes, mains and other conveyances for any such current or gas as may be necessary to properly light the City and to furnish proper connections for electric current and gas to the properties of the inhabitants of the City who may desire the same.

The Commissioners of Rehoboth Beach shall have the power to make, contracts for the purchase of heat, light, sewer service, water, electric current and gas with any responsible person, firm or corporation and to distribute the same to users within or without the said City with the same full powers as if such heat, light, power, water, electric current, or gas had been generated or manufactured by the City as herein expressly provided for in this Charter.

The Commissioners shall have the power to grant to all persons whomsoever in the City the privileges of using electric

current or gas conveyed and distributed by the City in such manner and in such terms and consideration and at such rates and for such amounts as The Commissioners may deem just and proper and shall enact such ordinances relating to electric current or gas or their generation or manufacture or their distribution in said City and the regulation of the connection thereof with the properties of individuals in said City and with general management and control of the same as The Commissioners shall, from time to time, deem to be most expedient.

The Commissioners may, at its option, transmit electric current from the said City to place or places and property or properties outside the City limits, upon such terms, charges and conditions as it shall deem wise.

The Commissioners of Rehoboth Beach shall also have full power and authority at any regular or special meeting to enact ordinances or to adopt resolutions granting franchises to any responsible person, firm, association or corporation and for such term or terms of years as shall deem wise to The Commissioners, to use the present and future streets, squares, alleys and lanes of the City for the purpose of furnishing heat, light, power, gas, water or electric current, or any, or all of them, to the said City and to the persons, firms or corporations residing therein, and for the purpose of transmitting the same, or any, or all of them, through, over, across or under said streets, squares, alleys and lanes to points outside of the City limits; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall, to the said Commissioners, seem wise.

The Commissioners may, by condemnation proceedings, take private land and property, or the right to use private land and property, under, over, or on the surface thereof, for the proper operation, manufacture or extension or distribution of gas or electric current as above provided. The proceedings by condemnation under this Act shall be the same as prescribed by Section 33 of this Charter, which is concerned with the opening and laying-out of new streets, and the resolutions referred to in said Section 33 shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

DRAINAGE

Section 38. The Commissioners of Rehoboth Beach shall have the full jurisdiction and control, within the limits of the City, 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 City and may pass ordinances for the opening of gutters, surface water and underground drains and sewers within the limits of the City. The Commissioners of Rehoboth Beach shall also have full power to regulate, maintain, clean and keep the natural water courses, runs and rivulets within the City 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 33 of this Charter; which is concerned with the opening and laying-out of any streets. By like proceedings The Commissioners of Rehoboth Beach 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 City limits. Provided, however, that the resolutions referred to in Section 33 of this Charter shall be changed and modified to cover those cases contemplated by this particular Section of the Charter shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

CITY JAIL

Section 39. The Commissioners of Rehoboth Beach may build and maintain a suitable place as a lock-up or jail for the City, which shall be used as a place of detention for persons convicted of violation of law or ordinances, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial. Nothing in this Section shall be construed to deprive The Commissioners of Rehoboth Beach of the right to use the jail of Sussex County for such purposes as may otherwise have been provided.

BORROWING OF MONEY AND ISSUANCE OF BONDS

Section 40. The Commissioners of Rehoboth Beach may borrow money, and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the City of Rehoboth Beach; or such other security or securities as The Commissioners shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by The Commissioners of Rehoboth Beach in pursuance hereof shall be exempt from all State, County or municipal taxes.

This power or authority to borrow money may be exercised by The Commissioners of Rehoboth Beach to provide funds for, or to provide for the payment of, any of the following projects or purposes:

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

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

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

(4) Constructing, paving, laying-out, widening, extending, repairing and maintaining streets, lanes, alleys, and ways and

the paying, constructing, laying-out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing of any lands, easements or rights-of-way which may be required therefor;

(5) Constructing, laying-out, widening, extending, repairing and maintaining boardwalks, piers, jetties,* bulkheads, sidewalks, cross-walks, or embankments, or any of them, and the condemning or purchasing of any lands, easements or rights-of-way which may be required therefor;

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

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

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

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

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

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

*So enrolled

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

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

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

(6) A Statement of the time and place for a public hearing upon the resolution, whereat the Commissioners of Rehoboth Beach shall vote upon the final authorization for the loan.

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

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

The purpose of such Special Election shall be to vote for or against the proposed loan.

The Commissioners shall give notice of the time and place for holding the said Special Election to all the taxables of the City of Rehoboth Beach by posting notices thereof in five public places in said City at least two weeks prior to the day fixed for the holding of such Special Election, and by publishing a copy

of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper published in the City of Rehoboth Beach. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereas The Commissioners of Rehoboth Beach shall vote upon the final authorization for the loan.

The Special Election shall be conducted by an election board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City.

At least five days prior to the date of the Special Election, The Commissioners shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots: upon one-half of which ballot shall be printed the words "FOR THE PROPOSED BORROWING", and upon the other half of said ballot shall be printed the words "AGAINST THE PROPOSED BORROWING", and a box shall be provided after each and the voter instructed to place an "X" in the box provided after the choice he wishes to cast his vote.

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote for every dollar and fractional part of a dollar of tax paid by him or her respectively during the fiscal year ending on June 30th next preceding said Special Election and also every owner of property, whether individual, partnership or corporation, shall have one vote for every dollar or part of a dollar of tax paid upon such property, during the fiscal year ending on June 30th next preceding said Special Election. Votes at said Election may be cast either in person or by proxy and where a given property is owned by more than one person each parcener shall be entitled to cast as many votes as his, her, or its interest in the property is related to the total number of votes which may be cast in the name of all owners of such property, excepting in cases where property is held by husband and

wife as tenants by the entireties. In such latter cases either the husband or wife or the proxy of either of them may cast the entire votes representative of the tax paid upon such property, depending upon which shall first present himself or herself at the polling place.

No proxy shall be voted or counted unless the same shall have been signed in the presence of at least two witnesses and sworn to before a Notary Public.

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

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

The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by The Commissioners of Rehoboth Beach. The bond or bonds or certificate or certificates of indebtedness shall be offered for sale to the best and most responsible bidder, therefor after advertisement in a newspaper of the City and otherwise if the Commissioners shall deem it necessary for at least fifteen days before offering the same for sale; Provided, that money may be borrowed to meet current operating expenses as hereinbefore provided by sub-section 2 of the third

paragraph hereof, at public or private sale, without first advertising the offer of any such bonds or certificates of indebtedness for sale.

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

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

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

In no event shall the indebtedness of the City of Rehoboth Beach, for any and all purposes, at any one time exceed, in the aggregate, fifteen per centum of the assessed value of all real property situated within the confines of the City limits and subject to assessment for the purpose of levying the annual tax hereinbefore provided.

Section 40 Cont'd. In the event any public property or estate of the City of Rehoboth Beach and/or The Commissioners of Rehoboth Beach shall be destroyed or damaged to any extent whatever by fire, wind, flood or other catastrophe or calamity arising from forces outside of human control, The Commissioners of Rehoboth Beach shall be, and they hereby are, authorized

to fix a date or dates for the holding of any such Special Election and any Special Election may be held at any time during any calendar year for the purpose of voting for or against a proposed loan or loans which shall be required to raise all such funds as may be necessary to repair and/or replace any and all such public property or estate so destroyed or damaged.

SALE OF PROPERTY

Section 41. All unsold real estate within the limits of the present City of Rehoboth Beach shall continue to be vested in The Commissioners of Rehoboth Beach under this Charter, subject, however, to the liens thereon already existing, and The Commissioners of Rehoboth Beach shall control and have charge of the same, and are hereby authorized and empowered to sell and dispose of the same in such manner and upon such terms as they deem advisable and advantageous and to execute a good and sufficient deed or deeds in fee simple, or for a lesser estate, to the purchaser or purchasers thereof. The Commissioners of Rehoboth Beach shall have the power to plot and lay-out streets or avenues in, upon and through any unsold or unplotted real estate.

The Commissioners of Rehoboth Beach are hereby authorized and empowered, in its discretion, to sell and convey or lease to any responsible person or persons, firm or firms, association or associations, or corporation or corporations any or all real and personal property, or both, now or hereafter owned by The Commissioners and use for generating, manufacturing or furnishing, light, heat, power, water, gas, electric current, sewage disposal, sewage treatment plant, or any other purpose, and to execute to the purchaser or purchasers thereof proper deeds or bills of sale or other legal assurances of title for the same; provided, however, that before The Commissioners shall sell or convey any real or personal property owned by the City, or any interest therein owned by the City, for any sum in excess of Two Thousand (\$2,000.00) Dollars, that may now, or hereafter be owned by The Commissioners of Rehoboth Beach, and used for any purpose whatsoever, it shall be advertised for two full weeks in two papers of general circulation in the City of Rehoboth Beach and by posting Notice in at least five public places

within the City for more than ten (10) days, and sold at public auction conducted on the premises or in front of the City Hall. Provided, however, that the said sale must be confirmed by The Commissioners at their next regular meeting held thereafter at which time the sale may be set aside if the sale price is determined to be grossly inadequate.

EXEMPTION OF PROPERTY FROM TAXATION

Section 42. The Commissioner of Rehoboth Beach shall, within its sound discretion, have the authority, by ordinance, or by resolution, to exempt, relieve, release, and exempt any person, firm, association or corporation from the payment of any or all taxes, assessments, license fees, or other charges due the City for a period of not longer than ten (10) years; provided, any such person, firm, association or corporation shall initially expend, by way of permanent improvement or improvements in the City, for the promotion of any enterprise, whether it be business, pleasure, social, or otherwise, an amount equal to not less than Fifty Thousand (\$50,000.00) Dollars.

CONTRACTS

Section 43. The Commissioners, in respect to the exercise of any of its powers or authority to enter into contracts for the rendering of personal service to the City, or the purchase of supplies or the doing of work for any municipal purpose for the City, shall be bound by the following rules, regulations and limitations (provided that nothing herein contained shall be construed to in any way affect or impair the right of The Commissioners under the supervision of the City Manager to carry out or complete any project on its own initiative irregardless of the amount or cost involved):

1—No contract shall be made by The Commissioners for any purpose, the contract price of which is in excess of \$500 without public competitive bidding.

2—Contracts shall be awarded to the lowest responsible bidder but, The Commissioners may refuse or reject any and all bids for any cause deemed by it to be unadvantageous to the City.

3—All formal contracts shall be signed by the President of The Commissioners of Rehoboth Beach, who shall affix thereto the municipal corporate seal of The Commissioners of Rehoboth Beach, attested by the Secretary of The Commissioners of Rehoboth Beach.

PAYMENT OF CHARGES DUE THE TOWN BY WORK

Section 44. The Commissioners of Rehoboth Beach are empowered, upon the approval of the City Manager, to provide for the payment of all or any taxes, fines, penalties, forfeitures or other charges due the City by the performance of labor for the City by those who may owe any such taxes, fines, penalties, forfeitures or other charges, and to make proper regulations and rules therefor. Such rules and regulations shall not be binding upon the City Manager, nor shall he be forced thereby to hire any person or employee except that the same shall first have met his approval.

Section 44—a. No action, suit or proceeding shall be brought or maintained against The Commissioners of Rehoboth Beach for damages, either compensatory or punitive, on account of any physical injury or injuries, death or injury to property by reason of the negligence, simple, gross, willful or wanton of the said The Commissioners of Rehoboth Beach or any of its departments, officers, agents, or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted, within ninety days from the happening of such injury or the suffering of such damage, shall notify The Commissioners of Rehoboth Beach in writing of the time, place, cause, character and extent of the injuries sustained so enrolled or damages suffered.

COMPENDIUM

Section 45. It shall be the DUTY of The Commissioners, at reasonable time, or times, to compile the ordinances, codes, orders, and rules of The Commissioners of Rehoboth Beach. It shall have a reasonable number of copies printed for the use of the officials of the City and for public information. From time to time, upon the enactment of new ordinances, codes, rules

and regulations, or upon the enactment of amendments to the same, The Commissioners shall enroll the same in the minutes of The Commissioners and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined. It shall furnish to the Mayor of the City of Rehoboth Beach copies thereof as they are enacted; and therefrom may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

INVESTIGATION

Section 46. The Commissioners of Rehoboth Beach shall have the power to inquire into and investigate the conduct of any office, officer or employee of the City and to make investigations of all municipal affairs, and, for any such purpose or purposes, shall have the power to subpoena witnesses, administer oaths and compel the production of books, papers or other evidence.

Section 46—a. If at any given time that any notice required by this Act and/or any ordinance, rule, regulation or resolution adopted in pursuance thereof to be published in a newspaper published in the City of Rehoboth Beach, there shall then be no newspaper published in said City, or a temporary or other secession of publication by all newspapers published in said City, then in any such event The Commissioners of Rehoboth Beach shall select a newspaper of general circulation, published outside of said City but within the limits of Sussex County, Delaware, and such notice shall be published in the newspaper so selected by The Commissioners of Rehoboth Beach. Further, in any such event, any notice published in the newspaper so selected by The Commissioners of Rehoboth Beach, as aforesaid, conclusively shall be deemed to have been published in full compliance of this Act and/or any ordinance, rules, regulation or resolution adopted in pursuance thereof in respect of the publication of such notice in a newspaper, notwithstanding anything hereinbefore or hereinafter contained to the contrary.

Section 2. Excepting as may be herein provided expressly to the contrary, every and all Sections or parts of Sections of

this Act shall become effective immediately upon its approval.

Section 3. The authority vested in The Commissioners of Rehoboth Beach and the taxables of the City of Rehoboth Beach by Section 1 of this Act shall apply with equal force and effect to all loans which may be required to raise funds necessary to replace and/or repair all such public property or estate as might have been so destroyed or damaged at a time or times preceding the enactment and approval of this Act as well as at a time or times after the date of the enactment and approval hereof.

Section 4. All Acts or parts of Act inconsistent with or in conflict with the provisions of this Act are hereby repealed to the extent of such inconsistency only.

Section 5. If any part of this Act shall be held invalid or unconstitutional, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 6. This Act shall be taken as and deemed to be a public act of the State of Delaware.

SURVIVAL OF POWERS AND VALIDATING SECTION

Section 47. All powers conferred upon or vested in the Town of Rehoboth Beach or The Commissioners of Rehoboth Beach by any Act or 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 Rehoboth Beach and/or The Commissioners of Rehoboth Beach precisely as if each of said powers was expressly repeated in this Charter.

All ordinances adopted by The Commissioners of Rehoboth Beach and in force at the time of the approval, acceptance and going into effect of this Charter are continued in force until the same or any of them, shall be repealed, modified or altered by The Commissioners of Rehoboth Beach under the provisions of this Charter.

All the acts and doings of The Commissioners of Rehoboth Beach or of any official of the City of Rehoboth Beach which

shall have been lawfully done or performed under the provisions of any Law of this State or of any ordinance of The Commissioners of Rehoboth Beach, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.

All taxes, assessments, license fees, penalties, fines, forfeitures due The Commissioners of Rehoboth Beach or The City of Rehoboth Beach shall be due the City of Rehoboth Beach or The Commissioners of Rehoboth Beach, and all debts due from the City or The Commissioners shall remain unimpaired until paid by the City of Rehoboth Beach or The Commissioners of Rehoboth Beach.

All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by The Commissioners of Rehoboth Beach.

The Bonds given by or on account of any official of the City of Rehoboth Beach shall not be impaired or affected by the provisions of this Charter.

All acts or parts of Acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.

If any part of this Charter shall be held to be unconstitutional, such holding shall not be deemed to invalidate the remaining provisions of this Charter.

The Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

Approved December 20, 1963.

CHAPTER 198

AN ACT TO AMEND SECTION 1801, TITLE 9, DELAWARE CODE, RELATING TO INDIGENT SICK.

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

Section 1. Section 1801, Title 9, Delaware Code, is amended by striking the figures "\$235,000" in the second paragraph and inserting in lieu thereof the figures, "\$410,000."

Approved December 20, 1963.

CHAPTER 199

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF ELECTIONS FOR NEW
CASTLE COUNTY FOR THE SPECIAL ELECTION HELD
IN THE FIRST REPRESENTATIVE DISTRICT IN NEW
CASTLE COUNTY.**

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

Section 1. There is hereby appropriated to the Department of Elections for New Castle County the sum of One Hundred Six Dollars (\$106.00), to be used for the Travel Account.

Section 2. There is hereby appropriated to the Department of Elections for New Castle County the sum of Two Thousand Two Hundred Thirty-Two Dollars (\$2,232.00), to be used for the Operations Account.

Section 3. There is hereby appropriated to the Department of Elections for New Castle County the sum of One Thousand Eight Hundred Thirty Dollars (\$1,830.00), to be used for the compensation for the Election Officers and Clerks.

Section 4. This Act is a Supplementary Appropriation Act and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated. The total sum of the above supplementary appropriation is \$4,168.00.

Approved December 20, 1963.

CHAPTER 200

AN ACT AUTHORIZING AND DIRECTING THE HARRINGTON SPECIAL SCHOOL DISTRICT OF KENT COUNTY TO RE-IMBURSE MRS. T. C. COLLINS SCHOOL TAXES ASSESSED AND PAID IN ERROR.

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

Section 1. The Harrington Special School District is hereby authorized and directed to pay to Mrs. T. C. Collins the sum of \$231.75 paid by her, which was assessed against the Solomon L. Sapp estate in error, as per the following schedule:

YEAR	HARRINGTON SCHOOL TAXES PAID
1958	\$41.25
1959	41.25
1960	41.25
1961	54.00
1962	54.00
Total	<hr/> \$231.75

Approved December 20, 1963.

CHAPTER 201

**AN ACT AUTHORIZING AND DIRECTING THE RECEIVER
OF TAXES AND COUNTY TREASURER OF KENT
COUNTY TO RE-IMBURSE MRS. T. C. COLLINS COUNTY
TAXES ASSESSED AND PAID IN ERROR.**

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

Section 1. The Receiver of Taxes and County Treasurer of Kent County is hereby authorized and directed to pay to Mrs. T. C. Collins the sum of \$187.50 paid by her, which was assessed against the Solomon L. Sapp estate in error, for the year 1958-1962 inclusive.

Approved December 20, 1963.

CHAPTER 202

AN ACT TO AMEND CHAPTER 71, TITLE 14, DELAWARE CODE, RELATING TO FREE PUBLIC LIBRARIES.

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. Subchapter I, Chapter 71, Title 14, Delaware Code, is amended to read:

SUBCHAPTER I. LIBRARY COMMISSION FOR THE STATE OF DELAWARE**§ 7101. Continuation, composition, appointment, qualifications, terms and vacancies**

The Library Commission for the State of Delaware hereinafter referred to as "Commission" in this Chapter, is continued. It shall consist of 9 members who shall be appointed by the Governor for the term of 3 years commencing on the 22nd day of May in the year of appointment. No member shall be reappointed to serve more than 3 consecutive terms. Three members shall be appointed in each year. Each vacancy on the Commission occurring prior to the expiration of a term shall be filled by the Governor for the unexpired term and until a successor is appointed.

§ 7102. Compensation of members

No member shall receive any salary or compensation for his services as a Commissioner.

§ 7103. Officers

The Commission shall elect annually one of its members to be President. The librarian employed by the Commission shall serve as Secretary of the Commission, but shall have no vote or voice in the acts and proceedings of the Commission.

§ 7104. Librarian and assistants

The Commission shall employ a qualified librarian and may also employ such other assistants as shall be required for the performance of the Commission's work, who shall serve under such conditions as the Commission shall determine.

§ 7105. (Omitted)

§ 7106. Powers and duties

(a) The Commission shall have general supervision over all public libraries in this State established or maintained under the provisions of this Chapter; may require of all District Library Commissions created as provided in this Chapter such reports as may be deemed proper; shall certify to the State Treasurer that any library is entitled to State aid as provided in this Chapter; and shall have all further and other powers necessary and proper for the general supervision of the libraries. The Commission may provide library services to such extent as it deems advisable and funds shall permit; provide for the circulation and distribution of books and other reading matter; and do such other acts tending to encourage reading and the use of library materials as it deems expedient. The Commission shall have the power to enter into contracts for any library service with any other library or with any governmental unit.

(b) The Commission shall draw up and administer a plan for the extension and development of public library services in accordance with the requirements of the Federal Library Services Act (70 Stat. 293) or any other federal act pertaining to aid to public libraries. Any funds available to the State under the terms of federal acts shall be paid to the State Treasurer for the use of the Commission in accordance with the terms of the acts.

§ 7107. Rules and regulations

The Commission may make such rules and regulations as it may deem necessary to effectuate the purposes of this chapter.

§ 7108. Annual report

In the month of January in each year, the Commission shall make a report to the General Assembly of its activities and recommendations.

Section 2. Subchapter II, Chapter 71, Title 14, Delaware Code, is amended to read:

SUBCHAPTER II. DISTRICT LIBRARIES**§ 7121. Definitions**

As used in this subchapter—

(a) "School District" means all kind of school districts in this State, including those that are special school districts and those that are not special school districts.

(b) "Board" means local Board of Education or local Board of School Trustees.

§ 7122. (Omitted)**§ 7123. Establishment and maintenance of free public library**

Any School District in this State may establish and maintain a free public library, with or without reading room, provided either, that such establishment be approved at an election as provided in this chapter, or that funds for the maintenance and support of the library be donated or guaranteed as provided in Section 7135 of this Title.

§ 7124. Classification of School Districts

(a) For the purpose of this subchapter, all the School Districts in this State are classified as follows:

(1) Every school district with a school population of 1,800 or more shall be deemed a district of the first class.

(2) Every district with a population less than 1,800 but not less than 1,000, shall be deemed a district of the second class.

(3) Every district with a population of less than 1,000 shall be deemed a district of the third class. The school population shall be determined from figures certified by the State Board of Education to the Commission.

§ 7125. Election to establish library

Every board shall submit the question as to the establishment of a free public library in the School District under the jurisdiction of the Board to the qualified electors of the school district, at a special election to be called by the Board whenever petitioned so to do by 20 or more electors of the district, or by the District Library Commission duly appointed as provided in Section 7136 of this Title. Such special election shall be called by the Board for a day not later than 60 days after the submission of the petition to the Board.

§ 7126. Notice of election

(a) The Board shall give notice of the day, place and purpose of the special election by printed or written advertisements posted in at least five public places in the School District at least ten days prior to the day of the election.

(b) In case the Board shall neglect or refuse to give such notice, any qualified elector of the district may do so and the notice so given shall be as effectual as though given by the Board.

§ 7127. Election procedure

The Board shall appoint the persons to conduct the election, but if the Board shall neglect or refuse to make the appointment, the electors assembled at the polls may do so. All persons in the School District eligible to vote at a school election in the School District shall be eligible to vote at such election. The voting shall be by paper ballot, on which shall be

written or printed the words "for a free library" and the words "against a free library". A majority of the votes cast at such election shall determine the question. The persons conducting the election shall certify the result of the election to the Board of the district.

§ 7128. Subsequent elections

If a majority of the ballots cast shall be against the establishment of a free library, the question as to such establishment may again be submitted at special elections to be called as provided in this subchapter, provided that not more than one special election for such purpose shall be called in any one school district in any one year.

§ 7129. Taxation to establish and maintain libraries

(a) If at any election, the qualified electors shall, in the manner provided in this subchapter, declare in favor of the establishment of a free library in the School District, the Board of the School District in which the election was held shall levy and raise by taxation, in each year, for the purpose of the establishment of such a library therein, and for the maintenance, increase and support of the library, such sum of money as the District Library Commission of the district shall certify to the Board as proper or necessary for the expenses of the library for the year in which such sum is to be levied and raised, provided that the sum so certified shall be not less than \$1,000 nor more than \$45,000 if the School District be a district of the first class; not less than \$500 nor more than \$10,000 if the School District be a district of the second class; and not less than \$250 nor more than \$5,000 if the School District be a district of the third class. The class to which the School District belongs shall be determined by the classification as set forth in Section 7124 of this Title.

(b) All sums authorized to be levied and raised by taxation under this chapter shall be levied, raised and collected as provided in this Chapter.

§ 7130. Assessment list and capitation tax

The Board shall cause to be made from the assessment records of the county in which the district is located a list of all the taxables of the district showing the property assessed against such taxables and the assessment of such property. There may be also added a capitation tax on all persons 21 years of age and upwards, residing in the district, of such amount as shall be determined by the Board.

§ 7131. Assessment list; posting, hearing and correction

A copy of the assessment list shall be posted in a public place of the district for inspection, and the Board shall advertise such posting in at least 5 public places in the district, giving notice that such list is posted and where, and the day, hour and place (not less than 5 days thereafter) of its sitting to hear objections. Upon such hearing, the Board shall make such corrections and additions as shall be right and proper.

§ 7132. Tax rate

Upon the completion of the assessment, the Board shall fix the rate sufficient to raise the amount determined to be raised at the time with an addition of 10 percent added thereto for delinquencies and costs of collection. The Board shall then execute and deliver its warrant, with a duplicate of the assessment list, to the collector specially appointed by the Board.

§ 7133. Collector of library tax

A collector shall be appointed by the Board and shall be required to give such bond as shall be required by the Board. The Board may appoint as such collector the official whose duty it is to collect county taxes in the county wherein the district is situated, and in such case, such official shall act as the collector for the district. In collecting the tax, the collector shall proceed in the manner and have all the powers of the collector of county taxes. He shall pay over all monies collected by him to the Board, as collected, and shall finally account to the Board when required to do so. The Board shall, in such final account-

ing, allow such delinquencies and errors as are right and proper to be allowed and shall pay such collector a proper compensation for his services. The monies raised by such levy shall be paid over to the treasurer of the District Library Commission of the district.

§ 7134. Failure to perform duty; penalty; jurisdiction

(a) Whoever, being a collector appointed by any Board or being a member of any Board, fails, neglects, or refuses to perform all or any of the duties imposed upon him by this chapter, shall be fined not less than \$10 and not more than \$100.

(b) Justices of the Peace shall have jurisdiction of offenses under this section.

§ 7135. Establishment of library; donation or guarantee

Whenever any Board shall be guaranteed, for the maintenance and support of a free public library in such School District, a sum equal to the minimum amount required to be raised by a district of its class under Section 7129 of this Title, for one year, the Board of such district shall declare a free public library to be established therein, and shall petition the resident Judge of the Superior Court of the State of Delaware for the county in which such School District is located to appoint a district library commission as provided in Section 7136 of this Title. Such guarantee may be by gift or devise of money or securities, or other valuable property, or by subscription lists, or by other plan approved by the Library Commission for the State of Delaware, provided that the guarantee has the sanction of the Commission.

§ 7136. District Library Commission; composition, appointment, term, and vacancies

(a) The general administration and supervision of each free public library established under the provisions of this chapter shall be vested in a District Library Commission which shall be composed of five members appointed from the residents of the School District wherein such library is established by the Resident Judge of the Superior Court of the State of Delaware

for the county in which the School District is located. In case a district is located partly in each of two counties, the appointments shall be made alternately from the two counties by the Resident Judge of the county in which the greater number of residents of the School District live. Upon the establishment of a new library, the Resident Judge shall appoint one member for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years.

(b) The Resident Judge shall fill all vacancies in the District Library Commissions caused by the expiration of a term of office or otherwise. The term of office of a member of a District Library Commission shall be five years, and no person may be appointed to serve more than three consecutive terms. A vacancy occurring from any cause other than expiration of the term of office shall be filled by the Resident Judge for the unexpired term. The Library Commission for the State of Delaware shall serve in an advisory capacity to the Resident Judge in the appointment of District Library Commission members, and the Resident Judge shall make report of his appointments to the District Library Commission within 30 days thereof to the Library Commission of the State of Delaware. A District Library Commissioner may be removed from office by the Resident Judge of the Superior Court of the State of Delaware for the County in which said district is located, for misconduct, incapacity or neglect of duty. No one shall be appointed to a District Library Commission if he is or would be in any manner subject to its authority.

§ 7137. Officers of District Library Commission

A District Library Commission shall organize by electing annually from its members a president, secretary and treasurer. The secretary and treasurer may be one and the same person.

§ 7138. Meetings

The District Library Commission shall meet at least quarterly in each year. Failure to hold four formal meetings shall at the option and request of the Library Commission for the State of Delaware, necessitate the appointment of a new Dis-

trict Library Commission as provided in Section 7136 of this Title. The District Library Commission may adopt a rule that the failure of any member to attend a specified number of meetings of the District Library Commission shall create a vacancy in the office of such member.

§ 7139. Librarian and other employees

The District Library Commission shall select a librarian and other employees necessary for the proper conduct of the library. The District Library Commission may fix the compensation of its employees.

§ 7140. Powers of District Library Commission

(a) The District Library Commission shall have the custody and management of the library and all property owned or leased, or donated, relating thereto. All money raised by the district or donated for the establishment and maintenance of its library, or paid by the State Treasurer, as provided in Section 7146 of this Title, shall be placed in the care and custody of the Commission to be expended or retained by the Commission for and in behalf of the district for the foundation and establishment, and for the maintenance and increase of its free public library.

(b) The District Library Commission may procure and maintain suitable quarters for the library with the consent of the Board, use any school room or rooms for that purpose; purchase or accept donations or gifts of printed matter; employ employees; and shall have such further and additional powers as may be necessary for the foundation and establishment, and the support and maintenance of a library.

(c) The District Library Commission shall have the power to take and hold in the name of the District Library Commission real and personal property by deed, devise, bequest, gift, grant, or otherwise, except by eminent domain, and to alien, sell, transfer and dispose of as an occasion may require, and the proceeds thereof to reinvest in other property, funds, or securities for the benefit of the District Library.

(d) The District Library Commission shall have the power to enter into contracts for any library service with any other library or with any governmental unit.

(e) All deeds of real estate and bill of sales and contracts shall be executed on behalf of the District Library Commission by the President and Secretary of the District Library Commission.

§ 7141. Reports

(a) The District Library Commission shall make a detailed report to the Board annually of all its receipts and expenditures, and of all the property of the district in its care and custody, including a statement of any unexpended balance of money and of any bequests or donations in behalf of the district, and of any sum or sums received from the State as provided in Section 7146 of this Title, with such recommendations as is deemed desirable.

(b) The District Library Commission shall also make such reports to the Library Commission of the State of Delaware as the Commission directs. The Library Commission for the State of Delaware may withhold certification for State aid to a District Library Commission, unless such reports are rendered.

§ 7142. Rules and regulations

The District Library Commission may make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in the library by the persons having authority to use the library, and also concerning the conduct and deportment of all persons while in or about the library or reading room, as the Commission shall or may from time to time deem proper and advisable. The use of the library and reading room or the contents thereof shall be free to the district, or to any person outside the district who owns real estate assessable for the school of the district. The rules and regulations made by the Commission may be enforced by a suitable penalty including fines as may be set by the Commission.

§ 7143. Penalties for infraction of rules and regulations

(a) The District Library Commission may suspend the privileges of the library for any infraction of its rules and regulations, including non-payment of fines.

(b) All fines collected shall be used as other money of which the District Library Commission has the custody and care as provided in Section 7140 of this Title.

§ 7144. Non-resident's use of library

In addition to its other powers, the District Library Commission may permit persons living without the corporate limits of the district, to enjoy and use the library or library and reading room exactly as though residents of the district, upon the payment to the Commission for the use of the library of such fee or fees as the Commission deems proper.

§ 7145. Consolidation of districts

Any two or more School Districts may unite for the purpose of obtaining the benefits of this chapter. Whenever any Board or two or more districts shall be petitioned therefor by at least five qualified electors thereof, the Board shall arrange with the Board of any other of the districts for the holding of a special election to determine the question of consolidation. At such election, any person who would be eligible to vote at a school board election in any of the districts proposed to be consolidated shall be entitled to vote at the special elections. If a majority of the votes cast shall be in favor of uniting and establishing a free library for the districts, the consolidation shall be effected. The districts consolidated shall then be a single district for the purposes of this chapter, and the total school population in the consolidated districts shall be used to determine the class to which the consolidated district belongs.

§ 7146. State funds for library purposes

(a) Whenever the Library Commission for the State of Delaware certifies to the State Treasurer that any School

District in this State has established a free public library therein, and has raised by taxation, subscription, gift or otherwise, a sum not less than the minimum sum prescribed by Section 7129 of this Title for the class to which such district belongs, for the support and maintenance of the library for the year then next ensuing such establishment, the State Treasurer shall pay to the District Library Commission of any such School District a sum equal to one-half of the sum certified by the Library Commission for the State of Delaware. Each year thereafter, the State Treasurer shall pay to the District Library Commission a sum equal to one-half of the sum certified to the State Treasurer by the Library Commission for the State of Delaware as having been raised by taxation, subscription, gift or otherwise during the year, in which the State Treasurer is to make such payment for the maintenance and increase of the library for such year. The State Treasurer shall not in any one year pay to any District Library Commission any sum in excess of \$3,000 if the district belongs to the first class, nor in excess of \$1,500 for a district of the second class, not in excess of \$1,000 for a district of the third class. All such sums, paid to any District Library Commission by the State Treasurer, shall be expended by such District Library Commission for books. A list of such books must be submitted before purchase to the Library Commission for the State of Delaware for approval. If any District Library Commission neglects or refuses to expend all monies received by such District Library Commission from the State Treasurer for books approved by the Library Commission for the State of Delaware, then and in such event the Library Commission for the State of Delaware may refuse to issue a certificate to the State Treasurer for any further or other payment to the District Library Commission neglecting or refusing as aforesaid.

(b) The payments shall be made quarterly in four equal installments. Each payment shall be made on certification of the Library Commission for the State of Delaware.

§ 7147. Dover Library

The District Library Commission as established in the Dover Special School District is continued. Its members shall be appointed as other District Library Commissions.

§ 7148. Corbit Library

The free library known as the "Corbit Library" provided for under Chapter CCCCXVI of Volume 11 of the Laws of Delaware shall continue to be School District Library for the purpose of receiving all benefits provided in Section 7146 of this Title. For the purpose of ascertaining what appropriation the library shall receive under such section from the State Treasurer, the Corbit Library shall be taken to be a library established under the provisions of this Chapter in a School District of the third class. In all other respects the Corbit Library shall remain and continue as though this Chapter had not been passed.

Section 3. Section 7163, Title 14, Delaware Code, is amended to read:

§ 7163. Submission of resolution to voters

The District Library Commission shall submit the question of the approval or rejection of the resolution to the qualified voters of the district at a special election called for the purpose.

Section 4. The provisions of this Act shall not affect the right of any appointee to complete the term of office to which he was appointed prior to the effective date of this Act.

Approved December 23, 1963.

CHAPTER 203

**AN ACT TO AMEND TITLE 9, DELAWARE CODE, AS
AMENDED, RELATING TO PAYMENT OF SALARIES
IN NEW CASTLE COUNTY, AND REPEALING LAWS
INCONSISTENT THEREWITH.**

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

Section 1. Chapter 91, Title 9, Delaware Code, as amended, is hereby amended by adding at the end thereof a new section as follows:

§ 9124. Payment of salaries

Payment of salaries of all county officers, deputies, clerks and employees payable by New Castle County, shall be paid by warrants drawn by the Levy Court of New Castle County on the Receiver of Taxes and County Treasurer, in such installments and upon such dates as the Levy Court of New Castle County shall designate, upon the certificate in writing of the officer employing them that they have faithfully performed their duties up to the end of the payroll period.

Section 2. Chapter 92, Title 9, Delaware Code, as amended, is hereby amended by striking subsection (a) of Section 9203 thereof.

Section 3. Chapter 93, Title 9, Delaware Code, as amended, is hereby amended by striking from the second paragraph of Section 9306 thereof, the following words:

The salary of the Comptroller of New Castle County shall be paid in semi-monthly installment;

Section 4. All laws inconsistent with Section 1 of this Act are hereby repealed.

Approved December 23, 1963.

CHAPTER 204

**AN ACT TO FURTHER AMEND CHAPTER 92, VOLUME 23,
LAWS OF DELAWARE, AS AMENDED, BEING AN ACT
ENTITLED "AN ACT TO PROVIDE FOR THE ORGANI-
ZATION AND CONTROL OF THE PUBLIC SCHOOLS OF
THE CITY OF WILMINGTON."**

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

Section 1. Chapter 87, Volume 35, Laws of Delaware, amending Chapter 92, Volume 23, Laws of Delaware, as the same was amended by Chapter 163, Volume 32, Laws of Delaware, entitled "An Act to Further Amend Chapter 92, Volume 23, Laws of Delaware, Being an Act Entitled 'An Act to Provide for the Organization and Control of the Public Schools of the City of Wilmington'" be and the same is hereby amended by striking out Section 11 thereof and substituting a new Section 11 to read as follows:

Section 11. The Council shall, every year, when determining the amount necessary to be raised on the persons and estates in the City of Wilmington for public use, also include the sum necessary to be raised on the persons and estates for executing the foregoing provisions; provided that the amount to be raised by taxation for school expenses in any one year, including all the expenses which the Board of Education is authorized to incur under the provisions of this Act for the maintenance and operation of said schools, but not including interest on bonded debt and retirement of bonds falling due, shall not exceed eight (8) mills on each one dollar of the value of real and personal property as assessed and taxable for City purposes. The amount collected for school purposes shall be paid into the city treasury as other taxes are paid.

Approved December 23, 1963.

CHAPTER 205

AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO RECORDS IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY BY PROVIDING FOR A METHOD OF COPYING THE ORIGINAL VOLUMES.

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

Section 1. § 9615, Title 9, Delaware Code, is hereby amended by adding thereto the following subsection:

(c) The Recorder of Deeds, in and for New Castle County, upon the advice and approval of the Resident Associate Judge of the Superior Court, in and for New Castle County, may photocopy or microfilm any volume of land records in his official custody, the age and condition of which render its continued use by the public inadvisable. Such photostat copy or microfilm shall be placed in appropriate covers and shall match the current volumes of land records so far as is practicable. The Recorder of Deeds shall certify that the contents of such copies are complete and correct. When so copied and certified, the Recorder of Deeds may issue certified copies of any instrument contained in the photostat or microfilm copy of the original volume, and any such certified copy shall be admissible in evidence in any court of justice in the same manner and entitled to the same weight and have the same effect as certified copies made from the original volume. Any original volumes of land records so copied and certified by the Recorder of Deeds may be delivered to the Public Archives Commission with the consent of the State Archivist for the preservation in the public archives of the State of Delaware. The Recorder of Deeds shall certify to the State Archivist that the copying of the original volume or volumes was done under his authorization and supervision, and he shall take a receipt for the same and the receipt shall be preserved in the office of the Recorder of Deeds, in and for New Castle County.

Approved December 23, 1963.

CHAPTER 206

AN ACT TO AMEND CHAPTER 25, TITLE 12, DELAWARE CODE, RELATING TO RECORDS IN THE OFFICE OF THE REGISTER OF WILLS IN AND FOR NEW CASTLE COUNTY, BY PROVIDING FOR A METHOD OF COPYING THE ORIGINAL VOLUMES.

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

Section 1. § 2509, Title 12, Delaware Code, is hereby amended by adding thereto the following subsection:

(c) The Register of Wills, in and for New Castle County, upon the advice and approval of the Resident Associate Judge of the Superior Court, in and for New Castle County, may photocopy or microfilm any volume of the probate records in his official custody, the age and condition of which render its continued use by the public inadvisable. Such photostat copy or microfilm shall be placed in appropriate covers and shall match the current volumes of probate records so far as it is practicable. The Register of Wills shall certify that the contents of such copies are complete and correct, and such certification shall be included in every such photostat copy or microfilm. When so copied and certified, the Register may issue certified copies of any instrument contained in the photostat or micro-film copy of the original volume, and any such certified copy shall be admissable in evidence in any Court of Justice in the same manner and entitled to the same weight as certified copies made from the original volume. Any original volumes of probate records so copied and certified by the Register of Wills, may be delivered to the Public Archives Commission, with the consent of the State Archivist, for preservation in the Public Archives of the State at Dover. The Register of Wills shall certify to the State Archivist that the copying of the original volume or volumes was done under his authorization and supervision and he shall take a receipt for the same and the receipt shall be preserved in the office of the Register of Wills, in and for New Castle County.

Approved December 23, 1963.

CHAPTER 207

AN ACT TO AMEND CHAPTER 152, VOLUME 52, LAWS OF DELAWARE, ENTITLED "AN ACT REQUIRING THE DOING OF ALL WORK AND THE FURNISHING OF ALL MATERIALS AND SUPPLIES TO THE MAYOR AND COUNCIL OF WILMINGTON OR TO ANY BOARD, COMMISSION, DEPARTMENT OR AGENCY THEREOF TO THE LOWEST AND BEST BIDDER AND PROVIDING THE PROCEDURE RELATING THERETO" BY PROVIDING THAT A BID BOND MAY BE SUBMITTED WITH BIDS, AND BY PROVIDING THAT PUBLIC BIDDING SHALL NOT BE REQUIRED ON CONTRACTS FOR LESS THAN ONE THOUSAND DOLLARS OR WHERE ONLY ONE SOURCE CAN PERFORM THE CONTRACT BECAUSE OF A PATENT.

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 4 of Chapter 152, Volume 52, Laws of Delaware, is hereby amended by repealing said section and by enacting in lieu thereof a new Section 4 to read as follows:

Section 4. Every bid submitted shall be accompanied by a deposit of either a good and sufficient bid bond to The Mayor and Council of Wilmington, with corporate surety authorized to do business in the State of Delaware, the form of the bond and the surety to be approved by the City, with a warrant of attorney to confess judgment thereon attached thereto, or a certified check of the bidder drawn upon some responsible banking institution to the order of The Mayor and Council of Wilmington, for a sum equal to at least ten (10) per cent of the bid. The bid bond need not be for a specific sum but may be stated to be for a sum equal to ten (10) per cent of the bid to which it relates and not to exceed a certain stated sum, if said sum is equal to at least ten (10) per cent of the bid. Upon the execution of a formal contract and submission of a performance bond, the bid bond or certified check deposit shall be returned to the successful bidder. The deposit of the unsuccessful bidders shall

be returned to them upon the awarding of the contract or the rejection of all bids. If any successful bidder refuses to execute a formal contract and performance bond within twenty (20) days of the awarding of the contract, or if the bidder is unable to obtain corporate surety for said performance bond, the bid bond or certified check deposited by the successful bidder shall be taken and become the absolute property of The Mayor and Council of Wilmington as liquidated damages, and not as a forfeiture or as a penalty. The City Treasurer shall either deposit the certified check in the City's account or shall proceed to collect on the bid bond. The City Clerk may award the contract to the next lowest responsible bidder or re-advertise for new bids.

Section 2. Sections 1 and 2 of Chapter 152, Volume 52, Laws of Delaware, are hereby amended by striking the words "Five Hundred Dollars (\$500.00)" in each section and enacting in lieu thereof the words "One Thousand Dollars (\$1000.00)".

Section 3. Section 10 of Chapter 152, Volume 52, Laws of Delaware, is hereby amended by striking the period and inserting a semi-colon at the end thereof, and by adding the following: nor shall this Act apply to contracts where, because of a patent, the work or materials are obtainable from only one source.

Approved December 23, 1963.

CHAPTER 208

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO "EDUCATION", BY PROVIDING SCHOLARSHIPS FOR STUDENTS PURSUING COURSES OF HIGHER EDUCATION NOT AVAILABLE IN STATE INSTITUTIONS.

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

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

CHAPTER 34. HIGHER EDUCATION SCHOLARSHIPS

§ 3401. Purpose

It is the intent and purpose of the General Assembly of the State of Delaware, through this Act, to encourage qualified Delaware students to pursue courses of higher education when such courses are unavailable in State supported institutions and when such pursuit is deemed in the best interest of the State of Delaware.

§ 3402. Administration

This Chapter shall be administered by the State Board of Education, hereinafter referred to as the "Board".

§ 3403. Scholarship Fund

The General Assembly shall each year in the Budget Act appropriate a sum to be known as the "Scholarship Fund" for the purpose of carrying out the provisions of this Act.

§ 3404. Grants

(a) The Board is hereby authorized to award scholarships from the Scholarship Fund to Delaware students pursuing courses of higher education, subject to the rules and regulations

adopted by the Board and the limitations set forth in this Chapter.

(b) The Board shall adopt such rules and regulations as it deems necessary and proper for the purpose of administering this Chapter and determining the award of scholarships, subject to the following limitations:

(1) No student shall be eligible for such scholarship who was not a resident of the State for at least one year immediately prior to approval of the award. Residency status of a student under twenty-one (21) years of age shall be determined by the legal residence of his parent or a court-appointed guardian who must have qualified as a registered voter in Delaware and who is subject to payment of Delaware income taxes. In the case of a student over twenty-one (21) years of age, he must have qualified as a registered voter in Delaware and must be subject to the payment of Delaware income taxes;

(2) Scholarships shall be awarded only to persons who have been accepted as full-time students to pursue programs of study leading to a recognized baccalaureate or professional degree at a four-year college or university which is accredited by one of the regional accrediting associations. No scholarships shall be granted to a student to pursue a course of study available in an institution supported by the State of Delaware;

(3) Scholarships shall be limited to those fields of study leading to occupations or professions for which there is reasonable expectation of job opportunity in the State of Delaware upon completion of such study. Among those programs for which scholarships may be awarded are Architecture, Dentistry, (not pre-dental). Forestry, Law, Medicine (not pre-medical), Optometry, Chiropractic, Social Work, and Veterinary Medicine, and such other professional programs as in the opinion of the Board fall within the spirit and letter of the Act;

(4) Scholarships shall be awarded on the basis of academic qualifications and financial need. In general, the amount of each scholarship shall not be out of line in relation to the total expense of attending the institution selected with what

the individual would have received under other scholarships provided for students desiring to study at State-assisted institutions. The board shall determine the amount of each scholarship, but in no case shall it exceed \$800 annually to any one student;

(5) Within six months after the end of each fiscal year, the Board shall submit a report to the General Assembly listing the recipients of scholarships awarded under this Chapter, the stipends received by these students, the institution they attended, the programs of study they pursued and the occupations or professions for which these students are preparing;

(6) Payment of funds shall be made on a semester or quarter basis only to institutions, not to individual scholarship holders, upon receipt of a bill from the institution certifying that the student is enrolled full-time in the program for which scholarship has been awarded. The enrolling institution shall be asked to report the withdrawal or dismissal of any student holding scholarship awarded under this Chapter and make restitution to the Scholarship Fund of sums not utilized for the purpose intended;

(7) Upon re-application, scholarships are renewable provided the applicant continues to qualify on the basis of academic merit and financial need.

§ 3405. Scholarship Advisory Council

There shall be a Scholarship Advisory Council to the Board composed of the President of the University of Delaware or his designated representative, the President of the Delaware State College or his designated representative, and five other citizens appointed by the Board for terms of three years. The Advisory Council shall assist the Board in the Administration of this Chapter in such manner as the Board shall determine.

Section 2. This Act shall become effective immediately upon its enactment for the purpose of administration, provided, however, § 3403 of this Act shall become effective July 1, 1963.

Section 3. There is hereby appropriated to the State Board of Education the sum of Twenty-five Thousand Dollars (\$25,000), for the purposes contained in this Act.

Section 4. This Act is a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State. Any monies appropriated by this Act and unexpended by June 30, 1964, shall revert to the General Fund.

Approved December 23, 1963.

CHAPTER 209

AN ACT TO AMEND CHAPTER 108, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF CAMDEN", BY ADDING A NEW AREA THERETO.

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

Section 1. Chapter 108, Volume 47, Laws of Delaware, be and is hereby amended by adding thereto a new section to be known as Section 1, Section (2) C, and which shall read as follows:

Section 1. Section (2) C. All that parcel and small tract of land situated in North Murderkill Hundred, Kent County and State of Delaware, lying on the northerly side of the street leading easterly from the Delaware Railroad in the Town of Wyoming, to North Main Street in Camden, said street known as Front and/or North Street in Wyoming and North Road or street in the Town of Camden, said tract of land or sub-division having about twenty-two lots and premises therein laid out and therein erected, bounded by the thread of the stream of Isaac's Branch Creek on the north, on the east by lands formerly of Charles Lord, now of Lord Brothers, on the south by the aforesaid North Road or street in Camden and on the west by land and premises now of Kathryn Cooper and the easterly corporate line of the Town of Wyoming and lands of the Simpson Elementary School formerly of George Lundgren now deceased, being more fully described in accordance with a survey made by J. E. Haddaway Engineer-Surveyor, during the years of 1954, 1955 and 1963, as follows, to wit:

Beginning—for this survey at a point in line and the old original corner for this tract along the former water line of Howell's Mill Pond and also in line of land of the Lord Brothers, thence running with the Lord Brothers' land, formerly of Charles Lord, deceased, south 13 degrees east (1011) feet to a point

in the middle of North Road or street in Camden, said point being distant about (40) feet south of the north curb on North Street, thence turning and running therewith, toward Wyoming, and (40) feet south of the North Curb, south 86 degrees 15 minutes west (429) feet to a corner in said street for the corporate line of the Town of Wyoming, thence turning and running therewith and land and premises of Kathryn Cooper and land and premises of a certain Knight and also with land of the Simpson School and the Wyoming Town line north 3 degrees 15 minutes west (814) feet to the original corner for this whole tract and sub-division along the former water line of said Howell's Mill Pond, thence continuing with the same bearing a further distance of about (100) feet to a corner in the thread of the stream of Isaac's Branch Creek a corner for the Town of Wyoming, thence turning and running down and with the flow of said stream in a northeasterly direction about (300) feet more or less to a corner in line of the Fisher-Kemp annex to the Town of Wyoming, thence leaving said stream and running with lands of Lord Brothers south 13 degrees east about (150) feet more or less back to the place of the beginning an area of about (8.5) acres of land be the same more or less.

No annexation shall be made under the foregoing provisions without first holding a referendum on the question and receiving a favorable vote thereon.

Approved December 23, 1963.

CHAPTER 210

AN ACT TO AMEND CHAPTER 15, TITLE 9, DELAWARE CODE, AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO ACQUIRE LAND AND CONSTRUCT AND EQUIP A PUBLIC LIBRARY AND AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO ISSUE BONDS TO FINANCE THE COST THEREOF AND TO LEVY TAXES THEREFOR.

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

Section 1. Chapter 15, Title 9, Delaware Code, is hereby amended by adding at the end of Section 1562 the following subsections:

§ 1562 (d) The Levy Court of New Castle County may construct and equip free public libraries in New Castle Hundred and Millcreek Hundred of New Castle County and for said purpose, may acquire land by purchase or gift and may enter into contracts for the construction and equipping of such public libraries in New Castle County outside of the City of Wilmington. The Levy Court may enter into contracts with the Wilmington Institute for the operation and maintenance and support of the said public library.

(e) For the purpose of providing funds for the acquisition of land and construction and equipping of the public library provided in subsection (d), the Levy Court of New Castle County may borrow money upon the faith and credit of New Castle County by issuing bonds notwithstanding any limitation prescribed by this Chapter or any other law.

1. The bonds shall bear interest at such rates, may be in one or more series, may bear such dates, may mature at such times not exceeding twenty years from their respective dates, may be payable in such medium of payment, at such places or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and

may be in such form, either coupon or registered, as the resolution or subsequent resolutions provide.

2. The bonds shall be sold at public sale upon sealed proposals after at least ten days' notice published at least once in a newspaper published in the City of Wilmington in the State of Delaware. Any of the bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof, at not less than par.

3. 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.

4. The rate of interest may be determined in advance of sale, or the bonds may be offered for sale at a rate of interest to be fixed by the successful bidder for such bonds.

5. Bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon have ceased to be officers of the County.

6. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceeding relating to the matters authorized by subsection (d) of this Section. 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 of the regularity of their issuance.

7. The faith and credit of the County are pledged to the payment of any bonds issued by the County hereunder. The Levy Court of the County shall, annually appropriate to the payment of such bonds and the interest thereon the amounts required to pay such bonds and interest as the same become due and payable. Notwithstanding the provisions of any other law the Levy Court may levy an ad valorem tax, with limitation as to rate or amount, upon all property taxable by the County to raise the moneys necessary to meet any such appropriation.

Approved December 23, 1963.

CHAPTER 211

AN ACT TO AMEND AN ACT BEING CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS" BY EXTENDING THE TERRITORY TO WHICH WATER AND SEWER MAY BE SUPPLIED BY SAID BOARD OF PUBLIC WORKS AND PERMITTING THE BOARD OF PUBLIC WORKS TO ADOPT REGULATIONS.

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

Section 1. Section 3, Chapter 196, Volume 22, Laws of Delaware, as amended, is hereby further amended by adding at the end thereof a new paragraph, as follows:

The Board of Public Works of the Town of Lewes is hereby authorized and permitted to supply water and sewer service to those properties which are located within one (1) mile of the corporate limits of the Town of Lewes as presently constituted or hereafter extended under such terms and conditions as the said Board shall deem proper. The Board of Public Works is hereby authorized and permitted to enact and adopt such rules and regulations as the said Board may deem proper in order to supply said water and sewer service.

Approved December 23, 1963.

CHAPTER 212

**AN ACT TO APPROPRIATE \$6,580 TO THE STATE BOARD
OF EDUCATION FOR THE USE OF THE GREENWOOD
CONSOLIDATED SCHOOL DISTRICT TO EQUIP AN
AGRICULTURE SHOP.**

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

Section 1. The sum of \$6,580 is hereby appropriated to the State Board of Education for the purpose of purchasing equipment for an agriculture shop for the Greenwood Consolidated School District.

Section 2. This Act is a supplementary appropriation for the fiscal year commencing July 1, 1963, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved December 23, 1963.

CHAPTER 213

AN ACT MAKING AN APPROPRIATION TO TOWNSEND SCHOOL DISTRICT #81, NEW CASTLE COUNTY, DELAWARE, FOR THE PURPOSE OF MAKING ALTERATIONS AND REPAIRS TO THE SCHOOL BUILDING.

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

Section 1. The sum of \$10,000 is hereby appropriated to Townsend School District #81, New Castle County, Delaware, to make necessary alterations and repairs to the school building.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds appropriated that remain unexpended on June 30, 1965, shall revert to the general fund of the State of Delaware.

Section 3. This Act is a supplementary Appropriation Act for the fiscal year commencing July 1, 1963, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved December 27, 1963.

CHAPTER 214

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE SMYRNA SPECIAL SCHOOL DISTRICT TO BE
USED FOR A CENTRAL ADMINISTRATIVE OFFICE.**

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 Smyrna Special School District to be used to renovate the former United States Post Office building, so that it may be used as a central administrative office for the Smyrna Special School District.

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

Section 3. Any funds hereby appropriated and not used for the purpose set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved December 30, 1963.

CHAPTER 215

AN ACT TO AMEND TITLES 9, 10 AND 12, DELAWARE CODE, BY INCREASING THE SALARY OF THE CLERK OF THE PEACE, CORONER, COMPTROLLER, LEVY COURT COMMISSIONERS, RECORDER OF DEEDS, RECEIVER OF TAXES AND COUNTY TREASURER, PROTHONOTARY, SHERIFF, REGISTER IN CHANCERY AND CLERK OF THE ORPHANS' COURT, AND REGISTER OF WILLS IN AND FOR NEW CASTLE COUNTY.

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

Section 1. § 8405 (1), Title 9, Delaware Code, is amended to change the salary of Receiver of Taxes of New Castle County by striking out the figures "\$7,000" and inserting in lieu thereof the figures "\$9,000".

Section 2. § 9306, Title 9, Delaware Code, is amended to change the salary of the Comptroller of New Castle County by striking out the figures "\$7,000" as the same appears therein and inserting in lieu thereof the figures "\$9,000".

Section 3. § 9402 (1), Title 9, Delaware Code, is amended to change the salary of the Clerk of the Peace of New Castle County by striking out the figures "\$7,000" as the same appears therein and inserting in lieu thereof the figures "\$9,000".

Section 4. § 9501 (1), Title 9, Delaware Code, is amended to change the salary of Coroner of New Castle County by striking out the figures "\$3,600" as the same appears therein and inserting in lieu thereof the figures "\$6,000".

Section 5. § 9602 (1), Title 9, Delaware Code, is amended to change the salary of the Recorder of New Castle County by striking out the figures "\$7,000" as the same appears therein and inserting in lieu thereof the figures "\$9,000".

Section 6. § 2301 (1), Title 10, Delaware Code, is amended to change the salary of the Prothonotary of New Castle County

by striking out the figures "\$7,000" as the same appears therein and inserting in lieu thereof the figures "\$9,000".

Section 7. § 2502 (1), Title 10, Delaware Code, is amended to change the salary of the Register in Chancery and Clerk of the Orphans' Court in New Castle County by striking out the figures "\$7,000" as the same appears therein and inserting in lieu thereof the figures "\$9,000".

Section 8. § 2505 (1), Title 12, Delaware Code, is amended to change the salary of the Register of Wills of New Castle County by striking out the figures "\$7,000" as the same appears therein and inserting in lieu thereof the figures "\$9,000".

Section 9. § 2101 (1), Title 10, Delaware Code, is amended by striking out the figures "\$5,400" as they appear in subparagraph (1) therein and by inserting in lieu thereof the figures "\$6,000".

Section 10. § 309 (a), Title 9, Delaware Code, is amended by striking out the figures "\$5,500" and the figures "\$5,000" as they appear in subparagraph (a) therein and by inserting in lieu thereof the figures "\$7,500", as and for the salary of the President of the Levy Court of New Castle County, and also by inserting the figures "\$7,000", as to the salaries of each of the other Levy Court Commissioners in and for New Castle County.

Approved December 30, 1963.

CHAPTER 216

AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO INCOME TAX.

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

Section 1. Section 1118, Title 30, Delaware Code, is amended by adding a new sub-section as follows:

(17) Union dues paid by the taxable within the income year.

Approved December 30, 1963.

CHAPTER 217

**AN ACT TO REPEAL SECTION 9302, TITLE 10, DELAWARE
CODE, ENTITLED LIMITATIONS ON JURISDICTION
AND VENUE IN NEW CASTLE COUNTY.**

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

Section 1. Section 9302, Title 10, Delaware Code, is hereby
repealed.

Approved December 31, 1963.

CHAPTER 218

AN ACT MAKING AN APPROPRIATION TO THE SECRETARY OF STATE FOR A COMPREHENSIVE REVIEW AND STUDY OF THE CORPORATION LAWS OF THE STATE AND FOR THE PREPARATION OF A REPORT CONTAINING RECOMMENDED REVISIONS OF SUCH LAWS FOR SUBMISSION TO THE GENERAL ASSEMBLY.

WHEREAS, the State of Delaware has a long and beneficial history as the domicile of nationally known corporations; and

WHEREAS, the favorable climate which the State of Delaware has traditionally provided for corporations has been a leading source of revenue for the State; and

WHEREAS, many States have enacted new corporation laws in recent years in an effort to compete with Delaware for corporation business; and

WHEREAS, there has been no comprehensive revision of the Delaware Corporation Law since its enactment in 1898; and

WHEREAS, the General Assembly of the State of Delaware declares it to be the public policy of the State to maintain a favorable business climate and to encourage corporations to make Delaware their domicile; and

WHEREAS, the Office of the Secretary of State of the State of Delaware, through its Corporation Department, exercises general supervision over corporations in the State.

NOW, THEREFORE,

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

Section 1. There is hereby appropriated to the Office of the Secretary of State of the State of Delaware the sum of

\$25,000.00, to be used for a comprehensive review and study of the Corporation Laws of the State of Delaware, and for the preparation of a report containing recommended revisions of such law for submission to the General Assembly not later than June 30, 1965.

Section 2. The present holder or any successor holder of the Office of the Secretary of State is authorized to spend the money appropriated by Section 1 of this Act for consultants and assistance in such manner as will, in his discretion, most expeditiously accomplish the purposes of this Act and will include a report of his expenditure of such funds to the Governor and the General Assembly in the report required by Section 1 hereof.

Section 3. This Act is a Supplementary Appropriation Act for the fiscal year ending June 30, 1964, and the money hereby appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware. The money hereby appropriated shall remain available to the Office of the Secretary of State until the purposes of this Act have been accomplished or until June 30, 1965, and any of said money remaining unexpended upon the completion of the project or on June 30, 1965, shall revert to the General Fund of the State.

Approved December 31, 1963.

CHAPTER 219

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO NEW CASTLE HISTORIC BUILDINGS COMMISSION.**

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

Section 1. The sum of \$86,500.00 is appropriated to the New Castle Historic Buildings Commission for the fiscal year beginnings July 1, 1963, and ending June 30, 1964, to be expended as follows:

Repairs to Court House Building and	
Arsenal Building	\$22,900.00
Interior Restoration of the East Wing	
of the Court House Building	28,600.00
Demolition of the present West Wing and	
Construction of a Replica of the Original	
Wing of 1765	35,000.00
	<hr/>
	\$86,500.00

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 December 31, 1963.

CHAPTER 220

AN ACT TO FURTHER AMEND CHAPTER 182 OF VOLUME 45, LAWS OF DELAWARE 1944-5, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR BY INCREASING THE LIMIT OF TAXATION FOR GENERAL TOWN PURPOSES".

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

Section 1. That Section 14 of Volume 45, Laws of Delaware, as amended, is further amended by striking out the words "Twenty Thousand Dollars" (\$20,000.00), as they appear on the fourth line of the last paragraph of said section after the word "Exceeding" and before the word "Dollars", and inserting in lieu thereof the words "Thirty Thousand Dollars" (\$30,000.00).

Approved December 31, 1963.

CHAPTER 221

AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF BOWERS, BEING CHAPTER 279, VOLUME 53, LAWS OF DELAWARE, BY PROVIDING FOR COLLECTION OF DELINQUENT TAXES.

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

Section 1. Chapter 279, Volume 53, Laws of Delaware, is amended by adding thereto a new Section to read:

Section 16A. Proceedings for collection of Delinquent Taxes**(a) Suits**

If taxes are not paid on or before the last day of September of the year in which they were assessed, the Tax Collector shall use whatever he deems to be reasonable means to collect such delinquent taxes without suit. The Tax Collector may, at least six months after the taxes become delinquent, begin the legal proceedings hereinafter mentioned, against all delinquent taxables.

Proceedings for the collection of delinquent taxes shall be by suit on an action of debt before any Justice of the Peace of Kent County or in the Court of Common Pleas of Kent County or in the Superior Court of the State of Delaware in and for Kent County. Judgments may be obtained in the Superior Court by filing an affidavit of demand together with a copy of the tax bills in the same manner and under the same conditions as judgments are now obtained under Section 3901 of Title 10 of the Delaware Code; and the suit shall be against the person to whom the land is assessed, or in case the land is owned by any person to whom it is not assessed, then suit may be entered against the owner or owners of such land or against any other person whose duty it is to pay the tax. If personal service be had upon any one of several owners of land upon which taxes are so assessed, service need not be had upon the other owner

or owners of such land, if a copy of the writ is left with the tenant or any adult person in possession or is posted upon the premises six days before the return of such process.

(b) Suit for collection of taxes against guardian or trustee

Suit for the purpose of any town taxes may be brought against the guardian or trustee and judgments recovered against them shall be binding upon the land of the persons they represent. Any person owning or having any interest in any land upon which town taxes have been assessed, and being under the disability of infancy or incompetency of mind, and not having a guardian or trustee, may be made a defendant in any suit for collection of taxes by a guardian ad litem or trustee ad litem, to be appointed by the court upon the petition of the Tax Collector.

(c) Tax Proceedings Against Nonresidents

In case any owner of real property who is assessed for town taxes is a nonresident, proceedings may be had by attachment. Such writ of attachment shall be framed, directed, executed and returned and like proceedings had as in other cases of attachment in this State, except that the Tax Collector shall only be required to make and file an affidavit stating that the defendant resides out of the State and that he is justly indebted for town taxes in the sum due.

(d) Sale of Real Property upon Execution in Superior Court on a Tax Judgment

Execution may be had in the Superior Court upon real estate upon a judgment for taxes as upon other judgments in the Superior Court; provided, however, that in any case where real property is sold upon execution on a tax judgment it shall not be necessary to issue a writ of inquisition. Any real estate sold upon an execution issued upon a judgment for taxes shall vest in the purchaser all the right and title that the defendant or defendants in such judgment had in and to such land, freed and discharged from any dower or courtesy, in, and to, or against, such land.

(e) Approval or Disapproval of Tax Sales; Disposal of Excess Money

Upon the return of any writ of execution for the collection of a judgment for taxes, the Superior Court may inquire into the circumstances and regularity of the proceedings relative to such sale, and either approve the sale or set it aside at the first day of the term of court occurring after the sale date. If the court approves the sale, the sheriff shall deliver to the purchaser a deed reciting the judgment and writ, and setting forth the facts relative to the sale, and the purchaser shall have and be possessed of all right, subject to the right of redemption as provided in this section of the owner of such land, and the court shall have power to make all necessary orders and rules and to issue all processes which may be necessary to place the purchaser in possession of such real estate. If the sale be set aside, another sale may be ordered until the judgment is collected. The court shall make such disposal of all proceeds of such sale, in excess of the amount necessary to satisfy such judgment, as it shall deem just. No sale shall be approved if the owner of the property or any person having an interest therein shall be ready at court to pay such judgment and all costs.

(f) Right of Redemption; Redeemed Property Subject to Liens

The owner of any property sold upon an execution issued upon a tax judgment, or its legal representatives, may redeem the property at any time within one year from the day the sale is approved by the court, and if the owner or his legal representative does not redeem such property within such period, any person having any interest in such property, or lien upon such property, shall be entitled to redeem the same within eighteen months of the date of such approval by the court, by paying to the purchaser or his legal representative the amount of the purchase price, and twenty per cent in addition thereto, or if the purchaser or his legal representative shall refuse to receive the same, by paying such amount into such court. If the owner or his legal representative shall redeem such property, he may prefer to the court a petition, setting forth the fact and there-

upon the court shall cause to be entered upon the judgment a memorandum that the property therein described has been redeemed, and he shall hold such redeemed property subject to the same liens and in the same order of priority as they existed at the time of the sale thereof.

(g) Execution and Delivery of Certain Tax Deeds

Any person who has a lien upon property sold for delinquent taxes and who shall redeem the same within the time and in the manner prescribed in the preceding section, or any purchaser in case the property has not been redeemed, or their representative or representatives, may prefer a petition to the Superior Court setting forth the facts and praying for a deed for such property, and the court shall order the sheriff to execute and deliver a deed to the person or persons entitled thereto granting and assuring to such person or persons the same estate and title as such owner was seized of therein at the time of the sale, free and clear of all liens existing against such property at the time of the sale.

(h) Application of Proceeds from Sale of Land for Any Reason

In case any property is sold under any of the provisions of this Section, the proceeds of such sale shall first be applied to the satisfaction of the judgment and costs under which such property is sold, then to the payment of any unpaid town taxes assessed against such property before any of the proceeds of such sale shall be applied to any liens of record existing against such property, notwithstanding the fact that such liens have been entered before such taxes were levied and assessed. If the proceeds of the sale are sufficient to discharge all taxes assessed against the property and are sufficient to discharge all liens against the property, the surplus shall be distributed to the owner of the property as in the case of other executor sales.

(i) Adjournment of Tax Sales

Any sale of real estate under this section, may be adjourned from time to time.

Approved December 31, 1963.

CHAPTER 222

AN ACT TO AMEND § 2619 (d), TITLE 9, DELAWARE CODE, PERTAINING TO VIOLATIONS OF ZONING REGULATIONS AND ENFORCEMENT OF SAME.

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

Section 1. § 2619 (d), Title 9, Delaware Code, is amended by striking out said section and inserting in lieu thereof the following:

(d) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this Chapter or of any regulation or provision of any regulation, or change thereof, enacted or adopted by the Levy Court under the authority granted by this Chapter, the Levy Court, the Attorney thereof, or any owner or occupier of real estate within the district or within an adjoining district in which such building, structure or land is situated, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Approved December 31, 1963.

CHAPTER 223

AN ACT TO AMEND SECTION 5115 OF CHAPTER 51, TITLE 14, OF THE DELAWARE CODE, ENTITLED "UNIVERSITY OF DELAWARE" FOR THE PURPOSE OF PROVIDING THAT THE REVENUE BONDS OF THE UNIVERSITY MAY BE EXECUTED BY FACSIMILE SIGNATURES OF THE OFFICERS OF THE UNIVERSITY, AND OF CLARIFYING THE TERMS AND CONDITIONS UPON WHICH SUCH BONDS MAY BE ISSUED AND REFUNDED AND INCREASING THE MAXIMUM ALLOWABLE RATE OF INTEREST AND INTEREST COST FROM FOUR TO SIX PERCENT.

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

Section 1. Chapter 51, Title 14, Section 5115, Delaware Code, is amended by repealing and striking out the first and second sentences of Section 5115, and by enacting and inserting in lieu thereof three new sentences to read as follows:

The Board of Trustees may provide by resolution, from time to time, for the issuance in the name of the University of Delaware of revenue bonds of the University, for the purpose of paying all or any part of the costs, including financing costs and necessary reserves for debt service, maintenance and the like, of one or more income producing capital improvements, including constructing and equipping income producing buildings and facilities together with incidental acquisition of land therefor, landscaping, walks, drives and utility installations deemed necessary by said Board for the sound expansion and development of the University, and for the purpose of refunding outstanding issues of such revenue bonds. The principal of such bonds shall be payable solely from University funds (other than State appropriated funds) specifically pledged in each case by said Board by resolution, and the adoption of such resolution shall fully perfect such pledge for all purposes. No part of the revenues or funds of the University from other sources shall in any manner be expended for the purpose of paying such principal and interest.

Section 2. Chapter 51, Title 14, Section 5115, Delaware Code, is further amended by repealing and striking out the phrase in the third and eleventh sentences reading "four per centum per annum" and by enacting and inserting in lieu thereof in each such sentence the phrase "six per centum per annum."

Section 3. Chapter 51, Title 14, Section 5115, Delaware Code, is further amended by repealing and striking out the sixth sentence of Section 5115 and by enacting and inserting in lieu thereof a new sixth sentence to read as follows:

The bonds shall be signed by the President of the Board of Trustees, or shall bear the facsimile signature of the President of the Board of Trustees, in which latter event such bonds shall be authenticated by the manual signature of an officer of a bank or trust company appointed by resolution of the Board of Trustees as fiscal agent in connection with the bond issue, and the seal of the University, or facsimile thereof, shall be affixed to the bonds and shall be attested by the Secretary of the Board of Trustees, which attestation may, if the bonds are authenticated as above provided, be by facsimile signature of the Secretary of the Board of Trustees; and any coupons attached to the bonds shall bear the facsimile signature of the President of the Board of Trustees.

Section 4. This Act to take effect immediately.

Approved December 31, 1963.

CHAPTER 224

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 1964, TO
REIMBURSE THE ARDEN SCHOOL BOARD FOR EX-
PENDITURES MADE DURING THE FISCAL YEAR END-
ING JUNE 30, 1962.**

WHEREAS, safety and fire protection necessitated the following work and expenditures to be made at the Arden School:

Installation of fire-door lock	\$ 88.90
Labor and material to install new entrance doors, sash and glass	154.50
Installation of new heat circulating pump	148.17
	<hr/>
	\$391.57

and

WHEREAS, State Funds were not available to pay the above bill; and

WHEREAS, the Arden School Board advanced the funds to avoid the necessity for the contractors to await payment indefinitely; and

WHEREAS, the expenditure is a proper charge against State Funds.

NOW, THEREFORE,

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

Section 1. The sum of \$391.57 is hereby appropriated to be paid to the Arden School Board for repairs made to the Arden School for safety and fire protection during the fiscal year ending June 30, 1962.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1964, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved December 31, 1963.

CHAPTER 225

AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE BY THE EXEMPTION OF LICENSED MEDICAL PRACTITIONERS FROM CIVIL LIABILITY FOR RENDERING EMERGENCY CARE AT THE SCENE OF THE EMERGENCY.

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

Section 1. Chapter 17, Title 24, Delaware Code, is hereby amended by the addition of a new Section 1767 to read as follows:

§ 1767. Emergency care at the scene of the emergency

No person licensed under this Chapter, who in good faith renders emergency care at the scene of the emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

Approved December 31, 1963.

CHAPTER 226

**AN ACT TO AMEND § 4913, TITLE 10, DELAWARE CODE,
RELATING TO EXEMPTION AND ATTACHMENT OF
WAGES.**

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

Section 1. § 4913, Title 10, Delaware Code, is amended
by adding thereto a new subsection to read as follows:

(d) Wages shall include salaries, commissions and every
other form of remuneration paid to an employee by an employer
for labor or services, but shall not include payments made for
services rendered by a person who is master of his own time
and effort.

Approved January 7, 1964.

CHAPTER 227

**AN ACT TO CREATE A PUBLIC DEFENDER AND MAKING
A SUPPLEMENTAL APPROPRIATION THEREFOR.**

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 to read:

CHAPTER 26. PUBLIC DEFENDER**§ 2601. Office of Public Defender**

There is created the office of public defender.

§ 2602. Appointment; representation of defendants

(a) The public defender shall be a qualified attorney licensed to practice in this State selected by the Governor. He shall represent, without charge, each indigent person who is under arrest or charged with a crime, if:

(1) The defendant requests it; or

(2) The court, on its own motion or otherwise, so orders and the defendant does not affirmatively reject of record the opportunity to be so represented.

(b) Before arraignment the determination of indigency may be made by the public defender. At or after arraignment the determination shall be made by the court.

§ 2603. Term of office; compensation; assistants

(a) The public defender shall serve for a term of six years from the date of appointment. He shall receive \$10,000 per year as compensation.

(b) The public defender may appoint as many assistant attorneys, clerks, investigators, stenographers, and other em-

ployees as he considers necessary to enable him to carry out his responsibilities. An assistant attorney must be a qualified attorney licensed to practice in this State.

(c) The compensation of persons appointed under subsection (b) shall be fixed by the public defender.

§ 2604. Representation of indigent persons

When representing an indigent person, the public defender shall (1) counsel and defend him, whether he is held in custody without commitment or charged with a criminal offense, at every stage of the proceedings following arrest; and (2) prosecute any appeals or other remedies before or after conviction that he considers to be in the interest of justice.

§ 2605. Appointment of additional counsel

For cause, the court may, on its own motion or upon the application of the public defender or the indigent person, appoint an attorney other than the public defender to represent him at any stage of the proceedings or on appeal. The attorney shall be awarded reasonable compensation and reimbursement for expenses necessarily incurred, to be fixed by the court and paid by the county.

§ 2606. Annual reports

The public defender shall make an annual report to the Governor and the General Assembly covering all cases handled by his office during the preceding year.

§ 2607. Short Title

This act may be cited as the Model Defender Act.

Section 2. The provisions of this Act shall not become effective until July 1, 1964.

Section 3. The budget report, as prepared by the Governor, for the fiscal year next after this act becomes law, shall contain a recommended appropriation to defray the costs of administering this act.

Approved January 7, 1964.

CHAPTER 228

**AN ACT TO EXTEND THE DURATION OF SECTION 4520
OF TITLE 7 OF THE DELAWARE CODE, RELATING TO
SUBAQUEOUS PUBLIC LANDS, BY REPEALING ITS
PRESENT EXPIRATION DATE.**

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

Section 1. Paragraph (g) of § 4520 of Title 7 of the Delaware Code, is hereby amended by substituting "1966" for "1964".

Approved January 7, 1964.

CHAPTER 229

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

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

Section 1. Chapter 21, Title 19, Delaware Code, is hereby amended by repealing subsection (a) Section 2102 and substituting a new subsection (a) in lieu thereof to read as follows:

(a) Each of the members shall receive an annual salary of \$5,000.00.

Section 2. There is hereby appropriated the sum of \$4,200.00 to carry out the provisions of this act.

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

Section 4. This act shall become effective July 1, 1963.

Approved January 7, 1964.

CHAPTER 230

AN ACT TO AMEND SECTION 8324, TITLE 11, DELAWARE CODE, RELATING TO ELIGIBILITY OF PERMANENTLY INJURED MEMBERS OF THE STATE POLICE FOR PENSION BENEFITS.

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

Section 1. Section 8324, Title 11, Delaware Code, is amended by adding thereto a new sentence to read as follows:

Any member who is entitled to a pension equal to three-fourths of his salary pursuant to this section shall be examined by at least two competent physicians employed by the State Board of Health every six months in order to determine the continuing eligibility of said member. Should such pensioner reside without the territorial limits of the State of Delaware, he shall submit certificates of examination by two competent physicians approved by the Board of Health or comparable agency of the State of residence for the foregoing purpose.

Approved January 7, 1964.

CHAPTER 231

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE REHOBOTH SPECIAL SCHOOL DISTRICT FOR
THE PURPOSE OF REPLACING HEATING BOILERS
IN MAIN BUILDING.**

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

Section 1. The sum of \$75,000 is hereby appropriated to the Rehoboth Special School District for the purpose of replacing the heating boilers in the main school building, together with the removal of old boilers, appurtenances, and foundations, opening and closing of building to admit new boilers, and other expenses necessary to a proper and thorough installation of a new heating plant including realignment or replacement of other equipment and appurtenances; also such incidental expenses as engineering fees, advertising for bids, etc.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1965, 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 9, 1964.

CHAPTER 232

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE
IMPROVEMENT OF THE GROUNDS OF THE KENTON
SCHOOL DISTRICT NO. 9, KENT COUNTY.**

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

Section 1. The sum of \$3,601.47 is hereby appropriated to the State Board of Education for the fiscal year beginning July 1, 1963, and ending June 30, 1964, for improvement of the school grounds of the Kenton School District No. 9, Kent 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 January 9, 1964.

CHAPTER 233

AN ACT TO ENABLE THE LEVY COURT OF NEW CASTLE COUNTY TO ESTABLISH A WATER SUPPLY AND FLOOD CONTROL SYSTEM IN THE WHITE CLAY CREEK WATERSHED, TO CONTROL THE USE OF EXCESS WATER THEREOF, TO AUGMENT THE SUPPLY OF WATER FOR NEW CASTLE COUNTY TO CONTROL THE USE THEREOF AND TO CHARGE FEES THEREFOR TO ISSUE BONDS TO FINANCE PROJECTS AND ACQUIREMENTS, TO ACQUIRE BY CONDEMNATION, PURCHASE, GIFT OR OTHERWISE LAND OR RIGHTS THEREIN, IN NEW CASTLE COUNTY OR IN THE COMMONWEALTH OF PENNSYLVANIA, TO LEVY TAXES THEREFOR.

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

Section 1. Title 9, Delaware Code, is hereby amended by adding after Chapter 26 a new Chapter 27, as follows:

CHAPTER 27. WATER SUPPLY**§ 2701. Definitions**

Definitions used in this chapter, unless a different meaning clearly appears from the context.

(a) "County" means New Castle County.

(b) "Water Supply System" means the plants, structures and other real and personal property, including specifically dams, wells and pipe lines, acquired, constructed or operated, or to be acquired, constructed or operated for the collection, storage and wholesale distribution of water for ultimate domestic, commercial and industrial use.

(c) "Water Treatment and Distribution System" means the plants, structures and other real and personal property acquired, constructed or to be acquired, constructed or operated

for the treatment and retail distribution of water for domestic, commercial and industrial use.

(d) "Excess Water" means the portion of the flow of the water in White Clay Creek which exceeds the low flow of record thereof which shall be determined by the Levy Court by standard accepted hydrological methods.

(e) "Levy Court" means the Levy Court of New Castle County.

§ 2702. Powers of County

In addition to the other powers which it has, the County may, under this chapter:

(a) Plan, construct, acquire by gift, or purchase any Water Supply System in the White Clay Creek Watershed, and acquire by gift, purchase or the exercise of eminent domain lands or rights in land in connection therewith;

(b) Plan and construct White Clay Creek Water Supply System, including a dam, reservoir and other structures on White Clay Creek above Newark extending into the Commonwealth of Pennsylvania and in connection therewith to acquire by gift or purchase (for money or other considerations), or a combination thereof in the Commonwealth of Pennsylvania and by gift, purchase (for money or other considerations), eminent domain, or a combination thereof in New Castle County, lands or rights in lands;

(c) Plan for and relocate or pay for the planning and relocation of existing roads, bridges, power lines, water mains, telephone lines, sewers and other utilities located within the aforementioned Water Supply System site which relocation is required by the exercise of the powers in (a) and (b) of this section;

(d) Protect, relocate or pay for the protection or relocation of privately owned facilities such as dwellings, buildings, churches, cemeteries, private drives and private water systems

and appurtenances located within or immediately adjacent to the site of such water Supply System as part of the cost of acquiring land or rights in land whenever Levy Court shall determine that such protection or relocation shall be economically justified or in the case of churches, historical buildings, and cemeteries, such relocation shall be in the public interest;

(e) Operate and maintain such Water Supply System and furnish the services and facilities available therefrom;

(f) Enter into and perform contracts deemed appropriate by the Levy Court with any public utility company or with any incorporated city or town operating a water treatment and distribution system providing for the use of water from such County Water Supply System or systems and for the payment to the County of fees for the use or for the availability of use of such water;

(g) Issue bonds to finance in whole or in part the cost of planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any such Water Supply System; and accept from the State of Delaware, or the Commonwealth of Pennsylvania, the Delaware River Basin Commission, the Federal Government or any authorized agency of any of the above, any incorporated town or other local governmental agency or from persons, firms, or corporations, grants, loans or contributions for the planning, construction, acquisition, reconstruction, improvement or extension of any such Water Supply System and to enter into agreements with such parties with respect to such grants, loans or contributions;

(h) Make payments of taxes or in lieu of taxes levied by townships, counties, or other governmental bodies upon land and improvements owned in the Commonwealth of Pennsylvania, and enter into agreements with respect to said taxes or payments;

(i) Control and distribute within New Castle County the Excess Water collected or stored in any reservoir on White Clay Creek forming a part of any such County Water Supply System by releasing it into any stream, river, pond, lake, or

water treatment and distribution system and prohibit or permit the use of Excess Water for such uses, in such amounts, and subject to such rules, regulations and fees as the Levy Court may from time to time determine, provided, however, that the County at no time shall prevent the free flow in White Clay Creek of any and all water which is not Excess Water unless the right to appropriate, divert or use such non-Excess Water shall have been previously legally acquired from the parties entitled thereto by the County. The fees may be based upon such use or uses or upon any combination thereof and the Levy Court may enter into contracts with municipalities, public water distributing utilities and industries with respect to said rights and fees;

(j) Sell any land acquired under this Chapter which the Levy Court shall at any time determine to be surplus to its needs. Such sale shall be in accordance with existing Chapter of this Code whether said land is located in the State of Delaware or in the Commonwealth of Pennsylvania, except that land acquired for the relocation of utilities, facilities or improvements may be conveyed upon such terms, in such way and manner and subject to such conditions and restrictions, if any, as the County may deem fit, to the appropriate governmental agency or persons, firms or corporations;

(k) Exercise full control of and make rules and regulations for access to and use of lands included as part of any Water Supply System.

§ 2703. Bonds, Authorization, Amount, Terms, Sale and Interest Rate

(a) The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any Water Supply system to be used in connection with the White Clay Creek Watershed, including costs of land, rights in lands and relocation of utilities and other improvements may be authorized under this Chapter and bonds to provide funds for such purposes, may be authorized to be issued under this Chapter by resolution of the Levy Court.

(b) The Levy Court in determining the costs of acquiring or constructing any such Water Supply System may include all costs and estimated costs of the issuance of the bonds, all planning, engineering, inspection, fiscal and legal expenses, and interest or estimated interest upon the bonds or other money borrowed pursuant to this Chapter during the planning and construction period and for six months after completion.

(c) The bonds shall bear interest at such rates, may be in one or more series or issues, may bear such dates, may mature at such time, not exceeding forty years from their respective dates of issue, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form either coupon or registered as the resolution or subsequent resolutions provide.

(d) The bonds shall be sold at public sale upon sealed proposals after at least ten days' notice published at least once in a newspaper published in the City of Wilmington in the State of Delaware. Any of the bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof at not less than par.

(e) Pending the preparation of the definitive bonds, interim receipts or certificates in such forms and with such provisions as the Levy Court determines may be issued to the purchasers of bonds sold pursuant to this Chapter.

(f) The rate of interest may be determined in advance of sale or the bonds may be offered for sale at a rate of interest to be fixed by the successful bidder for such bonds.

(g) The Levy Court may advance funds for planning, engineering, acquisition of land, etc., from other funds of the County to be reimbursed from time to time by sale of water supply bonds.

§ 2704. Authorized Signatures on Bonds, Validity of Issuance

(a) Bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obli-

gations notwithstanding that before delivery thereof and payment therefor any or all of the persons whose signatures appear thereon have ceased to be officers of the County.

(b) The validity of the bonds shall not be dependent on, nor affected by the validity or regularity of any proceedings relating to the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of the Water Supply System for which the bonds are issued. 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 of the regularity of their issuance.

§ 2705. Payment of Bonds; Faith and Credit of County; Tax Levy

The faith and credit of the County are pledged to the payment of any bonds issued under this Chapter. 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 becomes due and payable. Notwithstanding the provisions of any other law, the Levy Court may levy an ad valorem tax, without limitation as to the rate or amount upon all property taxable by the County to raise the monies necessary to meet any such appropriation.

§ 2706. Power to Make Charges; Liability of Users

(a) The Levy Court may establish and from time to time revise fees. The fees may be based upon the right to use a specified amount of water, or upon its actual use or upon any combination thereof. It shall be the policy in determining fees to be charged or provided for in contracts entered into under this Chapter to collect sufficient moneys to pay the principal and interest of all bonds issued hereunder plus the cost of operation, maintenance and administration of the Water Supply System. Upon retirement of all bonds the rates shall be revised consistent with the reduced costs. The fees charged shall be fees which shall be determined by the Levy Court to be equitable, giving full consideration to values, such as lands or other rights granted to the County.

(b) The Levy Court may enter into long-term contracts for the rights to use such water. Such contracts may provide equitable means for the voluntary sale of such rights and, in the case of rights for which the contractor does not have plant facilities to use, their involuntary sale upon order of the Levy Court to release such rights to parties prepared to use them.

(c) The Levy Court may, in contracting for such rights, establish emergency priorities in the use of such water.

(d) The Levy Court may establish discounts for prompt payment of fees and penalties not to exceed 1% a month for late payment. The Levy Court shall provide that failure to pay such fees within a period not to exceed one year from the due date shall result in cancellation of the contract. Unpaid fees shall constitute liens against the property of the contractor as of the date of cancellation of the contract. The Levy Court may collect such fees by civil suit on the contract or by sale of the property for the lien.

(e) The fees established under this Chapter shall not be subject to approval of the Public Service Commission.

§2707. Condemnation Under Right of Eminent Domain

The Levy Court may acquire real and personal property or rights therein by condemnation as provided in 53 Delaware Code, Title 10, Chapter 61, for property located in the County, in the exercise of the powers provided under this Chapter.

The Levy Court may contract with the Delaware River Basin Commission, agencies of the Commonwealth of Pennsylvania and local Pennsylvania governmental units having such powers, to acquire by condemnation real and personal properties or rights therein as may be required under this Chapter in the Commonwealth of Pennsylvania for the purposes of this Chapter, and may compensate the Commission, Commonwealth, or local unit for the cost of acquisition.

§ 2708. Title of Property

(a) Property in the State of Delaware acquired by the County for the purpose of this Chapter shall be held in the name of the "State of Delaware for the use of New Castle County".

(b) Property outside of the State of Delaware acquired by the County for the purposes of this Chapter shall be held in the name of "The Levy Court of New Castle County".

§ 2709. Penalties; Enforcement

(a) Violation of any rules and regulations established under this Chapter shall be a misdemeanor punishable by a fine of not less than \$25 nor more than \$100 for each such violation. Each day of a continuing violation shall be a separate offense.

(b) In addition to the above remedy, the County may apply to the Court of Chancery for injunctive relief to prevent continuation of such violations.

(c) In the case of violation of contracts or agreements under this Chapter, the County may sue for civil damages and also apply for temporary or permanent injunctions to halt violations.

§ 2710. Repealer

This act hereby repeals any acts or sections of acts inconsistent with this Chapter.

§ 2711. Authority of Delaware River Basin Commission

Nothing herein shall be construed to reduce the power and authority of the Delaware River Basin Commission.

Approved January 11, 1964.

NOTE: This act was codified as Chapter 28, Title 9, Delaware Code. The sections thus became § 2801-2811.

CHAPTER 234

AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO ELECTIONS TO PROVIDE FOR SPECIAL REGISTRATION OF VOTERS IN VARIOUS LOCATIONS IN EACH COUNTY AND APPROPRIATING FUNDS THEREFOR.

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

Section 1. Title 15, Delaware Code, is amended by adding thereto a new Chapter to read:

CHAPTER 20. SPECIAL REGISTRATION DAYS

§ 2001. Special Registration Days

(a) In addition to the regular registration days required to be held in the several election districts, the Department of Elections for each county may designate one or more special days whereby persons who are residents of the county and are qualified to enjoy the right of an election may register or apply for a transfer of registration, change of address, or change of party affiliation. Party affiliation changes at such special registration days may be made up to and including the fourth Saturday in July in the year of a general election.

(b) The designated special days and the place and time for such special registration shall be set by the Department of Elections for each county, and shall be after January 1st and before October 1st in the year of a general election.

§ 2002. Registration of Qualified Voters on Special Registration Days

In each year in which a general election is held, the Department of Elections for each county may designate one or more locations in each county on the days designated pursuant to this chapter, at which locations the Auxiliary Registration Officers for each county shall have all the powers and authority

of local registration officers in their respective election districts, to register qualified electors who appear personally, for the purpose of registering, and whose names do not appear as qualified voters on the original permanent registration records for the proper election district, with the right of appeal and challenge in all cases, as in the case of local registration officers sitting in their respective local election districts during a Supplementary Registration as described in this title, and using the same registration records and supplies as are used by the local registration officers in their respective election districts in performing the like duties.

§ 2003. Auxiliary Registration Officers, Appointment; Political representation

For the purpose of effectuating this Chapter, the Department of Elections for each county shall appoint Auxiliary Registration Officers for each county. Such officers shall be equally divided between the two political parties which received the highest vote in the State at the last gubernatorial election. The County Executive Committee of each of the two such political parties, within 30 days after written request of the Department of Elections, shall furnish the Department of Elections a list of five names of properly qualified persons for each position to be filled, from which list the Department shall make its appointments prior to the first special registration. If the lists are not furnished, the Department shall appoint some suitable person or persons of such political affiliation, as indicated by the voters preference as shown on his permanent registration card, having all the qualifications provided in this section.

§ 2004. Powers and Duties; Term of Office; Compensation; Oath

The Auxiliary Registration Officers shall have and possess all the powers that are vested in and shall be required to perform all the duties, so far as consistent with the provisions of this chapter, that are imposed upon registration officers generally by this title; they shall before entering upon their duties, take and subscribe the oath required of other registration officers; their compensation shall be fixed by, and they shall serve at the pleasure of the Department making the appointment.

§ 2005. Notice of Special Registration

The Department of Elections of each county, at least ten days prior to a special registration day, shall give public notice by advertisement posted in ten or more of the public places in the election district in which the special registration is to be held of the time, place and hour of such special registration, and shall also cause one such notice to be advertised in a newspaper of general circulation in the county at least seven days prior to such special registration.

Section 2. The sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated to the Department of Elections of New Castle County, and the sum of Five Thousand Dollars (\$5,000.00) each to the Department of Elections of Kent and Sussex Counties for use in carrying out the purposes of this Act.

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

Section 4. Any unexpended funds hereby appropriated shall not revert to the General Fund until June 30, 1965.

Approved February 18, 1964.

CHAPTER 235

AN ACT TO AID CERTAIN ORGANIZATIONS WHICH MAINTAIN AN AMBULANCE IN THE PUBLIC SERVICE, BY APPROPRIATING MONEYS FOR MAINTENANCE OF THE AMBULANCES.

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

Section 1. There is appropriated to the following listed organizations, for the fiscal year beginning July 1, 1963, and ending June 30, 1964, the following sums to be used for the operation and maintenance of ambulances in the public service:

American Legion, Sussex Post No. 8	\$750
American Legion, Post Number 14 in Smyrna, Delaware	\$750
Selbyville American Post No. 39, Inc.	\$750
Sussex Memorial Post No. 7422	
V. F. W. at Millsboro	\$750

Section 2. Said sums shall be paid by the State Treasurer to said organizations within three months after the beginning of the said fiscal year; and a certificate of the Secretary of the said organizations to the effect that said organization 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 organization.

Section 3. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved February 19, 1964.

CHAPTER 236

AN ACT APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF VETERANS OF WORLD WAR I, WORLD WAR II AND KOREAN CONFLICT WHO DIED WHILE IN THE SERVICE OF THE ARMY, NAVY, MARINE CORPS, AIR FORCES OR COAST GUARD OF THE UNITED STATES OR WHO DIED FROM DISEASE, WOUNDS OR DISABILITIES 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 \$15,000 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 Force or Coast Guard of the United States of America and who were killed or who may hereafter be killed, while in such service, and/or who may have died or may hereafter die from disease, wounds or disabilities arising, and/or resulting from such service, either in World War I, World War II or Korean Conflict, for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

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 3 or more consecutive years prior to the application for assistance under this Act, and who are attending or may hereafter attend any educational or training institution in the State of Delaware, provided, however, that if the type of training or courses cannot be secured in any institution or agency within the State of Delaware, the Director of the State Board for Vocational Education may use these funds for such training in any institution outside of the bounds of the State, and provided, further, that any child having entered upon a course of training or education, under the provisions of this Act, consisting of a course of not more than 4

years, and arriving at the age of 21 years before the completion of said course, may continue in said course and receive all the benefits of the provisions of this Act until said course is completed.

Section 3. The money appropriated by this Act shall be used for the purpose of providing and paying any tuition, matriculation fees, boards and room rent, books and school supplies, and other incidental items in connection with the education and/or training of such children in a sum not to exceed \$500 for any one child for any one year.

Section 4. The amounts that may be due or become due to any such educational or training institution not in excess of the amount specified in Section 3 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 thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon vouchers signed by the State Auditor, but said expenses shall not exceed the sum of \$1000 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 any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved February 28, 1964.

CHAPTER 237

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE CONSTRUCTION AND REMODELING OF STATE OFFICE BUILDINGS IN DOVER, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES THEREFOR, APPROPRIATING THE MONEY BORROWED TO A BUILDING COMMISSION AND TO THE PUBLIC ARCHIVES COMMISSION, AND TRANSFERRING THE OLD STATE HOUSE TO THE PUBLIC ARCHIVES COMMISSION.

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

Section 1. There is appropriated to the Building Commission for the State Office Building, herein created, the sum of Two Million Nine Hundred Thousand Dollars (\$2,900,000) or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the designing, planning, inspection, construction and equipping of a State Office Building to be constructed on state owned lands in Dover.

Section 2. There is appropriated to the Public Archives Commission the sum of \$200,000, or so much thereof as shall be received from the sale of the bonds and notes, hereinafter authorized which shall be used for the repairs, alterations, rearrangement of offices and installation of a freight-passenger elevator and other new equipment in the Hall of Records Building.

Section 3. Any of said appropriated funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 4. The said sum of Three Million One Hundred Thousand Dollars (\$3,100,000) shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith

and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code. For purpose of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "State Office Building Bonds of 1964".

Section 5. 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 current fiscal year 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 current fiscal year. 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 6. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act 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 (or notes which are not to be funded by the issuance of 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.

Section 7. The Governor shall appoint to the Building Commission for the State Office Building Commission herein created, seven members to be designated as the Building Commission for the State Office Building. The seven members of the Building Commission shall be selected as follows: one from the Public Archives Commission, one from the Buildings and Grounds Commission, one from the State Board of Education, one from

the State Supreme Court, one from the Public Service Commission, the Secretary of State and the Director of State Planning. The Building Commission shall have the power to make and enter into contracts for the designing, planning, construction and equipping of the State Office Building and for landscaping.

Section 8. Upon the completion of the State Office Building, the offices of the State Department of Public Instruction shall be removed from the State House Annex to the new Building, and the Governor and the Custodian of the State House, shall transfer the offices then in the Old State House to other appropriate space. When the Old State House is thus vacated, it shall be designated by the Governor as an historic site and the custody and administration of it transferred to the Public Archives Commission in accordance with Title 29, Sections 3351-3355, Delaware Code. The Public Archives Commission shall then proceed with the restoration and administration of the Old State House as an historic building.

Section 9. Upon the completion of the said State Office Building, the Corporation Department and the Franchise Tax Department of the Office of the Secretary of State shall be moved from the present Hall of Records Building to the State Office Building; the space vacated by them shall then be allocated by the Governor and the Custodian to the Public Archives Commission.

Approved February 28, 1964.

CHAPTER 238

AN ACT CREATING A WILMINGTON CIVIC CENTER OFFICE BUILDING COMMISSION AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR PLANNING, DESIGN AND LAND ACQUISITION FOR A STATE BUILDING IN THE WILMINGTON CIVIC CENTER.

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

Section 1. There is hereby created the Wilmington Civic Center Office Building Commission, to consist of the Director of State Planning and four other members to be appointed by the Governor and to serve at his pleasure. No more than three of the members shall be members of the same political party.

Section 2. There is appropriated to The Wilmington Civic Center Office Building Commission, created herein, the sum of Six Hundred Thousand Dollars (\$600,000), or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the preparation of plans, site evaluation, selection and acquisition for the erection of an office building for State Offices in the proposed Wilmington Civic Center.

Section 3. Any of said appropriated funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 4. The said sum of Six Hundred Thousand Dollars (\$600,000), shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code. For purpose of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Wilmington Civic Center State Office Building Bonds of 1964".

Section 5. 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 current fiscal year; 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 current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes 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 6. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act 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 (or notes which are not to be funded by the issuance of 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 hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 7. The sums hereby appropriated, if not sooner expended shall revert to the General Fund of the State of Delaware on June 30, 1970, for use in reducing the Bonded Indebtedness of the State of Delaware.

Section 8. The Commission hereby created shall be abolished on June 30, 1970.

Section 9. If either the General Services Administration fails to commit itself by April 15, 1964, to locate its new Federal Office Building within the proposed Civic Center Area or the City of Wilmington fails to appropriate, by April 15, 1964,

the funds to build the City Office Building in the Civic Center Area, then the bond authorization of this Act shall be null and void.

Approved February 28, 1964.

CHAPTER 239

AN ACT RELATING TO THE DEPUTY ATTORNEYS GENERAL, CREATING THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE ATTORNEY GENERAL, RAISING THE SALARY OF SOME DEPUTIES AND MAKING A SUPPLEMENTAL APPROPRIATION.

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

Section 1. Section 2502, Title 29, Delaware Code, is amended to read:

§ 2502. Deputy Attorneys General; appointment, compensation, powers, duties

(a) The Attorney General may appoint from the practicing members of the bar of the State who are residents of this State the following deputies:

1. A Chief Deputy who shall receive an annual salary of \$8,500.
2. A Deputy Attorney General for New Castle County who shall reside therein and shall receive an annual salary of \$7,500.
3. Three Assistant Deputy Attorneys General for New Castle County who shall reside therein and shall receive an annual salary of \$7,000.
4. A Deputy Attorney General for Kent County who shall reside therein and shall receive an annual salary of \$7,500.
5. An Assistant Deputy Attorney General for Kent County who shall reside therein and shall receive an annual salary of \$7,000.
6. A Deputy Attorney General for Sussex County who shall reside therein and shall receive an annual salary of \$7,500.
7. An Assistant Deputy Attorney General for Sussex County who shall reside therein and shall receive an annual salary of \$7,000.

8. Two Assistant Deputy Attorneys General to serve at large and who shall receive an annual salary of \$7,000.

(b) The powers of all deputies shall be statewide and the term of office and the duties to be performed by them shall be determined and fixed from time to time by general or special appointments, regulations and orders made by the Attorney General.

Section 2. § 2503, Title 29, Delaware Code, is hereby amended to read:

§ 2503. Administrative Assistant

The Attorney General may appoint an Administrative Assistant to serve full time. He shall serve at the pleasure of the Attorney General and shall have such powers and perform such duties as the Attorney General may assign to him. He shall receive a salary not exceeding \$15,000 per year.

Section 3. The two Deputy Attorneys General appointed and serving at the time of the effective date of this act pursuant to § 2502 (b) and § 2503 (b), Title 29, Delaware Code, relating to deputies to give assistance to the State Tax Department, shall become the Assistant Deputy Attorneys General at large pursuant to § 2502 (a) (8), Title 29, Delaware Code, enacted herein, and their salary increase from \$6,000 to \$7,000 per annum authorized by this act shall be retroactive to July 1, 1963.

Section 6. The sum of \$17,000 is appropriated to the Attorney General for salaries and wages for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

Section 7. 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 March 2, 1964.

CHAPTER 240

AN ACT TO AMEND SECTION 2105, TITLE 19, DELAWARE CODE, RELATING TO THE COMPENSATION OF THE SECRETARY OF THE INDUSTRIAL ACCIDENT BOARD.

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

Section 1. Section 2105 (a), Title 19, Delaware Code, is amended by striking out the figure \$5000. and inserting the figure \$6,000. in lieu thereof.

Approved March 6, 1964.

CHAPTER 241**AN ACT TO ADOPT ON BEHALF OF THE STATE OF DELAWARE, THE DRIVER LICENSE COMPACT.**

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

Section 1. Title 21, Delaware Code, is amended by adding thereto a new Chapter to read:

CHAPTER 81. DRIVER LICENSE COMPACT**Subchapter I. Driver License Compact****§ 8101. Driver License Compact**

The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT**ARTICLE I****Findings and Declaration of Policy**

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state

of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words

employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right

of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

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 OF COMPACT

§ 8111. Definitions

As used in this chapter and in the compact with reference to this State —

(a) "Licensing authority" means the Motor Vehicle Department.

(b) "Executive head" means the Governor.

(c) "Compact administrator" means the Motor Vehicle Commissioner.

§ 8112. Compensation of Compact Administrator

The Compact Administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

§ 8113. Furnishing of information to other states

The Motor Vehicle Department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact.

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§ 8113. Furnishing of information to other states

The Motor Vehicle Department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact.

Section 2. The provisions of this act shall become effective 90 days after this act becomes law.

Approved April 14, 1964.

CHAPTER 242

AN ACT TO AMEND TITLE 10, DELAWARE CODE, SECTION 9578, RELATING TO ENTRY OF SECURITY ON APPEAL FROM THE JUSTICE OF THE PEACE TO PROVIDE CIRCUMSTANCES UNDER WHICH PLAINTIFF NEED NOT ENTER SECURITY.

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

Section 1. Title 10, Section 9578, Delaware Code, is hereby amended by adding thereto a new sub-section (d), as follows:

(d) When the plaintiff is the appellant and no counter-claim is involved, such plaintiff need offer no security to cover the judgment appealed from or the costs; provided, that the costs of the proceedings before the Justice are paid before the appeal is taken and the advance deposit for costs provided in the Superior Court Rules is made.

Approved April 14, 1964.

CHAPTER 243

AN ACT TO AMEND TITLE 10, DELAWARE CODE, CHAPTER 31, SECTION 3112, TO PROVIDE A METHOD FOR SERVICE OF PROCESS UPON THE FOREIGN PERSONAL REPRESENTATIVE OF THE NON-RESIDENT OWNER OR OPERATOR OF A MOTOR VEHICLE INVOLVED IN AN ACCIDENT IN THIS STATE.

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

Section 1. Title 10, Delaware Code, Section 3112, is hereby amended by striking out sub-paragraphs (a), (b), and (c), and substituting in lieu thereof the following:

(a) Any non-resident owner, operator or driver of any motor vehicle, who accepts the privilege extended by law to non-residents of this State to operate or drive such motor vehicles on the public streets, roads, turnpikes or highways of this State by operating or driving such motor vehicle or by having the same operated or driven on any public street, road, turnpike or highway of this State shall by such acceptance of the privilege be deemed thereby to have appointed and constituted the Secretary of State of this State, his agent for the acceptance of legal process in any civil action against such non-resident owner, operator or driver arising or growing out of any accident or collision occurring within this State in which such motor vehicle is involved. The acceptance shall be a signification of the agreement of such non-resident that any such process when so served shall be of the same legal force and validity as if served upon such non-resident personally within this State, and that such appointment of the Secretary of State shall be irrevocable and binding upon his executor or administrator. Where such non-resident has died prior to the commencement of an action, or where an action has been duly commenced under the provisions of this Section by service upon a non-resident who dies thereafter, service of process, and of a writ of *scire facias* where required, shall be made on the Exec-

tor or Administrator of such non-resident, and upon his successors, in the same manner and on the same notice as is provided in the case of the non-resident himself.

(b) Service of the legal process provided for in this section with the fee of \$2, shall be made upon the Secretary of State of this State in the same manner as is provided by law for service of writs of summons, and when so made shall be as effectual to all intents and purposes as if made personally upon the defendant within this State; provided, that not later than seven days following the filing of the return of services of process in the Court in which the civil action is commenced or following the filing with the Court of the proof of the non-receipt of notice provided for in sub-section (e) of this section, the plaintiff or a person acting in his behalf shall send by registered mail to the non-resident defendant, or to his executor or administrator, a notice consisting of a copy of the process and complaint served upon the Secretary of State and the statement that service of the original of such process has been made upon the Secretary of State of this State, and that under the provisions of this section such service is as effectual to all intents and purposes as if it had been made upon such non-resident personally within this State.

(c) Proof of the defendant's non-residence and of the mailing and receipt or refusal of the notice shall be made in such manner as the Court, by rule or otherwise, shall direct.

Section 2. This act shall not apply to any cause of action which has arisen or accrued prior to the effective date hereof, and as to such causes the provisions of law in effect immediately prior to the effective date of this act shall apply.

Approved April 14, 1964.

CHAPTER 244

AN ACT TO AMEND SECTION 8705 OF TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY IN CIVIL PROCEEDINGS.

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

Section 1. Title 10, Delaware Code, Section 8705, paragraph (a) as heretofore amended is hereby further amended:

By deleting the words "and V. C. whether issued or not" from the line "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".

By deleting the line "Issuing V. C. on judgments whether issued or not . . . \$1.00".

Approved April 14, 1964.

CHAPTER 245

AN ACT TO AMEND TITLE 12, DELAWARE CODE, CHAPTER 35, SECTION 3508 RELATING TO APPOINTMENT OF FIDUCIARY TO RECEIVE BENEFITS PAYABLE BY THE UNITED STATES OF AMERICA.

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

Section 1. Title 12, Section 3508, Delaware Code, is hereby amended by striking out all of said section and substituting in lieu thereof the following:

§ 3508. Appointment of Fiduciary to Receive Benefits Payable by the United States of America

(a) Whenever any military or administrative body or agency of the Government of the United States of America is authorized or directed to pay monetary benefits to any person, and the said body or agency requires that a trustee or guardian be appointed by a court to receive such benefits, the Court of Chancery in the case of an adult, or the Orphans' Court, in the case of a minor, upon the presentation of a petition drawn and executed in conformity with the rules of the Court, upon evidence satisfactory to the Court, shall appoint a trustee or guardian with authority to receive said monies and all other property, and to disburse and account for the same in accordance with the rules and orders of the Court.

(b) There shall be no charge made by any public officer, nor any costs taxed or allowed by the Court, in any proceeding brought under the provisions of this section, or in subsequent proceedings brought by a fiduciary appointed under the provisions of this section.

(c) A trustee or guardian appointed under the provisions of this section shall be entitled to such reasonable expenses and compensation as the Court allows.

Approved April 14, 1964.

CHAPTER 246

**AN ACT TO REPEAL § 4309, TITLE 10, DELAWARE CODE,
RELATING TO ADMISSIBILITY OF BOOK OF ORIGINAL ENTRIES.**

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

Section 1. § 4309, Title 10, Delaware Code, is repealed.

Approved April 14, 1964.

CHAPTER 247

AN ACT TO AMEND CHAPTER 19, TITLE 12, DELAWARE CODE, RELATING TO DECEDENTS' ESTATES.

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

Section 1. Chapter 19, Title 12, Delaware Code, is amended by striking out § 1914 and substituting in lieu thereof a new § 1914 to read as follows:

§ 1914. Fee of Appraiser

An appraiser shall be entitled to receive a reasonable fee for his services in appraising the estate of a decedent, subject to approval by the Register of Wills.

Approved April 14, 1964.

CHAPTER 248

**AN ACT TO AMEND CHAPTER 51, TITLE 11, DELAWARE
CODE, RELATING TO CRIMES AND CRIMINAL PRO-
CEDURES.**

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

Section 1. Chapter 51, Title 11 of the Delaware Code, is amended by repealing § 5105 thereof, entitled "Jail Delivery of Capital Felonies".

Approved April 14, 1964.

CHAPTER 249

AN ACT TO AMEND TITLE 10, DELAWARE CODE, CHAPTER 31, TO PROVIDE A METHOD FOR SERVICE OF PROCESS ON RESIDENT OWNERS OR OPERATORS OF MOTOR VEHICLES INVOLVED IN AN ACCIDENT IN THIS STATE WHERE SUCH RESIDENT DEPARTS FROM THIS STATE SUBSEQUENT TO THE ACCIDENT.

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

Section 1. Title 10, Delaware Code, Chapter 31, is amended by adding a new section to be known as § 3113 as follows:

§ 3113. Service of Process on Resident Owner and Operator of Motor Vehicles who Depart from the State After an Accident

The provisions of Section 3112 of this Chapter shall also apply to a resident who departs from the State subsequent to the accident or collision and remains absent therefrom for thirty days continuously, whether such absence is intended to be temporary or permanent, and to any executor or administrator of such resident.

Approved April 14, 1964.

CHAPTER 250

**AN ACT TO AMEND CHAPTER 45 OF TITLE 10 OF THE
DELAWARE CODE, RELATING TO DRAWING OF
PETIT JURY.**

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

Section 1. Section 4508 of Title 10 of the Delaware Code, is amended by repealing subsection (b) thereof in its entirety and deleting the designation "(a)" immediately preceding the first subsection.

Approved April 14, 1964.

CHAPTER 251

AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE, RELATING TO POWERS AND DUTIES OF THE STATE HIGHWAY DEPARTMENT.

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

Section 1. § 132 (b), Title 17, Delaware Code, is hereby amended by the addition of a new sub-section (6) to read as follows:

(6) Install on State land the tile necessary, in the opinion of the Department, to provide adequate entrances and exits to and from the property of adjoining landowners provided

(a) The tile is supplied by the adjoining landowners, and

(b) The tile conforms to the specifications established from time to time by the Department.

Nothing contained herein shall relieve the Department from the responsibility for replacing tile originally installed by the Department or any governmental agency and subsequently damaged by operations of the Department.

Approved April 14, 1964.

CHAPTER 252

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE LAW LIBRARY IN KENT COUNTY.**

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

Section 1. The sum of \$578, is hereby appropriated to the State Law Library in Kent County to be expended for books and publications.

Section 2. This Act is a supplementary appropriation and the money 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 April 14, 1964.

CHAPTER 253

AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE, BY PROVIDING FOR AN APPEAL BY ANY PERSON WHOSE PHARMACY LICENSE HAS BEEN REVOKED, SUSPENDED OR REFUSED TO BE GRANTED.

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

Section 1. § 2527, Chapter 25, Title 24 of the Delaware Code, is hereby amended by the addition thereto of the following new sub-section (d):

(d) Any person aggrieved by an order of the Board after hearing as provided in this Section may appeal therefrom to the Superior Court of the State of Delaware in the county in which such persons resides at any time within thirty days of the date of issuance of the order. Upon such appeal, the issues raised thereby shall be heard by the Court de novo.

Approved April 14, 1964.

CHAPTER 254

AN ACT TO AMEND CHAPTER 171, VOLUME 54, DELAWARE LAWS, BY ADDING AN ADDITIONAL GEORGETOWN SCHOOL AND DECREASING THE COST AND MAXIMUM SHARES OF ANOTHER GEORGETOWN SCHOOL AND PROVIDING FOR AN INCREASE IN THE AMOUNT OF BOND ISSUE TO COVER THESE CHANGES.

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. Chapter 171, Volume 54, Delaware Laws, is hereby amended by striking all the figures appearing opposite "Georgetown Special" in Section 13 of said chapter.

Section 2. The following figures are hereby inserted after the words "Georgetown Special":

Maximum Total Cost	Maximum State Share	Maximum Local Share
\$155,000.00	\$93,000.00	\$62,000.00

Section 3. The following Georgetown School cost and maximum totals are hereby added to Section 13 of Chapter 171, Volume 54, Delaware Laws:

Name of District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Richard Allen School	\$78,000.00	\$78,000.00	....

Section 4. All totals of Maximum State Shares and Maximum Local Shares are hereby changed to reflect the addition of \$31,200.00 to Maximum State Share and deduction of \$31,200.00 from Maximum Local Share.

Section 5. Section 3 of Chapter 171, Volume 54, Delaware Laws, is hereby amended to add \$31,200.00 to the amount authorized for a bond issue and the figure \$43,380,097.00 shall be increased by \$31,200.00 wheresoever such figures appear in the chapter.

Approved April 14, 1964.

CHAPTER 255

AN ACT TO REPEAL SECTION 312, TITLE 18, DELAWARE CODE, RELATING TO EXPENSES AND CONTINGENT FUND OF THE INSURANCE COMMISSIONER.

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

Section 1. § 312, Title 18, Delaware Code, is hereby repealed effective June 30 of the fiscal year in which enacted.

Approved April 20, 1964.

CHAPTER 256

AN ACT TO AMEND CHAPTER 51, TITLE 14, DELAWARE CODE, BEING THE CHARTER OF THE UNIVERSITY OF DELAWARE, BY CLARIFYING AND REDEFINING CERTAIN POWERS OF THE BOARD OF TRUSTEES OF THE UNIVERSITY WHICH PERTAIN TO FISCAL MATTERS AND BY INCLUDING IN THE SAID CHARTER AN EXPRESS LIMITATION UPON THE POWERS OF ANY STATE OFFICIAL TO INQUIRE INTO THE SOURCES, MANAGEMENT OR DISPOSITION OF ANY FUNDS OR PROPERTY COMING TO THE UNIVERSITY OF DELAWARE OTHERWISE THAN BY STATE APPROPRIATION.

WHEREAS, the Trustees of the University of Delaware deem it desirable to preserve those characteristics of the University which have heretofore made the institution respected and well regarded among its peers and therefore attractive to persons of means as an object of their generosity, thus strengthening and enriching the University's program beyond any degree which would otherwise be practicable; and

WHEREAS, with the aforesaid aim in mind, the Board of Trustees of the said University has, by formal resolution, petitioned the General Assembly to enact the following provisions;

NOW THEREFORE,

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

Section 1. § 5106, Title 14, Delaware Code, is amended by adding to the said section as it is presently worded the following:

Notwithstanding any provisions appearing elsewhere in the laws of this State which might suggest or provide the contrary, the entire control and management of the affairs of the University, which is conferred upon the University's Board of

Trustees by the foregoing paragraph, shall be construed, in the area of fiscal and revenue matters, as including, but not as being limited to, the following powers and duties: all authority with respect to salaries and compensatory payments or benefits, as well as other terms of employment, of any and all University personnel, and individual salaries or salary increases or other benefits do not have to be reported or justified to any official or agency of the State (except to comply with applicable laws and regulations providing for preference in employment of laborers, workmen and mechanics who reside in the State of Delaware and the applicable minimum wage requirements for public construction projects, and to cooperate in the ordinary way with the appropriate officials with respect to income tax and other tax matters); the management of all of the remaining fiscal affairs of the University, including the establishment of fees and charges, the collection thereof and the adoption of the University's budget, the establishment of all accounting and auditing procedures, (subject to the duty to obtain independent certified audits as provided in Section 5109), the authorization, issuance and repayment of bonds or other obligations of the University; the selection of means and procedures for the deposit, investment, and control of all monies, funds, and securities which are now held or which may at any time be received by the University, as well as the allocation, use, and reinvestment of the proceeds and earnings of any such deposits and investments and the right to commingle funds appropriated by the State with other funds of the University; the right to elect whether and to what extent to participate in programs of which all or a part of the costs are provided by the United States of America or by the State of Delaware or any subdivision or municipality thereof; control of all matters having to do with the formulation of the terms of contracts for the construction of buildings or other University facilities, as well as the manner of awarding contracts or purchasing supplies and equipment; in respect to the purchase of supplies and equipment, regulations established by the State for bulk or central purchasing are not to apply to the University of Delaware unless the General Assembly expressly so provides, and in that case are to be understood as applying only to transactions involving the expenditures of monies which have been appropriated from the General Fund of the State; the planning for buildings and im-

provements and the extension or diminution of the campus or other land holdings are matters wholly under the control of the Trustees except where inspections or regulations may be provided for by law in respects involving the health or safety of the occupants of the buildings; where monies are appropriated by the General Assembly to the University, unless the General Assembly should expressly provide otherwise, they are intended to be paid to the University in equal monthly installments, and are not in any event to be cumbered by any procedures calling for pre-audit or other administrative control exercised by the Budget Director or other agency or official of the State.

Section 2. § 5109, Title 14, Delaware Code, is amended by striking out the language presently appearing in § 5109 and by substituting a new section as follows:

§ 5109. The accounting records of the University may be audited by the Auditor of Accounts of the State of Delaware or such other auditing official as the General Assembly may from time to time appoint. Neither this nor any other law of this State, however, shall hereafter be construed as imposing any duty upon, or creating the occasion for, any State official (with the exception of such State officials as may from time to time also be Trustees of the University) to audit, question or inquire into the receipt, handling or expenditure of any funds coming to the University from any source other than a State appropriation, provided, however, that if the University should hereafter commingle funds which came from a State appropriation with other funds, the audit of State appropriated funds may be made complete even if in the process of doing so, because of such commingling, non-state funds have to be audited as well.

The University shall continue the practice, which has heretofore been followed on a voluntary basis, of obtaining an annual certified audit of all its financial transactions and making the audit report available to the members of the University's Board of Trustees, including the Governor of the State.

Approved April 22, 1964.

CHAPTER 257

AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" IN RELATION TO THE NEEDS OF THE CARETAKER RELATIVE IN AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN.

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

Section 1. § 503 (d), Title 31, Delaware Code, is amended by inserting after the figure "\$50" in the second paragraph thereof the following words: "each for the caretaker relative and".

Section 2. § 503 (d), Title 31, Delaware Code, is amended by inserting after the figure "\$50" in the third paragraph thereof the following words: "each for the caretaker relative and".

Section 3. § 503 (d), Title 31, Delaware Code, is amended by striking out the figure "\$200" in the fourth paragraph thereof and inserting in lieu thereof the figure "\$250".

Approved April 22, 1964.

CHAPTER 258

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GOVERNOR FOR THE PURPOSE OF DEFRAY-
ING THE COSTS OF EXTENDING THE STATE'S HOS-
PITALITY TO VISITING JAPANESE GOVERNORS.**

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

Section 1. The sum of \$7,500, or so much thereof as may be needed, is appropriated to the Governor for the purpose of defraying the cost of the State extending its hospitality to visiting Japanese Governors during April and May, 1964, for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

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 April 22, 1964.

CHAPTER 259

**AN ACT APPROPRIATING FUNDS TO THE STATE POLICE
PENSION FUND TO PAY RETIRED STATE POLICE-
MEN AUTHORIZED MONTHLY PENSIONS AND TO
REIMBURSE LOANS MADE PREVIOUSLY TO THE
FUND FOR THAT PURPOSE.**

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

Section 1. There is hereby appropriated to the State Police Pension Fund the sum of \$92,000.00 for the purposes of carrying out the provisions of the law relating to the State Police Pension System.

Section 2. The money hereby appropriated shall be made available upon enactment of this bill into law and \$23,000.00 of the amount appropriated shall be paid to the Repairs and Replacement Account of the Delaware State Police to reimburse such account for monies previously advanced to enable timely payment of retired pensions.

Section 3. This Act is a supplementary appropriation Act for the fiscal year ending June 30, 1964, and the money hereby appropriated shall be paid from the General Fund of the State of Delaware.

Approved April 23, 1964.

CHAPTER 260

**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 \$12,000 to be expended by the said Commission to pay the expenses of the training school for volunteer firemen to be conducted during 1964 by the State Fire Prevention Commission.

Section 2. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated for the fiscal year ending June 30, 1964.

Approved April 24, 1964.

CHAPTER 261

**AN ACT TO AMEND SECTION 2733, TITLE 21, OF THE
DELAWARE CODE, RELATING TO DISCRETIONARY
SUSPENSION OR REVOCATION OF DRIVERS LI-
CENSES.**

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. § 2733, Title 21 of the Delaware Code, is amended by striking out the words "in the Superior Court" appearing in line six of sub-section (i) of said Section.

Approved April 24, 1964.

CHAPTER 262

AN ACT TO AMEND CHAPTER 13, TITLE 14, BY ADDING PROVISIONS FOR COMPENSATION OF TEACHERS ON SABBATICAL LEAVE.

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 subparagraph (11) to Section 1325 as follows:

(11) The leave granting district shall provide to the employee granted leave under the foregoing provisions compensation which shall be computed as the difference between that salary which the employee would have been entitled to under full time assignment conditions, and the State minimum salary provided for the position then held by the leave taking employee; provided, however, that in no case shall the amount so computed and paid exceed \$2000 for a full school term leave or \$1000 for a 1/2 school term leave.

Approved April 27, 1964.

CHAPTER 263

A SUPPLEMENTARY APPROPRIATION ACT TO REIMBURSE CERTAIN TRUCKING COMPANIES FOR FILING FEES PAID TO THE PUBLIC SERVICE COMMISSION UNDER A PROVISION OF THE DELAWARE CODE NOW RESCINDED.

WHEREAS, 133 truck firms paid the Public Service Commission a filing fee of \$50 each and 1 truck firm a filing fee of \$100 under the provisions of Section 162 (b), Title 26, Delaware Code; and

WHEREAS, Section 162 (b) Title 26, has been rescinded by act of the General Assembly, being House Bill No. 162, as amended; and

WHEREAS, the filing fees as paid above should rightfully be returned to those companies as being paid without legal consideration,

NOW, THEREFORE,

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

Section 1. The sum of \$6750 is hereby appropriated to the Public Service Commission for reimbursing 133 truck firms \$50 each, and 1 truck firm \$100, which sums represent filing fees paid under a repealed provision of the Delaware Code.

Section 2. This Act is a Supplementary Appropriation for the fiscal year ending June 30, 1964, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved April 27, 1964.

CHAPTER 264

AN ACT TO AMEND CHAPTER 16, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT TO PROVIDE FOR THE REVERSION OF SCHOOL CONSTRUCTION FUNDS TO THE STATE AND TO THE SCHOOL DISTRICTS IN THE SAME PROPORTION AS SUCH FUNDS WERE APPROPRIATED AND TO STIPULATE HOW THESE FUNDS SHALL BE EXPENDED" BY PROVIDING THAT MONIES DUE ON EXECUTED CONTRACTS AND UNPAID SHALL NOT REVERT AS THEREIN PROVIDED.

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

Section 1. Section 1 of Chapter 16, Volume 54, Laws of Delaware, is amended by adding thereto a new paragraph to read as follows:

Monies due on executed contracts shall not revert as herein provided, but shall be paid by the State Treasurer from the monies appropriated by the State of Delaware and by any local school district under the provisions of the 1960 and 1957 School Construction Acts.

Approved April 27, 1964.

CHAPTER 265

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE SUSSEX COUNTY VOCATIONAL-TECHNICAL
CENTER FOR "ALL OTHER COSTS" FOR THE FISCAL
YEAR ENDING JUNE 30, 1964.**

WHEREAS, the State appropriation for "All Other Costs" for 1962-63 to the Sussex County Vocational-Technical Center was \$38,500; and

WHEREAS, the State appropriation to the Sussex County Vocational-Technical Center for "All Other Costs" for 1963-64 was \$26,000; and

WHEREAS, the funds in the account known as "All Other Costs" are used for plant operational cost, maintenance and instructional supplies; and

WHEREAS, the enrollment in 1963-64 is 529 pupils or 34.1% more than in 1962-63; and

WHEREAS, the funds in "All Other Costs" are insufficient to meet the expenses to June 30, 1964, NOW, THEREFORE,

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

Section 1. There is hereby appropriated to the Sussex County Vocational-Technical Center the sum of fifteen thousand eight hundred fifty dollars (\$15,850) for plant operational cost, maintenance and instructional supplies for the year ending June 30, 1964.

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 April 27, 1964.

CHAPTER 266

AN ACT TO AMEND CHAPTER 331, VOLUME 53, LAWS OF DELAWARE ENTITLED "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".

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

Section 1. Section 14, Chapter 331, Volume 53, Laws of Delaware, is amended by adding the following sentence at the end of the last paragraph of Section 14:

Provided, however, that in the case of the Newark Special School District all two year periods mentioned in this Section shall be extended for a further period of one year.

Approved April 27, 1964.

CHAPTER 267**AN ACT TO CREATE A POET LAUREATE FOR THE STATE.**

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

Section 1. Title 29, Delaware Code, is amended by enacting a new Chapter as follows:

CHAPTER 44. HONORARY OFFICES**§ 4401. Poet Laureate**

The Governor may appoint a Poet Laureate for the State of Delaware to serve a two year term commencing on the first day of January of each odd-numbered year. The Poet Laureate shall perform such duties as the Governor may request.

Approved April 27, 1964.

CHAPTER 268

AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE, TO PERMIT THE SUPERIOR COURT TO EXCUSE JURORS.

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

Section 1. Chapter 45, Title 10, Delaware Code, is amended by adding a new section after Section 4529 to be known as Section 4530 as follows:

§ 4530. Excusing jurors

Any Judge of the Superior Court may in his discretion excuse a grand juror or a petit juror provided good cause is found to exist and provided such course of action will not seriously hamper the operation of the Court. A juror may be excused temporarily or for the balance of his term of duty.

Vacancies caused by excusing jurors may be filled as provided in 10 Del. C. § 4510.

Approved April 27, 1964.

CHAPTER 269

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE DAY COMMISSION.**

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

Section 1. The sum of \$10,000.00 is appropriated to the Delaware Day Commission to be used for making a sound and color movie film of the Pageant reenacting the adoption of the U. S. Constitution by the representatives of the State of Delaware.

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

Section 3. Any funds hereby appropriated and not used for the purpose set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved April 27, 1964.

CHAPTER 270

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 eight hundred forty thousand dollars (\$840,000.00) 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) Central kitchen to be constructed and equipped in New Castle County.
- (b) Renovation of Front Entrance to the main building.
- (c) Replacement of the Staff living quarters known as Kent Hall.
- (d) Erection of a new wing at the main building to house central medical records and a library.

Total.....\$840,000.00

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 eight hundred forty thousand dollars (\$840,000.00).

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 four per cent (4%) 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 eight hundred forty thousand dollars (\$840,000.00).

Said 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 said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 3. The bonds and notes issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds and notes hereby authorized to be issued and the coupons thereto attached, and the said bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The said bonds and notes shall recite that they are issued for the purposes set forth in Section 1 of this Act,

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

Section 5. The bonds issued under the authority of this Act shall be in denominations of one thousand dollars (\$1,000.00), or 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 twenty years (20) 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 1963".

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 (10) or more days before the date of sale in at least one (1) 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 eight hundred forty thousand dollars (\$840,000.00) 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, 1966, 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, 1964. 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, 1964, 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 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 April 28, 1964

CHAPTER 271

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT FOR THE
CONSTRUCTION OF A SPILLWAY AT COLLINS POND
IN SUSSEX COUNTY, FOR THE FISCAL YEAR ENDING
JUNE 30, 1964.**

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary is appropriated to the State Highway Department to be used to construct a spillway at Collins Pond in Sussex County, for the fiscal year ending June 30, 1964.

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 28, 1964

CHAPTER 272

AN ACT TO AMEND SECTION 1321, 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. § 1321, Title 14, Delaware Code, is amended by striking the present Section 1321 and inserting in lieu thereof the following:

§ 1321. Salary Schedules for Supervisors, Directors, and Assistant Superintendents Employed by the State Board of Education, the State Board of Vocational Education and the Board of Public Education in Wilmington.

(a) Each supervisor, director, and assistant superintendent having the qualifications required by the certifying board shall receive as an annual salary the amount for which he qualifies under Section 1316 of this title and the schedule set forth in Section 1305 (a) and (b) of this Chapter plus an annual amount for administrative responsibility to be determined as the case may be in accordance with one of the following schedules:

State Board of Education or State Board of Vocational Education

Years of Adminis- trative Experience	Assistant Supervisor	Supervisor	Director	Assistant Superin- tendent
0	\$ 800	\$1200	\$1500	\$2500
1	1000	1400	2000	3000
2	1200	1600	2500	3500
3	1400	1800	3000	4000
4	1600	2000	3500	4500

Board of Public Education in Wilmington

Years of Adminis- trative Experience	Assistant Supervisor	Supervisor	Director	Assistant Superin- tendent
0	\$200	\$ 600	\$1000	\$2000
1	400	800	1500	2500
2	600	1000	2000	3000
3	800	1200	2500	3500
4	1000	1400	3000	4000

(b) One-twelfth of the additional amount set forth in the schedule in subsection 1321 (a) shall be deducted for each month that the employee is not employed.

Section 2. To carry out the provisions of this Act, there is hereby appropriated to the State Board of Education and the State Board of Vocational Education the sum of \$3,000.

Section 3. The provisions of this Act shall become effective on the first day of the month following its enactment.

Section 4. This Act is a supplementary appropriation Act and the money hereby appropriated shall be paid out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved April 30, 1964.

CHAPTER 273

AN ACT TO AMEND SECTION 2733, TITLE 21, DELAWARE CODE, ENTITLED DISCRETIONARY SUSPENSION OR REVOCATION OF 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 a new Subsection (j) after Subsection (i) to read as follows:

(j) The Department ordinarily may not suspend a license based upon a driving record prior to 2 years from the date of the intended suspension. If in the discretion of the Commissioner a longer record period should be considered, a suspension may be based upon such longer driving record period.

Approved May 4, 1964.

Board of Public Education in Wilmington

Years of Adminis- trative Experience	Assistant Supervisor	Supervisor	Director	Assistant Superin- tendent
0	\$200	\$ 600	\$1000	\$2000
1	400	800	1500	2500
2	600	1000	2000	3000
3	800	1200	2500	3500
4	1000	1400	3000	4000

(b) One-twelfth of the additional amount set forth in the schedule in subsection 1321 (a) shall be deducted for each month that the employee is not employed.

Section 2. To carry out the provisions of this Act, there is hereby appropriated to the State Board of Education and the State Board of Vocational Education the sum of \$3,000.

Section 3. The provisions of this Act shall become effective on the first day of the month following its enactment.

Section 4. This Act is a supplementary appropriation Act and the money hereby appropriated shall be paid out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved April 30, 1964.

CHAPTER 273

AN ACT TO AMEND SECTION 2733, TITLE 21, DELAWARE CODE, ENTITLED DISCRETIONARY SUSPENSION OR REVOCATION OF 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 a new Subsection (j) after Subsection (i) to read as follows:

(j) The Department ordinarily may not suspend a license based upon a driving record prior to 2 years from the date of the intended suspension. If in the discretion of the Commissioner a longer record period should be considered, a suspension may be based upon such longer driving record period.

Approved May 4, 1964.

CHAPTER 274

AN ACT TO AMEND CHAPTER 4, TITLE 21, DELAWARE CODE, RELATING TO THE RECIPROCITY COMMISSION IN THEIR NEGOTIATIONS WITH OTHER JURISDICTIONS IN THE MATTER OF OPERATION, REGULATION AND TAXATION OF MOTOR VEHICLES PROPERLY REGISTERED IN SAID OTHER JURISDICTIONS.

WHEREAS, it is the policy of this State to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal registration agreements, arrangements and declarations with other States, Provinces, Territories and countries with respect to vehicles registered in this and such other States, Provinces, territories and countries thus contributing to the economic and social development and growth of this State.

NOW, THEREFORE,

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

Section 1. Chapter 4, Title 21, Delaware Code, is amended by striking the following sections, § 402, § 403, § 404, and § 405 and inserting in lieu thereof the following:

§ 402. Power of commission to make agreements with other states; general character; conditions

The reciprocity commission may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this State. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this State when operated upon highways of such

other jurisdiction shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this State. Each such agreement or arrangement shall, in the judgment of the reciprocity commission, be in the best interest of this State and the citizens thereof, and shall be fair and equitable to this State and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this State from the uninterrupted flow of commerce.

§ 403. Equalizing tax or fee

When the reciprocity commission enters into a reciprocal registration agreement or arrangement with another jurisdiction which has a motor vehicle or public utility tax, license or fee which is not subject to waiver by a reciprocity agreement, the reciprocity commission is empowered and authorized to provide as a condition of the agreement or arrangement that owners of vehicles licensed in such other jurisdiction shall pay some equalizing tax or fee to the State Highway Department of Delaware. The failure of any owner or operator of a vehicle to pay the taxes or fees provided in the agreement or arrangement shall prohibit them from receiving any benefits therefrom and they shall be required to register their vehicles and pay taxes as if there was no agreement or arrangement.

§ 404. Base State registration reciprocity

An agreement or arrangement entered into, or a declaration issued under the authority of this Section may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this State; and in such event the exemptions, benefits and privileges extended by such agreement, arrangement or declaration shall apply to such vehicles, when properly licensed or registered in such base jurisdiction.

§ 405. Declarations of extent of reciprocity, when

In the absence of an agreement or arrangement with another jurisdiction, the reciprocity commission and/or motor vehicle commissioner may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the reciprocity commission be in the best interest of this State and the citizens thereof and which shall be fair and equitable to this State and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this State from the uninterrupted flow of commerce.

§ 406. Extension of reciprocal privileges to lessees authorized

An agreement or arrangement entered into, or a declaration issued under the authority of this Section, may contain provisions under which a leased vehicle properly registered by the lessor thereof may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

§ 407. Automatic reciprocity, when

On and after the effective date of this act, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this Section, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied, shall receive, when operated in this State, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this State. Reciprocity extended under this section shall apply to commercial vehicles only when engaged exclusively in interstate operations.

§ 408. Suspension of reciprocity benefits

Agreements, arrangements or declarations made under the authority of this Section may include provisions authorizing the reciprocity commission and/or motor vehicle commissioner

to suspend or cancel the exemptions, benefits or privileges granted thereunder to a vehicle which is in violation of any of the conditions or terms of such agreements, arrangements or declarations.

§ 409. Agreements to be written, filed and available for distribution

All agreements, arrangement or declarations or amendments thereto shall be in writing and shall be filed in the office of the Motor Vehicle Commissioner. Copies thereof shall be made available by the Motor Vehicle Commissioner upon request and upon payment of a fee therefor in an amount necessary to defray the costs of reproduction thereof.

§ 410. Reciprocity agreements in effect at time of act

All reciprocity registration agreements, arrangements and declarations relating to vehicles in force and effect at the time this Section becomes effective shall continue in force and effect until specifically amended or revoked as provided by law or by such agreements or arrangements.

§ 411. Protection of State's income

The reciprocity commission and/or Motor Vehicle Commissioner shall enter into no agreement, etc., that shall result in a serious or appreciable reduction of income to the State of Delaware.

Approved May 5, 1964.

CHAPTER 275

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COSTS OF THE IMPROVEMENT OF WHITE'S CREEK BETWEEN INDIAN RIVER BAY AND A POINT BEYOND ASSAWOMAN CANAL TO LORD BALTIMORE SCHOOL IN SUSSEX COUNTY, AND AUTHORIZING AND EMPOWERING THE SAID COMMISSION TO ACT AS THE AGENCY OF THE STATE OF DELAWARE TO DO ALL THINGS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES GOVERNMENT RELATIVE TO THE STATE'S CONTRIBUTION TO SAID GOVERNMENT.

WHEREAS, the channel leading from Indian River Bay to Assawoman Canal known as White's Creek, and beyond Assawoman Canal up White's Creek, a distance of about three-quarters of a mile to Lord Baltimore School, near Ocean View, Sussex County, Delaware, has by reason of natural elements shoaled from said canal for all its distance up to the Assawoman Canal and beyond to Lord Baltimore School so that except there be extreme tides it has become impossible for boats drawing more than five feet of water to land their passengers and freight at any of the docks or wharves along said White's Creek; and

WHEREAS, it has become necessary for said channel to be dredged to such depth and width so that all shipping, drawing at least six feet of water, may have safe and sure passage from the said channel to the said docks and wharves in or near the said town of Ocean View; and

WHEREAS, the United States Government, through its proper agencies is prepared to expend the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) for said project, provided the State of Delaware will authorize and 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. The Delaware Commission of Shell Fisheries is authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States in order that the State of Delaware may avail itself of the offer of the Federal Government to dredge the channel in Sussex County, known as White's Creek, leading from Indian River Bay to a point about three-quarters of a mile beyond Assawoman Canal to Lord Baltimore School and to secure all lands, easements and rights-of-ways and spoil disposal areas for the initial work and for subsequent maintenance, to hold and save harmless the United States free from claims for damages resulting from the improvements, and to give the Secretary of War of the United States such assurances, and to do all other things necessary to be done in order that the State of Delaware may avail itself of said offer to improve said channel.

Section 2. Upon compliance with the provisions of this Act, the said channel shall be dredged and improved to such depths and width so that all shipping, drawing at least six feet of water, may have safe and sure passage through and from the said channel to the docks and wharves in or near the town of Ocean View.

Section 3. The sum of Thirty Thousand Dollars (\$30,000.00) is appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, Twenty-five Thousand Dollars (\$25,000.00) of which sum so appropriated shall be paid the proper agency of the United States

Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned therein, and Five Thousand Dollars (\$5,000.00) of which sum so appropriated shall be used for other purposes necessary to be done or performed on the part of the State of Delaware.

The amount so appropriated shall be paid out of the State Treasury of the State of Delaware upon warrants duly signed and approved by the proper officers of the Delaware Commission of Shell Fisheries.

The funds hereby appropriated shall revert to the General Fund of the State Treasury if the United States Government fails, neglects or refuses to carry out its offer of expending the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000.00) to improve said channel by June 30, 1965. In the event the United States Government does carry out its said offer to improve said channel and any part of said sum hereby appropriated remains unexpended after the completion of the purposes of this Act, the unexpended part thereof shall revert to the General Fund of the State Treasury.

Section 4. This Bill shall be known as a Supplementary Appropriation Bill, and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 5, 1964.

CHAPTER 276

**AN ACT TO AMEND CHAPTER 219, VOLUME 54, LAWS OF
DELAWARE, ENTITLED "AN ACT MAKING A SUP-
PLEMENTARY APPROPRIATION TO NEW CASTLE
HISTORIC BUILDING COMMISSION".**

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

Section 1. Chapter 219, Volume 54, Laws of Delaware, is amended by deleting the words and figures:

"Demolition of the present West Wing
and Construction of a Replica of the

Original Wing of 1765 \$35,000.00"
and inserting in lieu thereof the words and figures:

"For the restoration of the West Wing \$35,000.00"

Approved May 5, 1964.

CHAPTER 277

**AN ACT AUTHORIZING THE STATE TREASURER TO
TRANSFER CERTAIN BALANCES IN THE ACCOUNTS
OF FORMER STATE TREASURER VERA G. DAVIS 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 Twenty Thousand Nine Hundred Fifty-six Dollars and seventy-seven cents (\$20,956.77) made up of certain balances for which the date for honoring any check or order drawn thereupon has expired by statute in accordance with Title 29, Section 2707, Delaware Code, 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:

Vera G. Davis—General Fund	\$ 4,222.57
IBM Payroll Account	1,458.17
IBM Payroll Account #2	8,536.13
Welfare Fund Account	946.30
Welfare Fund Account #2	383.56
Pension Fund Account	378.19
Social Security Refund	
Payroll Account—1956	2,324.93
Social Security Refund	
Payroll Account—1957	102.98
Motor Vehicle Licenses	
and Fees Refund Account	68.50
Motor Fuel Tax Refund Account	1,215.44
Korean Veterans Military	
Payroll Account	1,320.00
	<hr/>
	\$20,956.77

Approved May 5, 1964.

CHAPTER 278

AN ACT PERMITTING GEORGETOWN SPECIAL SCHOOL DISTRICT TO TRANSFER SURPLUS FUNDS FROM A DEBT SERVICE ACCOUNT TO THE FUND ESTABLISHED FROM SALE OF LOCAL BONDS.

WHEREAS, the Georgetown Special School District has a surplus of approximately \$72,000.00 in the account entitled Debt Service Account; and

WHEREAS, the said Debt Service Account exceeds in amount any fiscal requirements for the funds therein by some \$62,000.00.

NOW, THEREFORE,

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

Section 1. The Georgetown Special School District is hereby authorized and empowered to transfer the sum of \$62,000.00 from the Georgetown Special School Debt Service Account (820-8200) to Construction Account (920-8200) of the District to be used as the local share of a construction program of \$155,000.00 provided in Chapter 171, Volume 54, Delaware Laws, as amended by House Bill 496, approved April 14, 1964; Certificate of Necessity No. 150, January 15, 1964.

Approved May 6, 1964.

CHAPTER 279

AN ACT TO AMEND PART V OF TITLE 16, DELAWARE CODE, BY REVISING AND REDEFINING THE POWERS HERETOFORE VESTED IN THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST AND VESTING ALL SUCH REVISED AND REDEFINED POWERS IN A DEPARTMENT OF THE STATE GOVERNMENT TO BE CALLED THE DEPARTMENT OF MENTAL HEALTH.

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

Section 1. Chapter 51, Title 16, Delaware Code, is amended by changing its caption to read:

CHAPTER 51. THE DEPARTMENT OF MENTAL HEALTH

Section 2. Sub-chapter I, Part V, Title 16, Delaware Code, is amended to read:

SUBCHAPTER I. THE BOARD OF TRUSTEES OF THE DEPARTMENT OF MENTAL HEALTH

§ 5101. Definitions

(a) As used in this Part "The State Board of Trustees of the Delaware State Hospital at Farnhurst" or "Board of Trustees, or State Board" or "State Board of Trustees" or "State Board of Trustees of the Hospital" or "Board of Trustees of the Hospital" mean, the Board of Trustees of the Department of Mental Health.

(b) Wherever in Part V of this title, except in Subchapter 1, the designation of "Superintendent" occurs, referring to the office of Superintendent as it was heretofore defined, such reference shall mean the "Commissioner of the Department of Mental Health"; and wherever in this part the designation "Assistant Superintendent" occurs, it shall mean "Superintendent".

§ 5102. Appointment; term; vacancies; compensation

(a) The State Board of Trustees of the Delaware State Hospital at Farnhurst is continued in office and redesignated as the Board of Trustees of the Department of Mental Health.

(b) The Board shall consist of 9 members, 3 from each county, to be appointed by the Governor, for terms of three years, commencing on the 26th of April in the year of appointment. The term of office of one of the Trustees appointed from each county shall expire each year.

(c) There shall also be an additional member appointed from the State at large for a term of 3 years.

(d) There shall also be a psychiatric member appointed from the State at large who shall serve at the pleasure of the Governor, and shall be a qualified psychiatrist licensed to practice in Delaware and shall not be a State employee.

(e) All vacancies in the Board occurring for any reason other than expiration of term shall be filled by the Governor for the residue of the term. Of the members required to be appointed from any county, there shall at all times be at least one from each of the two major political parties. One of the three trustees appointed from each county shall be a physician licensed to practice in Delaware and not a State employee.

(f) Each of the members shall receive, for attendance at each meeting of the Board in performance of his duties \$25.00, and mileage. No member of the Board shall receive in one year compensation or fees for attendance upon more than 12 meetings of the Board. The compensation shall be paid by the State.

(g) All the rights, powers, duties, obligations and authority belonging to or invested in the State Board of Trustees of the Delaware State Hospital at Farnhurst prior to the enactment of this chapter are transferred to and vested in the Board of Trustees of the Department of Mental Health as successor to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

§ 5103. Powers; duties; meetings; quorum; regulation of boards

(a) The Board of Trustees shall have sole and complete control of the Department of Mental Health and of the institutions and agencies which operate under the Department of Mental Health.

(b) The Board shall appoint a Commissioner of Mental Health, who shall be a psychiatrist who is certified by the American Board of Psychiatry and Neurology, and further qualified by broad training and experience in the administration of hospital and community programs of prevention and early treatment. The Board may delegate to the Commissioner such powers and responsibilities as they may see fit to delegate, and shall set his compensation and other terms of service.

(c) The Board shall be responsible to see that the Department of Mental Health is soundly administered and provides the best feasible care, treatment, training and rehabilitation.

(d) The Board shall have regular monthly meetings, at which they shall receive from the Commissioner, such reports as they shall require regarding the functioning of the various agencies and institutions.

(e) The regular meeting in May of each year shall be the annual meeting, and at this meeting the Board shall elect a President, a Vice President, a Secretary and such other officers as the Board shall deem necessary.

(f) At any regular or special meeting of the Board six Trustees shall be considered a quorum.

(g) The Board shall adopt such by-laws, rules and regulations as may be necessary for their own government and for the proper operation of the Department of Mental Health and the several institutions and agencies under their supervision. Such rules and regulations must be subject to the provisions of the laws of Delaware and of the United States.

§ 5104. Authorization to receive Federal funds; disposition

The Board, as the Mental Health Authority of Delaware, is authorized to apply for and receive such funds as may be made available from any agency of the federal government as grants in aid to mental health programs or programs for the mentally retarded. All monies so received shall be paid into the State Treasury for the use of the Board and may be used only for the purposes for which they were granted.

§ 5105. Property; acquisition; holdings; disposition

The Board shall take, receive and hold for the State of Delaware all properties previously held by the Board of Trustees of the Delaware State Hospital, including the property of the Delaware State Hospital at Farnhurst, the Governor Bacon Health Center at Delaware City, the Hospital for the Mentally Retarded at Stockley, the Day Care Center at Dover and the Mental Hygiene Clinic at Fernhook, together with all additions, other buildings and lands at any time appurtenant thereto, as well as all funds, credits, rights, fixtures, equipment or supplies heretofore belonging to the Board of Trustees of the Delaware State Hospital at Farnhurst. Additional property may not be purchased, and land, buildings or property may not be sold, except by authorization of the General Assembly.

§ 5106. Donations of property; form of a devise or gift; the use of such property

Any person may give, grant, devise or bequeath to the State of Delaware any property, real, personal or mixed, for the use of the Department of Mental Health or of any institution or agency operated by the Department, and the State Board of Trustees may receive, collect, take and hold, for the use and benefit of the named Department, institution or agency, any and all property so given, granted, devised or bequeathed, and shall manage and use the same for the benefit of the named Department or division thereof in accordance with the provisions of such grants, devises or bequests and with the laws creating and governing the Department and its institutions and agencies. Nothing contained in this section shall be construed as author-

izing or empowering the Board of Trustees to hold in its name any real estate for the use of the Department or its divisions. The legal title to such real estate should be in the name of the State of Delaware.

§ 5107. Accounting by Board; special emergency funds

(a) The Board shall keep or have kept a full, true and accurate account of all monies received by the various institutions and agencies under their supervision, for the board, care and attention of the patients, commonly known as "pay patients", and all monies received from any other source than the annual appropriation made to the institutions and agencies by the State and the special fund provided for in subsection (b) of this section, and shall pay the same over to the State Treasurer on or before the 15th day of the month following the receipt of all such monies together with a full statement of the same.

(b) The State Treasurer shall open and keep separate accounts of the monies paid him under subsection (a) of this section for each of the institutions and agencies which shall have paid over such monies to the Treasurer, to be known as "Special Fund of the (name of institution or agency)". The funds shall be drawn upon by the Board of Trustees for the actual expenses of operating the institution or agency from which such funds shall have been collected.

§ 5108. Cost of maintaining Department, institutions and agencies

The cost of maintenance of the Department and all its divisions, institutions and agencies shall be borne by the State, and shall be paid by the State Treasurer on orders or vouchers signed by the President and Secretary of the Board of Trustees. The State Treasurer shall pay these vouchers or orders with funds appropriated annually by the General Assembly for that purpose, based on a budget request made by the Board of Trustees. All accounts are to be audited according to State Law.

§ 5109. Sale of products made in institutions

The Board shall be empowered to operate the various properties and shops connected with the institutions for the benefit of the patients and to sell any products resulting, if in excess of the institutions' needs, applying the proceeds of sale to the General Fund of the State.

§ 5110. Operation of commissaries

The Board shall be empowered to operate commissaries in the various institutions for the benefit of patients.

§ 5111. Commissioner of the Department of Mental Health; duties; heads of institutions and agencies

(a) The Commissioner of the Department of Mental Health, under the authority of the Board, is responsible for the total mental health program supported by the State, including in-patient, out-patient, day care and emergency services, public education and information and the performance of such other duties as may be delegated to him by the Board.

(b) The Commissioner shall organize a Central Office for the Department, containing such assistants, consultants and stenographic help as may be necessary to perform adequately the duties of the Department.

(c) The Commissioner shall appoint, with Board approval, a Superintendent for the Delaware State Hospital who shall be a qualified psychiatrist, certified by the American Board of Psychiatry and Neurology, with administrative experience, who is eligible for Delaware licensure. The Superintendent shall be the chief administrative officer of the hospital.

(d) The Commissioner shall appoint, with Board approval, a Superintendent for the Hospital for the Mentally Retarded at Stockley. The Superintendent shall be qualified in the field of mental retardation, with administrative experience. The Superintendent shall be the chief administrative officer of the Hospital.

(e) The Commissioner shall appoint, with Board approval, a Superintendent of the Governor Bacon Health Center, who shall be a qualified psychiatrist, certified by the American Board of Psychiatry and Neurology, with the experience in child and adolescent psychiatry and administrative experience. He shall be the chief administrative officer of the Center.

(f) The Commissioner shall appoint, with Board approval, a Director of Mental Hygiene Clinics, who shall be a qualified psychiatrist, certified by the American Board of Psychiatry and Neurology and experienced in outpatient services and in administration. He shall be the chief administrative officer of the Clinics.

(g) The Commissioner shall appoint, with Board approval, a Director of the Daytime Care Centers, who shall be a licensed physician or an educator, psychologist or social worker with a doctor's degree. The appointee shall have had experience in mental retardation and in program administration. He shall be the chief administrative officer of the Daytime Care Center Program.

(h) The Commissioner may delegate to the chief administrative officer of each institution and agency, the authority to hire such personnel as may be necessary for the proper operation of the institution or agency provided he remains within budgetary limits.

(i) The employment of any Superintendent, Director or other employee of the Department may be terminated by the Commissioner at any time or in any manner, provided that such termination does not violate the legal rights of the employee in question and provided it does not conflict with any directive or procedure prescribed by the Board.

(j) An annual report shall be prepared in each institution and agency not later than four months after the close of the fiscal year, to be presented to the Board members, to the Governor, to the members of the Legislature, the Legislative Reference Bureau, to the members of the Executive Branch of the

State government, and copies shall be made available to the press and public and private agencies.

(k) In July of each year, the chief administrative officer of each institution and agency shall submit to the Commissioner a budget request for the next fiscal year. The Commissioner shall present the combined budgets of the Department to the Board, who will review it and then submit it to the Director of the Budget.

Section 3. Chapter 51, Title 16, Delaware Code, except Subchapter I amended by this act, is amended by striking the words "State Board of Trustees of the Delaware State Hospital at Farnhurst" where they appear therein and inserting in lieu thereof the words "Board of Trustees of the Department of Mental Health".

Section 4. Sections 5302, 5308, 5309, 5310, 5501, 5502, 5503, 5504, 5505, 5507 and 5508, Title 16, Delaware Code, are hereby repealed.

Approved May 7, 1964.

CHAPTER 280

AN ACT TO AMEND CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION CLAIMS.

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

Section 1. § 2313 (a), Title 19, Delaware Code, is hereby amended by inserting the words "in duplicate" in the 5th line thereof between the words "Board" and "on".

Section 2. § 2326 (f), Title 19, Delaware Code, is hereby amended by striking the following phrase, from the fourth, fifth and sixth lines of said sub-section:

"but no compensation shall be awarded when such disfigurement was caused by the loss of or the loss of use of a member of the body, except the eye or eyes for which compensation payments are already provided by terms of this section."

and inserting in lieu thereof the following:

"and an award for such disfigurement may be made in addition to compensation for any loss specifically set forth in this Section 2326 provided that such disfigurement is visible and offensive with the body normally clothed, and provided further that such disfigurement award is separately so designated by the Board and shall not be more than 20% of the number of weeks for which compensation is payable under an award for loss under this Section 2326."

Section 3. § 2332 (a), Title 19, Delaware Code, is hereby amended by striking the last sentence thereof which reads as follows:

"Should the employee die from some other cause than the injury as herein defined, the liability for compensation, expense of last sickness, and burial of such employee, shall cease."

and inserting in lieu thereof the following:

"Should the employee die from some other cause than the injury as herein defined, the claim for compensation shall not abate, but the personal representative of the deceased may be substituted for the employee and prosecute the claim for the benefit of the deceased's dependent or dependents only, but in the event an agreement for compensation or an award has theretofore been made, the full unpaid amount thereof shall be payable to the deceased employee's nearest dependent as indicated by § 2330 of this Title, and such payments may be made directly to a dependent of full age, and on behalf of an infant to the statutory or testamentary guardian of any such infant, provided, however, that no payment or award under § 2324 or § 2325 of this Title shall continue, or be ordered, beyond the date of such injured employee's death."

Section 4. § 2332 (b), Title 19, Delaware Code, is stricken in its entirety.

Approved May 8, 1964.

CHAPTER 281

AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO THE DISPOSITION OF UNCLAIMED DEAD BODIES, THE USE THEREOF BY APPROVED INSTITUTIONS OR PERSONS IN CONNECTION WITH ANATOMICAL STUDIES, AND THE POWERS AND DUTIES OF THE MEDICAL COUNCIL AND THE ATTORNEY GENERAL OF DELAWARE WITH REGARD THERETO.

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

Section 1. Chapter 17, Title 24, Delaware Code, is amended by adding thereto a new subchapter VI to read:

SUBCHAPTER VI. ANATOMICAL STUDIES

§ 1771. Registration of Approved Institutions and Persons

Any non-profit hospital or research institution and teachers, students, research workers, and technicians in this State conducting anatomical studies accredited by the American Medical Association or by the American Osteopathic Association or by the American Society of Anatomy or by the American College of Pathology, desiring to obtain dead bodies for the purpose of anatomical studies, shall register with the Medical Council on such forms as may be prescribed by the Medical Council and for the purpose of this Act such a registered hospital or research institution shall be known as an Approved Institution, and any registered teacher, student, research worker, or technician shall be known as an Approved Person, and the Medical Council shall have the right to refuse registration of such hospital or research institution or such persons.

§ 1772. Duties of Public Officers

The Coroner of each county of this State, and every other public officer of this State or of any agency, county, or political sub-division thereof, who shall have or receive custody or control

of the body of any decedent, other than a dead body on which an autopsy has been performed, pursuant to the provisions of Section 4711, of Chapter 47, Delaware Code, and which body is not claimed within a reasonable time by a surviving spouse or relative of the decedent, but not less than 120 hours following the death of the decedent, and which body will require burial at the expense of the State or of any agency, county, or political sub-division thereof, shall forthwith notify the Medical Council of the existence and location of the dead body and of any identification thereof.

§ 1773. Designation of Recipient Approved Institution

The Medical Council shall, promptly upon receipt by it of notice of the existence, location, and identification of a dead body pursuant to Section 1773 of this subchapter, designate one of the Approved Institutions to receive such body for use including dissection, in connection with anatomical studies conducted by Approved Persons and shall notify the Approved Institutions of its designation, and shall notify the officer having custody of the body thereof, and the officer shall promptly deliver the body to the Approved Institution so designated upon payment by the hospital or research institution of the cost of embalming said body, and any necessary transportation and storage costs involved.

SUB-SECTION

(a) Each Approved Institution to which a dead body has been assigned for anatomical studies, shall maintain said body in an embalmed condition, shall at all times ensure its proper and safe custody in an approved place of dissection, shall permit only Approved Persons to have access to such a body, and shall identify all parts dissected free from the body with the same serial number assigned to the body by the Medical Council.

§ 1774. Disposition of Remains

Any Approved Institution which shall have received a dead body pursuant to the provisions of this subchapter, shall upon completion of the study thereof deliver the body as then con-

stituted to the Coroner of the county in which such Approved Institution shall be situate for burial or cremation provided, however, that such Approved Institution shall pay the expenses of such burial or cremation, and of the preparation of such body therefor at the rates provided by law or which are usual and customary in such cases, provided that with the approval of the Inspector of Anatomy mentioned in Section 1776, such an Approved Institution may retain certain portions of said body for special research or teaching purposes.

§ 1775. Powers and Duties of Medical Council

The Medical Council shall, in the performance of its duties pursuant to this subchapter:

- (a) Establish such reasonable regulations as may be necessary therefor.
- (b) Maintain complete records therefor.
- (c) Maintain a registry of Approved Institutions and Persons pursuant to Section 1771 of this subchapter.
- (d) Allocate unclaimed dead bodies to each of the Approved Institutions according to the number of Approved Persons and the character of anatomical studies conducted at such Approved Institutions.

§ 1776. Appointment of an Inspector of Anatomy

The Attorney General in consultation with the Medical Council, shall on such conditions as he may deem fit, appoint as an Inspector of Anatomy a Medical Practitioner or a person with a special training or experience in medico-legal matters and the duties of such an Inspector shall be to (i) enter on and inspect periodically any or all Approved Institutions where dissection of dead bodies may be in progress, and examine any body or record or thing relating to the use of such dead bodies; (ii) report to the Medical Council and the Attorney General any

unsatisfactory condition relating to the custody, use, or disposal of dead bodies at such institutions or any other place where they may be located; (iii) investigate the alleged misconduct of any authorized or unauthorized person who has access to dead bodies; and for the purpose of this Act, any person who obstruct the Inspector in the performance of his duties shall be guilty of a misdemeanor and punishable by a fine not exceeding one hundred dollars (\$100.00).

Approved May 8, 1964.

NOTE: The first paragraph § 1773 was codified as § 1773 (a), and § 1773 (a) was codified as § 1773 (b), Title 29, Delaware Code.

CHAPTER 282

AN ACT RELATING TO THE OWNERSHIP OF REAL PROPERTY, THE DIVISION THEREOF INTO UNITS, THE SUBMISSION OF REAL PROPERTY TO THE PROVISIONS OF THIS ACT AND THE WITHDRAWAL OF SUCH PROPERTY FROM THE PROVISIONS OF THIS ACT, PROVIDING FOR THE IMPROVEMENT, MANAGEMENT, OPERATION, ASSESSMENT AND TAXATION OF SUCH PROPERTY, ESTABLISHING CERTAIN PROCEDURES IN CONNECTION THEREWITH, PROVIDING FOR THE CONVEYANCING, LEASING, AND MORTGAGING THEREOF, ESTABLISHING A PROCEDURE FOR THE ASSESSMENT AND COLLECTION OF CERTAIN EXPENSES WITH RESPECT THERETO, SETTING FORTH CERTAIN LIEN RIGHTS WITH RESPECT THERETO AND PROVIDING FOR THE RECORDING OF CERTAIN INFORMATION.

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

Section 1. Title 25, Delaware Code, is hereby amended by the insertion of the following new Chapter 22 to read as follows:

CHAPTER 22. UNIT PROPERTIES**ARTICLE I****PRELIMINARY PROVISIONS****§ 2201. Short Title**

This Act shall be known and may be cited as the "Unit Property Act".

§ 2202. Definitions

The following words or phrases as used in this Act shall have the meanings ascribed to them in this section unless the context of this Act clearly indicates otherwise:

(1) "Building" means any multi-unit building or buildings or complex thereof whether in vertical or horizontal arrangement as well as other improvements comprising a part of the property and used or intended for use for residential, commercial or industrial purposes or for any other lawful purpose or for any combination of such uses.

(2) "Code of regulations" means such governing regulations as are adopted pursuant to this Act for the regulation and management of the property including such amendments thereof as may be adopted from time to time.

(3) "Common elements" means and includes:

(i) The land on which the building is located and portions of the building which are not included in a unit.

(ii) The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of the building.

(iii) The yards, parking areas and driveways.

(iv) Portions of the land and building used exclusively for the management, operation or maintenance of the common elements.

(v) Installations of all central services and utilities.

(vi) All apparatus and installations existing for common use.

(vii) All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and

(viii) Such facilities as are designated in the declaration as common elements.

(4) "Common expenses" means and includes:

(i) Expenses of administration, maintenance, repair and replacement of the common elements.

(ii) Expenses agreed upon as common by all the unit owners; and

(iii) Expenses declared common by provisions of this Act or by the declaration or the code of regulations.

(5) "Council" means a board of natural individuals of the number stated in the code of regulations who are residents of this State who need not be unit owners and who shall manage the business operation and affairs of the property on behalf of the unit owners and in compliance with and subject to the provisions of this Act.

(6) "Declaration" means the instrument by which the owner of property submits it to the provisions of this Act as hereinafter provided and all amendments thereof.

(7) "Declaration plan" means a survey of the property prepared in accordance with § 2219 of this Act.

(8) "Majority" or "majority of the unit owners" means the owners of more than fifty per cent in the aggregate in interest of the undivided ownership of the common elements as specified in the declaration.

(9) "Person" means a natural individual, corporation, partnership, association, trustee, or other legal entity.

(10) "Property" means and includes the land, the building, all improvements thereon, all owned in fee simple and all easements, rights and appurtenances belonging thereto which have been or are intended to be submitted to the provisions of this Act.

(11) "Recorded" means that an instrument has been duly entered of record in the office of the recorder of deeds of the county in which the property is situate.

(12) "Recorder" means the recorder of deeds of the county in which the property is situate.

(13) "Revocation" means an instrument signed by all of the unit owners and by all holders of liens against the units by which the property is removed from the provisions of this Act.

(14) "Unit" means a part of the property designed or intended for any type of independent use which has a direct exit to a public street or way or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way and includes the proportionate undivided interest in the common elements which is assigned thereto in the declaration or any amounts thereof.

(15) "Unit designation" means the number, letter, or combination thereof, designating a unit in the declaration plan.

(16) "Unit owner" means the person or persons owning a unit in fee simple.

§ 2203. Application of Act

This Act shall be applicable only to real property, the sole owner or all the owners of which, submit the same to the provisions hereof by a duly recorded declaration.

ARTICLE II

GENERAL PROVISIONS

§ 2204. Status of Units, Ownership Thereof

Each unit, together with its proportionate undivided interest in the common elements, is for all purposes real property, and the ownership of each unit, together with its proportionate undivided interest in the common elements, is for all purposes the ownership of real property.

§ 2205. Common Elements

The percentage of undivided interest in the common elements assigned to each unit shall be set forth in the declaration and such percentage shall not be altered except by recording an amended declaration duly executed by all of the unit owners affected thereby. The undivided interest in the common elements may not be separated from the unit to which such interest pertains and shall be deemed to be conveyed, leased, or encumbered with the unit even though such interest is not expressly referred to or described in the deed, lease, mortgage, or other instrument. The common elements shall remain undivided and no owner may exempt himself from liability with respect to the common expenses by waiver of the enjoyment of the right to use any of the common elements or by the abandonment of his unit or otherwise and no action for partition or division of any part of the common elements shall be permitted except as provided in § 2239 of this Act. Each unit owner or lessee thereof may use the common elements in accordance with the purpose for which they are intended without hindering or encroaching upon the lawful rights of the other unit owners. The maintenance and repair of the common elements and the making of any additions or improvements thereto shall be carried out only as provided in the code of regulations.

ARTICLE III

ADMINISTRATIVE PROVISIONS

§ 2206. Code of Regulations

The administration of every property shall be governed by a code of regulations, a true and correct copy of which and all duly adopted amendments of which shall be duly recorded.

§ 2207. Adoption and Amendment of Code of Regulations

The council has authority to make, alter, amend, and repeal the code of regulations subject to the right of a majority of the unit owners to change any such actions.

§ 2208. Contents of the Code of Regulations

The code of regulations shall provide for at least the following and may include other lawful provisions:

(1) Identification of the property by reference to the place of record of the declaration and the declaration plan.

(2) The method of calling meetings of unit owners and meetings of the council.

(3) The number of unit owners and the number of members of council which shall constitute a quorum for the transaction of business.

(4) The number and qualification of members of council, the duration of the term of such members, and the method of filling vacancies.

(5) The annual election by the council of a president, secretary and treasurer and any other officers which the code of regulations may specify.

(6) The duties of each officer, the compensation and removal of officers and the method of filling vacancies.

(7) Maintenance, repair and replacement of the common elements and payment of the cost thereof.

(8) The manner of collecting common expenses from unit owners; and

(9) The method of adopting and amending rules governing the details of the use and operation of the property and the use of the common elements.

§ 2209. Compliance with Code of Regulations and Administrative Provisions

Each unit owner shall comply with the code of regulations and with such rules governing the details of the use and opera-

tion of the property and the use of the common elements as may be in effect from time to time and with the covenants, conditions and restrictions set forth in the declaration or in the deed to his unit or in the declaration plan.

§ 2210. Noncompliance with Code of Regulations and Administrative Provisions

Failure to comply with the code of regulations and with such rules governing the details of the use and operation of the property and the use of the common elements as may be in effect from time to time and with the covenants, conditions and restrictions set forth in the declaration or in deeds of units or in the declaration plan, shall be grounds for an action for the recovery of damages or for injunctive relief or both maintainable by any member of the council on behalf of the council or the unit owners or in a proper case by an aggrieved unit owner or by any person who holds a mortgage lien upon a unit and is aggrieved by any such noncompliance.

§ 2211. Duties of Council

The duties of the council shall include the following:

(1) The maintenance, repair and replacement of the common elements.

(2) The assessment and collection of funds from unit owners for common expenses and the payment of such common expenses.

(3) The adoption and amendment of the code of regulations and the promulgation, distribution and enforcement of rules governing the details of the use and operation of the property and the use of the common elements, subject to the right of a majority of the unit owners to change any such actions; and

(4) Any other duties which may be set forth in the declaration or code of regulations.

§ 2212. Powers of Council

Subject to the limitations and restrictions contained in this Act, the council shall on behalf of the unit owners:

(1) Have power to manage the business operations and affairs of the property and for such purposes to engage employees and appoint agents and to define their duties and fix their compensation, enter into contracts, leases and other written instruments or documents and to authorize the execution thereof by officers elected by the council; and

(2) Have such incidental powers as may be appropriate to the performance of their duties.

§ 2213. Work on Common Elements

The maintenance, repair and replacement of the common elements and the making of improvements or additions thereto shall be carried on only as provided in the code of regulations.

§ 2214. Certain Work Prohibited

No unit owner shall do any work which would jeopardize the soundness or safety of the property or impair any easement or hereditament without the unanimous consent of the unit owners affected thereby.

§ 2215. Easements for Work

The council shall have an easement to enter any unit to maintain, repair or replace the common elements, as well as to make repairs to units if such repairs are reasonably necessary for public safety or to prevent damage to other units or to the common elements.

§ 2216. Common Profits and Expenses

The common profits of the property shall be distributed among and the common expenses shall be charged to the unit owners according to the percentage of the undivided interest of

each in the common elements as set forth in the declaration and any amendments thereto.

§ 2217. Voting by Unit Owners

At any meeting of unit owners each unit owner shall be entitled to the same number of votes as the percentage of ownership in the common elements assigned to his unit in the declaration and any amendments thereto.

§ 2218. Books of Receipts and Expenditures, Availability for Examination

The treasurer shall keep detailed records of all receipts and expenditures including expenditures affecting the common elements specifying and itemizing the maintenance, repair and replacement expenses of the common elements and any other expenses incurred. Such records shall be available for examination by the unit owners during regular business hours. In accordance with the actions of the council assessing common expenses against the units and unit owners, he shall keep an accurate record of such assessments and of the payment thereof by each unit owner.

ARTICLE IV

**THE DECLARATION, RESERVATIONS OF CHARGES
THEREUNDER, CONVEYANCES, MORTGAGES
AND LEASES**

§ 2219. Contents of Declaration

The declaration shall contain the following:

- (1) A reference to this Act and an expression of the intention to submit the property to the provisions of this Act.
- (2) A description of the land and building.
- (3) The name by which the property will be known.

(4) A statement that the property is to consist of units and common elements as shown in a declaration plan.

(5) A description of the common elements and the proportionate undivided interest expressed as a percentage assigned to each unit therein which percentages shall aggregate one hundred per cent.

(6) A statement that the proportionate undivided interest in the common elements may be altered by the recording of an amendment duly executed by all unit owners affected thereby.

(7) A statement of the purposes or uses for which each unit is intended and restrictions, if any, as to use.

(8) The names of the first members of council.

(9) Any further details in connection with the property which the party or parties executing the declaration may deem appropriate.

§ 2220. Declaration Plan

The declaration plan shall bear the verified statement of a registered architect or licensed professional engineer certifying that the declaration plan fully and accurately (i) shows the property, the location of the building thereon, the building and the layout of the floors of the building, including the units and the common elements and (ii) sets forth the name by which the property will be known and the unit designation for each unit therein.

§ 2221. Contents of Deeds of Units

Deeds of units shall include the following:

(1) The name by which the property is identified in the declaration plan and the name of the political subdivision and the name of the county in which the building is situate, together with a reference to the declaration and the declaration

plan including reference to the place where both instruments and any amendments thereof are recorded.

(2) The unit designation of the unit in the declaration plan and any other data necessary for its proper identification.

(3) A reference to the last unit deed if the unit was previously conveyed.

(4) The proportionate undivided interest expressed as a percentage in the common elements which is assigned to the unit in the declaration and any amendments thereof.

(5) In addition to the foregoing the first deed conveying each unit shall contain the following specific provisions:

"The grantee, for and on behalf of the grantee and the grantee's heirs, personal representatives, successors and assigns, by the acceptance of this deed, covenants and agrees to pay such charges for the maintenance of repairs, to replacement of and expenses in connection with the common elements as may be assessed from time to time by the council in accordance with the Unit Property Act of Delaware and further covenants and agrees that the unit conveyed by this deed shall be subject to a charge for all amounts so assessed and that, except in so far as § 2236 and § 2237 of said Unit Property Act may relieve a subsequent unit owner of liability for prior unpaid assessments; this covenant shall run with and bind the land or unit hereby conveyed and all subsequent owners thereof", and

(6) Any further details which the grantor and grantee may deem appropriate.

§ 2222. Mortgages and Other Liens of Record Affecting Property at Time of the First Conveyance of Each Unit

At the time of the first conveyance of each unit following the recording of the original declaration, every mortgage and other lien of record affecting the entire building or property or a greater portion thereof than the unit being conveyed shall be

paid and satisfied of record or the unit being conveyed shall be released therefrom by partial release duly recorded.

§ 2223. Sales, Conveyances or Leases of or Liens upon Separate Units

Units may be sold, conveyed, mortgaged, leased or otherwise dealt with in the same manner as like dealings are conducted with respect to real property and interests therein. Every written instrument dealing with a unit shall specifically set forth the name by which the property is identified and the unit designation identifying the unit involved.

ARTICLE V

RECORDING

§ 2224. Instruments Recordable

All instruments relating to the property or any unit, including the instruments provided for in this Act, shall be entitled to be recorded provided that they are acknowledged in the manner provided by law.

§ 2225. Recording a Prerequisite to Effectiveness of Certain Instruments

No declaration, declaration plan or code of regulations or any amendments thereto, shall be effective until the same have been duly recorded.

§ 2226. Place of Recording

The recorder shall record declarations, deeds of units, codes of regulations and revocations in the same records as are maintained for the recording of deeds of real property. Mortgages relating to units shall be recorded in the same records as are maintained by the recorder for the recording of real estate mortgages. Declaration plans and any and all amendments thereto shall be recorded in the same records as are maintained for the recording of subdivision plans.

§ 2227. Indexing by Recording Officer

The recorder shall index each declaration against the maker thereof as the grantor and the name by which the property is identified therein as the grantee. The recorder shall index each declaration plan and code of regulations and any revocation in the name by which the property is identified therein in both the grantor index and the grantee index. The recorder shall index each unit deed and mortgage and lease covering a unit in the same manner as like instruments are indexed.

§ 2228. Recording Fees

The recorder shall be entitled to charge the same fees for recording instruments which are recordable under this Act as the recorder is entitled to charge for like services with respect to the recording of instruments.

ARTICLE VI**REMOVAL OF PROPERTY FROM THE PROVISIONS OF
THIS ACT****§ 2229. Procedure**

Property may be removed from the provisions of this Act by a revocation expressing the intention to so remove property previously made subject to the provisions of this Act. No such revocation shall be effective unless the same is executed by all of the unit owners and by the holders of all mortgages, judgments or other liens affecting the units and is duly recorded.

§ 2230. Effect of Removal

When property, subject to the provisions of this Act has been removed as provided in § 2229 of this Act, the former unit owners shall at the time such removal becomes effective, become tenants in common of the property. The undivided interest in the property owned in common which shall appertain to each unit owner at the time of removal shall be the percentage of undivided interest previously owned by such person in the common elements.

§ 2231. Resubmission

The removal of property from the provisions of this Act shall not preclude such property from being resubmitted to the provisions of the Act in the manner herein provided.

ARTICLE VII**ASSESSMENTS, TAXATION AND LIENS****§ 2232. Assessments and Taxes**

Each unit and its proportionate undivided interest in the common elements as determined by the declaration and any amendments thereof, shall be assessed and taxed for all purposes as a separate parcel of real estate entirely independent of the building or property of which the unit is a part. Neither the building, the property nor any of the common elements, shall be assessed or taxed separately after the declaration and declaration plan are recorded nor shall the same be subject to assessment or taxation except as the units and their proportionate undivided interests in the common elements are assessed and taxed pursuant to the provisions of this section.

§ 2233. Assessment of Charges

All sums assessed by resolutions duly adopted by the council against any unit for the share of common expenses chargeable to that unit, shall constitute the personal liability of the owner of the unit so assessed and shall until fully paid together with interest thereon at the rate of six per cent per annum from the thirtieth day following the adoption of such resolutions, constitute a charge against such unit which shall be enforceable as provided in § 2234 of this Act.

§ 2234. Method of Enforcing Charges

Any charge assessed against a unit may be enforced by an action at law by the council acting on behalf of the unit owners, provided that each action, when filed, shall refer to this Act and to the unit against which the assessment is made and

the owner thereof. Any judgment against a unit and its owner shall be enforceable in the same manner as is otherwise provided by law.

§ 2235. Mechanics' Liens Against Units

Any mechanics' liens arising as a result of repairs to or improvements of a unit by a unit owner shall be liens only against such unit. Any mechanics' liens arising as a result of repairs to or improvements of the common elements, if authorized in writing pursuant to a duly adopted resolution of the council, shall be paid by the council as a common expense and until so paid shall be liens against each unit in a percentage equal to the proportionate share of the common elements relating to such unit.

§ 2236. Unpaid Assessments at Time of Execution Sale Against a Unit

In the event that title to a unit is transferred by sheriff's sale pursuant to execution upon any lien against the unit, the council may give notice in writing to the sheriff of any unpaid assessments for common expenses which are a charge against the unit but have not been reduced to lien pursuant to § 2234 of this Act and the sheriff shall pay the assessments of which he has such notice out of any proceeds of the sale which remain in his hands for distribution after payment of all other claims which he is required by law to pay but prior to any distribution of the balance to the former unit owner against whom the execution issued. The purchaser at such sheriff's sale and the unit involved shall not be liable for unpaid assessments for common expenses which became due prior to the sheriff's sale of the unit. Any such unpaid assessments which cannot be promptly collected from the former unit owner may be reassessed by the council as a common expense to be collected from all of the unit owners including such purchaser, his heirs, personal representatives, successors and assigns. To protect its right to collect unpaid assessments which are a charge against a unit, the council may, on behalf of the unit owners, purchase the unit at sheriff's sale provided such action is authorized by the affirmative vote of a majority of the members of council and if it does

so purchase, the council shall thereafter have the power to hold, sell, convey, mortgage or lease such unit to any person whatsoever.

§ 2237. Unpaid Assessments at Time of Voluntary Sale of a Unit

Upon the voluntary sale or conveyance of a unit the grantee shall be jointly and severally liable with the grantor for all unpaid assessments for common expenses which are a charge against the unit as of the date of the sale or conveyance but such joint and several liability shall be without prejudice to the grantee's right to recover from the grantor the amount of any such unpaid assessments which the grantee may pay and until any such assessments are paid, they shall continue to be a charge against the unit which may be enforced in the manner set forth in § 2234 of this Act. Provided, however, that any person who shall have entered into a written agreement to purchase a unit shall be entitled to obtain a written statement from the treasurer setting forth the amount of unpaid assessments charged against the unit and its owners and if such statement does not reveal the full amount of the unpaid assessments as of the date it is rendered, neither the purchaser nor the unit shall be liable for the payment of an amount in excess of the unpaid assessments shown thereon. Any such excess which cannot be promptly collected from the former unit owner may be reassessed by the council as a common expense to be collected from all of the unit owners including the purchaser, his heirs, personal representatives, successors and assigns.

ARTICLE VIII

MISCELLANEOUS

§ 2238. Insurance

The council shall, if required by the declaration, the code of regulations, or by a majority of the unit owners, insure the building against loss or damage by fire and such hazards as shall be required or requested without prejudice to the right of

each unit owner to insure his own unit for his own benefit. The premiums for such insurance on the building shall be deemed common expenses.

§ 2239. Repair or Reconstruction

Except as hereinafter provided, damage to or destruction of the building or of one or more of several buildings which comprise the property shall be promptly repaired and restored by the council using the proceeds of insurance held by the council, if any, for that purpose and the unit owners directly affected thereby shall be liable for assessment for any deficiency in proportion to their respective undivided ownership of the common elements. Provided, however, that if there is substantially total destruction of the building or of one or more of several buildings which comprise the property or if seventy-five per cent of the unit owners directly affected thereby duly resolve not to proceed with repair or restoration, then, and in that event, the salvage value of the property or of the substantially destroyed building or buildings, shall be subject to partition at the suit of any unit owner directly affected thereby, in which event the net proceeds of sale, together with the net proceeds of insurance policies held by the council, if any, shall be considered as one fund and shall be divided among the unit owners directly affected thereby in proportion to their respective undivided ownership of the common elements after discharging out of the respective shares of unit owners, directly affected thereby, to the extent sufficient for the purpose all liens against the units of such unit owners.

§ 2240. Severability

If any provision of this Act or any section, sentence, clause, phrase or word or the application thereof in any circumstance, is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

§ 2241. Effective Date

This Act shall take effect immediately.

Approved May 8, 1964.

CHAPTER 283

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO
THE BOARD OF TRUSTEES OF THE DELAWARE
STATE HOSPITAL FOR THE SALARY AND WAGES
ACCOUNT OF THE GOVERNOR BACON HEALTH CEN-
TER.**

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

Section 1. In addition to any and all funds appropriated for the fiscal year ending June 30, 1964, to the Board of Trustees of the Delaware State Hospital, who are the Board of Trustees of the Governor Bacon Health Center, there is hereby appropriated to the Board of Trustees for said fiscal year, a further sum of \$31,200 to the Salary and Wages Account of the Governor Bacon Health Center for the purpose of employing additional employees to fill positions now held by alcoholic patients who are being transferred to the new alcoholic unit of the Delaware State Hospital, and to pay salaries and wages of other employees of the Governor Bacon Health Center.

Section 2. This is a supplemental appropriation and the moneys appropriated herein shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved May 8, 1964.

CHAPTER 284

AN ACT TO AMEND CHAPTER 398, VOLUME 53, LAWS OF DELAWARE, ENTITLED "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.

WHEREAS, the 121st General Assembly enacted Chapter 398, Volume 53, Laws of Delaware, which provided funds for construction, equipping, and furnishing a Geriatric Building at the Delaware State Hospital at Farnhurst to replace "Black Cottage"; AND

WHEREAS, the original request was predicated on the receipt of Federal Funds in the amount of \$400,000 of which only \$60,000 is uncommitted for fiscal year ending June 30, 1964; AND

WHEREAS, the State Funds required to be expended for the Geriatric Building now will amount to \$1,170,000 of which only \$840,000 is presently available; NOW, THEREFORE,

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

Section 1. Chapter 398, Volume 53, Laws of Delaware, is amended by striking the figures "\$1,015,000" wherein they appear in said chapter and inserting in lieu thereof the figures "\$1,345,000".

Section 2. The additional sum of \$330,000 authorized herein shall be expended for 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.

Section 3. Section 9 of Chapter 398, Volume 53, Laws of Delaware, is amended by striking the words and figures: "June 30, 1965" wherein they appear therein and inserting in lieu thereof the words and figures "June 30, 1966".

Approved May 8, 1964.

CHAPTER 285

AN ACT TO AMEND SECTION 507, TITLE 31, DELAWARE CODE, PERTAINING TO APPLICATION FOR STATE PUBLIC ASSISTANCE.

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

Section 1. § 507, Title 31, Delaware Code, is amended by inserting the letter "(a)" in front of the first paragraph thereof and adding a new paragraph to read as follows:

(b) The information supplied by an applicant in an application for assistance shall be sworn to as being true and correct to the best of his knowledge and any employee of the Department accepting such application is hereby given the authority to administer an oath to the applicant in the manner prescribed in Chapter 53, Title 10, Delaware Code, that the information given is true and correct to the best of knowledge of the applicant.

Approved May 8, 1964.

CHAPTER 286

AN ACT TO AMEND CHAPTER 160, VOLUME 54, LAWS OF
DELAWARE RELATING TO MOTOR VEHICLES.

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

Section 1. Chapter 160, Volume 54, Laws of Delaware, is amended by adding the following to Section 7 of the Act:

Except the provisions of Title 21, Delaware Code, 4166 shall not become effective until September 1, 1964.

Section 2. Chapter 160, Volume 54, Laws of Delaware, is amended by adding a new Section 8 to the Act to read:

Section 8. § 503, § 504 and § 702, Title 21, Delaware Code, are hereby repealed.

Approved May 8, 1964.

CHAPTER 287

AN ACT TO AMEND CHAPTER 27, TITLE 31, DELAWARE CODE, RELATING TO THE DELAWARE COMMISSION ON CHILDREN AND YOUTH BY EXPANDING ITS POWERS.

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

Section 1. Chapter 27, Title 31, Delaware Code, is amended by adding thereto a new section to read:

§ 2708. Powers

(a) The Commission shall have full power and authority to do whatever is necessary and proper to carry out the purposes of this chapter.

(b) The Commission may receive funds from any source whatsoever and may expend such funds in accordance with law.

(c) The Commission in addition to its other powers and duties may conduct studies directly or indirectly affecting children and youth including their physical and mental health and well being and may determine what action is needed to combat physical and mental disabilities generally.

Approved May 8, 1964.

CHAPTER 288

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO EDUCATION BY CREATING THE EDUCATIONAL AID ADVISORY COMMISSION.

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

PART V. MISCELLANEOUS**CHAPTER 81. HIGHER EDUCATION ADVISORY COMMISSION****§ 8101. Declaration of Policy**

It is the policy of this State to encourage the attainment and maintenance of sufficient facilities to serve the higher education needs of the people.

§ 8102. Higher Educational Aid Advisory Commission

There is created an Higher Educational Aid Advisory Commission.

§ 8103. Appointment of Commission; compensation

The members of the Commission shall be appointed by the Governor and shall serve at his pleasure. They shall be reimbursed for actual expenses incurred on behalf of the Commission and may receive as compensation a sum not to exceed \$25 for each meeting attended.

§ 8104. Public members

(a) Four members shall represent the general public, and shall not be State employees or employees, officers or members of the Governing Board of any educational institution or school.

(b) One of the public members shall be a resident of New Castle County outside the City of Wilmington; one shall be a

resident of the City of Wilmington; one shall be a resident of Kent County; and one shall be a resident of Sussex County.

(c) No more than two of the members appointed pursuant to this section shall be members of the same political party.

§ 8105. Institutional members

(a) One member shall be appointed who shall be an officer, employee or member of the Governing Body of the University of Delaware.

(b) One member shall be appointed who shall be an officer, employee or member of the Governing Body of Delaware State College.

(c) One member shall be appointed who shall be an officer, employee or member of the Governing Body of Wesley College, Inc.

§ 8106. Additional Institutional Members

(a) The Governor, upon being requested to do so by any corporation approved for the conferring of academic degrees by the State Board of Education, pursuant to § 125, Title 8, Delaware Code, shall appoint an officer, employee or member of the governing body of such corporation to the Commission.

(b) The Governor, upon request of any Board of Education in the State, which has established or is about to establish any new institution of higher education, public community college or public technical institution in this State, shall appoint an officer, employee or member of the Board of such Board of Education to the Commission.

§ 8107. Ex-officio member

The State Superintendent of Public Instruction or the Acting Superintendent shall be an ex-officio member of the Commission.

§ 8108. Officers

The Commission shall annually elect such officers as it deems necessary. (May hire employees and do all things necessary to effectuate the purposes of this chapter.)

§ 8109. Establishment of Federal Higher Education Aid Plan

(a) The Commission shall establish a plan for the participation by this State in the funds made available by the Federal Higher Education Facilities Act of 1963 (Public Law 88-204).

(b) The plan shall—

(1) Set forth consistently with basic criteria prescribed by regulations promulgated by the United States Commissioner of Education, pursuant to Section 107 of the Federal Higher Education Facilities Act of 1963, or amendments thereto, objective standards and methods—

(A) for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within this State; and

(B) for determining the federal share of the development cost of each such project other than a project for a public community college of public institute (unless the plan calls for a uniform federal share for all such projects).

(2) provide that the funds allotted (or reallocated) to the State for any year under Section 103 of the Federal Higher Education Facilities Act 1963, PL 88-204, (or any amendment thereof) will be available only for use for the construction of academic facilities for public community colleges and public technical institutes, and that funds allotted (or reallocated) for any year to this State under Section 104 of the Federal Higher Education Facilities Act of 1963, PL 88-204, (or any amendment thereof) will be available only for use for the construction of academic facilities for institutions of higher education other than public community colleges and public technical institutes;

(3) provide (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the Commission and deemed by it to be otherwise approvable under the provisions of the Federal Higher Educational Act of 1963; and (B) for approving and recommending to the U. S. Commissioner of Education in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the commission of the development cost of the project involved.

(4) provide (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the commission pursuant to the Federal Higher Education Act of 1963, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the U. S. Commissioner of Education to perform his functions under the law.

§ 8110. Application

Any applicant for federal funds available pursuant to this Chapter shall file with the Commission a written application for project approval and the allocation of funds in such manner and at such times as the Commission may direct.

§ 8111. Consideration of application; notice

Before establishing priorities between different project applications the Commission shall hold a public hearing on the pending applications and shall notify in writing any applicant for project approval, at least ten days prior to the hearing of the time, date and place of hearing affecting the application. An applicant may be represented by counsel and may present such evidence as it desires to substantiate its application. Any applicant who has a project pending before the Commission for approval shall be given like notice of a hearing on any project of a different applicant pending before the Commission and may attend such hearing and cross-examine any other applicant.

§ 8112. Powers

The Commission may:

(a) Collect, correlate and analyze data relating to the extent and character of facilities within this State used for higher educational purposes or susceptible of such use.

(b) Assemble or otherwise obtain and keep current statistics detailing the number and character of both full and part-time students enrolled in each of the several types of higher educational institutions within this State, and project trends in such enrollments.

(c) Issue, revise and amend rules and regulations for the implementation of this Chapter and for the administration of any of its responsibilities and functions pursuant thereto.

(d) Hold such investigations and hearings as may be necessary or appropriate in the conduct of its work.

(e) Apply for, receive, administer, expend, and account for such federal moneys or other assistance as may be available, from time to time, within the areas of its work.

(f) Do such other things as may be necessary and incidental to effectuate the purposes of this Chapter.

§ 8113. Quorum

The Commission shall not make any binding decisions unless at least two public and two institutional members are present.

§ 8114. Notice of meetings

Notices of meetings of the Commission shall be sent to all members at least 5 days in advance of any meeting unless the notice is waived by all the members.

§ 8115. Expenses

The expenses of the Commission shall be first paid out of moneys available from the federal government or, if insufficient, shall be paid out of any annual appropriation to the Commission.

§ 8116. Staff

The State Board of Education shall, upon request, supply such staff as the Commission deems desirable or the Commission may hire its own staff.

Approved May 8, 1964.

CHAPTER 289

AN ACT TO AMEND TITLE 15, DELAWARE CODE, RELATING TO ELECTIONS TO PROVIDE FOR CENTRAL AND CONTINUOUS REGISTRATION OF VOTERS IN VARIOUS LOCATIONS IN EACH COUNTY.

WHEREAS, one of the keystones of our democratic government is the intelligent exercise of the voting privilege by an informed electorate; and

WHEREAS, in order to exercise the privilege of voting it is necessary to register; and

WHEREAS, central registration and mobile registration has proved extremely successful in our neighboring state of New Jersey; and

WHEREAS, the registration laws of this State now provide that servicemen and their wives may register at any time and it appearing desirable that other citizens may do likewise; and

WHEREAS, under the registration laws now effective in this State all regular registration days fall on Saturday and there are certain people residing in this State who are prohibited by their religious beliefs from engaging in citizen activities on their holidays or sabbath,

NOW, THEREFORE, it is the sense of this body and it is hereby declared that registration should be made as convenient and easy as possible. The citizens of this State should be able to register at the Department of Elections and additional opportunities should be offered for registration in various parts of the county and such registration should be continuous; NOW, THEREFORE,

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

Section 1. Title 15, Delaware Code, is amended by adding thereto a new Section to read:

§ 2006. Election days, places and registration officers

(a) The days designated pursuant to the authority granted in Chapter 20, Title 15, may, at the discretion of each Department of Elections, be continuous, commencing and terminating as designated. The places designated may be in the respective election districts or may be one or more central places.

(b) At such times and at such places as may be designated, any person who is qualified to register to vote may register whether he or she is a resident of the election district wherein the registration is being held or any other election district in the same county, with the right of appeal in all cases.

(c) The Auxiliary Registration Officers appointed pursuant to the provisions of Chapter 20, Title 15, Delaware Code, shall have all the powers granted to registration officers generally and in addition thereto shall have the power to register and transfer voters residing in any election district in the county for which such Auxiliary Registration Officers are appointed.

Section 2. Title 15, Section 2005, Sub-section 1, Delaware Code, is amended by deleting all of said sub-section and substituting in lieu thereof the following:

(1) The Department of Elections for each county shall cause an appropriate advertisement to be placed in one or more newspapers of general circulation in the county giving notice of the places, dates and times registrations and transfers of voters will be accepted.

Approved May 8, 1964.

CHAPTER 290

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE SECRETARY OF STATE.**

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

Section 1. The sum of \$333.75 is appropriated to the Secretary of State to pay overtime salaries and wages of switchboard operators for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

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 8, 1964.

CHAPTER 291

**AN ACT MAKING APPROPRIATIONS TO THE AMOUNT
OF \$110,230,550.00 FOR THE EXPENSE OF THE STATE
GOVERNMENT FOR THE FISCAL YEAR ENDING
JUNE 30, 1965.**

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 1965, shall not have been paid out of the State Treasury, shall revert to the General Funds; 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, 1965
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LEGISLATIVE AND ELECTIONS

DELAWARE COMMISSION ON INTERSTATE COOPERATION

Travel

Legislative Travel Only	7,500.00
Other Travel	600.00

Contractual Services

Delaware River Basin Advisory Committee	16,000.00
Southern Regional Education Board	33,000.00
Other Contractual Services	4,800.00

Total.....	61,900.00
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DEPARTMENTS OF ELECTIONS

NEW CASTLE COUNTY DEPARTMENT OF ELECTIONS

Salaries of Board Members	11,250.00
Salaries of Extra Employees—1964 Election	10,000.00
Wages and Salaries of Employees	57,700.00
Registration and Election Officers	108,825.00
Other Personal Services	19,500.00
Travel	500.00
Contractual Services	52,790.00
Supplies and Materials	1,100.00
Total	261,665.00

KENT COUNTY DEPARTMENT OF ELECTIONS

Salaries of Board Members	6,000.00
Salaries of Extra Employees—1964 Election	4,000.00
Wages and Salaries of Employees	8,500.00
Registration and Election Officers	19,823.00
Other Personal Services	2,500.00
Travel	400.00
Contractual Services	9,527.00
Supplies and Materials	4,000.00
Capital Outlay	400.00
Total	55,150.00

SUSSEX COUNTY DEPARTMENT OF ELECTIONS

Salaries of Board Members	6,000.00
Salaries of Extra Employees—1964 Election	4,500.00
Wages and Salaries of Employees	14,300.00
Registration and Election Officers	23,000.00
Other Personal Services	2,650.00
Travel	500.00
Contractual Services	11,400.00
Supplies and Materials	2,300.00
Capital Outlay	1,500.00
Total	66,150.00

LEGISLATIVE REFERENCE BUREAU

Salary of Director	7,600.00
Wages and Salaries of Employees	9,000.00
Travel	500.00
Contractual Services	1,300.00
Supplies and Materials	700.00
Capital Outlay	1,300.00
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Total	20,400.00

GENERAL ASSEMBLY

Salary—House Members	105,000.00
Salary—Senate Members	54,000.00
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Total	159,000.00

COMMISSION ON MODERNIZATION OF STATE LAWS

Wages and Salaries of Employees	200.00
Travel	600.00
Contractual Services	2,500.00
Supplies and Materials	200.00
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Total	3,500.00

DELAWARE CODE REVISION COMMISSION

Salaries of Commissioners	4,800.00
Contractual Services	12,500.00
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Total	17,300.00

STATE ELECTION COMMISSIONER

Wages and Salaries of Employees	13,440.00
Contractual Services	7,385.00
Supplies and Materials	2,620.00
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Total	23,445.00

TOTAL LEGISLATIVE AND ELECTIONS	668,510.00
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EXECUTIVE AND FINANCIAL

GOVERNOR

Salary of Governor	17,500.00
Wages and Salaries of Employees	28,800.00
Travel	
Governors Conference	750.00
Other Travel	7,250.00
Contractual Services	3,750.00
Supplies and Materials	1,500.00
Capital Outlay	1,500.00
Contingent Expense	4,000.00
Total	65,050.00

STATE TREASURER

Salary of Treasurer	9,000.00
Salary of Deputy Treasurer	8,000.00
Wages and Salaries of Employees	62,000.00
Other Personal Services	10.00
Travel	1,300.00
Contractual Services	35,000.00
Supplies and Materials	2,190.00
Capital Outlay	1,000.00
Lost and Outdated Checks	2,500.00
Total	121,000.00

SECRETARY OF STATE

Salary of Secretary of State	11,000.00
Salary of Assistant Secretary of State	7,000.00
Wages and Salaries of Employees	123,680.00
Travel	3,250.00
Contractual Services	
Magistrate Bonds	400.00
Printing and Binding Session Laws	30,000.00
Dissolution Account	10,000.00
Other Contractual Services	12,870.00
Supplies and Materials	
Departmental Supplies	50,000.00

Other Supplies and Materials	400.00
Capital Outlay	1,500.00
Total	250,100.00

BUDGET DIRECTOR

Salary of Budget Director	14,000.00
Salary of Deputy Budget Director	10,500.00
Wages and Salaries of Employees	117,200.00
Other Personal Services	20,000.00
Travel	1,800.00
Contractual Services	59,400.00
Supplies and Materials	10,750.00
Capital Outlay	6,800.00
Total	240,450.00

AUDITOR OF ACCOUNTS

Salary of Auditor	9,000.00
Salary of Deputy Auditor	8,000.00
Wages and Salaries of Employees	85,680.00
Other Personal Services	25,000.00
Travel	2,750.00
Contractual Services	2,520.00
Supplies and Materials	3,700.00
Capital Outlay	8,500.00
Total	145,150.00

STATE TAX DEPARTMENT

Salary of Board Members	3,000.00
Salary of Commissioner	11,000.00
Salary of Deputy Tax Commissioner	8,000.00
Salary of Social Security Officer	7,200.00
Wages and Salaries of Employees	575,450.00
Travel	
Social Security Division	500.00
Other Travel	6,600.00
Contractual Services	
Social Security Division	900.00

Other Contractual Services	126,000.00
Supplies and Materials	
Social Security Division	600.00
Other Supplies and Materials	17,900.00
Capital Outlay	
Social Security Division	500.00
Other Capital Outlay	15,300.00
Income Tax Adm. Account (Section 1195, Title 30, Delaware Code)	25,000.00
Total	797,950.00

REVENUE COLLECTOR

Salary of Revenue Collector	2,500.00
Travel	425.00
Supplies and Materials	75.00
Total	3,000.00

BOND ISSUING OFFICERS

Expense of Issuing Bonds	30,000.00
Total	30,000.00

DELAWARE STATE DEVELOPMENT DEPARTMENT

Salary of Director	8,000.00
Wages and Salaries of Employees	26,000.00
Other Personal Services	250.00
Travel	5,300.00
Contractual Services	28,000.00
Supplies and Materials	10,000.00
Capital Outlay	2,000.00
Total	79,550.00

STATE PLANNING OFFICE

Salary of Director (Total Salary \$16,000.00)	16,000.00
Wages and Salaries of Employees	35,000.00
Travel	
State Planning Council	1,750.00

Other Travel	5,000.00
Contractual Services	26,500.00
Supplies and Materials	
State Planning Council	250.00
Other Supplies and Materials	5,300.00
Capital Outlay	3,800.00
Total	93,600.00

TOTAL EXECUTIVE AND FINANCIAL 1,825,850.00
JUDICIAL AND LEGAL

SUPREME COURT

Salary of Chief Justice	22,500.00
Salary of Associate Justices	44,000.00
Wages and Salaries of Employees	30,000.00
Travel	2,000.00
Contractual Services	8,150.00
Supplies and Materials	3,850.00
Capital Outlay	3,000.00
Total	113,500.00

COURT OF CHANCERY

Salary of Chancellor	20,500.00
Salary of Vice-Chancellors	40,000.00
Chancellor for Reporting	200.00
Wages and Salaries of Employees	39,580.00
Travel	2,300.00
Contractual Services	
Chancellor's Report	5,750.00
Other Contractual Services	1,250.00
Supplies and Materials	2,000.00
Capital Outlay	1,200.00
Total	112,780.00

SUPERIOR COURT

Salary of President Judge	20,500.00
Salary of Associate Judges	120,000.00

Kent Resident Judge for Reporting	200.00
Wages and Salaries of Employees	111,000.00
Travel	8,000.00
Contractual Services	
Judge's Report	5,750.00
Other Contractual Services	3,000.00
Supplies and Materials	5,000.00
Capital Outlay	4,200.00
Total	277,650.00

COMMON PLEAS COURT—KENT COUNTY

Salary of Judge	17,500.00
Total	17,500.00

COMMON PLEAS COURT—SUSSEX COUNTY

Salary of Judge	17,500.00
Total	17,500.00

FAMILY COURT FOR NEW CASTLE COUNTY

Salary of Judges	52,500.00
Salary of Director	10,500.00
Wages and Salaries of Employees	200,000.00
Travel	900.00
Contractual Services	3,000.00
Supplies and Materials	2,000.00
Capital Outlay	2,000.00
Total	270,900.00

FAMILY COURT FOR KENT AND SUSSEX COUNTIES

Salary of Judges	35,000.00
Wages and Salaries of Employees	70,000.00
Total	105,000.00

NEW CASTLE COUNTY LAW LIBRARY

Wages and Salaries of Employees	4,000.00
Contractual Services	1,800.00
Supplies and Materials	50.00
Capital Outlay	8,000.00
Total	13,850.00

STATE LAW LIBRARY IN KENT COUNTY

Wages and Salaries of Employees	6,400.00
Contractual Services	1,000.00
Supplies and Materials	150.00
Capital Outlay	5,000.00
Total	12,550.00

SUSSEX COUNTY LAW LIBRARY

Wages and Salaries of Employees	300.00
Contractual Services	650.00
Supplies and Materials	50.00
Capital Outlay	4,000.00
Total	5,000.00

ATTORNEY GENERAL

Salary of Attorney General	11,000.00
Salary of Administrative Assistant (Not to exceed \$15,000.00)	15,000.00
Salary of Chief Deputy	8,500.00
Salaries of County Deputies (3)	22,500.00
Salaries of County Assistant Deputies (5)	35,000.00
Salaries of Tax Deputies (2)	14,000.00
Salaries of State Detectives (3)	10,500.00
Salaries and Wages of Employees	51,870.00
Personal Services	1,800.00
Travel	5,000.00
Contractual Services	13,000.00

Supplies and Materials	6,700.00
Capital Outlay	4,500.00
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Total	199,370.00

BOARD OF POST MORTEM EXAMINERS

Salary of Medical Examiner	18,500.00
Salary of Assistant Medical Examiner	12,500.00
Wages and Salaries of Employees	24,000.00
Other Personal Services	9,400.00
Travel	2,400.00
Contractual Services	4,500.00
Supplies and Materials	2,500.00
Capital Outlay	5,000.00
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Total	78,800.00

PUBLIC DEFENDER

Salary of Public Defender	10,000.00
Wages and Salaries of Employees	14,000.00
Other Personal Services	2,000.00
Travel	1,000.00
Contractual Services	3,000.00
Supplies and Materials	1,500.00
Capital Outlay	1,500.00
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Total	33,000.00

COUNCIL ON ADMINISTRATION OF JUSTICE

Travel	300.00
Contractual Services	200.00
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Total	500.00

TOTAL JUDICIAL AND LEGAL	1,257,900.00
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PROFESSIONAL AND OCCUPATIONAL BOARDS

MEDICAL COUNCIL OF DELAWARE

Salary of Board Members	2,500.00
Wages and Salaries of Employees	6,000.00
Other Personal Services	300.00
Travel	2,200.00
Contractual Services	1,000.00
Supplies and Materials	700.00
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Total	12,700.00

STATE BOARD OF PHARMACY

Salary of Board Members	1,500.00
Wages and Salaries of Employees	3,800.00
Travel	2,000.00
Contractual Services	875.00
Supplies and Materials	125.00
Capital Outlay	300.00
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Total	8,600.00

STATE BOARD OF DENTAL EXAMINERS

Salary of Board Members	540.00
Wages and Salaries of Employees	300.00
Travel	300.00
Contractual Services	280.00
Supplies and Materials	80.00
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Total	1,500.00

STATE BOARD OF BARBER EXAMINERS

Salary of Board Members	700.00
Salary of Secretary	200.00
Travel	300.00
Contractual Services	400.00
Supplies and Materials	85.00
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Total	1,685.00

STATE BOARD OF VETERINARY EXAMINERS

Wages and Salaries of Employees	150.00
Other Personal Services	25.00
Travel	25.00
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Total	200.00

STATE BOARD OF ACCOUNTANCY

Salary of Board Members	500.00
Wages and Salaries of Employees	1,300.00
Travel	500.00
Contractual Services	1,930.00
Supplies and Materials	70.00
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Total	4,300.00

STATE BOARD OF EXAMINERS IN OPTOMETRY

Salary of Board Members	105.00
Travel	75.00
Contractual Services	45.00
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Total	225.00

STATE BOARD OF EXAMINERS OF UNDERTAKERS

Salary of Board Members	160.00
Wages and Salaries of Employees	240.00
Office Expense	100.00
Contractual Services	200.00
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Total	700.00

DELAWARE BOARD OF NURSING

Salary of Board Members	600.00
Salary of Secretary	6,300.00
Wages and Salaries of Employees	3,800.00
Travel	800.00
Contractual Services	3,250.00

Supplies and Materials	1,200.00
Capital Outlay	100.00
Total	16,050.00

DELAWARE REAL ESTATE COMMISSION

Salary of Board Members	1,080.00
Wages and Salaries of Employees	2,000.00
Travel	100.00
Contractual Services	1,220.00
Total	4,400.00

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS

Wages and Salaries of Employees	950.00
Travel	250.00
Contractual Services	495.00
Supplies and Materials	5.00
Capital Outlay	50.00
Total	1,750.00

STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

Travel	100.00
Contractual Services	260.00
Supplies and Materials	90.00
Capital Outlay	50.00
Total	500.00

BOARD OF COSMETOLOGY

Salary of Board Members	1,500.00
Salary of Secretary	2,300.00
Other Personal Services	800.00
Travel	900.00
Contractual Services	1,200.00
Supplies and Materials	450.00
Capital Outlay	220.00
Total	7,370.00

STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

Salary of Secretary	4,100.00
Wages and Salaries of Employees	400.00
Other Personal Services	300.00
Travel	1,200.00
Contractual Services	4,000.00
Supplies and Materials	750.00
Capital Outlay	800.00
Total	11,555.00

BOARD OF CHIROPODY EXAMINERS

Salary of Board Members	160.00
Travel	30.00
Contractual Services	95.00
Supplies and Materials	65.00
Capital Outlay	150.00
Total	500.00

STATE BOARD OF CHIROPRACTIC EXAMINERS

Salary of Board Members	150.00
Travel	50.00
Contractual Services	55.00
Supplies and Materials	45.00
Total	300.00

STATE EXAMINING BOARD OF PHYSICAL THERAPISTS

Contractual Services	77.00
Supplies and Materials	10.00
Total	87.00

TOTAL PROFESSIONAL AND OCCUPATIONAL BOARDS	72,422.00
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REGULATORY BOARDS

STATE INSURANCE COMMISSIONER

Salary of Commissioner	9,000.00
Salary of Deputy	8,000.00
Salary of Actuary	3,500.00
Salary of Rating Analyst	7,500.00
Wages and Salaries of Employees	27,100.00
Other Personal Services	3,000.00
Travel	3,000.00
Contractual Services	
Insurance Premiums	300,000.00
Other Contractual Services	5,950.00
Supplies and Materials	850.00
Capital Outlay	600.00
Total	368,500.00

STATE BANK COMMISSIONER

Salary of Board Members	240.00
Salary of Bank Commissioner	12,500.00
Wages and Salaries of Employees	42,400.00
Travel	6,000.00
Contractual Services	2,410.00
Supplies and Materials	700.00
Capital Outlay	1,950.00
Total	66,200.00

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Salary of Board Members	3,000.00
Salary of Secretary	9,000.00
Wages and Salaries of Employees	97,300.00
Other Personal Services	8,000.00
Travel	7,500.00
Contractual Services	13,050.00
Supplies and Materials	3,285.00
Capital Outlay	4,865.00
Total	146,000.00

DELAWARE RACING COMMISSION

Salary of Board Members	4.00
Wages and Salaries of Employees	2,400.00
Travel	800.00
Contractual Services	2,361.00
Supplies and Materials	35.00
Total	5,600.00

DELAWARE HARNESS RACING COMMISSION

Salary of Board Members	3.00
Salary of Executive Secretary	5,200.00
Wages and Salaries of Employees	1,000.00
Travel	3,700.00
Contractual Services	2,373.00
Supplies and Materials	250.00
Capital Outlay	215.00
Total	12,741.00

BINGO CONTROL COMMISSION

Salary of Board Members	1,500.00
Wages and Salaries of Employees	9,200.00
Travel	3,300.00
Contractual Services	450.00
Supplies and Materials	100.00
Capital Outlay	150.00
Total	14,700.00

STATE ATHLETIC COMMISSION

Salary of Board Members	900.00
Wages and Salaries of Employees	150.00
Travel	65.00
Contractual Services	35.00
Total	1,150.00

BOARD OF BOILER RULES

Salary of Chief Inspector	6,300.00
Wages and Salaries of Employees	16,000.00
Travel	3,100.00
Contractual Services	2,550.00
Supplies and Materials	750.00
Capital Outlay	300.00
Total	29,000.00

PUBLIC SERVICE COMMISSION

Salary of Board Members	13,500.00
Wages and Salaries of Employees	46,500.00
Other Personal Services	15,000.00
Travel	4,500.00
Contractual Services	5,000.00
Supplies and Materials	2,900.00
Capital Outlay	2,600.00
Total	90,000.00

STATE HUMAN RELATIONS COMMISSION

Salary of Executive Secretary	3,600.00
Wages and Salaries of Employees	1,700.00
Other Personal Services	1,850.00
Travel	1,150.00
Contractual Services	3,000.00
Supplies and Materials	500.00
Capital Outlay	100.00
Total	11,900.00

STATE FIRE PREVENTION COMMISSION

Salary of Fire Marshal	6,000.00
Wages and Salaries of Employees	21,400.00
Other Personal Services	100.00
Travel	1,850.00
Contractual Services	3,469.00
Supplies and Materials	5,025.00

Capital Outlay	4,800.00
Fire Prevention Conference	750.00
Total	43,394.00
TOTAL REGULATORY BOARDS	789,185.00

DEFENSE

DELAWARE NATIONAL GUARD

Salary of Adjutant General	11,000.00
Wages and Salaries of Employees	64,000.00
Travel	4,300.00
Contractual Services	107,650.00
Supplies and Materials	
Uniform Allowance—Officers	22,000.00
Other Supplies and Materials	9,300.00
Capital Outlay	15,500.00
Unit Fund Allowance	18,500.00
Total	252,250.00

DEPARTMENT OF CIVIL DEFENSE

Salary of Director (Total \$9,000.00—State \$4,500.00 Other Sources \$4,500.00)	4,500.00
Wages and Salaries of Employees	26,250.00
Other Personal Services	500.00
Travel	1,475.00
Contractual Services	7,150.00
Supplies and Materials	3,500.00
Capital Outlay	6,625.00
Total	50,000.00
TOTAL DEFENSE	302,250.00

LABOR

STATE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Salary of Executive Secretary	7,500.00
Wages and Salaries of Employees	54,000.00
Travel	5,500.00
Contractual Services	12,770.00
Supplies and Materials	2,400.00
Capital Outlay	799.00
Total	82,969.00

APPRENTICESHIP AND TRAINING COUNCIL

Salary of Board Members	1,440.00
Salary of Director	6,500.00
Wages and Salaries of Employees	3,300.00
Travel	300.00
Contractual Services	375.00
Supplies and Materials	125.00
Total	12,040.00

INDUSTRIAL ACCIDENT BOARD

Salary of Board Members	15,000.00
Salary of Secretary	6,000.00
Wages and Salaries of Employees	10,000.00
Other Personal Services	
Legal Fees	4,500.00
Court Reporting	4,000.00
Travel	1,800.00
Contractual Services	5,080.00
Supplies and Materials	1,200.00
Capital Outlay	800.00
Total	48,380.00

TOTAL LABOR	143,389.00
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CULTURAL, HISTORIC AND RECREATIONAL

PUBLIC ARCHIVES COMMISSION

Salary of Archivist	10,000.00
Wages and Salaries of Employees	68,800.00
Travel	1,000.00
Contractual Services	4,575.00
Supplies and Materials	6,000.00
Capital Outlay	
Historic Markers	1,000.00
Other Capital Outlay	6,800.00
Total	98,175.00

STATE MUSEUM

Wages and Salaries of Employees	26,880.00
Other Personal Services	400.00
Travel	300.00
Contractual Services	1,830.00
Supplies and Materials	1,000.00
Capital Outlay	2,900.00
Total	33,310.00

JOHN DICKINSON MANSION

Wages and Salaries of Employees	15,000.00
Contractual Services	1,165.00
Supplies and Materials	600.00
Capital Outlay	1,025.00
Total	17,790.00

FORT CHRISTINA MONUMENT

Wages and Salaries of Employees	6,800.00
Contractual Services	3,240.00
Supplies and Materials	400.00
Total	10,440.00

OLD SUSSEX COUNTY COURTHOUSE

Contractual Services	600.00
Total	600.00

LEWES MEMORIAL COMMISSION

Wages and Salaries of Employees	7,725.00
Travel	100.00
Contractual Services	1,500.00
Supplies and Materials	300.00
Capital Outlay	43.00
Total	9,668.00

NEW CASTLE HISTORIC BUILDINGS COMMISSION

Wages and Salaries of Employees	6,000.00
Other Personal Services	65.00
Contractual Services	2,665.00
Supplies and Materials	520.00
Capital Outlay	750.00
Total	10,000.00

LIBRARY COMMISSION FOR THE STATE OF DELAWARE

Salary of Librarian (Total \$7,500.00—State \$7,000.00. Other \$500.00)	7,000.00
Wages and Salaries of Employees	44,000.00
Travel	400.00
Contractual Services	1,290.00
Supplies and Materials	2,000.00
Capital Outlay	4,400.00
Total	59,090.00

DELAWARE DAY COMMISSION

Contractual Services	450.00
Total	450.00

PORTRAIT COMMISSION

Travel	25.00
Contractual Services	200.00
Supplies and Materials	20.00
Capital Outlay	800.00
Total	1,045.00

STATE PARK COMMISSION

Salary of Director	7,500.00
Salary of Superintendent—Trap Pond	4,700.00
Salary of Superintendent—Lums Pond	4,500.00
Salary of Superintendent—Fort Delaware	4,500.00
Salary of Superintendent—Brandywine Springs	4,500.00
Wages and Salaries of Employees	32,800.00
Travel	400.00
Contractual Services	19,900.00
Supplies and Materials	6,500.00
Capital Outlay	12,100.00
Total	97,400.00

TOTAL CULTURAL, HISTORIC AND RECREATIONAL	337,968.00
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HEALTH AND WELFARE

STATE BOARD OF HEALTH—ADMINISTRATION

Salary of Executive Secretary	18,000.00
Contingency Salary—Sanitary Engineer and Bacteriologist	19,000.00
Wages and Salaries of Employees	425,000.00
Travel	4,300.00
Contractual Services	
School Examination Fees	20,000.00
Other Contractual Services	46,685.00
Supplies and Materials	
Poliomyelitis Vaccine	14,700.00
Glasses—Division of Optometry	2,000.00
Other Supplies and Materials	23,515.00

Capital Outlay	14,100.00
Contingency Fund for Tuberculosis (Total \$13,500.00 All or part of this contingency may be expended in the event that Funds of the United States Federal Government are not forth coming)	13,500.00
Contingency Fund for General Health (Total \$7,100.00 All or part of this contingency may be expended in the event that Funds of the United States Federal Government are not forth coming)	7,100.00
Total	607,900.00

STATE BOARD OF HEALTH—CRIPPLED CHILDREN

Wages and Salaries of Employees	125,000.00
Other Personal Services	1,000.00
Travel	200.00
Contractual Services	550.00
Supplies and Materials	500.00
Total	127,250.00

STATE BOARD OF HEALTH—CANCER, HEART AND
CHRONIC DISEASE CONTROL

Wages and Salaries of Employees	62,000.00
Other Personal Services	3,000.00
Travel	350.00
Contractual Services	1,600.00
Supplies and Materials	600.00
Capital Outlay	1,000.00
Total	68,550.00

WATER POLLUTION COMMISSION

Salary of Director (Total \$13,000.00—State \$8,000.00; Other \$5,000.00)	8,000.00
Contingent Salary for Sanitary Engineer and Chemist	14,000.00
Wages and Salaries of Employees	40,000.00
Travel	700.00
Contractual Services	4,000.00

Supplies and Materials	2,600.00
Capital Outlay	500.00
Total	69,800.00

AIR POLLUTION COMMISSION

Salary of Supervisor	9,600.00
Wages and Salaries of Employees	3,200.00
Travel	600.00
Contractual Services	1,150.00
Supplies and Materials	1,100.00
Capital Outlay	2,500.00
Total	18,150.00

EMILY P. BISSELL HOSPITAL

Salary of Superintendent	12,500.00
Salaries of Instructors	4,500.00
Wages and Salaries of Employees	610,000.00
Other Personal Services	30,000.00
Travel	3,000.00
Contractual Services	81,800.00
Supplies and Materials	162,200.00
Capital Outlay	27,000.00
Total	931,000.00

DELAWARE STATE HOSPITAL—FARNHURST

Salary of Superintendent (Total \$26,800.00—State \$24,000.00—Other \$2,800.00)	24,000.00
Salary of Business Administrator	13,000.00
Wages and Salaries of Employees	1,988,000.00
Other Personal Services	35,000.00
Travel	3,000.00
Contractual Services	230,000.00
Supplies and Materials	425,000.00
Capital Outlay	45,000.00
Total	2,763,000.00

DELAWARE STATE HOSPITAL—MENTAL HYGIENE CLINIC

Salary of Director (State and all other sources)	21,000.00
Wages and Salaries of Employees	132,400.00
Other Personal Services	5,100.00
Travel	1,200.00
Contractual Services	8,000.00
Supplies and Materials	7,300.00
Capital Outlay	5,000.00
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Total	180,000.00

DELAWARE STATE HOSPITAL GOVERNOR BACON
HEALTH CENTER

Salary of Teachers—Handicapped Children	77,600.00
Wages and Salaries of Employees	657,400.00
Other Personal Services	9,500.00
Travel	1,300.00
Contractual Services	85,000.00
Supplies and Materials	
Handicapped Children	5,500.00
Other Supplies and Materials	119,700.00
Capital Outlay	14,000.00
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Total	970,000.00

DELAWARE STATE HOSPITAL—HOSPITAL FOR
MENTALLY RETARDED

Salaries of Teachers—Handicapped Children	15,500.00
Salaries of Teachers—Trainable Children	29,790.00
Wages and Salaries of Employees	840,000.00
Other Personal Services	20,000.00
Travel	1,000.00
Contractual Services	115,000.00
Supplies and Materials	
Handicapped Children	2,000.00
Trainable Children	1,500.00
Other Supplies and Materials	208,000.00
Capital Outlay	25,000.00
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Total	1,257,790.00

DELAWARE STATE HOSPITAL—DAYTIME CARE CENTERS

Wages and Salaries of Employees	90,000.00
Travel	3,200.00
Contractual Services	11,300.00
Supplies and Materials	13,000.00
Capital Outlay	10,500.00
Total	128,000.00

DELAWARE STATE HOSPITAL—SURPLUS FOOD FOR
NEEDY PROGRAM

Wages and Salaries of Employees	25,000.00
Travel	400.00
Contractual Services	12,800.00
Supplies and Materials	6,900.00
Capital Outlay	4,800.00
Total	49,900.00

STATE WELFARE HOME

Reimbursements to Counties	785,000.00
Total	785,000.00

STATE WELFARE HOME—DIVISION OF THE AGING

Salary of Director	7,000.00
Wages and Salaries of Employees	3,500.00
Travel	1,500.00
Contractual Services	800.00
Supplies and Materials	500.00
Capital Outlay	200.00
Total	13,500.00

DELAWARE COMMISSION ON CHILDREN AND YOUTH

Salary of Executive Secretary	4,800.00
Wages and Salaries of Employees	1,500.00
Travel	600.00
Contractual Services	1,000.00

Supplies and Materials	1,000.00
Capital Outlay	100.00
Total	9,000.00

DELAWARE COMMISSION FOR THE BLIND

Salary of Director (Total \$12,000.00—State \$5,000.00—Other \$7,000.00)	5,000.00
Wages and Salaries of Employees	72,750.00
Other Personal Services	3,200.00
Travel	4,000.00
Contractual Services	
Other Contractual Services	20,850.00
Supplies and Materials	
Vocational Training	14,000.00
Other Supplies and Materials	8,700.00
Capital Outlay	12,200.00
Assistance Grants	120,000.00
Benefits—Education	60,000.00
Total	320,700.00

DEPARTMENT OF PUBLIC WELFARE

Salary of Director (Total \$13,000.00—State \$6,000.00—Other \$7,000.00)	6,000.00
Salaries for Medical Care	8,500.00
Wages and Salaries of Employees	452,000.00
Other Personal Services	3,000.00
Travel	3,400.00
Contractual Services	59,300.00
Supplies and Materials	13,700.00
Capital Outlay	10,000.00
Reimbursements to Counties	600,000.00
Old Age Assistance Grants	194,000.00
Medical Care	97,000.00
Aid to Disabled Grants	160,000.00

Aid and Service to Needy Families	550,000.00
Direct Care—Child Welfare Service	575,000.00
Total	2,731,900.00
TOTAL HEALTH AND WELFARE	11,031,440.00

REHABILITATION

STATE BOARD OF CORRECTIONS

Salary of Board Members	840.00
Salary of Director	12,000.00
Wages and Salaries of Employees	877,360.00
Personal Services	
Payments to Inmates	25,000.00
Other Personal Services	13,200.00
Travel	5,000.00
Contractual Services	
Hospital Services	10,000.00
Other Contractual Services	108,156.00
Supplies and Materials	296,646.00
Capital Outlay	35,698.00
Total	1,383,900.00

YOUTH SERVICE COMMISSION

Salary of Director	12,000.00
Salary of Business Administrator	8,100.00
Salary of Superintendent—Bridge House	6,300.00
Salary of Superintendent—Ferris School	9,000.00
Salary of Superintendent—Woods Haven	9,300.00
Wages and Salaries of Employees	511,800.00
Other Personal Services	13,000.00
Travel	4,700.00
Contractual Services	75,000.00
Supplies and Materials	100,800.00
Capital Outlay	25,000.00
Total	775,000.00

BOARD OF PAROLE

Salary of Board Members	1,200.00
Salary of Parole Officer and Administrator	5,700.00
Wages and Salaries of Employees	9,900.00
Travel	1,800.00
Contractual Services	650.00
Supplies and Materials	400.00
Capital Outlay	350.00
Total	20,000.00

BOARD OF PARDONS

Salary of Lieutenant Governor	144.00
Other Personal Services	96.00
Travel	100.00
Total	340.00

TOTAL REHABILITATION 2,179,240.00

AGRICULTURE, FORESTRY AND CONSERVATION

STATE BOARD OF AGRICULTURE

Salary of Board Members	1,950.00
Salary of Secretary	7,500.00
Wages and Salaries of Employees	194,300.00
Other Personal Services	32,100.00
Travel	6,275.00
Contractual Services	15,495.00
Supplies and Materials	16,385.00
Capital Outlay	20,695.00
Total	294,700.00

STATE BOARD OF AGRICULTURE—WEIGHTS AND MEASURES

Salary of Director	7,000.00
Wages and Salaries of Employees	35,000.00
Other Personal Services	900.00
Travel	1,000.00
Contractual Services	1,500.00

Supplies and Materials	4,000.00
Capital Outlay	8,100.00
Total	57,500.00

SOIL AND WATER CONSERVATION COMMISSION

Salary of State Engineer	10,000.00
Wages and Salaries of Employees	17,900.00
Travel	4,500.00
Contractual Services	
Other Contractual Services	1,918.00
Supplies and Materials	302.00
Capital Outlay	
Conservation Books	1,000.00
Other Capital Outlay	400.00
Total	36,020.00

STATE POULTRY COMMISSION

Salary of Executive Secretary	2,000.00
Wages and Salaries of Employees	1,400.00
Travel	600.00
Contractual Services	10,550.00
Total	14,550.00

STATE FORESTRY DEPARTMENT—ADMINISTRATION

Salary of State Forester (Total \$8,500.00—State \$4,100.00—Other Sources (\$4,400.00)	4,100.00
Wages and Salaries of Employees	50,000.00
Other Personal Services	300.00
Travel	1,100.00
Contractual Services	6,610.00
Supplies and Materials	4,940.00
Capital Outlay	2,750.00
Total	69,800.00

STATE FORESTRY DEPARTMENT—SPECIAL FIRE PROTECTION
AND EXTINCTION

Wages and Salaries of Employees	11,000.00
Other Personal Services	750.00
Travel	50.00
Contractual Services	1,730.00
Supplies and Materials	600.00
Capital Outlay	2,200.00
Total	16,330.00

DELAWARE GAME AND FISH COMMISSION

Salary of Board Members	900.00
Salary of Director (Total \$9,500.00—State \$6,000.00—Other Sources \$3,500.00)	6,000.00
Wages and Salaries of Employees	46,100.00
Other Personal Services	700.00
Travel	975.00
Contractual Services	12,250.00
Supplies and Materials	12,975.00
Capital Outlay	4,600.00
Total	84,500.00

DELAWARE COMMISSION OF SHELL FISHERIES

Salary of Executive Secretary	5,000.00
Salaries for Small Boat Safety	9,000.00
Wages and Salaries of Employees	48,900.00
Travel	1,500.00
Contractual Services	
Research	10,000.00
Other Contractual Services	9,075.00
Supplies and Materials	9,625.00
Capital Outlay	500.00
Total	93,600.00

ATLANTIC STATES MARINE FISHERIES COMMISSION

Travel	200.00
Contractual Services	1,500.00
Total	1,700.00

DELAWARE GEOLOGICAL COMMISSION

Salary of Executive Secretary	7,200.00
Wages and Salaries of Employees	29,750.00
Travel	1,100.00
Contractual Services	33,600.00
Supplies and Materials	1,700.00
Total	73,350.00

TOTAL AGRICULTURE, FORESTRY AND CONSERVATION	742,050.00
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HIGHWAYS, POLICE, ETC.

STATE HIGHWAY DEPARTMENT—CONTROLLER'S OFFICE

Salary of Controller (Total \$15,000.00—State \$15,000.00—Other None)	15,000.00
Salary of Implementing Concurrent Audit	30,000.00
Wages and Salaries of Employees	111,000.00
Personal Services	4,000.00
Travel	4,500.00
Contractual Services	53,500.00
Supplies and Materials	6,000.00
Capital Outlay	5,000.00
Social Security Contribution (Administered by State Treasurer)	220,000.00
Total	449,000.00

STATE HIGHWAY DEPARTMENT—ADMINISTRATIVE STAFF

Salary of Director (Total \$21,000.00—State \$21,000.00—Other none)	21,000.00
Salary of Chief Engineer (Total \$17,500.00—State \$17,500.00—Other None)	17,500.00

Salary of Assistant Chief Engineer (Total \$15,000.00—State \$15,000.00—Other None)	15,000.00
Total	53,500.00

STATE HIGHWAY DEPARTMENT—CONSTRUCTION DIVISION

Wages and Salaries of Employees	400,000.00
Personal Services	116,000.00
Travel	14,000.00
Contractual Services	
Bridges—Soil Conservation	100,000.00
Other Contractual Services	163,000.00
Supplies and Materials	200,000.00
Capital Outlay	61,000.00
Total	1,054,000.00

STATE HIGHWAY DEPARTMENT—MAINTENANCE DIVISION

Wages and Salaries of Employees	2,888,000.00
Personal Services	3,000.00
Travel	2,000.00
Contractual Services	
Resurfacing Contracts	1,300,000.00
Snow Removal Contracts	150,000.00
Other Contractual Services	272,000.00
Supplies and Materials	1,049,000.00
Capital Outlay	500,000.00
Total	6,164,000.00

STATE HIGHWAY DEPARTMENT—MOTOR VEHICLE DIVISION

Salary of Commissioner	11,000.00
Wages and Salaries of Employees	507,550.00
Personal Services	500.00
Travel	750.00
Contractual Services	90,500.00
Supplies and Materials	151,700.00
Capital Outlay	20,000.00
Total	782,000.00

STATE HIGHWAY DEPARTMENT—SAFETY RESPONSIBILITY
DIVISION

Salary of Director	6,300.00
Wages and Salaries of Employees	16,180.00
Travel	600.00
Contractual Services	1,200.00
Supplies and Materials	1,500.00
Capital Outlay	320.00
Total	26,100.00

STATE HIGHWAY DEPARTMENT—STATE POLICE DIVISION

Wages and Salaries of Employees	1,675,000.00
Personal Services	3,800.00
Travel	13,000.00
Contractual Services	131,700.00
Supplies and Materials	155,000.00
Capital Outlay	95,000.00
Pension Fund Contributions	30,000.00
Total	2,103,500.00

STATE HIGHWAY DEPARTMENT—MOTOR FUEL TAX DIVISION

Salary of Director	6,800.00
Wages and Salaries of Employees	25,020.00
Travel	3,500.00
Contractual Services	4,170.00
Supplies and Materials	1,600.00
Capital Outlay	2,910.00
Total	44,000.00

STATE HIGHWAY DEPARTMENT—COMMUNICATIONS DIVISION

Wages and Salaries of Employees	59,500.00
Travel	750.00
Contractual Services	5,550.00
Supplies and Materials	24,500.00
Capital Outlay	7,500.00
Total	97,800.00

STATE HIGHWAY DEPARTMENT—MOSQUITO CONTROL DIVISION

Salary of Superintendent	8,500.00
Wages and Salaries of Employees—New	
Castle County	29,000.00
Wages and Salaries of Employees	70,000.00
Other Personal Services	19,000.00
Travel	600.00
Contractual Services	
New Castle County Program	7,000.00
Other Contractual Services	72,900.00
Supplies and Materials	
New Castle County Program	3,000.00
Other Supplies and Materials	39,100.00
Capital Outlay	
New Castle County Program	3,200.00
Other Capital Outlay	30,000.00
Total	282,300.00
TOTAL HIGHWAYS, POLICE, ETC.	11,056,200.00

MISCELLANEOUS

CUSTODIAN

Salary of Custodian	9,000.00
Wages and Salaries of Employees	195,726.00
Contractual Services	
Repair Boiler—State House	6,000.00
Other Contractual Services	130,000.00
Supplies and Materials	36,000.00
Capital Outlay	8,000.00
Total	384,726.00
TOTAL MISCELLANEOUS	384,726.00

DEBT SERVICE

STATE OBLIGATIONS

Redemptions	15,708,000.00
Interest	6,732,625.00
Total	22,440,625.00

COUNTY OBLIGATIONS

Redemptions	105,000.00
Interest	8,050.00
Total	113,050.00

TOTAL DEBT SERVICE	22,553,675.00
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PENSIONS AND SOCIAL SECURITY

RETIRED AND DISABLED TEACHER'S PENSIONS

Benefits	175,000.00
Total	175,000.00

STATE EMPLOYEES PENSIONS PLAN

Wages and Salaries of Employees	6,700.00
Travel	200.00
Contractual Services	1,000.00
Supplies and Materials	300.00
Capital Outlay	1,000.00
Benefits	2,050,000.00
Survivor's Pension—Spouse	200,000.00
Total	2,259,200.00

STATE SHARE—SOCIAL SECURITY

Contributions	1,836,250.00
Total	1,836,250.00

STATE JUDICIARY RETIREMENT FUND

Contributions	12,382.00
Total	12,382.00

PARAPLEGIC..VETERANS' PENSIONS

Benefits	6,600.00
Total	6,600.00

STATE POLICE RETIREMENT FUND

Personal Services	250.00
Supplies and Materials	250.00
Contributions	323,500.00
Total	324,000.00

TOTAL PENSIONS AND SOCIAL SECURITY ... 4,613,432.00

GRANTS-IN-AID

PENINSULA HORTICULTURAL SOCIETY

Contractual Services	900.00
Total	900.00

CROP IMPROVEMENT ASSOCIATION

Contractual Services	800.00
Total	800.00

MUNICIPALITIES

Street Improvement Aid Funds	1,200,000.00
Total	1,200,000.00

TOTAL GRANTS-IN-AID 1,201,700.00

EMERGENCY FUND

Emergency Fund (Administered by State Budget Commission)	100,000.00
Total	100,000.00
TOTAL EMERGENCY FUND	100,000.00
TOTAL AGENCIES, GRANTS-IN-AID	59,259,937.00

EDUCATION

UNIVERSITY OF DELAWARE

University of Delaware—Operations	5,602,989.00
Diagnostic Poultry Service	10,000.00
General Scholarships	37,500.00
Aid to Needy Students (Section 5520-5524, Title 14, Delaware Code)	57,000.00
Teaching Scholarships (Section 5502, Title 14, Delaware Code)	50,000.00
Scholarship Fund (Section 5501, Title 14, Delaware Code)	50,000.00
Total	5,807,489.00

DELAWARE STATE COLLEGE

Wages and Salaries of Employees	415,000.00
Personal Services	4,000.00
Travel	3,000.00
Contractual Services	102,000.00
Supplies and Materials	70,000.00
Capital Outlay	41,450.00
Scholarships (Section 6510, Title 14, Delaware Code)	50,000.00
Total	685,450.00

STATE BOARD OF EDUCATION

Division I.—SALARIES

A. Board Members	2,700.00
Superintendent (Total \$18,000.00—State \$17,500.00—Other \$500.00)	17,500.00
B. Assistant Superintendents (3)	
1. Business Administration	13,600.00
2. Secondary Education	13,600.00
3. Elementary Education	13,600.00
C. Directors (3)	
1. Research	9,600.00
2. Child Development and Guidance	12,120.00
3. Teacher Certification and Standards	12,600.00
D. Supervisors	
a. with programs (12)	
1. Art	10,040.00
2. Music	10,500.00
3. Physical Education	10,500.00
4. Lunch Program	10,040.00
5. Transportation	8,840.00
6. Science (Total \$10,320.00—State \$5,160.00—Other \$5,160.00)	5,160.00
7. Mathematic (Total \$10,520.00—State \$5,260.00—Other \$5,260.00)	5,260.00
8. Foreign Language (Total \$8,520.00— State \$4,260.00—Other \$4,260.00)	4,260.00
9. Adult Education and Foreign Born	7,920.00
10. English	7,520.00
11. Library	9,640.00
12. Educational Television	7,520.00
b. without programs (11)	
1. Research	10,600.00
2. Rural New Castle County (11 months) ..	9,277.00
3. Rural Kent County (11 months)	9,190.00
4. Rural Sussex County (11 months)	9,277.00

5. Student Driver	8,287.00
6. Transportation	8,920.00
7. Special Schools and Physically Handicapped	9,400.00
8. Certification	8,440.00
9. Business	8,440.00
10. Testing	10,120.00
11. Special Classes	10,600.00
H. Teachers	
1. Music—Rural Schools (10 months)	7,500.00
2. Driver Education (35)	212,200.00
3. A. I. duPont Institute	5,400.00
4. Attendance Officers (4)	26,800.00
5. Psychologists (10)	70,000.00
6. Speech and Hearing (8)	53,280.00
7. Coordinators (2)	15,560.00
8. Homebound	48,800.00
9. Substitutes in Districts	290,000.00
I. Clerical	179,880.00
J. Janitorial	5,700.00
O. Others	
1. E. D. P. Programmer (Total \$6,500.00— State \$1,625.00—Other \$4,875.00)	1,625.00
2. Maintenance	5,550.00
3. Bus Driver and Attendants	105,000.00
4. Coordinator of Data Processing (Total \$10,600.00—State \$3,500.00—Other \$7,100.00)	3,500.00
5. Coordinator of State and Federal Funds (Total \$10,600.00—State \$3,500.00— Other \$7,100.00)	3,500.00
6. School Plant Construction Supervisor	12,600.00
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TOTAL SALARIES	1,341,966.00

Division 11.

Personal Services	5,000.00
Travel	
Reimbursement to Parents	25,000.00
All Other Travel	34,600.00
Contractual Services	
Tuition—Deaf Program	160,000.00
Transportation—Bus Contracts	1,868,900.00
All Other Contractual Services	84,600.00
Supplies and Materials	43,150.00
Capital Outlay	
Films	15,000.00
Automobiles—Driver Education	26,000.00
All Other Capital Outlay	25,575.00
Scholarship Fund (S. B. 23A)	50,000.00
Governor's Committee on Employment of Handicapped	500.00
TOTAL NON-SALARY	2,338,325.00
TOTAL STATE BOARD OF EDUCATION	3,680,291.00

STATE BOARD OF VOCATIONAL EDUCATION—
EDUCATIONAL DIVISION

Division I.—SALARIES

B. Assistant Superintendents (1)

1. Vocational Education (Total \$13,120.00— State \$6,560.00—Other \$6,560.00)	6,560.00
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D. Supervisors

a. with programs (6)

1. Home Economics (Total \$10,040.00— State \$5,020.00—Other \$5,020.00)	5,020.00
2. Agriculture (Total \$10,320.00—State \$5,160.00—Other \$5,160.00)	5,160.00
3. Trades, Industry and Teacher Training (Total \$7,520.00—State \$3,760.00— Other \$3,760.00)	3,760.00
4. Distributive Education (Total \$10,040.00 —State \$5,020.00—Other \$5,020.00) ..	5,020.00

5. Foreman Training (Total \$9,300.00— State \$4,650.00—Other \$4,650.00)	4,650.00
6. Apprentice Training (Total \$7,520.00— State \$3,760.00—Other \$3,760.00)	3,760.00
b. without programs 1)	
1. Home Economics (Total \$10,600.00— State \$5,300.00—Other \$5,300.00)	5,300.00
H. Teachers	
1. Fire School	2,000.00
2. Vocational Program	23,000.00
I. Clerical	14,110.00
TOTAL SALARIES	78,340.00
Division II.	
Personal Services	2,000.00
Travel	5,000.00
Contractual Services	2,000.00
Supplies and Materials	5,000.00
Capital Outlay	2,000.00
TOTAL NON-SALARIES	16,000.00
TOTAL STATE BOARD OF VOCATIONAL EDUCATION—EDUCATIONAL DIVISION	94,340.00
STATE BOARD OF VOCATIONAL EDUCATION— REHABILITATION DIVISION	
Personal Services	20,000.00
Travel	7,000.00
Contractual Services	
Case Service	169,000.00
Other Contractual Services	7,000.00
Supplies and Materials	2,000.00
TOTAL STATE BOARD OF VOCATIONAL EDUCATION—REHABILITATION DIVISION ..	205,000.00

SPECIAL SCHOOL DISTRICTS

For School Year

1964-1965

CAESAR RODNEY

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	5	49,280.00
F. Part-time Principals	1	6,950.00
G. Administrative Assistants	1	10,420.00

Total Administrative Salaries 78,290.00

H. Teachers	126	750,820.00
I. Clerical	8	35,800.00
J. Janitorial	21	87,950.00
K. Health	3½	18,600.00
L. Cafeteria	5	17,600.00

Division II.—OTHER COSTS

A. All Other Costs		103,850.00
General Education	132	102,300.00
Vocational Education	1	1,550.00
B. Capital Outlay		13,400.00
General Education	132	13,200.00
Vocational	1	200.00

Total 1,106,310.00

CAESAR RODNEY TRAINABLE SCHOOL

(Administered by Caesar Rodney)

Division I.—SALARIES

H. Teachers	6	30,200.00
I. Clerical	PT	1,584.00
K. Health	PT	1,650.00
M. Attendants and Aides	4	11,200.00

Division II.—OTHER COSTS

A. All Other Costs		4,650.00
General Education	6	4,650.00

B. Capital Outlay			600.00
General Education	6	600.00	
Total			49,884.00

CLAYMONT

Division I.—SALARIES

A. Chief School Officer		12,600.00
E. Principals	4	40,720.00
F. Vice-Principals	1	8,740.00
G. Administrative Assistants	1	10,820.00

Total Administrative Salaries	72,880.00
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H. Teachers	110	709,000.00
I. Clerical	7	32,600.00
J. Janitorial	21	90,400.00
K. Health	3	16,400.00
L. Cafeteria	5	19,150.00

Division II.—OTHER COSTS

A. All Other Costs		89,125.00
General Education	115	89,125.00
B. Capital Outlay		11,500.00
General Education	115	11,500.00

Total	1,041,055.00
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DOVER

Division I.—SALARIES

A. Chief School Officer		12,600.00
E. Principals	6	61,060.00
G. Administrative Assistants	1	10,420.00

Total Administrative Salaries	84,080.00
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H. Teachers	164	992,700.00
I. Clerical	10	45,300.00
J. Janitorial	23	102,900.00
K. Health	4	19,200.00
L. Cafeteria	5	18,200.00

Division II.—OTHER COSTS

A. All Other Costs			134,850.00
General Education	168	130,200.00	
Vocational Education	2	4,650.00	
B. Capital Outlay			17,400.00
General Education	168	16,800.00	
Vocational Education	2	600.00	
Total			1,414,630.00

ALEXIS I. duPONT

Division I.—SALARIES

A. Chief School Officer		12,600.00
E. Principals	2	20,100.00
F. Vice-Principals	1	8,740.00
G. Administrative Assistants	1	10,220.00

Total Administrative Salaries 51,660.00

H. Teachers	79	511,550.00
I. Clerical	6	26,000.00
J. Janitorial	15	63,650.00
K. Health	2	8,200.00
L. Cafeteria	5	17,400.00

Division II.—OTHER COSTS

A. All Other Costs			63,550.00
General Education	82	63,550.00	
B. Capital Outlay			8,200.00
General Education	82	8,200.00	
Total.....			750,210.00

GEORGETOWN

Division I.—SALARIES

A. Chief School Officer		11,140.00
E. Principals	2	20,560.00

Total Administrative Salaries 31,700.00

H. Teachers	64	396,320.00
I. Clerical	5	22,300.00
J. Janitorial	10	43,400.00
K. Health	2	10,400.00
L. Cafeteria	1	2,900.00

Division II.—OTHER COSTS

A. All Other Costs		52,700.00
General Education	66	51,150.00
Vocational Education	1	1,550.00
B. Capital Outlay		6,800.00
General Education	66	6,600.00
Vocational Education	1	200.00
Total.....		566,520.00

HARRINGTON

Division I.—SALARIES

A. Chief School Officer		11,140.00
E. Principals	2	20,640.00
F. Part-time Principals	1	6,800.00

Total Administrative Salaries 38,580.00

H. Teachers	49	310,800.00
I. Clerical	4	18,800.00
J. Janitorial	10	45,400.00
K. Health	11½	7,700.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		43,400.00
General Education	52	40,300.00
Vocational Education	2	3,100.00
B. Capital Outlay		5,600.00
General Education	52	5,200.00
Vocational Education	2	400.00
Total		473,980.00

LAUREL

Division I.—SALARIES

A. Chief School Officer		12,120.00
E. Principals	4	39,040.00
F. Vice-Principals	1	8,740.00
G. Administrative Assistants	1	10,820.00

Total Administrative Salaries 70,720.00

II. Teachers	84	525,860.00
I. Clerical	6	27,300.00
J. Janitorial	16	73,350.00
K. Health	2½	11,600.00
L. Cafeteria	2	7,400.00

Division II.—OTHER COSTS

A. All Other Costs		72,075.00
General Education	89	68,975.00
Vocational Education	2	3,100.00
B. Capital Outlay		9,300.00
General Education	89	8,900.00
Vocational Education	2	400.00

Total 797,605.00

LEWES

Division I.—SALARIES

A. Chief School Officer		11,620.00
E. Principals	2	20,840.00
F. Part-time Principals	1	7,400.00

Total Administrative Salaries 39,860.00

H. Teachers	54	355,400.00
I. Clerical	4	17,900.00
J. Janitorial	10	41,550.00
K. Health	1½	7,950.00
L. Cafeteria	2	7,050.00

Division II.—OTHER COSTS

A. All Other Costs			45,725.00
General Education	57	44,175.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			5,900.00
General Education	57	5,700.00	
Vocational Education	1	200.00	
Total			521,335.00

MILFORD

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	5	48,700.00
G. Administrative Assistants	1	10,820.00

Total Administrative Salaries 71,160.00

H. Teachers	116	707,520.00
I. Clerical	8	34,400.00
J. Janitorial	24	102,650.00
K. Health	3	16,000.00
L. Cafeteria	5	16,400.00

Division II.—OTHER COSTS

A. All Other Costs			96,875.00
General Education	121	93,775.00	
Vocational Education	2	3,100.00	
B. Capital Outlay			12,500.00
General Education	121	12,100.00	
Vocational Education	2	400.00	
Total			1,057,505.00

MOUNT PLEASANT

Division I.—SALARIES

A. Chief School Officer		12,120.00
E. Principals	6	61,600.00

F. Vice-Principals	1	8,940.00
G. Administrative Assistants	1	10,820.00

Total Administrative Salaries	93,480.00	
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H. Teachers	211	1,396,920.00
I. Clerical	12	54,700.00
J. Janitorial	34	139,200.00
K. Health	7	35,400.00
L. Cafeteria	7	25,800.00

Division II.—OTHER COSTS

A. All Other Costs			170,500.00
General Education	218	168,950.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			22,000.00
General Education	218	21,800.00	
Vocational Education	1	200.00	

Total	1,938,000.00
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NEW CASTLE

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	7	72,100.00
F. Vice-Principals	2	19,140.00
G. Administrative Assistants	1	10,820.00

Total Administrative Salaries	113,700.00	
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H. Teachers	219	1,334,760.00
I. Clerical	13	58,100.00
J. Janitorial	31	134,400.00
K. Health	7	33,600.00
L. Cafeteria	8	28,100.00

Division II.—OTHER COSTS

A. All Other Costs			178,250.00
General Education	228	176,700.00	
Vocational Education	1	1,550.00	

B. Capital Outlay			23,000.00
General Education	228	22,800.00	
Vocational Education	1	200.00	
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Total			1,903,910.00

NEWARK

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	11	115,560.00
F. Vice-Principals	2	18,840.00
G. Administrative Assistants	2	21,640.00

Total Administrative Salaries 167,680.00

H. Teachers	384	2,394,860.00
I. Clerical	21	88,950.00
J. Janitorial	53	221,920.00
K. Health	11	51,700.00
L. Cafeteria	11	37,650.00
M. Attendants and Aides	1	2,400.00

Division II.—OTHER COSTS

A. All Other Costs			310,775.00
General Education	397	307,675.00	
Vocational Education	2	3,100.00	
B. Capital Outlay			40,100.00
General Education	397	39,700.00	
Vocational Education	2	400.00	

Total 3,316,035.00

REHOBOTH

Division I.—SALARIES

A. Chief School Officer		11,100.00
F. Part-time Principals	2	14,970.00

Total Administrative Salaries 26,070.00

H. Teachers	18	123,600.00
I. Clerical	2	9,634.00

J. Janitorial	5	21,700.00
K. Health	1	5,400.00
L. Cafeteria	1	3,500.00

Division II.—OTHER COSTS

A. All Other Costs			15,500.00
General Education	20	15,500.00	
B. Capital Outlay			2,000.00
General Education	20	2,000.00	
Total			207,404.00

SEAFORD

Division I.—SALARIES

A. Chief School Officer		12,600.00
E. Principals	5	49,940.00
F. Vice-Principals	1	9,320.00
G. Administrative Assistants	1	10,820.00

Total Administrative Salaries 82,680.00

H. Teachers	131	818,440.00
I. Clerical	8	36,200.00
J. Janitorial	22	99,750.00
K. Health	3½	18,700.00
L. Cafeteria	5	17,750.00
M. Attendants and Aides	1	2,550.00

Division II.—OTHER COSTS

A. All Other Costs			107,725.00
General Education	137	106,175.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			13,900.00
General Education	137	13,700.00	
Vocational Education	1	200.00	

Total 1,197,695.00

SMYRNA

Division I.—SALARIES

A. Chief School Officer		12,120.00
E. Principals	4	39,440.00
G. Administrative Assistants	1	10,820.00

Total Administrative Salaries	62,380.00	
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H. Teachers	91	586,800.00
I. Clerical	7	30,800.00
J. Janitorial	18	76,250.00
K. Health	2½	12,800.00
L. Cafeteria	5	21,050.00
M. Attendants and Aides	1	2,600.00

Division II.—OTHER COSTS

A. All Other Costs		73,625.00
General Education	95	73,625.00
B. Capital Outlay		9,500.00
General Education	95	9,500.00

Total	875,805.00	
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TOTAL SPECIAL SCHOOL DISTRICTS	17,217,883.00
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LOCAL SCHOOL DISTRICTS

GUNNING BEDFORD, JR. SCHOOL NO. 53

Division I.—SALARIES

A. Chief School Officer		11,620.00
E. Principals	2	19,960.00

Total Administrative Salaries	31,580.00	
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H. Teachers	41	239,400.00
I. Clerical	3	14,400.00
J. Janitorial	12	53,000.00
K. Health	1½	6,600.00
L. Cafeteria	3	9,300.00

Division II.—OTHER COSTS

A. All Other Costs			33,325.00
General Education	43	33,325.00	
B. Capital Outlay			4,300.00
General Education	43	4,300.00	
Total			391,905.00

HENRY C. CONRAD SCHOOL NO. 131

Division I.—SALARIES

A. Chief School Officer		11,195.00
F. Vice-Principals	1	9,320.00

Total Administrative Salaries 20,515.00

H. Teachers	52	330,400.00
I. Clerical	4	18,000.00
J. Janitorial	8	29,670.00
K. Health	1½	7,200.00
L. Cafeteria	1	3,050.00

Division II.—OTHER COSTS

A. All Other Costs			42,625.00
General Education	53	41,075.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			5,500.00
General Education	53	5,300.00	
Vocational Education	1	200.00	
Total			456,960.00

JOHN DICKINSON NO. 133

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	1	11,020.00
F. Vice-Principals	1	8,840.00

Total Administrative Salaries 31,500.00

H. Teachers	65	397,880.00
I. Clerical	5	21,700.00
J. Janitorial	9	36,900.00
K. Health	2	8,200.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs			53,475.00
General Education	67	51,925.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			6,900.00
General Education	67	6,700.00	
Vocational Education	1	200.00	
Total			560,255.00

ALFRED I. duPONT SCHOOL NO. 7

Division I.—SALARIES

A. Chief School Officer		11,100.00
E. Principals	7	73,160.00
F. Part-time Principals	1	8,200.00
F. Vice-Principals	1	7,400.00
G. Administrative Assistants	1	10,340.00
Total Administrative Salaries		110,200.00

H. Teachers	258	1,695,400.00
I. Clerical	15	67,117.00
J. Janitorial	51	216,300.00
K. Health	7	35,600.00
L. Cafeteria	9	29,600.00

Division II.—OTHER COSTS

A. All Other Costs			206,925.00
General Education	267	206,925.00	
B. Capital Outlay			26,700.00
General Education	267	26,700.00	
Total			2,387,842.00

C. W. BUSH TRAINABLE SCHOOL
(Administered by Alfred I. duPont)

Division I.—SALARIES

E. Principals	1	7,800.00
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Total Administrative Salaries	7,800.00	
H. Teachers	6	36,400.00
I. Clerical	PT	1,500.00
J. Janitorial	1	4,400.00
K. Health	1	3,800.00
M. Attendants and Aides	4	10,600.00

Division II.—OTHER COSTS

A. All Other Costs		5,425.00
General Education	7	5,425.00
B. Capital Outlay		700.00
General Education	7	700.00
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Total		70,625.00

MARSHALLTON SCHOOL NO. 77

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	3	30,700.00
G. Administrative Assistants	1	10,340.00
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Total Administrative Salaries	52,680.00	

H. Teachers	107	667,300.00
I. Clerical	7	30,500.00
J. Janitorial	14	65,550.00
K. Health	3	14,600.00
L. Cafeteria	3	10,050.00

Division II.—OTHER COSTS

A. All Other Costs		85,250.00
General Education	110	85,250.00
B. Capital Outlay		11,000.00
General Education	110	11,000.00
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Total		936,930.00

H. Teachers	65	397,880.00
I. Clerical	5	21,700.00
J. Janitorial	9	36,900.00
K. Health	2	8,200.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs			53,475.00
General Education	67	51,925.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			6,900.00
General Education	67	6,700.00	
Vocational Education	1	200.00	
Total			560,255.00

ALFRED I. duPONT SCHOOL NO. 7

Division I.—SALARIES

A. Chief School Officer		11,100.00
E. Principals	7	73,160.00
F. Part-time Principals	1	8,200.00
F. Vice-Principals	1	7,400.00
G. Administrative Assistants	1	10,340.00
Total Administrative Salaries		110,200.00

H. Teachers	258	1,695,400.00
I. Clerical	15	67,117.00
J. Janitorial	51	216,300.00
K. Health	7	35,600.00
L. Cafeteria	9	29,600.00

Division II.—OTHER COSTS

A. All Other Costs			206,925.00
General Education	267	206,925.00	
B. Capital Outlay			26,700.00
General Education	267	26,700.00	
Total			2,387,842.00

C. W. BUSH TRAINABLE SCHOOL
(Administered by Alfred I. duPont)

Division I.—SALARIES

E. Principals	1	7,800.00
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Total Administrative Salaries	7,800.00	
H. Teachers	6	36,400.00
I. Clerical	PT	1,500.00
J. Janitorial	1	4,400.00
K. Health	1	3,800.00
M. Attendants and Aides	4	10,600.00

Division II.—OTHER COSTS

A. All Other Costs		5,425.00
General Education	7	5,425.00
B. Capital Outlay		700.00
General Education	7	700.00
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Total.....		70,625.00

MARSHALLTON SCHOOL NO. 77

Division I.—SALARIES

A. Chief School Officer		11,640.00
E. Principals	3	30,700.00
G. Administrative Assistants	1	10,340.00
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Total Administrative Salaries	52,680.00	

H. Teachers	107	667,300.00
I. Clerical	7	30,500.00
J. Janitorial	14	65,550.00
K. Health	3	14,600.00
L. Cafeteria	3	10,050.00

Division II.—OTHER COSTS

A. All Other Costs		85,250.00
General Education	110	85,250.00
B. Capital Outlay		11,000.00
General Education	110	11,000.00
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Total		936,930.00

MIDDLETOWN SCHOOL NO. 60

Division I.—SALARIES

A. Chief School Officer		11,140.00
E. Principals	1	10,340.00

Total Administrative Salaries	21,480.00	
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H. Teachers	48	307,260.00
I. Clerical	4	17,400.00
J. Janitorial	9	36,075.00
K. Health	1½	7,500.00
L. Cafeteria	1	4,300.00

Division II.—OTHER COSTS

A. All Other Costs			39,525.00
General Education	49	37,975.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			5,100.00
General Education	49	4,900.00	
Vocational Education	1	200.00	

Total.....		438,640.00
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NEWPORT SCHOOL NO. 21

Division I.—SALARIES

A. Chief School Officer		11,620.00
E. Principals	2	20,360.00

Total Administrative Salaries	31,980.00	
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H. Teachers	63	389,600.00
I. Clerical	5	22,800.00
J. Janitorial	8	35,050.00
K. Health	2	9,740.00
L. Cafeteria	1	3,500.00

Division II.—OTHER COSTS

A. All Other Costs			50,375.00
General Education	65	50,375.00	

B. Capital Outlay			6,500.00
General Education	65	6,500.00	
Total			549,545.00

OAK GROVE SCHOOL NO. 130

Division I.—SALARIES

A. Chief School Officer		12,120.00
E. Principals	3	30,200.00
G. Administrative Assistants	1	10,820.00
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Total Administrative Salaries	53,140.00	

H. Teachers	74	445,700.00
I. Clerical	6	24,000.00
J. Janitorial	10	44,450.00
K. Health	2	10,000.00
L. Cafeteria	2	7,200.00

Division II.—OTHER COSTS

A.	All Other Costs			59,675.00
	General Education	77	59,675.00	
B.	Capital Outlay			7,700.00
	General Education	77	7,700.00	
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			Total	651,865.00

ODESSA SCHOOL NO. 61

Division I.—SALARIES

A. Chief School Officer		7,200.00
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Total Administrative Salaries	7,200.00	
H. Teachers	5	31,400.00
I. Clerical	PT	1,000.00
J. Janitorial	1	4,500.00
K. Health	PT	1,200.00
L. Cafeteria	1	3,050.00

Division II.—OTHER COSTS

A. All Other Costs		4,650.00
General Education	6	4,650.00

MIDDLETOWN SCHOOL NO. 60

Division I.—SALARIES

A. Chief School Officer		11,140.00
E. Principals	1	10,340.00

Total Administrative Salaries	21,480.00	
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H. Teachers	48	307,260.00
I. Clerical	4	17,400.00
J. Janitorial	9	36,075.00
K. Health	1½	7,500.00
L. Cafeteria	1	4,300.00

Division II.—OTHER COSTS

A. All Other Costs		39,525.00
General Education	49	37,975.00
Vocational Education	1	1,550.00

B. Capital Outlay		5,100.00
General Education	49	4,900.00
Vocational Education	1	200.00

Total.....	438,640.00	
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NEWPORT SCHOOL NO. 21

Division I.—SALARIES

A. Chief School Officer		11,620.00
E. Principals	2	20,360.00

Total Administrative Salaries	31,980.00	
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H. Teachers	63	389,600.00
I. Clerical	5	22,800.00
J. Janitorial	8	35,050.00
K. Health	2	9,740.00
L. Cafeteria	1	3,500.00

Division II.—OTHER COSTS

A. All Other Costs		50,375.00
General Education	65	50,375.00

B. Capital Outlay			6,500.00
General Education	65	6,500.00	
Total			549,545.00

OAK GROVE SCHOOL NO. 130

Division I.—SALARIES

A. Chief School Officer		12,120.00
E. Principals	3	30,200.00
G. Administrative Assistants	1	10,820.00
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Total Administrative Salaries	53,140.00	

H. Teachers	74	445,700.00
I. Clerical	6	24,000.00
J. Janitorial	10	44,450.00
K. Health	2	10,000.00
L. Cafeteria	2	7,200.00

Division II.—OTHER COSTS

A.	All Other Costs			59,675.00
	General Education	77	59,675.00	
B.	Capital Outlay			7,700.00
	General Education	77	7,700.00	
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		Total		651,865.00

ODESSA SCHOOL NO. 61

Division I.—SALARIES

A. Chief School Officer		7,200.00
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Total Administrative Salaries	7,200.00	
H. Teachers	5	31,400.00
I. Clerical	PT	1,000.00
J. Janitorial	1	4,500.00
K. Health	PT	1,200.00
L. Cafeteria	1	3,050.00

Division II.—OTHER COSTS

A. All Other Costs		4,650.00
General Education	6	4,650.00

B. Capital Outlay			600.00
General Education	6	600.00	
Total			58,600.00

RICHARDSON PARK SCHOOL NO. 20

Division I.—SALARIES

A. Chief School Officer		11,140.00
E. Principals	1	7,800.00
Total Administrative Salaries		18,940.00

H. Teachers	41	241,800.00
I. Clerical	3	11,900.00
J. Janitorial	6	26,500.00
K. Health	1	5,400.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		32,550.00
General Education	42	32,550.00
B. Capital Outlay		4,200.00
General Education	42	4,200.00
Total		344,990.00

ROSE HILL-MINQUADALE NO. 47

Division I.—SALARIES

A. Chief School Officer		12,600.00
E. Principals	7	68,480.00
G. Administrative Assistants	1	10,820.00
Total Administrative Salaries		91,900.00

H. Teachers	187	1,150,700.00
I. Clerical	11	45,700.00
J. Janitorial	28	114,400.00
K. Health	5	24,400.00
L. Cafeteria	7	24,150.00

Division II.—OTHER COSTS

A. All Other Costs			151,900.00
General Education	194	150,350.00	
Vocational Education	1	1,550.00	
B. Capital Outlay			19,600.00
General Education	194	19,400.00	
Vocational Education	1	200.00	
Total			1,622,750.00

JOHN G. LEACH

(Administered by Rose Hill-Minquadale No. 47)

Division I.—SALARIES

E. Principals	1	7,920.00
Total Administrative Salaries		7,920.00
H. Teachers	6	33,800.00
I. Clerical	1	3,667.00
J. Janitorial	1	3,800.00
K. Health	1	5,600.00
M. Attendants and Aides	6	15,125.00

Division II.—OTHER COSTS

A. All Other Costs			5,425.00
General Education	7	5,425.00	....
B. Capital Outlay			700.00
General Education	7	700.00	
Total			76,037.00

STANTON SCHOOL NO. 38

Division I.—SALARIES

A. Chief School Officer		12,120.00
E. Principals	4	42,180.00
F. Vice-Principals	1	9,040.00
G. Administrative Assistants	1	10,620.00
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Total Administrative Salaries	73,960.00	

H. Teachers	124	740,800.00
I. Clerical	8	34,700.00
J. Janitorial	17	72,750.00
K. Health	3	14,400.00
L. Cafeteria	5	16,250.00

Division II.—OTHER COSTS

A. All Other Costs		99,975.00
General Education	129	99,975.00
B. Capital Outlay		12,900.00
General Education	129	12,900.00
Total		1,065,735.00

TOWNSEND SCHOOL NO. 81

Division I.—SALARIES

A. Chief School Officer	10,620.00
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Total Administrative Salaries	10,620.00
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H. Teachers	14	80,600.00
I. Clerical	1	4,700.00
J. Janitorial	2	9,000.00
K. Health	PT	2,800.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		10,850.00
General Education	14	10,850.00
B. Capital Outlay		1,400.00
General Education	14	1,400.00
Total		123,670.00

MIDDLETOWN NO. 120

Division I.—SALARIES

A. Chief School Officer		11,600.00
E. Principals	1	8,520.00

Total Administrative Salaries	20,120.00
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H. Teachers	30	190,440.00
I. Clerical	3	13,600.00
J. Janitorial	5	22,600.00
K. Health	1	6,000.00
L. Cafeteria	1	4,400.00

Division II.—OTHER COSTS

A. All Other Costs		25,575.00
General Education	31	24,025.00
Vocational Education	1	1,550.00
B. Capital Outlay		3,300.00
General Education	31	3,100.00
Vocational Education	1	200.00

Total 286,035.00

NEWPORT SCHOOL NO. 106

Division I.—SALARIES

A. Chief School Officer	7,200.00
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Total Administrative Salaries 7,200.00

H. Teachers	7	47,800.00
I. Clerical	PT	1,500.00
J. Janitorial	3	12,200.00
K. Health	PT	1,600.00
L. Cafeteria	1	2,900.00

Division II.—OTHER COSTS

A. All Other Costs		6,200.00
General Education	8	6,200.00
B. Capital Outlay		800.00
General Education	8	800.00

Total 80,200.00

FELTON SCHOOL NO. 54

Division I.—SALARIES

A. Chief School Officer		11,600.00
E. Principals	2	18,680.00

Total Administrative Salaries 30,280.00

H. Teachers	34	206,400.00
I. Clerical	3	13,600.00
J. Janitorial	6	24,600.00
K. Health	1	4,800.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		29,450.00
General Education	36	27,900.00
Vocational Education	1	1,550.00
B. Capital Outlay		3,800.00
General Education	36	3,600.00
Vocational Education	1	200.00

Total 316,630.00

FREDERICA SCHOOL NO. 32

Division I.—SALARIES

A. Chief School Officer	8,200.00
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Total Administrative Salaries 8,200.00

H. Teachers	10	54,000.00
I. Clerical	PT	1,800.00
J. Janitorial	2	8,850.00
K. Health	PT	2,200.00
L. Cafeteria	1	2,900.00

Division II.—OTHER COSTS

A. All Other Costs		8,525.00
General Education	11	8,525.00
B. Capital Outlay		1,100.00
General Education	11	1,100.00

Total 87,575.00

HARTLY SCHOOL NO. 96

Division I.—SALARIES

A. Chief School Officer	7,600.00
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Total Administrative Salaries 7,600.00

H. Teachers	9	52,400.00
I. Clerical	PT	1,800.00
J. Janitorial	1	4,300.00
K. Health	PT	2,000.00
L. Cafeteria	1	3,150.00

Division II.—OTHER COSTS

A. All Other Costs		7,750.00
General Education	10	7,750.00
B. Capital Outlay		1,000.00
General Education	10	1,000.00
Total		80,000.00

HOUSTON SCHOOL NO. 125

Division I.—SALARIES

A. Chief School Officer	7,700.00
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Total Administrative Salaries 7,700.00

H. Teachers	3	14,800.00
I. Clerical	PT	1,000.00
J. Janitorial	1	4,700.00
K. Health	PT	800.00
L. Cafeteria	1	3,450.00

Division II.—OTHER COSTS

A. All Other Costs		3,100.00
General Education	4	3,100.00
B. Capital Outlay		400.00
General Education	4	400.00
Total		35,950.00

MAGNOLIA SCHOOL NO. 50

Division I.—SALARIES

A. Chief School Officer	7,600.00
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Total Administrative Salaries 7,600.00

H. Teachers	6	37,600.00
I. Clerical	PT	1,000.00
J. Janitorial	1	4,200.00
K. Health	PT	1,400.00
L. Cafeteria	1	2,450.00

Division II.—OTHER COSTS

A. All Other Costs			5,425.00
General Education	7	5,425.00	
B. Capital Outlay			700.00
General Education	7	700.00	
Total			60,375.00

WILLIAM W. M. HENRY SCHOOL NO. 133

Division I.—SALARIES

A. Chief School Officer		11,620.00
E. Principals	1	10,040.00
F. Vice-Principals	1	9,320.00

Total Administrative Salaries	30,980.00
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H. Teachers	38	234,700.00
I. Clerical	3	12,200.00
J. Janitorial	9	38,250.00
K. Health	1	4,200.00
L. Cafeteria	1	5,500.00

Division II.—OTHER COSTS

A. All Other Costs			35,650.00
General Education	38	29,450.00	
Vocational Education	3	6,200.00	
B. Capital Outlay			4,600.00
General Education	38	3,800.00	
Vocational Education	3	800.00	
Total			366,080.00

BRIDGEVILLE SCHOOL NO. 90

Division I.—SALARIES

A. Chief School Officer		11,600.00
E. Principals	1	9,440.00

Total Administrative Salaries	21,040.00	
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H. Teachers	31	212,600.00
I. Clerical	3	12,200.00
J. Janitorial	6	26,600.00
K. Health	1	3,600.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		24,800.00
General Education	32	24,800.00
B. Capital Outlay		3,200.00
General Education	32	3,200.00

Total	307,740.00	
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BLADES SCHOOL NO. 172

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	3	21,600.00
I. Clerical	PT	1,000.00
J. Janitorial	1	4,500.00
K. Health	PT	800.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		3,100.00
General Education	4	3,100.00
B. Capital Outlay		400.00
General Education	4	400.00

Total	42,700.00	
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JOHN M. CLAYTON NO. 97

Division I.—SALARIES

A. Chief School Officer		10,770.00
E. Principals	1	9,400.00

Total Administrative Salaries 20,170.00

H. Teachers	26	157,600.00
I. Clerical	2	10,000.00
J. Janitorial	6	27,800.00
K. Health	1	5,600.00
L. Cafeteria	1	3,050.00

Division II.—OTHER COSTS

A. All Other Costs		20,925.00
General Education	27	20,925.00
B. Capital Outlay		2,700.00
General Education	27	2,700.00

Total 247,845.00

DELMAR SCHOOL NO. 163

Division I.—SALARIES

A. Chief School Officer		11,120.00
E. Principals	1	9,840.00

Total Administrative Salaries 20,960.00

H. Teachers	30	188,000.00
I. Clerical	3	12,400.00
J. Janitorial	7	29,600.00
K. Health	1	3,400.00
L. Cafeteria	1	3,650.00

Division II.—OTHER COSTS

A. All Other Costs		24,025.00
General Education	31	24,025.00
B. Capital Outlay		3,100.00
General Education	31	3,100.00

Total 285,135.00

ELLENDALE SCHOOL NO. 125

Division I.—SALARIES

A. Chief School Officer		7,700.00
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Total Administrative Salaries	7,700.00	
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H. Teachers	4	24,400.00
I. Clerical	PT	1,000.00
J. Janitorial	1	4,700.00
K. Health	PT	1,000.00
L. Cafeteria	1	3,500.00

Division II.—OTHER COSTS

A. All Other Costs		3,875.00
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General Education	5	3,875.00
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B. Capital Outlay		500.00
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General Education	5	500.00
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Total		46,675.00
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GREENWOOD SCHOOL NO. 91

Division I.—SALARIES

A. Chief School Officer		10,640.00
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Total Administrative Salaries	10,640.00	
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H. Teachers	28	177,120.00
I. Clerical	2	9,800.00
J. Janitorial	6	26,400.00
K. Health	1	5,600.00
L. Cafeteria	1	3,650.00

Division II.—OTHER COSTS

A. All Other Costs		21,700.00
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General Education	28	21,700.00
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B. Capital Outlay		2,800.00
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General Education	28	2,800.00
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Total		257,710.00
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GUMBORO SCHOOL NO. 37

Division I.—SALARIES

A. Chief School Officer		7,100.00
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Total Administrative Salaries	7,100.00	
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H. Teachers	3	17,800.00
I. Clerical	PT	1,000.00
J. Janitorial	1	3,400.00
K. Health	PT	800.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		3,100.00
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General Education	4	3,100.00
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B. Capital Outlay		400.00
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General Education	4	400.00
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Total		37,300.00
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LINCOLN SCHOOL NO. 3

Division I.—SALARIES

A. Chief School Officer		8,200.00
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Total Administrative Salaries	8,200.00	
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H. Teachers	5	33,000.00
I. Clerical	PT	1,000.00
J. Janitorial	1	4,050.00
K. Health	PT	1,200.00
L. Cafeteria	1	2,900.00

Division II.—OTHER COSTS

A. All Other Costs		4,650.00
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General Education	6	4,650.00
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B. Capital Outlay		600.00
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General Education	6	600.00
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Total		55,600.00
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LORD BALTIMORE SCHOOL NO. 28

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	20	132,400.00
I. Clerical	1	5,600.00
J. Janitorial	5	21,700.00
K. Health	1	5,600.00
L. Cafeteria	1	4,550.00

Division II.—OTHER COSTS

A. All Other Costs		17,050.00
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General Education	20	15,500.00
Vocational Education	1	1,550.00

B. Capital Outlay		2,200.00
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General Education	20	2,000.00
Vocational Education	1	200.00

Total		199,240.00
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MILLSBORO SCHOOL NO. 23

Division I.—SALARIES

A. Chief School Officer		10,770.00
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E. Principals	2	17,320.00
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Total Administrative Salaries	28,090.00	
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H. Teachers	34	205,060.00
I. Clerical	3	14,000.00
J. Janitorial	6	26,150.00
K. Health	1	4,400.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		29,450.00
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General Education	36	27,900.00
Vocational Education	1	1,550.00

B. Capital Outlay		3,800.00
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General Education	36	3,600.00
Vocational Education	1	200.00

Total		314,650.00
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MILTON SCHOOL NO. 8

Division I.—SALARIES

A. Chief School Officer		11,120.00
E. Principals	1	9,440.00

Total Administrative Salaries		20,560.00
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H. Teachers	30	190,600.00
I. Clerical	3	14,300.00
J. Janitorial	6	26,500.00
K. Health	1	5,600.00
L. Cafeteria	1	3,650.00

Division II.—OTHER COSTS

A. All Other Costs		24,025.00
General Education	31	24,025.00
B. Capital Outlay		3,100.00
General Education	31	3,100.00

Total		288,335.00
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SELBYVILLE SCHOOL NO. 32

Division I.—SALARIES

A. Chief School Officer		10,620.00
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Total Administrative Salaries		10,620.00
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H. Teachers	21	134,520.00
I. Clerical	2	10,000.00
J. Janitorial	5	21,650.00
K. Health	1	4,200.00
L. Cafeteria	1	3,700.00

Division II.—OTHER COSTS

A. All Other Costs		17,825.00
General Education	21	16,275.00
Vocational Education	1	1,550.00

B. Capital Outlay			2,300.00
General Education	21	2,100.00	
Vocational Education	1	200.00	
Total			204,815.00

SUSSEX COUNTY VOCATIONAL TECHNICAL CENTER

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	18	127,440.00	
I. Clerical	1	5,600.00	
J. Janitorial	4	13,850.00	

Division II.—OTHER COSTS

A. All Other Costs			41,850.00
Vocational Education	18	41,850.00	
B. Capital Outlay			5,400.00
Vocational Education	18	5,400.00	

Total			204,280.00
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BRIDGEVILLE SCHOOL NO. 220

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	88,800.00	
I. Clerical	1	4,000.00	
J. Janitorial	2	7,700.00	
K. Health	1	3,800.00	
L. Cafeteria	1	4,550.00	

Division II.—OTHER COSTS

A. All Other Costs			11,625.00
General Education	15	11,625.00	

B. Capital Outlay			1,500.00
General Education	15	1,500.00	
Total			181,395.00

FRANKFORD SCHOOL NO. 206

Division I.—SALARIES

A. Chief School Officer			10,620.00
Total Administrative Salaries			10,620.00
H. Teachers	13		72,600.00
I. Clerical	1		4,400.00
J. Janitorial	2		9,000.00
K. Health	PT		2,600.00
L. Cafeteria	1		3,700.00

Division II.—OTHER COSTS

A. All Other Costs			10,075.00
General Education	13	10,075.00	
B. Capital Outlay			1,300.00
General Education	13	1,300.00	
Total			114,295.00

WILLIAM C. JASON SCHOOL NO. 192

Division I.—SALARIES

A. Chief School Officer			11,140.00
E. Principals	2		20,760.00
Total Administrative Salaries			31,900.00
H. Teachers	56		342,520.00
I. Clerical	4		17,600.00
J. Janitorial	10		41,750.00
K. Health	11½		8,100.00
L. Cafeteria	1		3,950.00

Division II.—OTHER COSTS

A. All Other Costs			57,350.00
General Education	52	40,300.00	
Vocational Education	8	17,050.00	

B. Capital Outlay			7,400.00
General Education	52	5,200.00	
Vocational Education	8	2,200.00	
Total			510,570.00

MILLSBORO SCHOOL NO. 204

Division I.—SALARIES

A. Chief School Officer			10,140.00
Total Administrative Salaries			10,140.00

H. Teachers	13	81,400.00
I. Clerical	1	4,400.00
J. Janitorial	2	8,050.00
K. Health	PT	2,600.00
L. Cafeteria	1	3,350.00

Division II.—OTHER COSTS

A. All Other Costs			10,075.00
General Education	13	10,075.00	
B. Capital Outlay			1,300.00
General Education	13	1,300.00	
Total			121,315.00

SCHOOL FOR TRAINABLES

(Administered by State Board of Education)

Division I.—SALARIES

H. Teachers	6	28,500.00
I. Clerical	1	3,400.00
J. Janitorial	PT	1,400.00
K. Health	1	3,400.00
M. Attendants and Aides	4	10,200.00

Division II.—OTHER COSTS

A. All Other Costs			9,300.00
General Education	12	9,300.00	
B. Capital Outlay			1,200.00
General Education	12	1,200.00	
Total			57,400.00

SELBYVILLE SCHOOL NO. 210

Division I.—SALARIES

A. Chief School Officer		8,595.00
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Total Administrative Salaries	8,595.00	
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H. Teachers	12	72,800.00
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I. Clerical	1	4,400.00
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J. Janitorial	2	8,150.00
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K. Health	1	5,200.00
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L. Cafeteria	1	3,200.00
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Division II.—OTHER COSTS

A. All Other Costs		9,300.00
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General Education	12	9,300.00
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B. Capital Outlay		1,200.00
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General Education	12	1,200.00
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Total		112,845.00
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A-2-3- TEACHER SCHOOLS

Division I.—SALARIES

H. Teachers	58	369,000.00
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I. Clerical	PT	9,000.00
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J. Janitorial	PT	22,550.00
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K. Health	PT	12,200.00
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L. Cafeteria	4	10,450.00
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Division II.—OTHER COSTS

A. All Other Costs		44,950.00
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General Education	58	44,950.00
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B. Capital Outlay		5,800.00
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General Education	58	5,800.00
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Total		473,950.00
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TOTAL LOCAL SCHOOL DISTRICTS		15,057,989.00
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WILMINGTON BOARD OF EDUCATION

Division I.—SALARIES

A. Superintendent		12,600.00
B. Assistant Superintendents (2)		
1. Elementary Education		13,600.00
2. Secondary Education		13,100.00
C. Directors (3)		
1. Research		12,600.00
2. Child Development and Guidance		12,120.00
3. Personnel and Child Accounting		12,120.00
D. Supervisors—with program (14)		
1. School Lunch		10,520.00
2. Maintenance		10,520.00
3. Library		8,767.00
4. Art		8,767.00
5. Music		8,767.00
6. Special Education		8,767.00
7. Physical Education		9,167.00
8. English		8,767.00
9. Social Science		9,167.00
10. Business Education		7,600.00
11. Home Economics		8,367.00
12. Science		9,167.00
13. Mathematics		9,167.00
14. Foreign Language		8,767.00
E. Principals (18)		190,140.00
F. Vice-Principals (3)		27,900.00
G. Administrative Assistants (2)		
1. Business Administrator		10,340.00
2. Vocational Education		10,820.00

Total Administrative Salaries 441,617.00

H. Teachers

1. General Education	628	4,080,100.00
2. Vocational Education	29	203,000.00
3. Visiting Teachers	3	21,000.00
4. Psychologists	5	38,800.00
5. Speech and Hearing	5	36,000.00
6. Homebound Instruction		4,000.00

I. Clerical (55)		260,534.00
J. Janitorial (103)		438,200.00
K. Health (24½)		131,220.00
L. Cafeteria (17)		58,650.00
M. Trainable Attendants (6)		16,600.00
Total Division I.—SALARIES	5,729,721.00	
Division II.—OTHER COSTS		
A. All Other Costs		568,850.00
General Education	649	502,975.00
Vocational Education	29	65,875.00
B. Capital Outlay		73,600.00
General Education	649	64,900.00
Vocational Education	29	8,700.00
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TOTAL WILMINGTON BOARD OF		
EDUCATION		6,372,171.00
EDUCATIONAL CONTINGENCY FUNDS		
A. Public Education Growth and Upgrading		
(Administered by Budget Director)		1,800,000.00
B. Public Education—Matching Funds for Perk-		
ins Bill (Administered by State Budget		
Commission)		50,000.00
TOTAL EDUCATION		50,970,613.00
GRAND TOTAL AGENCIES,		
EDUCATION, ETC.		110,230,550.00

Section 2. Of the sum appropriated to the State Tax Department pursuant to Section 1 of this Act, \$25,000.00 thereof shall be paid from the Capital Investment Fund.

Section 3. 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 casual 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 appropriation.

(1) The revenue anticipation notes or certificates shall be numbered consecutively in such denominations and in such form as the Commission provided for under the provisions of subsection (5) of this Section shall determine.

(2) They shall be payable at any period not exceeding one (1) year from 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, principals and interest thereon shall be paid by the State Treasurer. There is appropriated such sums as may be necessary to pay costs, principals and interest of such revenue anticipation notes or certificates.

Section 4. 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 5. 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 Director 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 6. 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 expense incurred in accordance with appropriations provided in Section 1 of this Act.

Section 7. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by the Congress of the United States 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 purpose and intent of said educational acts which require the matching of funds.

The amounts 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 8. The sums appropriated to the schools as "unit costs" shall be used for all school costs except salaries, debt service, "Capital Outlay" and transportation of pupils to and from the regular sessions of school as provided for in the appropriation to the State Board of Education for this purpose.

Section 9. In the event that any school district shall have more certified units of pupils based on the actual enrollment for September 30, 1964, 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, 1964, 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 Director, and based on the number of certified pupil units in the district on September 30, 1964, 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, 1964, than the number of units for which appropriation is made in this Act, such district's appropriation may be reduced by the State Budget Director to comply with the number of units based on the actual enrollment for September 30, 1964.

Section 10. The State Board of Education and the State Board of Vocational Education shall employ no persons except those whose salary or wages are paid wholly or in part from the funds appropriated by this Act. Except for casual or part-time "Teacher", "Clerical" or "Janitorial" employees, all persons employed by the State Board of Education or the State Board of Vocational Education and paid wholly or in part from the funds appropriated by this Act and allocated in the line item under the headings "Assistant Superintendents", "Directors", "Supervisors (with program)", "Supervisors (without program)", "Teachers", "Clerical" and "Janitorial" shall be paid in accordance with the salary schedules for these classifications set forth in

Chapter 13, Title 14, Delaware Code, provided, however, that no such employee shall be paid a salary during the fiscal year covered by this Act which is lower than the salary such employee received during the fiscal year ending June 30, 1964, except in the event such employee is reduced in classification or in months employed.

Section 11. No full-time employee of the State of Delaware whose salary is paid wholly or in part 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 12. Transfers of any funds appropriated by this Act shall be subject to the authority and limitations set forth in Part VI, Title 29, Delaware Code, 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. No funds may be transferred into a line-item salary appropriation for a specific position from any emergency or contingency fund, except to the extent authorized in Section 13 of this Act, and to maintain the salary schedules set forth for school employees in Chapter 13, Title 14, Delaware Code.

Section 13. Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is designated in a line item in Section 1 of this Act shall receive total compensation, whether in wages, salary, bonus or overtime from the funds of such public sources as the State, Federal departments or agencies, counties or the internal funds of the agencies of the State in excess of the total amount specified in such line-items. In the event that such employee shall receive compensation from such other public sources in excess of that specified in the line-item, the amount of the appropriation from the General Fund of the State as set forth in the line-item shall be reduced by the amount of the excess received from such other sources. In the event that the "All Others"

part of a line-item salary is made up entirely of Federal Aid monies, and further in the event that such Federal Aid monies should not be forth coming to the extent indicated, the Budget Commission shall have the power to increase the State appropriation to the extent necessary to provide the "Total Salary" indicated in the line-item.

Section 14. No full-time employee of the State of Delaware whose salary is paid in whole or part from State funds shall receive a salary increase in excess of \$300.00 during the fiscal year for which money is appropriated by this Act, except:

(a) Employees whose salaries are set by statute or by line-item in this Act.

(b) Employees of any agency which has established, prior to July 1, 1964, a comprehensive employee salary classifications schedule for all or part of the employees of the agency.

(c) Employee of any agency who is promoted from one existing job classification as established prior to July 1, 1964, to another existing job classification as existing prior to July 1, 1964.

Approved May 12, 1964.

CHAPTER 292

AN ACT TO AMEND SECTION 1912, TITLE 14, DELAWARE CODE, BY CHANGING THE NAME "POLL TAX" TO "SCHOOL CAPITATION TAX".

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

Section 1. § 1912, Title 14, Delaware Code, is amended by striking out the words "poll tax" as the same appears in the title and second sentence of said section and inserting in lieu thereof the words:

"school capitation tax"

Approved May 8, 1964.

CHAPTER 293

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE
FISCAL YEAR ENDING JUNE 30, 1964, FOR THE AD-
DITIONAL 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 appropriated, the sum of \$100,000 is hereby appropriated to the State Board of Education for the fiscal year ending June 30, 1964, 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 12, 1964.

CHAPTER 294

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT.**

WHEREAS, by legislation previously enacted and which appears as Chapter 130, Volume 54, Laws of Delaware, the sum of \$505,000 was appropriated to the State Highway Department for the acquisition of land and for the design, inspection and construction of an office building in New Castle County; and

WHEREAS, through receipt of bids for the construction of such office building, it has been determined that the funds appropriated are not sufficient to accomplish the purposes of Chapter 130, Volume 54, Laws of Delaware, insofar as the aforementioned office building is concerned; NOW, THEREFORE,

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

Section 1. The sum of Two Hundred Thousand Dollars (\$200,000) is appropriated to the State Highway Department for the acquisition of land and for the design, inspection and construction of an office building in New Castle County.

Section 2. The funds provided herein are in addition to any funds previously appropriated for the purposes specified in Section 1 above.

Section 3. Any funds provided in Section 1 which may remain uncommitted upon the fulfillment of the provisions of such section, may, insofar as is possible, be used to equip or partially equip the aforementioned building.

Section 4. 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.

Section 5. The sum herein appropriated shall not revert to the General Fund of the State of Delaware until the purposes of this Act are completed or until June 30, 1966, whichever first occurs.

Approved May 12, 1964.

CHAPTER 295

AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE TO PROVIDE A PENALTY FOR THE POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR BY A MINOR.

WHEREAS, it is presently not unlawful for a person, who has not reached the age of 21 years, to have alcoholic liquor on his person outside a licensed establishment; and

WHEREAS, it is not presently a criminal offense for a person who has not attained the age of 21 years to consume alcoholic liquors outside a licensed establishment;

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. Section 904, Title 4, Delaware Code, is hereby amended by adding thereto a new subsection as follows:

(f) Whoever, being under the age of 21 years, has alcoholic liquor in his possession at any time, or consumes or is found to have consumed alcoholic liquor, shall be fined not more than \$25. Provided, however, that this Section shall not apply to the possession or consumption of alcoholic liquor in connection with any religious service or within any private home.

Approved May 12, 1964.

CHAPTER 296

AN ACT TO AMEND CHAPTER 53, TITLE 30, DELAWARE CODE, RELATING TO CIGARETTE TAXES AND LICENSES.

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

Section 1. Chapter 53, Title 30, Delaware Code, is amended to read:

CHAPTER 53. CIGARETTE TAX**SUB-CHAPTER I. DEFINITIONS****§ 5301. Definitions**

As used in this chapter—

(a) "Affixing Agent"—means any cigarette dealer or other person within or without this State, appointed by the Tax Department as agents to affix the stamps to be used in paying the excise tax imposed by this chapter. The first vendor who has possession of unstamped cigarettes in this State, for sale in this State, shall be deemed an affixing agent.

(b) "Cigarette"—means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and irrespective of the tobacco being flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(c) "Cigarette Tax Stamps"—means any adhesive stamps, tax meter impressions or other stamps, labels or prints authorized by the Tax Department to evidence the payment of the tax imposed by this Chapter.

(d) "Cigarette Vending Machine"—means any mechanical device from which cigarettees are dispensed for a consideration.

(e) "Consumer"—means any person who has possession of cigarettes for any purpose other than transportation or sale thereof.

(f) "Package"—means the smallest individual package, box or other container in or from which retail sales or cigarettes are normally made or intended to be made.

(g) "Place of Business"—means any place where cigarettes are sold, or where cigarettes are bought or kept for the purpose of sale or consumption, including so far as applicable, any vessel, airplane, train or vending machine dispensing cigarettes.

(h) "Retail Dealer"—means any person who purchases or receives stamped cigarettes from any source whatsoever for the purpose of sale to the ultimate consumer.

(i) "Sale"—means in addition to its usual meaning, any sale, transfer, exchange, theft, barter, gift, or offer for sale and distribution, in any manner or by any means whatsoever.

(j) "Tax Department" or "Department"—means the State Tax Department.

(k) "Tax Commissioner" or "Commissioner"—means the State Tax Commissioner.

(l) "Unstamped Cigarettes"—means any pack of cigarettes to which the proper amount of genuine Delaware Cigarette Tax Stamps has not been affixed.

(m) "Use"—means the exercise of any right or power over cigarettes including the retention for any length of time for any purpose other than sale of transportation as allowed under the provisions of this Chapter.

(n) "Wholesale Dealer"—means any person who regularly sells cigarettes within this State to others who buy for the purpose of resale.

(o) "Vending Machine Operator"—means any person who places one or more vending machines, owned, leased or operated by him, at locations where cigarettes are sold therefrom. The owner or lessee of the premises upon which a vending machine is placed, shall not be considered the operator of the machine, if he does not own or lease the machine and if his sole remunerations therefrom is a flat rental fee or a commission, based upon the number or value of cigarettes sold from the machine, or a combination of both.

SUB-CHAPTER II. LEVY AND COLLECTION OF TAX, LICENSE, STAMPS

§ 5305. Levy of tax; limitation; exemptions

(a) An excise tax is imposed and assessed upon the sale or use of cigarettes within this State at the rate of two and one-half per cent per ten cigarettes, or fraction thereof.

(b) This tax shall apply only once to the same pack of cigarettes.

(c) No tax imposed by this Chapter shall be levied upon the possession or sale of cigarettes which this State is prohibited from taxing under the Constitution or Statutes of the United States.

(d) If the seller and purchaser have registered with the Department and obtained exemption certificates, the following sales are exempt;

(1) Sales to veterans' organizations approved by the Department, if the cigarettes are being purchased by the organization for gratuitous issue to veteran patients in Federal, State, or State-aided hospitals.

(2) Sales to patients in Veterans Administration Hospitals by retail dealers located in such hospitals.

§ 5306. Liability for payment of tax

(a) The tax shall be paid and the stamp shall be affixed by the first person who has possession of cigarettes in this State.

§ 5307. License for sales of cigarettes

(a) No person shall engage in or conduct the business of manufacturing, purchasing, selling, consigning, or distributing cigarettes in this State or acting as an affixing agent without having first obtained the appropriate license or licenses for that purpose as prescribed by this Chapter.

§ 5308. License charges

(a) Wholesale License—for each wholesale license issued there shall be paid the Tax Department a fee of \$200.00. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business.

(b) Retail License—for each retail license there shall be paid to the State Tax Department a fee of \$1.00. If a retail dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, or whether in the same building or not, a separate license shall be required for each place of business.

(c) Vending Machine License—every vending machine from which cigarettes are offered for sale shall have affixed thereto a license for which a fee of \$1.00 shall be charged. Where two or more cigarette vending machines are fastened together, each set of mechanisms shall require a separate vending machine license.

(d) Affixing Agent License—for each affixing agent's license issued there shall be paid to the Tax Department a fee of \$200, but only one license fee of \$200 shall be required of any person who is both a wholesale dealer and an affixing agent.

§ 5309. Application for license

(a) Every person, desiring to engage in the sale of cigarettes at wholesale, retail or by cigarette vending machines within this State, except those persons who are exempt under Section 5305 (d) of this Chapter and every person desiring to become an affixing agent shall file an application for a license with the Tax Department. Every application for a cigarette license shall be made upon a form prescribed, prepared, and

furnished by the Department, and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business, whether within or without the State, whether or not the applicant is the holder of a mercantile or business license in effect when the application is made, and if so the number of such license and the county for which such license was issued, and such other information as the Department may require. If the applicant has or intends to have more than one place of business within the State the application shall state the location of each place of business. If the applicant is an association, the application shall set forth the names and address of the persons constituting the association, and if a corporation, the names and address of the principal officers thereof, and any other information prescribed by the Department for purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in the case of an association, by a member or partner thereof, and in the case of a corporation, by an executive officer thereof, or some person specifically authorized to sign the application, to which shall be attached the written evidence of his authority.

(b) A single application may be filed for more than one license. The operator of vending machines shall list all locations at which he has machines at the time of the application. He may also request extra licenses for new machines to be placed in new locations up to ten percentum of the listed locations on file with the department without submitting actual locations. As the new machines are placed on location for sale of cigarettes, the operator shall immediately notify the department and the operator shall become eligible to apply for licenses for an additional ten percentum of his new totals. Failure to notify the department when and where new machines are placed in operation shall give cause for suspension and seizure of all licenses and cigarette vending machines.

§ 5310. Issuance of licenses; display

Upon approval of the application and payment of the fees, the Department shall issue the proper licenses for each place of business set forth in the application. Every license shall be conspicuously displayed at the place for which issued.

§ 5311. Expiration of licenses

Every license shall expire on the first of June next succeeding the date upon which it was issued, unless sooner suspended, surrendered, revoked, or renewed.

§ 5312. Replacement of licenses

Whenever any license issued under the provisions of this Chapter is defaced, destroyed or lost, the Tax Department may issue a duplicate to the holder of the defaced, destroyed or lost license by the payment of a fee of one dollar.

§ 5313. Suspension or Revocation of license

The Tax Department after a hearing before the Commissioner may suspend or revoke a license issued pursuant to the provisions of this Chapter whenever it finds that the holder thereof has failed to comply with any of the provisions of this Chapter or any regulations of the Department adopted pursuant to the provisions hereof. Whenever the Department intends to suspend a license for any violation under this Chapter, it shall immediately notify the holder in writing stating the violations charged and giving the licensee the right of a hearing before the Commissioner within five days after receipt of such written notice. After such hearing the Department shall either rescind the notice of the suspension, enforce the suspension or revoke the license. Upon the suspension or revocation of any license, the holder thereof shall forthwith surrender all licenses to the Department issued to him under this Chapter and no refund of fees shall be paid.

§ 5314. Transfer of license

Any licensed dealer may transfer a license from one location to another or from one cigarette vending machine to another in accordance with the rules and regulations of the Department.

§ 5315. Cigarette Tax Stamps; affixing; amount; cancellation

(a) Within the time prescribed, every authorized affixing agent shall affix to each pack of cigarettes received by him and

shall cancel Delaware cigarette tax stamps to evidence payment of the tax imposed by this Chapter, unless such stamps have been affixed to the packs of cigarettes and cancelled before such authorized Affixing Agent received them.

(b) Stamps in an amount not less than the tax thereon, shall be affixed to each pack of cigarettes in such manner that they will be visible to the purchaser. The authorized affixing agent, affixing such stamps shall cancel them immediately in such manner as may be prescribed by the Department.

§ 5316. Design and sale of stamps

(a) Delaware cigarette tax stamps shall be adhesive stamps, tax meter impressions or other stamps, labels or prints of such designs and denominations as may be prescribed by the Department.

(b) The Department shall make provisions for the sale of Delaware cigarette tax stamps in such places and at such times as it deems necessary. All stamps shall be paid for at the time of purchase. No persons shall purchase cigarette stamps from any person other than the Tax Department or its authorized agents except in accordance with the Tax Department's regulations relating to the stamping of floor stock.

§ 5317. Time for affixing stamps

Within 72 hours after his receipt thereof and prior to the sale of such unstamped cigarettes, unless such cigarettes are exempt by other provisions of this Chapter, the authorized affixing agent shall affix the required amount of Delaware cigarette tax stamps. Whenever any cigarettes are found in the place of business of the authorized affixing agent without the stamps affixed as herein provided, or not segregated or marked as having been received within the preceding 72 hours, or not segregated or marked as exempt from requirement of Delaware cigarette tax stamp under other provisions of this Chapter, a prima facie presumption shall arise that such cigarettes are possessed in violations of the provisions of the Chapter.

§ 5318. Appointment of stamp affixing agents; commission

(a) The Department may appoint any manufacturer of cigarettes or wholesaler within this State and may appoint any other person within or without this State as its agent to affix Delaware Cigarette Tax Stamps. Tax affixing agents located outside the State of Delaware must apply the stamps to all taxable cigarettes before bringing them into this State.

(b) Whenever the Department shall sell, consign or deliver Delaware cigarette tax stamps to any authorized stamp affixing agent, such agent shall be entitled to receive as compensation for his services and expenses a commission of 5% of the total value thereof. The commission is to be retained out of the moneys to be paid by him for such stamps purchased from the Department.

SUB-CHAPTER III. GENERAL PROVISIONS**§ 5321. Duties imposed on Licensed Cigarette Dealers; lists**

(a) A licensed cigarette dealer shall not sell cigarettes or purchase cigarettes from any person required to be licensed, who is not so licensed or is improperly licensed, except that:

(1) A licensed wholesale dealer may sell tax paid cigarettes to a cigarette manufacturer's representative, provided that the manufacturer's representative presents valid proof that he is a bona fide sales representative of the cigarette manufacturer.

(b) All holders of wholesale licenses shall maintain at every licensed location a list of the name and license numbers of holders of wholesale and retail licenses to whom cigarettes are sold and/or delivered.

§ 5322. Duties imposed on manufacturer's representatives

A cigarette manufacturer's representative may sell only to a licensed cigarette dealer, unless he obtains a dealer's license under the provisions of the Chapter and the rules and regula-

tions promulgated thereunder. Provided, however, that a manufacturer's representative who participates in promotional activities involving the sale of cigarettes to persons other than licensees shall be presumed to be acting as agent of the licensee who furnished the cigarettes.

§ 5323. Appeals

Any person who feels he is aggrieved by any act, rule, ruling, suspension or revocation by the Department or Commissioner shall be entitled to further remedies as provided in Section 326 of this Title.

§ 5324. Sample packs

The Department shall promulgate regulations governing the receipt, distribution of any payment of tax on sample packs of cigarettes used for free distribution. Such regulations may provide that any licensed dealer may receive and make free distribution of sample packs of cigarettes containing not more than 5 cigarettes per pack without affixing Delaware cigarette tax stamps thereto so long as the proper tax thereon has been paid.

§ 5325. Late filing penalty

Every Stamp Affixing Agent shall file with the Department on or before the 20th day of each month, a report in such form as the Tax Commissioner shall prescribe, which report shall disclose the number of cigarettes on hand on the first and last days of the calendar month immediately preceding the month in which such report is required; together with such information concerning the amount of stamps purchased, used, and on hand during the report period; together with any other information for the report period that the Tax Commissioner shall prescribe. Any Tax Affixing Agent who shall fail to file any report on the day when it shall be due, shall forfeit as a penalty, for each day thereafter until the report is filed, the sum of \$1 to be collected in the manner provided in this Chapter for the collection of penalties. The Tax Commissioner, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of said penalty.

§ 5326. Refunds

Whenever any packs of cigarettes upon which stamps have been placed have been sold and shipped into another State for sale or use therein or have been sold to persons exempt under Section 5305 (d) hereof for resale to authorized purchasers, or have been returned to manufacturer for credit because they became unfit for use and consumption or unsalable by reason of fire, flood or other causes beyond the control of the person who sold the cigarettes and shipped them into another state for sale or for use therein or who sold the cigarettes to persons exempt under Section 5305 (d) for resale to authorized purchasers or who owned the cigarettes at the time they were returned to manufacturer because they became unfit for use and consumption or unsalable by reason of fire, flood or other cause beyond the control of the person seeking the refund, shall be entitled to a refund of the actual amount of cigarette tax paid with respect to such cigarettes. If the Department is satisfied that a refund is proper, it shall certify the proposed amount of refund and thereafter shall issue to the person seeking the refund stamps and/or cash of sufficient value to cover the refund.

§ 5327. Exempt Sales

The Department may promulgate regulations to relieve authorized Affixing Agents from affixing stamps to packs of cigarettes to be sold and delivered to points outside the State for use outside the State, or to be sold to purchasers designated as exempt under Section 5305 (d) hereof for resale to authorized purchasers. All sales, however, shall be presumed to be taxable and the burden shall be upon the person claiming an exemption to prove his right thereto.

§ 5328. Invoices or Delivery Tickets Required in Certain Cases

Every person who shall possess or transport 200 or more unstamped cigarettes upon the public highways, roads or streets of this State for the purpose of delivery, sale or disposition shall be required to have in his possession invoices or delivery tickets for such cigarettes which shall show the true name and com-

plete and exact address of the consignor or seller, the true name and complete and exact address of the consignee or purchaser, the quantity and brand of the cigarettes transported and the true name and complete and exact address of the person who has been licensed to assume the payment of the Delaware tax or the tax, if any, of the State or foreign country at the point of ultimate destination; provided, that any common carrier which has issued a bill of lading for shipment of cigarettes and is without notice to itself or to any of its agents or employees that said cigarettes are not stamped as required by this Chapter, shall be deemed to have complied with this Chapter. The absence of such proper invoices or delivery tickets shall be prima facie evidence that such person is in violation of this Chapter and subject to the penalties of this Chapter.

§ 5329. Administration by Department; rules and regulations

The administration, enforcement and collection of all taxes, permits, licenses and fees under this Chapter are vested in the Tax Department and the Tax Commissioner of the State of Delaware and the powers conferred upon the Department and the Commissioner under Chapter 3 of this Title shall so far as applicable be exercisable with respects to the provisions of this Chapter. The Department may prescribe, adopt, promulgate and enforce rules and regulations relating thereto, including:

- (a) The method and means to be used in the cancellation of stamps;
- (b) The denominations and sale of stamps;
- (c) The time and manner of filing reports;
- (d) Any other matter of thing pertaining to the administration and enforcement of the provisions of this Chapter.

§ 5331. Bonds

When the Commissioner, in his discretion, deems it necessary to protect the revenues to be obtained under the provisions of this Chapter he may require any person liable for the payment of the cigarette tax to furnish a bond executed by a surety company authorized to do business in this State and approved

by the State Insurance Commissioner as to solvency and responsibility, in such amounts as the Commissioner may fix, to secure the payment of any tax and interest or penalties due or which may become due from such taxpayer. In the event that the Commissioner determines that such person is to file such a bond, he shall give notice to such person to that effect, specifying the amount of the bond required. The bond shall be filed 5 days after the giving of such notice unless within 5 days thereof a request in writing for a hearing before the Tax Commissioner shall be made at which hearing the necessity, propriety and amount of the bond shall be reviewed and determined by the Tax Commissioner. Such determination by the Commissioner shall be final and shall be complied with within 15 days after the notice thereof is sent by the Commissioner to the person requesting the hearing.

SUB-CHAPTER IV. PENALTIES AND ENFORCEMENT

§ 5341. Sale of unstamped cigarettes; refusal to permit inspection; counterfeited or re-use stamps

(a) Whoever sells any pack of cigarettes which does not have affixed thereto the proper amount of Delaware cigarette tax stamps or;

(b) Whoever being a dealer refuses to permit the Department to examine his books and records, his stock of cigarettes or his premises and equipment in order to verify the accuracy of the tax payments imposed by this Chapter or;

(c) Whoever falsely or fraudulently makes, forges, alters or counterfeits any stamp prescribed by the Department under the provisions of this Chapter or causes or procures to be falsely or fraudulently made, forged, altered or counterfeited any stamp, or knowingly and wilfully utters, publishes, passes, or tenders as true any such false, altered, forged, or counterfeited stamp, or uses more than once any stamp provided for and required by this Chapter for the purpose of evading the tax hereby imposed and assessed, shall be deemed guilty of a misdemeanor and fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

§ 5342. Possession of untaxed cigarettes

(a) No person not being an affixing agent, or not holding an unexpired exemption certificate, shall have in his possession within this State 200 or more cigarettes upon which the Delaware cigarette tax has not been paid, or to the packs of which Delaware cigarette tax stamps are not affixed in the amount required.

(b) Whenever any cigarettes are found at the place of business of a dealer whether a stamp affixing agent or not and such cigarettes do not have the proper amount of stamps affixed and cancelled and the boxes, cartons or other containers have not been marked as having been received within 72 hours, such dealer shall be deemed guilty of a misdemeanor and shall be fined not more than \$25 for each 200 unstamped and unmarked cigarettes found in his possession and upon default in payment of the fine shall be imprisoned one day for each dollar fine.

§ 5343. Penalties not specifically provided for

Whoever violates any provision of this Chapter for which a specific penalty is not otherwise provided and whoever violates any regulation promulgated pursuant to this Chapter shall be guilty of a misdemeanor and shall be fined \$25 and in default of payment shall be imprisoned for not more than 10 days.

§ 5344. Liability joint and several

Whenever it is provided in this Chapter that a duty or liability is imposed on the owner or operator of cigarette vending machines, the owner and operator shall be jointly and severally liable for the performance of such duty or satisfaction of such liability.

§ 5345. Police powers; arrests

(a) Such employees of the State Tax Department as are designated "cigarette tax enforcement officers" shall be peace officers and are given the same police power and authority throughout the State as Constables;

(b) They may arrest on view, except in private homes, without warrant, any person actually engaged in the unlawful sale of unstamped cigarettes or unlawfully having in his possession unstamped cigarettes contrary to the provisions of this Chapter.

SUB-CHAPTER V. FORFEITURES

§ 5351. Forfeiture of cigarettes

Whenever any conviction occurs under Section 5342 of this Chapter, the cigarettes which were the subject of the violation shall be automatically forfeited to the State.

§ 5352. Disposal of forfeited cigarettes

The Department shall donate to any non-profit hospital for the use of its patients any cigarettes forfeited to the State under the provisions of the Chapter.

§ 5353. Cigarette Vending Machine Forfeiture Proceedings

(a) The proceedings for the forfeiture of any cigarette vending machine in which are found untaxed cigarettes shall be in rem, in which the State shall be the plaintiff and the property the defendant. A petition shall be filed in the Superior Court of the county in which the machine was found, verified by the oath or affirmation of any cigarette tax enforcement officer or other person. The petition shall contain the following: (1) a description of the machine seized, (2) a statement of the time when and place where seized, (3) the name and address of the owner, if known, (4) the name and address of the person in possession, if known, (5) a statement of the circumstances under which the machine was found and the number and a description of the unstamped cigarettes found therein, and (6) a prayer for an order forfeiting the machine to the State, unless cause be shown to the contrary.

(b) A copy of the petition shall be served personally on the owner if he can be found within the State, or upon the per-

son in possession at the time of the seizure. The copy shall have endorsed thereon a notice substantially similar to the following:

"To the claimant of the within cigarette vending machine: You are required to file an answer to this petition setting forth your title in and right to possession of said machine, within twenty (20) days from the service hereof, and you are also notified that if you fail to file said answer, a decree of forfeiture will be entered against said machine."

The notice shall be signed by the Tax Commissioner or the Attorney General or a Deputy Attorney General.

(c) If the owner of the machine is unknown or outside the State and there was no person in possession of the machine when seized, or the person in possession cannot be found within the State, a copy of the petition shall be sent by registered or certified mail, return receipt requested, to his last known address, if any, and notice of the petition shall also be given by an advertisement in one newspaper of general circulation published in the county where the machine was seized, once a week for 2 successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding. The notice shall contain a statement of the seizure, of the machine with a description thereof, the place and date of seizure, and shall direct any claimants thereof to file a claim therefor, on or before a date given in the notice, which shall not be less than 10 days from the date of the last publication.

(d) Thirty days after the filing of any claim for the machine setting forth a right of possession thereof, the case shall be deemed at issue and a time fixed for the hearing thereof.

(e) At the time of the hearing, if the State shall produce evidence that the machine in question was found to contain unstamped cigarettes, the burden shall be upon the claimant to show (1) that he is the owner of the machine and (2) that all cigarettes found in the machine at the time of seizure did contain the proper amounts of Delaware cigarette tax stamps.

(f) In the event the claimant shall prove by competent evidence, to the satisfaction of the court that the machine did not contain unstamped cigarettes, the Court shall order the machine returned to the claimant; otherwise the Court shall order it forfeited to the State.

§ 5354. Seizure of untaxed cigarettes and machines

Whenever any law enforcement officer, the Department or its agents have reasonable grounds to believe that any untaxed cigarettes are unlawfully in the State or that a vending machine is being used to hold untaxed cigarettes, they may seize such cigarettes or machines and hold them in custody pending a decision of the Court. No cigarettes or machines being held in custody shall be seized or taken therefrom on any writ of replevin or like judicial process.

Section 2. This Act shall be deemed to be a continuation of prior law and all cigarette tax stamps, licenses and permits sold or issued pursuant to any act repealed hereby shall continue in full force and effect in accordance with their terms and any cigarettes upon which tax has once been paid shall not be taxed a second time. All licenses issued after the effective date of this Act shall be issued in accordance with the requirements of and schedule of fees provided in this Act. The enactment of this Act shall not affect or impair any act done or right existing or accrued or affect any civil or criminal suit, action, proceeding or prosecution to enforce any right acquired or prosecute any violation committed under the provisions of any law repealed hereby.

Section 3. The effective date of this Act shall be the first day of June, 1964.

Section 4. The sum of \$20,000.00 is hereby appropriated to carry out the administration and enforcement of the provisions of this Act for the fiscal year ending June 30, 1965. This is a supplementary appropriation act for the fiscal year commencing July 1, 1964, and the funds shall be appropriated from the General Fund of the State of Delaware to the State Tax Department. All funds remaining unexpended as of June 30, 1965, shall revert to the General Fund.

Approved May 20, 1964.

CHAPTER 297

AN ACT TO AMEND CHAPTER 5, TITLE 28, DELAWARE CODE, RELATING TO HARNESS RACING.

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

Section 1. § 522 (c), Title 28, Delaware Code, is amended to read:

(c) The Commission shall, on or before the 15th day of January of each year, award all dates for harness horse racing in this State for the current year, but the dates so awarded, subject to the provisions hereinafter stated, shall not exceed 60 days in the aggregate for New Castle County, 40 days in the aggregate for Kent County and 40 days in the aggregate for Sussex County. The dates available for award to a particular county shall be used by the licensee in that county for racing in that county only. If the harness racing dates as applied for do not conflict with each other, the Commission shall award the dates applied for; but if the harness racing dates as applied for conflict with each other, then the racing dates awarded in any year for Kent County shall begin September 15th, or if that day falls on a Sunday, September 16th, and shall not conflict or overlap with the racing dates awarded to any other licensee.

Approved May 26, 1964.

CHAPTER 298

AN ACT TO AUTHORIZE THE STATE BUILDING AND GROUNDS COMMISSION TO ACQUIRE PROPERTY ON THE DOVER GREEN AND APPROPRIATING MONEYS THEREFOR.

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

Section 1. The State Building and Grounds Commission shall for and in the name of the State of Delaware, acquire by purchase, or otherwise, the real estate formerly of Mary S. Martin, deceased, on the east side of East or Front Street adjacent to other State lands in the City of Dover, described as follows, to-wit:

All that certain piece, parcel or tract of upland and cripple with three small dwellings thereon erected situated in the City of Dover, Kent County, State of Delaware, lying on the east side of East or Front Street, being bounded on the west by said East or Front Street, on the north by lands of the State of Delaware (The Del. State Hgwy. Dept. Testing Lab. Site), and on the east and south by St. Jones Creek, and being more particularly described as follows to wit:

BEGINNING at the intersection of the East line of East or Front Street with the old north line of Water Street at a corner for this parcel and for lands of the State of Delaware; thence running with lands of the State of Delaware North 81 deg. 42 min. East 301 ft. more or less to a corner for this parcel and for lands of the State of Delaware in the westerly high water line of St. Jones Creek; thence running with the westerly and northerly high water line of St. Jones Creek on the seven following courses, (1) South 27 deg. 56 min. East 112.64 ft.; thence (2) South 26 deg. 2 min. West 57.06 ft.; thence (3) South 87 degrees 49 min. West. 78.59 ft.; thence (4) South 34 deg. 17 min. West 129.69 ft.; thence (5) South 0 deg. 24 min. East 31.5 ft.; thence (6) South 46 deg. 44 min. West 62.82 ft.; thence (7) South 59 deg. 47 min. West 112.32 ft. to a point in the northerly high water line of St. Jones Creek and in the

East line of East or Front St.; thence running with the east line of East or Front St. North 5 deg. 9 min. West 350.0 ft. to the place of beginning, and containing 1.781 acres of upland and cripple be the same more or less.

AND BEING the same lands and premises which Mary S. Martin died seized and possessed.

Section 2. The title to the lands and premises acquired pursuant to this act shall be in the name of the State of Delaware.

Section 3. The sum of \$5,000 is appropriated to the State Building and Grounds Commission for the purpose of purchasing the lands and premises set forth in Section 1.

Section 4. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 5. The sums appropriated herein, if not previously expended, shall not revert into the General Fund until June 30, 1964.

Approved June 3, 1964.

CHAPTER 299

AN ACT TO AMEND CHAPTER 31, VOLUME 54, LAWS OF DELAWARE, ENTITLED, "AN ACT MAKING APPROPRIATION FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1964" AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$2,500.00 FOR THE PROPOSED AMENDMENTS.

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

Section 1. Chapter 31, Volume 54, Laws of Delaware, is hereby amended by changing the amount appearing across from the words "Salary of Executive Secretary" under the sub-heading administration under the heading State Board of Health under the topic Health from \$15,000.00 to \$17,500.00, and changing the total accordingly.

Section 2. This act is a supplementary appropriation act for the fiscal year commencing July 1, 1963, in the amount of \$2500.00 and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved June 3, 1964.

CHAPTER 300

AN ACT APPROPRIATING FUNDS TO THE STATE BOARD OF EXAMINERS OF GRADUATE NURSES TO PROVIDE FUNDS FOR PRINTING, POSTAGE, STATIONERY, AND SALARY AND TRAVEL EXPENSES FOR BOARD MEMBERS.

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

Section 1. The sum of \$750.00 is appropriated to the State Board of Examiners of Graduate Nurses to provide funds for printing, postage, stationery and salary, and travel expenses for the members of the Board of Examiners of Graduate Nurses.

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 3, 1964.

CHAPTER 301

**AN ACT TO AUTHORIZE THE MATURITY DATE OF BONDS
ISSUED FOR THE USE OF THE STATE BOARD OF
TRUSTEES OF THE DELAWARE STATE HOSPITAL AT
FARNHURST TO BE EXTENDED UNTIL JUNE 30,
1984.**

*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. Chapter 270, Volume 54, LAWS OF DELAWARE, is hereby amended by striking the figures 1964 where they appear in line 7 of Section 2 of the bill and inserting the figures 1984 in lieu thereof.

Approved June 3, 1964.

CHAPTER 302

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE STATE BOARD OF COSMETOL-
OGY.**

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

Section 1. The sum of \$1,200 is appropriated to the Delaware State Board of Cosmetology for the fiscal year beginning July 1, 1963, and ending June 30, 1964, to be expended as follows:

Salaries and Wages of Employees	\$ 155
Travel	325
Office Expense	720
<hr/>	
TOTAL	\$1,200

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 June 3, 1964.

CHAPTER 303

AN ACT TO AMEND CHAPTER 171, VOLUME 54, LAWS OF DELAWARE, ENTITLED: "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".

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

Section 1. Section 26, Chapter 171, Volume 54, Laws of Delaware, is amended to read:

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), pro-

vided that all contracts shall be subject to the provisions of Chapter 69, Title 29, Delaware Code, entitled "Procurement of Material and Award of Contracts for Public Works by State Agencies" enacted by Chapter 106, Volume 54, Laws of Delaware.

Approved June 4, 1964.

CHAPTER 304

AN ACT TO AMEND TITLE 19, DELAWARE CODE, BY ADDING A NEW CHAPTER AFTER CHAPTER 7 TO BE KNOWN AS CHAPTER 8 ENTITLED "PROTECTION OF EMPLOYEES RIGHTS" BY PROVIDING FOR THE PROTECTION OF THE INTERESTS OF EMPLOYEES AFFECTED WHEN THE STATE OF DELAWARE, ANY POLITICAL SUB-DIVISION THEREOF, BOARD, COMMISSION, OR ANY OTHER PUBLIC AGENCY OR INSTRUMENTALITY OF THIS STATE OPERATES OR TAKES OVER THE OPERATION OF ANY TRANSPORTATION SYSTEM BY RAIL, BUS OR OTHER CONVEYANCE NOW SERVING THE GENERAL PUBLIC.

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

Section 1. Title 19, Delaware Code, is amended by adding a new Chapter after Chapter 7 to be known as Chapter 8 as follows:

CHAPTER 8. PROTECTION OF EMPLOYEES RIGHTS

§ 801. Definitions

As used in this Chapter—

"Authority" means the State of Delaware, any Political subdivision thereof, or any Board, Commission, Public Agency or Instrumentality thereof, which operates or takes over the operation of any Mass Transportation System within this State.

"Mass Transportation System" means transportation of the public by bus, rail, or any other means of conveyance serving the general public and moving under prescribed routes.

§ 802. Requirements Before Any Public Authority May Take Over and Operate Privately Owned Mass Transportation Systems

Before any authority, as defined in this Chapter, may acquire and operate any property of a privately owned Mass Transportation System, as defined in this Chapter, fair and

equitable protective arrangements shall be made as determined by the Department of Labor and Industrial Relations of this State. Such protective arrangements shall include, without being limited thereto, such provisions as may be necessary to accomplish the following objectives:

(a) The preservation of all existing rights, privileges and benefits of all employees of the Mass Transportation System so taken over by any authority, as defined in this Chapter, under the then existing collective bargaining agreements between said Mass Transportation System and the employee thereof, or as may then be in existence, no matter how created or established, including the continuation of all pension rights and benefits of all such employees and their beneficiaries.

(b) The continuation of all collective bargaining in any and all situations wherein it existed at the time of such take over.

(c) The reasonable protection of all individual employees with respect to their employment, including priorities, seniorities and right to advancement.

(d) The assurances of employment of all the employees of such Mass Transportation System so acquired by any authority, as defined in this Chapter, including the priority of employment.

(e) Training and retraining programs of employees and managing personnel.

§ 803. Required Contract Provisions

The contract whereby any authority, as defined in this Chapter, acquires any property of a privately owned Mass Transportation System, as defined in this Chapter, shall specify, with particularity, the terms and conditions of all the protective arrangements as set out in § 802 of this Chapter, including all other protective arrangements which may be added thereto by the Department of Labor and Industrial Relations of this State.

§ 804. Determinations, by Whom and How Made

The Determinations to be made by the Department of Labor and Industrial Relations of this State shall be performed by the Director of Mediation Service of the Department of Labor and Industrial Relations, in accordance with such rules and regulations as said Department may from time to time establish.

Approved June 4, 1964.

CHAPTER 305

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE COMMISSION ON CHILDREN
AND YOUTH FOR A STUDY ON MENTAL RETARDA-
TION.**

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

Section 1. The sum of \$8,000.00 is appropriated to the Delaware Commission on Children and Youth to be used for a study of mental retardation.

Section 2. The appropriation herein made shall not revert to the General Fund of the State of Delaware until the study of mental retardation by the Delaware Commission on Children and Youth is completed or until June 30, 1967, whichever first occurs.

Section 3. 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 June 15, 1964.

CHAPTER 306

**AN ACT AUTHORIZING THE STATE TREASURER TO
TRANSFER CERTAIN BALANCES TO THE GENERAL
FUND OF THE STATE OF DELAWARE.**

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

Section 1. The State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Six Thousand Six Hundred Sixty-six Dollars and Seventy-seven Cents (\$6,666.77), made up of certain balances for which the date for honoring any check or order drawn thereupon has expired by statute, such amount being the total of balances on deposit to the credit of the State of Delaware in the Farmers Bank in the following account:

Treasurer of the State of Delaware	
Belle Everett—(checks issued prior	
to January 1, 1962)	\$6,666.77
	<hr/>
TOTAL.....	\$6,666.77

Approved June 15, 1964.

CHAPTER 307

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE TREASURER.**

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

Section 1. The sum of \$3,000.00 is appropriated to the State Treasurer for office expense for the fiscal year beginning July 1, 1963, and ending June 30, 1964.

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 June 15, 1964.

CHAPTER 308

AN ACT TO AMEND SECTION 501, TITLE 1, DELAWARE CODE, RELATING TO THE DESIGNATION OF LEGAL HOLIDAYS.

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

Section 1. § 501, Title 1, Delaware Code, is amended by adding the following sentence to the end of the second paragraph thereof:

If any of the legal holidays other than Saturdays falls on Saturday, the Friday preceding shall be a legal holiday.

Approved June 15, 1964.

CHAPTER 309

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

WHEREAS, the present Court House in Kent County has become wholly inadequate for the needs of the Court of Common Pleas of Kent County because of that Court recently commencing to sit as a full time court, and the Kent County Recorder of Deeds office has recently become wholly inadequate because of the rapid and sudden increase of property conveying in the County and the Court House has recently become wholly inadequate for the other county offices because of the sudden, recent influx of population into the County, THEREFORE,

IT IS HEREBY found, determined and declared by the 122nd General Assembly of the State of Delaware that this act deals with an acute emergency, NOW, THEREFORE,

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

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

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

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

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

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

Section 6. The bonds shall be prepared under the supervision of the Levy Court and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, and shall be under the seal used by said Levy Court. The signature of the Re-

ceiver of Taxes and County Treasurer shall be engraved or printed on each coupon or interest warrant. It shall be the duty of the officers named to execute said bonds when directed by the Levy Court so to do, and it shall be the duty of the Receiver of Taxes and County Treasurer and of the Levy Court to keep a record of said bonds.

Section 7. The bonds shall be exempt from all State, county, municipal and other taxation, and the purchaser thereof shall not be obliged to see to or in any manner be responsible for the application of the purchase money; the bonds may be of such form and may contain such provisions as will not conflict with the provisions hereof.

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

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

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

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

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

Approved June 19, 1964.

CHAPTER 310

AN ACT APPROPRIATING MONEY TO THE DELAWARE SAFETY COUNCIL, INC.

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. There is appropriated to the Delaware Safety Council, Inc., the sum of \$15,000 for the fiscal year beginning July 1, 1964, and ending June 30, 1965, to be used for the operation of the Council.

Section 2. In addition to the reports required by § 6508, Title 29, Delaware Code, the Delaware Safety Council, Inc., shall file with the Director of the Budget, before September 1, 1965, a report of the expenditures of the money herein appropriated. The report shall be in such detail as may be required by the Director of the Budget.

Section 3. This Act is a supplementary appropriation act and the money appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 19, 1964.

CHAPTER 311

AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO PROVIDE FOR THE SUPERVISION AND THE AUDITING OF THE SCHOOL CONSTRUCTION PROVIDED FOR UNDER CHAPTER 171, VOLUME 54, LAWS OF DELAWARE, AND MAKING PROVISIONS FOR THE COST THEREOF.

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. There is hereby made available to the State Board of Education the sum of \$848,197, for the purpose of providing for the supervision and auditing of the school construction provided for under Chapter 171, Volume 54, Laws of Delaware.

Section 2. Each school district for which funds are provided in Section 13, of Chapter 171, Volume 54, Laws of Delaware, shall cause to be transferred to an account of the State Board of Education to be known as the State Board of Education Supervision and Auditing Account of 1963, the amount included in the initial estimate of cost for these services or 1.418% of the total cost for those districts in which an amount was not indicated in the initial estimate of cost.

Section 3. The amounts to be transferred by each district are as follows:

Bridgeville No. 90	\$ 6,835
Bridgeville No. 220	3,650
Claymont Special	10,162
Conrad No. 131	75,521
Delmar No. 163	198*
Dover Special	39,508*
Alexis I. duPont	79,627
A. I. duPont No. 7	79,089
A. I. duPont Trainables	2,288
Felton No. 54	213*
Frankford No. 206	2,891
Georgetown Special	2,291

Greenwood No. 91	4,725
Greenwood No. 222	2,836*
Hartly No. 96	7,500
Wm. W. M. Henry No. 133	11,574
Houston No. 125	250
Wm. C. Jason No. 192	1,264
Kent County Vocational	35,831
Laurel-Dunbar School	2,553*
Lewes-duPont Avenue	1,085
Marshallton No. 77	28,199
Middletown No. 60	2,982
Middletown No. 120	1,266
Millsboro No. 204	4,373
Milton No. 8	14,508
Milton No. 196	7,069
New Castle County Voc. Facilities	45,730*
New Castle Special	72,076
Newark Special	21,628
Newport No. 21	12,167*
Oak Grove No. 130	2,670
Odessa No. 61	2,053
Rose Hill-Minquadale .....	.....
Seaford Special	53,000
Selbyville No. 210	4,052
Slaughter Neck No. 193	7,152
Stanton No. 38	48,800
Stanton Trainables	6,807
Sussex County Voc.	11,625
Wilmington	132,149
<hr/>	
* 1.418%	\$848,197

Section 4. Any funds which remain unspent upon the completion of all the construction provided for in Chapter 171, Volume 54, Laws of Delaware, shall be returned to the construction accounts of the districts in the same proportion that their original transfers bear to the total of the transfers of all the districts and thereafter to be considered in the application of Section 22 of the above Chapter.

Approved June 19, 1964.

CHAPTER 312

AN ACT TO ESTABLISH HIGH SCHOOL EXTENSION PROGRAMS AND APPROPRIATING FUNDS TO THE STATE BOARD OF EDUCATION.

WHEREAS, 70% of the unemployed persons registered with the Employment Security Commission of the State of Delaware lack a complete high school education; and

WHEREAS, the minimum standard for many employment opportunities is a completed high school education; and

WHEREAS, job advancement is frequently based upon completion of high school education; and

WHEREAS, it is known that at least 5,000 pupils did not finish their authorized high school education in 32 school districts since the year 1953; and

WHEREAS, in a direct-question survey over 500 drop-out pupils have indicated a definite desire to continue high school education; and

WHEREAS, more than 25 pupils are currently enrolled for credentials analysis in a high school extension program and at least 50 others have made serious inquiry; and

WHEREAS, persons who have reached their 21st birthday may not be entitled to free state-supported public education at the elementary and secondary school level; and

WHEREAS, present Delaware provisions for education do not include high school extension programs or regularly organized evening high schools; therefore

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

Section 1. The State Board of Education is authorized to establish a high school extension program including adult evening high schools to be conducted according to rules and regulations set forth by that Board.

Section 2. The sum of \$80,000.00 is appropriated to the State Board of Education for the purpose of establishing and operating said high school extension programs.

Section 3. The sum so appropriated shall be devoted to the payment of cost, over and above the normal cost of operating existing schools, when said schools are used for the purpose of conducting evening high school extension programs, and incident to the needs of the high school extension programs, including custodial services, supplies, equipment, salaries, and other necessary expenditures incident to the conduct of said programs.

Section 4. The sum so appropriated shall be expended in accord with the following table except as transfer from one division to another may be authorized following petition to the State Budget Director:

Salaries	
Supervisor of Extension	\$10,600.00
Clerical	4,000.00
Travel	1,500.00
Contractual Services	58,900.00
Supplies and Materials	5,000.00
	<hr/>
	\$80,000.00

Section 5. This act is a supplementary appropriation for the fiscal year commencing July 1, 1964, and ending June 30, 1965; and money appropriated shall be paid from the General Fund of the State of Delaware. Any funds remaining in the hands of the State Board of Education from this appropriation or from fees collected from the high school extension programs on June 30, 1965, shall revert to the General Fund of the State of Delaware.

Approved June 19, 1964.

CHAPTER 313

AN ACT TO TRANSFER FUNDS APPROPRIATED BY CHAPTER 31, VOLUME 54, LAWS OF DELAWARE.

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

Section 1. The sum of \$12,750.00 is transferred from the item for Salary of Medical Examiner to the item for Salaries and Wages of Employees in the appropriations made to the Board of Post Mortem Examiners by Chapter 31, Volume 54, Laws of Delaware.

Approved June 19, 1964.

CHAPTER 314

AN ACT TO PROVIDE FOR THE REFUND OF COUNTY TAXES PAID IN ERROR.

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

Section 1. Chapter 86, Title 9, Delaware Code, is amended by adding thereto a new section to read:

§ 8619. Refund of County taxes paid in error

County taxes paid through error or by mistake may be refunded by the Levy Court of the County which the taxes were paid as follows:

(a) The person claiming a refund of taxes shall file with the Levy Court a request for refund under oath or affirmation stating the payment of the taxes, the person, firm, corporation or association by whom the taxes were paid and the date of payment and stating why it is believed the taxes were paid in error.

(b) The Levy Court shall submit the request for refund to the Receiver of Taxes of the County for his approval of the payment of the refund, and shall make no refund unless the Receiver of Taxes approves the refund in writing.

(c) The Levy Court and the Receiver of Taxes shall keep a record of all refunds for at least three years, which record shall be open for public inspection during regular business hours.

Approved June 19, 1964.

CHAPTER 315

**AN ACT TO PROVIDE FOR THE REFUND OF LOCAL
SCHOOL TAXES PAID IN ERROR.**

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

Section 1. Chapter 19, Title 14, Delaware Code, is amended by adding thereto a new section to read:

§ 1922. Refund of County taxes paid in error

Local County School taxes paid through error or by mistake may be refunded by the School District to which the taxes were paid as follows:

(a) The person claiming a refund of taxes shall file with the Board of the School District a request for refund under oath or affirmation stating the payment of the taxes, the person, firm, corporation or association by whom the taxes were paid, and the date of payment and stating why it is believed the taxes were paid in error.

(b) The School Board shall submit the request for refund to the Receiver of Taxes of the County for his approval of the payment of the refund and shall make no refund unless the Receiver of Taxes approves the refund in writing, except that capitation taxes may be refunded without such approval.

(c) The School Board and the Receiver of Taxes shall keep a record of all refunds for at least three years, which record shall be open for public inspection during regular business hours.

Approved June 19, 1964.

CHAPTER 316

AN ACT PROVIDING THAT A SUPPLEMENTARY APPROPRIATION TO NEW CASTLE HISTORIC BUILDINGS COMMISSION SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF THE FISCAL YEAR ENDING JUNE 30, 1964.

WHEREAS, by act of the General Assembly (Chapter 219 of Volume 54, Laws of Delaware) the sum of \$86,500.00 was appropriated to New Castle Historic Buildings Commission for the purpose of restoring the State-owned buildings on the Green in New Castle for the fiscal year beginning July 1, 1963, and ending June 30, 1964; and

WHEREAS, said act was approved on December 31, 1963; and

WHEREAS, it now appears that it is not feasible to complete the restoration for which said sum was appropriated within the fiscal year ending June 30, 1964.

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

Section 1. None of the sum of \$86,500.00 appropriated to New Castle Historic Buildings Commission by an act entitled, "An Act Making A Supplementary Appropriation to New Castle Historic Buildings Commission" (Chapter 219, Volume 54, Laws of Delaware) shall revert to the General Fund of the State of Delaware at the end of the fiscal year ending June 30, 1964, but shall remain available until June 30, 1967.

Approved June 19, 1964.

CHAPTER 317

AN ACT PROVIDING THAT A SUPPLEMENTARY APPROPRIATION TO THE PUBLIC ARCHIVES COMMISSION SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF THE FISCAL YEAR ENDING JUNE 30, 1964.

WHEREAS, by act of the General Assembly (Chapter 127 of Volume 54, Laws of Delaware) the sum of \$25,000.00 was appropriated to the Public Archives Commission for the purpose of moving, locating and restoration of a building known as "Sign of the Buck Tavern", then located on the south bank of the Chesapeake and Delaware Canal near Summit Bridge, for the fiscal year beginning July 1, 1963, and ending June 30, 1964; and

WHEREAS, the said act was approved on August 6, 1963; and

WHEREAS, it now appears that it is not feasible to complete the restoration for which said sum was appropriated within the fiscal year ending June 30, 1964.

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

Section 1. None of the sum of \$25,000.00 appropriated to the Public Archives Commission by an act entitled "An Act Making A Supplementary Appropriation to the Public Archives Commission" (Chapter 127, Volume 54, Laws of Delaware) shall revert to the General Fund of the State of Delaware at the end of the fiscal year ending June 30, 1964, but shall remain available until June 30, 1967.

Approved June 19, 1964.

CHAPTER 318

AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, BY THE ADDITION OF NEW SECTIONS FOR THE ESTABLISHMENT AND ADMINISTRATION OF A STATE FIRE SCHOOL AND TO PROVIDE A SUPPLEMENTARY APPROPRIATION FOR ITS OPERATION.

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

Section 1. Chapter 66, Title 16, Delaware Code, is hereby amended by the addition of the following new sections:

§ 6613. State Fire School; Location; Supervision; Purposes

There is hereby established in the Dover-Camden-Wyoming area a State Institution to be known as the Delaware State Fire School. The School shall be under the supervision and control of the State Fire Prevention Commission to effectuate the following purposes:

(a) To provide professional and volunteer firemen with needful professional instruction and training at a minimum cost to them and their employers.

(b) To develop new methods and practices of fire fighting.

(c) To provide facilities for testing fire fighting equipment.

(d) To disseminate information relative to fires, techniques of fire fighting and other related subjects to all interested agencies and individuals throughout the State.

(e) To undertake any project and engage in any activity which in the opinion of the Fire Prevention Commission will serve to protect the public safety.

§ 6614. Commission's powers and duties relative to State Fire School

The State Fire Prevention Commission shall have complete jurisdiction over and complete management and control of the Delaware State Fire School and is invested with full power and authority to make all rules and regulations necessary for the governing of said institution; to appoint a director and such instructors, experimental helpers, secretaries and laborers as may be necessary, and to remove the same at their judgment and discretion; to fix compensations and provide for payment thereof; to have full management, possession and control of the lands, buildings, structures and property belonging thereto; to provide for the courses of study and curriculum of the institution; to make rules and regulations for the admission of trainees to said institutions; to visit and inspect said institution and every department thereof, and to provide for the proper keeping of accounts and records thereof; to make and prepare all necessary budgets of expenditures for the enlargement, proper furnishings, maintenance, support and conduct of said institution; to select and purchase all property, furniture, fixtures and paraphernalia necessary for said institution from time to time; to build, construct, change, enlarge, repair and maintain any and all buildings or structures of said institutions that may at any time be necessary for said institution; to purchase and acquire all lands and property necessary for same, of every nature and description whatsoever; to care for and maintain the same and to do and perform every other matter or thing requisite to the proper management, maintenance, support and control of said institution necessary or requisite to carry out fully the purpose of this act; and for raising it to, and maintaining it at, the proper efficiency and standard as required in the interest of public safety. The State Fire Prevention Commission subject to the limitations and restrictions elsewhere herein imposed may acquire any real or personal property by purchase, gift or donation and have water rights; make contracts and execute instruments necessary or convenient; undertake by contract or contracts, or by its own agent and employees, and otherwise than by contract, any project or projects, and operate and maintain such projects; accept grants of money or materials or property of any kind from a Federal Agency, private agency, County, City, Town, corporation, partnership or

individual upon such terms and conditions as the Grantor may impose; perform all acts and do all things necessary or convenient to carry out the power granted herein.

§ 6615. School Attendance Fees

The State Fire Prevention Commission may fix and collect admission fees and other fees that it may deem necessary to be charged for training given; and it is expressly provided that all such fees so collected by the said Fire Prevention Commission shall not affect the state appropriation or be deducted therefrom, but shall be so much additional monies available for the operation and maintenance of said institution; and the said fees shall be paid to the State Treasury for accounting and deposit in a special fund in the state treasury.

§ 6616. Director and Employees

The Delaware State Fire Prevention Commission shall employ a Director for the Delaware State Fire School who shall be especially trained and qualified in fire fighting and fire experimental work and shall employ, on the recommendations of said director, such other instructors, experimental helpers, secretaries and laborers as may be necessary to the proper conduct of said institution and may proceed with the erection and detailed operation of said institution.

§ 6617. Buildings and Equipment

The State Fire Prevention Commission shall have the power to prescribe and shall make the necessary rules and regulations for the use of the buildings, equipment and other facilities of the institution when they are not in use for the purpose set forth.

§ 6618. Advisory Board

The Delaware Volunteer Firemen's Association shall appoint from its members a six man Advisory Board. Two members shall come from New Castle County, two from Kent County, and two from Sussex County. The State Fire Commission shall

consult the advisory board on any Fire School matters whether administrative or technical and receive recommendations thereon.

Section 2. The sum of \$135,000.00 is hereby appropriated to the State Fire Prevention Commission for the purpose to acquire land, establish, construct, equip and initiate a program for a State Fire School.

Section 3. There is further appropriated to the State Fire Prevention Commission \$30,000.00 for operation of the State Fire School for fiscal year ending June 30, 1965.

This Act is a supplementary appropriation act for the fiscal year ending June 30, 1965. Any funds not expended from Section 3 on June 30th, 1965, will revert to the General Fund.

Approved June 23, 1964.

NOTE: Section 6614 was colified as § 6614 (a) (1-12), § 6614 (b) (1-5), Title 16, Delaware Code.

CHAPTER 319

AN ACT TO AMEND SECTION 2305, TITLE 14, DELAWARE CODE, RELATING TO EDUCATION.

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

Section 1. Section 2305, Title 14, Delaware Code, is amended by striking the first line of sub-section (a) and inserting a new first line of sub-section (a) as follows:

The engineering, maintenance and construction supervision for sidewalks.

Section 2. § 2305, Title 14, Delaware Code, is amended by striking the period at the end of the first sentence of sub-section (a) and adding the following words "except for snow removal".

Approved June 23, 1964.

CHAPTER 320

AN ACT TO AMEND CHAPTER 17, TITLE 16, DELAWARE CODE, TO REGULATE THE BURNING OF REFUSE AND GARBAGE IN CERTAIN RESIDENTIAL AREAS.

WHEREAS, the consumption by fire in developed residential areas, of certain noxious substances such as garbage, woolen materials, synthetic substances, hair and/or feathers, tends to result in the creation of malodorous smells and nuisances, thereby creating an atmosphere of discontent and disgust among the adjoining and affected residents.

NOW, THEREFORE,

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

Section 1. Chapter 17, Title 16, Delaware Code, is amended by adding a new section thereto, as follows:

§ 1707. Burning of refuse and garbage in certain residential areas

(a) In any residential area consisting of homes on lots of one acre or less no outdoor fire shall be fueled by any material other than wood, wood by-products, limited to paper, leaves, twigs, clippings and grass cuttings and coke for barbecues.

(b) Any violation of this section shall be considered a misdemeanor and shall be punishable by a fine not to exceed \$25.00 (twenty-five dollars).

Approved June 23, 1964.

CHAPTER 321

AN ACT TO AMEND SECTION 2301, TITLE 30, DELAWARE CODE, PERTAINING TO OCCUPATIONAL LICENSE FOR TOURIST HOMES.

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

Section 1. § 2301, Title 30, Delaware Code, is amended by striking out the period after the word "accommodations" in the paragraph setting the fee and defining "Tourist Home", and adding thereto the following:

and which has at least five permanent bedrooms for the use of tourists or transient guests.

Approved June 23, 1964.

CHAPTER 322

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO MILLSBORO SCHOOL #204 FOR THE INSTALLA-
TION OF A SANITARY SEWER, WATER SERVICE AND
FIRE HYDRANTS.**

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

Section 1. The sum of \$46,300.00 is hereby appropriated to Millsboro School #204 for the installation of a sanitary sewer, water service and fire hydrants.

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

Section 3. Any fund hereby appropriated and not used for the purpose set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved June 29, 1964.

CHAPTER 323

AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED "WELFARE" BY REPEALING CHAPTER 9, WORK ASSIGNMENTS FOR RECIPIENTS OF RELIEF, AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 9.

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

Section 1. Chapter 9, Title 31, Delaware Code, is hereby repealed.

Section 2. A new Chapter 9, Title 31, Delaware Code, Work Assignments for Recipients of Public Assistance, is hereby enacted as follows:

§ 901. Purpose of this Chapter

The purpose of this Chapter is to encourage, through community work and training projects of a constructive nature, the conservation of work skills and the development of new skills for persons receiving public assistance, under conditions designed to insure protection of the health and welfare of such persons and any children involved.

§ 902. Work requirements as to employable recipients of public assistance

Employable persons receiving assistance from the Department of Public Welfare in the categories of General Assistance or Aid and Services to Needy Families with Children shall be required in accordance with the provisions of this Chapter to perform such work as shall be assigned to them by the Department of Public Welfare, and/or shall be required to attend and participate in any training project, designed to improve employability, to which they may be assigned by said Department.

§ 903. Application for assignment of assistance recipients

Whenever the governing body of a county, city or town within this State, or the Board or executive officer of any State agency or other public agency or public institution, has any

work to be done within the county, city, town, agency or institution, or as a function of such agency or institution, which it appears may be properly performed by one or more employable recipients of assistance, the appropriate authority shall make application to the Department of Public Welfare, in the form prescribed by the Department, for the establishment of a work project.

§ 904. Assignment of assistance recipients

(a) Upon application as provided for in § 903, the Department of Public Welfare shall thereupon assign to such work project the required number of employable recipients of assistance according to their availability, provided it is satisfied that all requirements of this Chapter are observed.

(b) The Department of Public Welfare shall also assign suitable assistance recipients to training projects designed to improve employability as such projects are established.

§ 905. Requirements for work projects

(a) Recipients shall be assigned to perform only such work under this Chapter as they are able, in the judgment of the Department of Public Welfare, to perform. Such work must serve a useful public purpose.

(b) Recipients shall not perform work on projects which will result either in the displacement of regular workers or in the performance by such recipients of work that would otherwise be performed by employees of public or private agencies, institutions or organizations.

(c) Reasonable standards of health, safety and other conditions applicable to the performance of such work shall be established and maintained for all work projects.

(d) Recipients assigned to work projects shall be afforded reasonable opportunities to seek regular employment and to secure any appropriate training or retraining which may be available.

(e) Assistance recipients shall be assigned to work projects for a number of hours determined by the amount of the assistance grant divided by the hourly wage paid. The prevailing hourly wage for similar work done by regularly employed workers in the community, or the minimum rate provided by or under State law for the same type of work, whichever is higher, shall be the wage. No recipient shall be assigned for more hours than are necessary to work out his grant as determined above.

(f) No assistance recipient shall be assigned to work for more than eight hours in any one day or more than 40 hours in any one week.

§ 906. Department to establish rules and regulations

The Department of Public Welfare shall establish such rules and regulations as it deems necessary for the efficient administration of this Chapter, consistent with the provisions of such Chapter and with the requirements of the Federal Department of Health, Education and Welfare.

§ 907. Workmen's Compensation protection

All project workers will be covered under the State Workmen's Compensation Law with adequate protection through private insurance which provides for complete coverage for all workers on all projects, including disability by injury or occupational disease, prompt and complete medical care in case of accident or injury and adequate benefits for temporary or permanent disability and for survivors in case of death.

§ 908. Cooperative arrangements with Employment Security Commission of Delaware, State Board of Vocational Education, and State Department of Public Instruction

The Department of Public Welfare shall enter into cooperative arrangements with the Employment Security Commission of Delaware for the employment or occupational training of recipients performing work under this Chapter, with the State Board of Vocational Education for the training or retraining of said recipients and assisting them in preparing for regular employment, and with the State Department of Public Instruction for adult services in appropriate cases.

§ 909. Effect of refusal to work

Any assistance recipient who refuses without good cause to report for or to perform that work to which he has been assigned by the Department of Public Welfare, or who refuses without good cause to report for and participate in any training project designed to improve employability to which he has been referred, shall become ineligible for public assistance.

§ 910. Adjustments or recovery

Any law to the contrary notwithstanding, no adjustment or recovery shall be made by the State or any political subdivision thereof on account of any payments which are correctly made for work performed under the terms of this Chapter.

Section 3. This Act shall become effective on the date of enactment.

Approved June 29, 1964.

CHAPTER 324

**AN ACT TO AMEND § 543, TITLE 4, DELAWARE CODE,
RELATING TO GROUNDS FOR REFUSAL OF A LI-
CENSE TO SELL ALCOHOLIC LIQUORS.**

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

Section 1. § 543, Title 4, Delaware Code, is hereby amended by adding a new sub-section thereto to read as follows:

(e) The Commission shall refuse to grant any license for the sale of alcoholic beverages on any terminal facilities or ships, vessels or ferries which are under the control or ownership of the Delaware River and Bay Authority.

Approved June 29, 1964.

CHAPTER 325

AN ACT TO AMEND SECTION 5521, TITLE 29, DELAWARE CODE, RELATING TO OPTIONAL AND MANDATORY RETIREMENT OF COVERED SCHOOL EMPLOYEES OF THE STATE OF DELAWARE.

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

Section 1. Section 5521, Title 29, Delaware Code, is amended by adding the following new subsection (f) after the present subsection (e) as follows:

(f) Employees of each school district, special school district, the school district of the City of Wilmington, employees of the State Board of Education, employees of the State Board of Vocational Education and employees who teach in state institutions pursuant to unit allocations as set forth in Section 1703, Title 14, Delaware Code of 1953, may exercise the right to retire after serving in covered employment for 30 years, or on or after attaining the age of 60 years; however, absent the foregoing election by the employee, the employing agency shall retain the employee in full employment until said employee has reached the age of 65 years.

Approved June 29, 1964.

CHAPTER 326

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 twenty-five (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, \$175 per month;

16 to 20 years of service, \$180 per month;

21 to 25 years of service, \$190 per month;

26 or more years of service, \$200 per month.

Section 2. Section 3903, Title 14, Delaware Code, is amended by striking out the sum of \$125 in the seventh line and by inserting in lieu thereof the sum of \$175.

Section 3. To carry out the provisions of this Act, there is hereby appropriated to the State Board of Education the sum

of \$60,000 for the fiscal year beginning July 1, 1964 and ending June 30, 1965.

Section 4. This Act is a supplementary appropriation act and the money hereby appropriated shall be paid out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Section 5. This amendment shall be effective July 1, 1964.

Approved July 1, 1964.

CHAPTER 327

AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$110,230,550.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965," AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,500.00 FOR THE PROPOSED AMENDMENTS.

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

Section 1. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the salary figure opposite "Salary of Director" under the heading "State Welfare Home—Division of the Aging" from \$7,000.00 to \$8,500.00 and changing the totals accordingly.

Section 2. This Act is a supplementary appropriation Act for the fiscal year commencing July 1, 1964 in the amount of \$1,500.00, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved July 1, 1964.

CHAPTER 328

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION, BY PROVIDING FOR A METHOD OF ELECTION OF COVERAGE AND REIMBURSEMENT FOR BENEFITS PAID BY AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE OF DELAWARE.

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

Section 1. Title 19, § 3343, is hereby amended by adding thereto the following new and additional paragraph, to be known as § 3343 (c), to read as follows:

§ 3343 (c). Any agency or instrumentality of the State of Delaware or any political subdivision thereof, may elect coverage for its employees, or for selected groups of employees under this chapter, and shall for purposes of this chapter be hereinafter referred to as a liable public employer.

Section 2. Title 19, § 3345, is hereby amended by adding thereto three new and additional paragraphs, to be known as § 3345 (a), (b) and (c), to read as follows:

(a) In the event a liable public employer should elect to cover employees under this Act under the provisions of paragraph 3343 (c), then in lieu of assessments required of employers under this Act, the liable public employer shall pay into the fund an amount equivalent to the amount of benefits paid to individuals based on wages paid by such liable public employer. If benefits paid an individual are based on wages paid by both a liable public employer and one or more other employers, the amount payable by such liable public employer to the fund shall bear the same ratio to total benefits paid to the individual as the base-period wages and paid to the individual by the liable public employer bears to the total amount of base-period wages paid to the individual by all of his base-period employers.

(b) If the base period wages of an individual include wages from more than one liable public employer, the amount

to be paid into the unemployment compensation fund with respect to the benefits paid to such individuals shall be prorated among such liable public employers in proportion to the wages paid to such individual by such employer during the base period.

(c) The amount of payments required under this section to be made into the unemployment compensation fund shall be ascertained by the Commission as soon as practicable after the end of each calendar month. Payments into the fund by liable public employers shall be made at such time and in such manner as the Commission may determine and prescribe.

Approved July 7, 1964.

CHAPTER 329

AN ACT TO APPROPRIATE FUNDS TO THE STATE HIGHWAY DEPARTMENT FOR THE DREDGING OF CERTAIN UNDERWATER LANDS AT THE HEAD OF INDIAN RIVER AT MILLSBORO.

WHEREAS, the removal of the water control elements in the Millsboro Dam has caused shoaling of the waterway below the Dam to the extent that the waterway is impassable to watercraft and with particular respect to their use of the turning basin constructed by the U. S. Army Corps of Engineers; AND

WHEREAS, a major portion of the shoaled area is outside the fairway of the navigation channel as established by the Corps of Engineers; AND

WHEREAS, a new Dam and Water Control Structure is presently being constructed by the State Highway Department under Contract 1859; AND

WHEREAS, it is the public interest that the waterway below the Dam be in useable condition concurrent with the completion of said State Highway Department Contract 1859; NOW, THEREFORE,

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

Section 1. There is appropriated to the State Highway Department, the sum of Twenty Thousand Dollars (\$20,000.00), to be used for the purpose of dredging the waterway area at the head of Indian River near Millsboro, Delaware.

Section 2. This Act is a supplementary appropriation Act 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 July 7, 1964.

CHAPTER 330

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE TRANSPLANTING OF OYSTERS IN INDIAN RIVER.

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

Section 1. The sum of \$3056., or so much thereof that may be necessary, is appropriated to the Delaware Commission of Shell Fisheries to be used for the transplanting of oysters in Indian River.

Section 2. The monies hereby appropriated shall remain available to the Delaware Commission of Shell Fisheries until the purposes of this Act have been accomplished or until June 30, 1965, and any of said monies remaining unexpended upon the completion of said project or on June 30, 1965, shall revert to the General Fund of the State.

Approved July 7, 1964.

CHAPTER 331

AN ACT TO AMEND CHAPTER 333, VOLUME 53, LAWS OF DELAWARE, RELATING TO BORROWING MONEY BY ISSUING BONDS, "FOR THE ACQUISITION OF STRUCTURES ON LAND LEASED BY THE LEVY COURT OF SUSSEX COUNTY, 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. Section 1, Chapter 333, Volume 53, Laws of Delaware, is amended to read as follows:

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, as well as the fee simple title to other lands, tenements and hereditaments, adjoining property of The Sussex County Levy Court, which abuts on Race Street and Pine Street in the town of Georgetown, Delaware, 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, and lands, and the 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 re-

sponsible bidder or bidders, but with the right to reject any and all bids.

Section 2. Section 2, Chapter 333, Volume 53, Laws of Delaware, is amended to read as follows:

The said Levy Court may acquire said buildings and lands, 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, lessees, or the owner of the fee simple title of said lands, 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, fairly and impartially assess the damage of said lessee, lessees or legal holders of the fee simple title to said lands, 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, lessees, or owners of the fee simple title of the property involved, at least ten days' notice in writing, of the intent of the application, if such party in interest is within the State, and if such party in interest 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 party or parties in interest of 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 party or parties in interest 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 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 party or parties in interest, 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 to 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 encumbrances, 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. Section 3, Chapter 333, Volume 53, Laws of Delaware, is amended to read as follows:

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 two million five hundred thousand (2,500,000.00) dollars; to be expended in acquiring the leasehold interest, 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 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.

Approved July 7, 1964.

CHAPTER 332

AN ACT TO AMEND TITLE 24, DELAWARE CODE, SECTION 2119.

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

Section 1. Title 24, Delaware Code, § 2119, is hereby amended by adding a third paragraph as follows:

The Court of Chancery shall have jurisdiction to issue temporary restraining orders, preliminary injunctions and permanent injunctions to enjoin any violation of this chapter in actions brought by the State Board of Examiners in Optometry, the Delaware Optometric Association, Inc., or the Attorney General of the State of Delaware.

Approved July 7, 1964.

CHAPTER 333

AN ACT TO TRANSFER MONEYS FROM THE CAPITAL INVESTMENT FUND FOR THE RESTORATION OF THE OLD STATE HOUSE AND APPROPRIATING SAME TO THE PUBLIC ARCHIVES COMMISSION.

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

Section 1. There is transferred and appropriated the sum of \$90,000 from the Capital Investment Fund, existing pursuant to Chapter 62, Title 29, Delaware Code, and created by Chapter 32, Volume 54, Laws of Delaware, to the Public Archives Commission for the restoration and furnishing of the Old State House Building in Dover as an historic building.

Section 2. The sums of money herein transferred and appropriated shall not revert to the general fund until the purposes of this act are completed.

Approved July 7, 1964.

CHAPTER 334

AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO COMPETITIVE BIDDING.

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

Section 1. Chapter 69, Title 29, Delaware Code, is hereby amended by inserting the words, "Budget Director" immediately after the words "State Banking Commissioner" as they appear in Section 6903 (a) thereof.

Section 2. Chapter 69, Title 29, Delaware Code, is hereby further amended by striking out sub-section (2) of Section 6904 (a) as it appears therein, and by inserting in lieu thereof a new sub-section to read as follows:

(2) Whenever the Governor declares an unusual emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against, and which in the opinion of the Chief Administrative Officer of the agency concerned requires immediate action for the protection of public health, safety or property.

Approved July 7, 1964.

CHAPTER 335

AN ACT TO AID CERTAIN FIRE COMPANIES WHICH ARE ORGANIZED TO EXTINGUISH FIRES OR MAINTAIN AMBULANCES OR RESCUE TRUCKS, BY MAKING APPROPRIATIONS FOR THEM.

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

Section 1. There is appropriated to the listed fire companies, for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the following sums to be used for the prevention and extinguishment of fires throughout the State and for the maintenance of apparatus and equipment:

NEW CASTLE COUNTY

Aetna Hose, Hook and Ladder		
Company	Newark	\$ 1,750
Brandywine Hundred Fire Company ..	Bellefonte	1,750
Christiana Fire Company	Christiana	1,750
Claymont Fire Company	Claymont	1,750
Cranston Heights Fire Company	Cranston Heights	1,750
Delaware City Fire Company	Delaware City	1,750
Elsmere Fire Company	Elsmere	1,750
Five Points Fire Company	Richardson Park	1,750
Goodwill Fire Company	New Castle	1,750
Hockession Fire Company	Hockessin	1,750
Holloway Terrace Fire Company	Holloway Terrace	1,750
Mill Creek Fire Company	Marshallton	1,750
Minquadale Fire Company	Minquadale	1,750
Minquas Fire Company	Newport	1,750
Odessa Fire Company, Inc.	Odessa	1,750
Port Penn Volunteer Fire Company ..	Port Penn	1,750
Talleyville Fire Company	Talleyville	1,750
Townsend Fire Company	Townsend	1,750
Volunteer Hose Company, Inc.	Middletown	1,750
Wilmington Manor Fire Company	Wilmington Manor	1,750

KENT COUNTY

Bowers Volunteer Fire Company	Bowers	1,750
Camden-Wyoming Fire Company	Camden	1,750
Carlisle Fire Company	Milford	1,750
Cheswold Volunteer Fire Company....	Cheswold	1,750
Citizens' Hose Company, Inc., No. 1....	Smyrna	1,750
Clayton Fire Company	Clayton	1,750
Dover Fire Department	Dover	1,750
Farmington Volunteer Fire Company	Farmington	1,750
Felton Community Fire Company	Felton	1,750
Frederica Volunteer Fire Company....	Frederica	1,750
Harrington Volunteer Fire Company	Harrington	1,750
Hartly Volunteer Fire Company	Hartly	1,750
Houston Volunteer Fire Company	Houston	1,750
Leipsic Volunteer Fire Company	Leipsic	1,750
Little Creek Volunteer Fire Company	Little Creek	1,750
Magnolia Volunteer Fire Company....	Magnolia	1,750
Mary-Del Volunteer Fire Company....	Mary-Del	1,750
South Bowers Fire Company, Inc.	South Bowers	1,750

SUSSEX COUNTY

Bethany Beach Volunteer Fire Company	Bethany Beach	1,750
Blades Volunteer Fire Company	Blades	1,750
Bridgeville Volunteer Fire Company..	Bridgeville	1,750
Dagsboro Fire Company	Dagsboro	1,750
Delmar Fire Department, Inc.	Delmar	1,750
Ellendale Volunteer Fire Company....	Ellendale	1,750
Frankford Volunteer Fire Company..	Frankford	1,750
Georgetown Fire Company, Inc.	Georgetown	1,750
Greenwood Volunteer Fire Company..	Greenwood	1,750
Gumboro Volunteer Fire Company....	Gumboro	1,750
Indian River Volunteer Fire Company	Indian River	1,750
Laurel Volunteer Fire Company	Laurel	1,750
Lewes Fire Department	Lewes	1,750
Millsboro Fire Company	Millsboro	1,750

Milton Volunteer Fire	
Department	Milton 1,750
Millville Volunteer Fire Company	Millville 1,750
Rehoboth Volunteer Fire Company.....	Rehoboth Beach 1,750
Roxana Volunteer Fire Company	Roxana 1,750
Seaford Volunteer Fire Company	Seaford 1,750
Selbyville Volunteer Fire Company.....	Selbyville 1,750
	<hr/>
TOTAL.....	\$101,500

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the following sums, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment:

Belvedere Volunteer Fire Company	\$1,750
Slaughter Beach Volunteer Memorial Fire Company	1,750
	<hr/>
TOTAL.....	\$3,500

Section 3. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the following sums, to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook and Ladder	
Company	Newark \$ 750
Brandywine Hundred Fire Company..	Bellefonte 750
Claymont Fire Company	Claymont 750
Elsmere Fire Company	Elsmere 750
Five Points Fire Company	Richardson Park 750
Goodwill Fire Company	New Castle 750
Holloway Terrace Fire Company	Holloway Terrace 750
Hockessin Fire Company	Hockessin 750
Mill Creek Fire Company	Marshallton 750
Minquadale Fire Company	Minquadale 750
Minquas Fire Company	Newport 750
Talleyville Fire Company	Talleyville 750
Wilmington Manor Fire Company	Wilmington Manor 750
Bowers Volunteer Fire Company	Bowers 750

Carlisle Fire Company, Inc.	Milford	750
Cheswold Volunteer Fire Company....	Cheswold	750
Harrington Volunteer Fire Company..	Harrington	750
Hartly Volunteer Fire Company	Hartly	750
Leipsic Volunteer Fire Company,		
Inc.	Leipsic	750
Blades Volunteer Fire Company	Blades	750
Bridgeville Volunteer Fire Company..	Bridgeville	750
Delmar Fire Department	Delmar	750
Ellendale Volunteer Fire Company....	Ellendale	750
Frankford Volunteer Fire Company..	Frankford	750
Gumboro Volunteer Fire Company....	Gumboro	750
Lewes Fire Department	Lewes	750
Laurel Volunteer Fire		
Department	Laurel	750
Millville Volunteer Fire Company	Millville	750
Milton Volunteer Fire Company	Milton	750
Rehoboth Volunteer Fire Company....	Rehoboth Beach	750
Seaford Volunteer Fire Department..	Seaford	750
TOTAL.....		\$23,250

Section 4. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the following sums, to be used for the maintenance and operation of rescue trucks in the public service:

Aetna Hose and Ladder Company	Newark	\$ 750
Brandywine Hundred Fire Company...	Bellefonte	750
Claymont Fire Company	Claymont	750
Delaware City Fire Company	Delaware City	750
Elsmere Fire Company	Elsmere	750
Five Points Fire Company	Richardson Park	750
Goodwill Fire Company	New Castle	750
Holloway Terrace Fire Company	Holloway Terrace	750
Mill Creek Fire Company	Marshallton	750
Minquadale Fire Company	Minquadale	750
Minquas Fire Company	Newport	750
Port Penn Volunteer Fire Company..	Port Penn	750
Talleyville Fire Company	Talleyville	750
Volunteer Hose Company	Middletown	750

Wilmington Manor Fire Company.....	Wilmington Manor	750
Carlisle Fire Company	Milford	750
Camden-Wyoming Fire Company	Camden	750
Citizens' Hose Co., No. 1, Inc.	Smyrna	750
Clayton Fire Company	Clayton	750
Dover Fire Department	Dover	750
Leipsic Volunteer Fire Company	Leipsic	750
Little Creek Fire Company	Little Creek	750
Harrington Volunteer Fire Company..	Harrington	750
Magnolia Volunteer Fire Company....	Magnolia	750
Bethany Beach Fire Company	Bethany Beach	750
Bridgeville Volunteer Fire Company..	Bridgeville	750
Delmar Fire Department, Inc.	Delmar	750
Millville Volunteer Fire Company	Millville	750
Milton Volunteer Fire Department....	Milton	750
Rehoboth Volunteer Fire Company....	Rehoboth Beach	750
Seaford Volunteer Fire Department..	Seaford	750
Selbyville Volunteer Fire Company....	Selbyville	750
Lewes Fire Department	Lewes	750
TOTAL.....		\$24,750

Section 5. There is appropriated to the Mayor and Council of Wilmington, for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the following sum to be used for the prevention and extinguishment of fires throughout the City of Wilmington and for the maintenance of the apparatus and equipment of the 12 fire companies organized and equipped in the City

	\$ 21,000
GRAND TOTAL.....	\$174,000

Section 6. The above said sums shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 7. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 7, 1964.

CHAPTER 336

AN ACT TO AID HOMES FOR THE AGED BY APPROPRIATING MONEY TO PALMER HOME, INCORPORATED, AND 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 House thereof concurring therein):

Section 1. The sum of \$5,000 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, for operation expenses for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 2. The sum of \$5,000 is appropriated to the Layton Home for Aged Colored Persons for the care and maintenance of old age persons for operation expenses for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 3. This Act is a supplementary appropriation and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 7, 1964.

CHAPTER 337

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 beginning July 1, 1964, and ending June 30, 1965, the sums of money set after the names of such Hospitals respectively:

Hospital	No. of Beds	Amount
Beebe Hospital of Sussex County, Inc.	128	\$ 70,400.
(The) Delaware Hospital, Inc.	381	209,550.
Kent General Hospital	135	74,250.
Memorial Hospital (Homeopathic Hospital Association of Delaware)	360	198,000.
Milford Memorial Hospital, Inc.	141	77,550.
Nanticoke Memorial Hospital	75	41,250.
Riverside Hospital	49	26,950.
St. Francis Hospital, Incorporated	250	137,500.
Wilmington General Hospital Association	317	174,350.
Total.....	1836	\$1,009,800.

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 during the said fiscal year.

Section 2. There is likewise appropriated for the maintenance, equipment, and operation of the Memorial Hospital Hospital-E. duPont Memorial Hospital 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 Milford Memorial Hospital not in excess of 10 beds; and the same sum per bed for the Delaware Hospital, Inc., not in excess of 30 beds. The said appropriations to be paid to each of said Hospitals, upon the

completion of such additional capacity, in equal quarterly installments on the first day of July, October, January and April of the fiscal year beginning July 1, 1964; 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, 1964; 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, 1964.

Section 3. Prior to the payment by the State Treasurer of any quarterly installment of the appropriations hereinabove authorized, or any portion thereof, each of said Hospitals shall inform the State Treasurer in writing of the bed capacity of such Hospital and in case the report to the State Treasurer made by any Hospital shall show a reduction in bed capacity the appropriation and the quarterly payments herein authorized shall be reduced proportionately from the time of such reduction in capacity.

Section 4. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 7, 1964.

CHAPTER 338

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 \$750 is appropriated to the American Legion Department of Delaware for the bearing of expenses incident to the holding of the 1964 Boys' State to be paid during the fiscal year beginning July 1, 1964, and the further sum of \$750 is appropriated to the American Legion Auxiliary Department of Delaware for the bearing of expenses incident to the holding of the 1964 Girls' State to be paid during the fiscal year beginning July 1, 1964.

Section 2. The State Treasurer is authorized and empowered to pay to the Department Finance Officer of the American Legion Department of Delaware a sum not exceeding \$750 for the holding of the 1964 Boys' State upon receipts 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 \$750 for the holding of the 1964 Girls' State and a sum upon receipt of drafts properly drawn and signed by said Department Treasurer.

Section 4. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 7, 1964.

CHAPTER 339

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
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 appropriated to the "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 1964. 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 Delaware State Fair, Inc. Said corporation shall on or before the first day of December next, 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 for the fiscal year commencing July 1, 1964 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 July 7, 1964.

CHAPTER 340

AN ACT TO AID CERTAIN ORGANIZATIONS WHICH MAINTAIN AN AMBULANCE IN THE PUBLIC SERVICE, BY APPROPRIATING MONEYS FOR MAINTENANCE OF THE AMBULANCES.

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

Section 1. There is appropriated to the following listed organizations, for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the following sums to be used for the operation and maintenance of ambulances in the public service:

American Legion, Sussex Post #8	\$750
American Legion, Post Number 14 in Smyrna, Delaware	\$750
Selbyville American Post No. 39, Inc.	\$750
Sussex Memorial Post No. 7422	
V. F. W. at Millsboro	\$750

Section 2. Said sums shall be paid by the State Treasurer to said organizations within three months after the beginning of the said fiscal year; and a certificate of the Secretary of the said organizations to the effect that said organization 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 organization.

Section 3. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 7, 1964.

CHAPTER 341

AN ACT APPROPRIATING MONEYS TO THE STATE SOIL CONSERVATION COMMISSION FOR THE CONSTRUCTION, IMPROVEMENT AND PROTECTION OF DITCHES IN THE SEVERAL COUNTIES.

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 \$30,000.00 for fiscal year beginning July 1, 1964, and ending June 30, 1965, for the purpose of paying for or contributing to the costs of all works of improvement and easements or rights-of-way required for the construction, improvement and protection of public group ditches and tax ditches as may be approved by the Commission, and Highway ditches as may be jointly approved by the Commission, and the State Highway Department in New Castle County.

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 \$20,000.00 for the fiscal year beginning July 1, 1964, and ending June 30, 1965, for the purpose of paying for or contributing to the costs of all works of improvement required for the construction, improvement and protection of public group ditches and tax ditches as may be approved by the Commission, and highway ditches as may be jointly approved by the Commission and the State Highway Department in New Castle County.

Section 3. The moneys made available under Sections 1 and 2 of this Act may be used by the State Soil Conservation Commission to pay or help pay the cost of construction and installation of tax ditches, public group ditches and highway 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 easements or rights-of-way for construction and maintenance operations shall have been acquired by the State of Dela-

ware or by New Castle County, and which said highway ditches shall be ditches maintained by the public on State or County owned easements or rights-of-way adjacent to the roads of New Castle County. Said money 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 to landowners for rights-of-way or easements, 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. There is hereby appropriated to the State Soil Conservation Commission the sum of \$10,000 for the fiscal year beginning July 1, 1964, and ending June 30, 1965, 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 priorities imposed by Section 5 of this Act.

Section 5. 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 the fiscal year beginning July 1, 1964, and ending June 30, 1965, 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 priorities imposed by Section 6 of this Act.

Section 6. There is hereby appropriated to the State Soil Conservation Commission the sum of \$22,500 for the fiscal year beginning July 1, 1964, and ending June 30, 1965, 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 8 of this Act.

Section 7. 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 the fiscal year beginning July 1, 1964, and ending June 30, 1965, 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 8 of this Act.

Section 8. The moneys made available under Sections 4, 5, 6 and 7 of this Act shall be used first, each fiscal year, as required for work on those tax ditches of Kent or Sussex County (as the case may be) 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 Kent or Sussex County (as the case may be) located within the limits of any such watershed area or areas.

Section 9. For work on the tax ditches of Kent or Sussex County (as the case may be) located outside the limits of watershed areas established as aforesaid, the Board of Soil District Supervisors of the Soil Conservation District of Kent or Sussex County (as the case may be) 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 or Sussex County (as the case may be) shall each pay to the Board of Soil District Supervisors of the Soil Conservation District of Kent or Sussex County (as the case may be) 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.

Section 10. The sums of money so paid from time to time to said Board of Soil District Supervisors of the Soil Conservation District of Kent or Sussex County (as the case may be) 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 11. Any balance of the moneys hereby appropriated, which is not needed for work on the tax ditches under Section 9 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 or Sussex County (as the case may be) 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 Kent or Sussex County (as the case may be) to the Soil Conservation District of Kent or Sussex County (as the case may be) 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 12. 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.

Section 13. Sums of money made available herein for use in a certain county shall not be diverted for use in another county.

Approved July 7, 1964.

CHAPTER 342

AN ACT TO AID VETERANS' ORGANIZATIONS AND THEIR SERVICES TO VETERANS BY MAKING AN APPROPRIATION THEREFOR.

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 \$5,000 is appropriated to the American Legion, Department of Delaware, for the fiscal year beginning July 1, 1964, and ending June 30, 1965. This sum shall be paid to the duly elected finance officer of said organization within three months after the beginning of the fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Budget Director.

Section 2. The sum of \$5,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware for the fiscal year beginning July 1, 1964, and ending June 30, 1965. This sum shall be paid to the duly elected finance officer of said organization within three months after the beginning of the fiscal year, the warrants for such sums to be signed by the finance officer and approved by the Budget Director.

Section 3. The funds appropriated by Sections 1 and 2 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 allowanaces; 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 4. The American Legion and the Veterans of Foreign Wars, Department of Delaware, shall, each, through its service officer present at the beginning of each regular 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 fiscal year and also a detailed statement as to the expenditure of the appropriations hereby made.

Section 5. The sum of \$2,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation expenses for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 6. The sum of \$2,000 is appropriated to the American Legion, Department of Delaware, for operation expenses for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 7. The sum of \$1,000 is appropriated to the Disabled American Veterans of Delaware, for operation expenses for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 8. The sum of \$1,000 is appropriated to the Department of Delaware Jewish War Veterans of the United States for operational expenses for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 9. The sum of One Thousand Dollars (\$1,000.00) is appropriated to the Delaware Veterans of World War I for operational expenses for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 10. The sums appropriated by Sections 5, 6, 7, 8 and 9 shall be paid to the duly elected Finance Officer of the respective Veterans Organizations, upon warrants signed by the proper Finance Officer and approved by the Budget Director.

Section 11. This Act is a supplementary appropriation act and the moneys appropriated shall be paid by the State Treasurer out of any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 7, 1964.

CHAPTER 343

A SUPPLEMENTARY APPROPRIATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1964, TO REPAIR, ADJUST AND PLACE IN FIRST CLASS CONDITION THE CLOSING AND LOCKING DEVICES AND MECHANISM OF THE PRISON CELLS AT THE SUSSEX CORRECTIONAL INSTITUTION.

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

Section 1. The sum of \$13,500.00 is hereby appropriated to the State Board of Corrections for the purpose of repairing, adjusting and placing in first class condition the closing and locking devices and mechanism of the prison cell doors at the Sussex Correctional Institution.

Section 2. This is a supplementary appropriation act for the fiscal year ending June 30, 1965, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved July 7, 1964.

CHAPTER 344

AN ACT TO AMEND TITLE 10, DELAWARE CODE, PROVIDING FOR THE APPOINTMENT OF A DEPUTY ADMINISTRATOR TO THE CHIEF JUSTICE OF THE SUPREME COURT TO ASSIST IN THE SUPERVISION OF THE JUSTICES OF THE PEACE AND DESIGNATING THE DUTIES, SALARY AND TERM OF OFFICE THEREOF.

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

Section 1. Title 10, Delaware Code, is amended by adding thereto the following new section to read:

§ 126. Deputy Administrator for Justices of the Peace

(a) The Chief Justice of the Supreme Court may appoint a Deputy Administrator to carry out such duties and assignments as may from time to time be assigned him by the Chief Justice relative to the Supervisory and rule making authority of the Supreme Court over the Justices of the Peace Courts and the personnel employed therein. The duties and authority of said Deputy Administrator shall be limited to the operation of the Justices of the Peace Courts and shall extend to no other Court existing under the laws of this State or political subdivision thereof.

(b) The Deputy Administrator appointed hereunder shall not exercise any of the powers of a Judge, but shall perform such duties and shall enforce such orders and directives as the Chief Justice shall from time to time establish for the more efficient operation of the Justice of the Peace Courts.

(c) The Deputy Administrator shall have free access at all times to any proceeding before a Justice of the Peace for the purpose of acting as an observer and shall have the authority to require reports and information and to inspect records upon the order of the Chief Justice, from any Justice of the Peace respecting the manner of the operation of their respective Courts.

(d) The Deputy Administrator shall serve at the pleasure of the Chief Justice and shall receive an annual salary as set by the Chief Justice, but not in excess of \$15,000.00 annually.

(e) The Deputy Administrator appointed hereunder shall be a person who has been duly admitted to the practice of law in the State of Delaware.

Section 2. The sum of \$15,000.00 is hereby appropriated to the Chief Justice of the Supreme Court to carry out the provisions of this Act.

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

Approved July 7, 1964.

CHAPTER 345

**AN ACT RELATING TO CAPITAL IMPROVEMENTS FOR
SCHOOLS OF THE STATE AND TO 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 House concurring therein):

Section 1. Title 29, Delaware Code, is amended by enacting a new Chapter as follows:

**CHAPTER 75. SCHOOL CONSTRUCTION CAPITAL
IMPROVEMENTS****§ 7501. Definitions**

As used in this Chapter—

(a) "School Construction Bond Authorization Act" means: An act of the General Assembly, concurred in by 3/4 of all the members elected to each House, appropriating moneys of the State for capital improvements to the School System of the State and authorizing the State of Delaware to borrow money therefor, and to issue bonds and notes in connection therewith.

(b) "Bonds" means any bonds authorized to be issued by the State of Delaware pursuant to a School Construction Bond Authorization Act.

(c) "Notes" means anticipation notes issued by the State of Delaware in anticipation of the issuance of bonds.

(d) "School Construction" includes, but is not 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 build-

ings, or for playgrounds, including land or rights in land needed to provide access to sites and to provide suitable playgrounds, and the grading or other improvements of such sites, land or rights in land, including the construction of sidewalks where authorized by law, 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.

(e) "Total cost" means the maximum sum or sums of money which may be spent for school construction under a particular School Construction Bond Authorization Act in a particular school district; provided, that nothing contained in this Chapter 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.

(f) "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 any School Construction Bond Authorization Act.

(g) "Local share" means the sum of money specified in any School Construction Bond Authorization Act to render permissible the use of the state share for school construction within the particular school district.

(h) "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 been appointed or elected at the time of the effective date of any School Construction Bond Authorization Act 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 any School Construction Bond Authorization Act and for which there is specified no local share.

(i) "School Building Commission" means one of the School Building Commissions created by Section 7516 of this Chapter.

§ 7502. Applicability of this Chapter; relation to authorization act

(a) Unless otherwise provided in any School Construction Bond Authorization Act the provisions of this Chapter in addition to the provisions of Chapter 74, Title 29, Delaware Code, entitled "Bonds and Notes of the State" shall apply to and control all school construction financed by the issuance of Bonds and Notes of the State for the purpose of school construction and the issuance of said Bonds and Notes and to the appropriations for school construction contained in the School Construction Bond Authorization Act.

(b) The provisions of this Chapter are hereby incorporated in any School Construction Bond Authorization Act unless specifically excepted therefrom and shall be deemed a part of any School Construction Bond Authorization Act just as if contained verbatim in the School Construction Bond Authorization Act.

§ 7503. Matching funds

Except in the case of a school district for which a local share is not required by any School Construction Bond Authorization Act, the State share apportioned to a school district by such School Construction Bond Authorization Act 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 a School Construction Bond Authorization Act.

§ 7504. Time Limit on Construction

No school construction shall be started under authority of any School Construction Bond Authorization Act later than two years after the effective date of the Act; and no money shall be borrowed by the State under authority of any School Construction Bond Authorization Act later than two years after

the effective date of such Act, except such moneys as are necessary to complete school construction started prior to two years after the effective date of any School Construction Bond Authorization Act.

§ 7505. Formula for Construction

No school construction shall be paid with funds appropriated by any School Construction Bond Authorization Act or with funds for which a State share is provided by any School Construction Bond Authorization Act if such construction does not conform with the formula for school construction established by the State Board of Education.

§ 7506. Local bonds; referendum; notice

(a) Any school district which is entitled under the provisions of any School Construction Bond Authorization Act to an apportionment of a State share and which is required therein to provide a local matching share is authorized to issue its bonds for the purpose of raising money to pay the local share set forth in such School Construction Bond Authorization Act 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 175, Volume 52, or Chapter 163, Volume 32, Laws of Delaware, as amended. The provisions of Chapter 20, Title 14, Delaware Code, shall be complied with in the event that the amount in addition to the local share is for school construction which varies from the standard formula.

(b) 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.

(c) Instead of issuing bonds as hereinbefore provided, any school district may pay its local share by using gifts or any other moneys on hand which are not required by law to be used for some other purpose.

§ 7507. Bond Anticipation Notes of local district

(a) After a local referendum authorizing the sale of local school bonds and in anticipation of the issuance of the bonds, the Board of School 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. The notes shall bear interest at a rate not exceeding four 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 four years after issuance. The notes shall be signed by the Chairman and one member of the Board of School Trustees or President and one member of the Board of Education of the district, the seal of the School District shall be impressed on each of the notes 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 Chapter shall apply to notes issued hereunder.

(b) The total amount of notes outstanding at any one time, together with the total amount of bonds theretofore issued in any district 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.

(c) The notes 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 and interest on said notes, including renewal notes, shall be paid from the proceeds of the sale of bonds or from other funds available therefor. The notes shall be general obligations of the school district and the faith and credit of the school district shall be pledged for the full and complete

payment of the principal of and interest on such notes and such notes shall be exempt from taxation with respect to both principal and interest by the State or any political subdivision thereof for any purpose. The Board of Education or the Board of School Trustees of the issuing school district shall have the same power to levy taxes to pay such notes and the interest thereon as in the case of bonds.

§ 7508. Determination of necessity

The State Board of Education shall determine the present necessity for any school construction program as authorized by any School Construction Bond Authorization Act in the several school districts of the State 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 any School Construction Bond Authorization 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 any School Construction Bond Authorization 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 Act.

§ 7509. Certificate of necessity

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, as authorized by any School Construction Bond Authorization Act and shall send a copy of such certification to the State Auditor of Accounts and the Budget Director 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 Chapter and any School Construction Bond Authorization 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 any School Construction Bond Authorization Act, such school construction program shall not be carried out until the local share shall have been deposited with the State Treasurer. 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, but the proceeds of said bonds or notes shall not be expended until the requisite local share shall have been so deposited.

§ 7510. Approval of plans; modification

After making the certificate required by Section 7508 of this chapter, the State Board of Education is 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 the certificates of necessity provided that nothing herein shall be construed to give said State Board of Education authority to increase the total share of such program beyond the maximum limit set forth in any School Construction Bond Authorization Act. No certificate of necessity shall be amended after the date of successful local school district referendum. In the event that a certificate shall be amended as herein provided, the fact of such amendment shall be communicated to the State Treasurer, and the copies thereof shall be sent to the State Auditor of Accounts and the Budget Director and the School Building Commission of the School District.

§ 7511. Consolidation of School Districts

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 as authorized by any School Construction Bond Authorization Act for such consolidated district shall be the totals of said amounts appearing in the School Construction Bond Authorization 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.

§ 7512. Division of a School District

In the event that an existing school district is divided into two or more school districts, the maximum total cost, the maximum State share, and the maximum local share of the school construction program, as authorized for the existing district by any School Construction Bond Authorization Act shall be determined and allocated among the resulting districts by the State Board of Education by taking into consideration the same factors prescribed by Section 7508 of this Chapter in determining the necessity for the school construction program in such resulting school districts; provided, however, that the aggregate amounts so determined by the Board of Education to be allocated to such resulting districts shall not exceed the amount of the maximum total cost, maximum State share and maximum local share, respectively, in the pertinent School Construction Bond Authorization Act with respect to the original school district so divided. Such allocated amounts shall be in lieu of the amounts set forth in any School Construction Bond Authorization Act for the original school district, and applicable to Certificates of Necessity issued pursuant to the School Construction Bond Authorization Act and this chapter.

§ 7513. Local funds to be deposited

The moneys paid to the State Treasurer by a School District as its local share under any School Construction Bond Authorization 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.

§ 7514. Reversion of Unexpended State Share

Any sum of money which has been appropriated or allocated to any school district by the State of Delaware under the provisions of any School Construction Bond Authorization Act which remains unexpended one year after pupil occupancy of any school building constructed under the provisions of the School Construction Bond Authorization Act authorizing the construction shall revert to the State of Delaware and shall be deposited to a special account to be applied against future school construction bond requirements.

§ 7515. Reversion of Unexpended Local Share

Any sum of money which has been appropriated by any local school district under the provisions of a School Construction Bond Authorization Act which remains unexpended one year after pupil occupancy of any school building constructed under the provisions of the School Construction Bond Authorization Act authorizing the construction 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.

§ 7516. School Building Commission

There is created a commission for each school district of the State to be known as the "School Building Commission" of the particular district. The School Building Commission shall 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 as designated from time to time by the State Board of Education, except (1) in the City of Wilmington, where the Board of Education in Wilmington shall be the School Building Commission,

and except (2) in school districts which do not have Board of Trustees or Board of Education, where the School Building Commission shall be composed of three residents of the school district appointed by the Governor, to serve at his pleasure, and two members of the State Board of Education as designated from time to time 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.

§ 7517. Aid to School Building Commissions

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.

§ 7518. Approval of plans

The final plans, specifications and estimates of costs of school construction under any School Construction Bond Authorization Act and this Chapter 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.

§ 7519. Powers of School Building Commission; Contracts

It shall be the province and duty of the School Building Commission for any district to cause the school construction program authorized under any School Construction Bond Authorization Act and this Chapter 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 school so built, altered, or added to), provided that all contracts involving ex-

penditure shall be subject to the provisions of Chapter 69, Title 29, Delaware Code, entitled "Procurement of Material and Award of Contracts for Public Works by State Agencies".

§ 7520. Supervision of Construction

The School Building Commission in each school district shall supervise, or cause to be supervised the school construction program in such school district.

§ 7521. Secretary of School Building Commission

The School Building Commission of the school district shall, with the approval of the Secretary of the State Board of Education, designate from time to time a person to serve as Secretary of the School Building Commission. The secretary shall be the accountant of such School Building Commission. The School Building Commission shall cause the 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 engineers, architects, and such other employees as it deems essential to the proper and expeditious performance of its duties under this Chapter, to fix their salaries and length of service, and to dismiss them for any cause which it shall deem sufficient.

§ 7522. Approval of bills

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 Chapter, 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.

§ 7523. Warrants

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 con-

struction program in such school district contemplated by this Chapter, 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 Budget Director who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same.

§ 7524. City of Wilmington Schools

(a) The carrying out of school construction programs authorized by any School Construction Bond Authorization Act in the City of Wilmington shall be within the exclusive jurisdiction of the Board of Public Education in Wilmington. The 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 shall not exceed in the aggregate the total of the State share certified by the State Board of Education and the local share deposited by the Board of Public Education in Wilmington; and provided, further that all of the provisions of this Chapter are followed.

(b) 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 any School Construction Bond Authorization Act and this Chapter and of all moneys expended therefor. Such accounts shall be deemed to be public records.

§ 7525. Acquisition of lands

(a) Whenever lands shall be required for school construction under any School Construction Bond Authorization Act and this chapter 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 carry-

ing out of any such 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 any such school construction in any other school district in this State the local School Building Commission is authorized to acquire such land upon the approval of the State Board of Education or designated representatives.

(b) The 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.

(c) The cost of such land shall be deemed to be part of the cost of such school construction.

(d) The title to any 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.

(e) Condemnation proceedings to acquire land in any case where such land cannot for any reason be acquired by agreement 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 and Chapter 61, Title 10, Delaware Code.

§ 7526. Use of appropriated funds for supervision and auditing

One and one-half percent of the total appropriation for the total cost of any school construction pursuant to this chapter shall be set aside by each school district receiving an appropriation for school construction and allocated to the State Board of Education for the purpose of covering the cost of supervision and auditing of the school construction program.

Approved July 7, 1964.

CHAPTER 346

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DELAWARE CIVIL WAR CENTENNIAL COM-
MISSION.**

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

Section 1. The sum of \$4,000 is appropriated to the Delaware Civil War Centennial Commission for the fiscal year beginning July 1, 1964, and ending June 30, 1965, for carrying on the operations of the commission, including the cost of erection of suitable public markers within and without the State.

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 July 7, 1964.

CHAPTER 347

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

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

Section 1. § 951, Title 18, Delaware Code, is amended by adding after subsection (d-1) a new subsection to read as follows:

(d-2) In the case of Industrial policies issued on or after the operative date of this subsection (d-2) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest, not exceeding three and one-half per cent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

After the enactment of this subsection, any company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such company), this subsection shall become operative with respect to the Industrial policies thereafter issued by such company. If a company makes no such election, the operative date of this subsection for such company shall be January 1, 1968.

Section 2. § 903 (b), Title 18, Delaware Code, is amended by striking out all of sub-paragraph (2) and inserting in lieu thereof a new sub-paragraph (2) to read:

(2) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of Section 951 (d-2) of this Title, and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

Section 3. § 951 (b), Title 18, Delaware Code, is amended by striking out the words “subsections (d) and (d-1)” in the eighth line of said subsection and inserting in lieu thereof the words “subsections (d), (d-1) and (d-2)”.

Section 4. § 951 (d), Title 18, Delaware Code, is amended by striking out the first and second sentences of the last paragraph therein and substituting in lieu thereof the following:

Except as otherwise provided in subsections (d-1) and (d-2) of this section, all adjusted premiums and present values referred to in this section shall for all policies of Ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table, provided that for any category of Ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than 3 years younger than the actual age of the insured, and such calculations for all policies of Industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table.

Section 5. § 951 (e), Title 18, Delaware Code, is amended by striking out the words “subsections (b), (c), (d) and (d-1)” in the sixth line of said subsection and inserting in lieu thereof the words “subsections (b), (c), (d), (d-1) and (d-2)”.

Section 6. § 951 (f), Title 18, Delaware Code, is amended by striking out the words “subsections (d) and (d-1)” in the seventh line of said subsection and inserting in lieu thereof the words “subsections (d), (d-1) and (d-2)”.

Approved July 7, 1964.

CHAPTER 348

AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$110,230,550.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$13,090.00 FOR THE PROPOSED AMENDMENTS".

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

Section 1. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the salary figure opposite the word "Salary of Chief Inspector" under the heading "Board of Boiler Rules" from \$6,300.00 to \$6,800.00 and by changing the amount opposite "Wages and Salaries of Employees" under the heading "Board of Boiler Rules" from \$16,000.00 to \$16,500.00 and changing the totals accordingly.

Section 2. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the salary figure opposite "Salary of Executive Secretary" under the heading "State Department of Labor and Industrial Relations" from \$7,500.00 to \$8,000.00 and changing the totals accordingly.

Section 3. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the amount opposite "Travel" under the heading "Public Archives Commission" from \$1,000.00 to \$2,450.00 and changing the totals accordingly.

Section 4. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the amount opposite the words "Wages and Salaries of Employees" under the heading "Department of Public Welfare" from \$452,000.00 to \$459,740.00 and by changing the amount opposite the words "Contractual Services" under the heading "Department of Public Welfare" from \$59,300.00 to \$59,900.00 and by changing the amount opposite the words "Supplies and Materials" under the heading "Depart-

Section 2. § 903 (b), Title 18, Delaware Code, is amended by striking out all of sub-paragraph (2) and inserting in lieu thereof a new sub-paragraph (2) to read:

(2) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of Section 951 (d-2) of this Title, and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

Section 3. § 951 (b), Title 18, Delaware Code, is amended by striking out the words “subsections (d) and (d-1)” in the eighth line of said subsection and inserting in lieu thereof the words “subsections (d), (d-1) and (d-2)”.

Section 4. § 951 (d), Title 18, Delaware Code, is amended by striking out the first and second sentences of the last paragraph therein and substituting in lieu thereof the following:

Except as otherwise provided in subsections (d-1) and (d-2) of this section, all adjusted premiums and present values referred to in this section shall for all policies of Ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table, provided that for any category of Ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than 3 years younger than the actual age of the insured, and such calculations for all policies of Industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table.

Section 5. § 951 (e), Title 18, Delaware Code, is amended by striking out the words “subsections (b), (c), (d) and (d-1)” in the sixth line of said subsection and inserting in lieu thereof the words “subsections (b), (c), (d), (d-1) and (d-2)”.

Section 6. § 951 (f), Title 18, Delaware Code, is amended by striking out the words “subsections (d) and (d-1)” in the seventh line of said subsection and inserting in lieu thereof the words “subsections (d), (d-1) and (d-2)”.

Approved July 7, 1964.

CHAPTER 348

AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$110,230,550.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$13,090.00 FOR THE PROPOSED AMENDMENTS".

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

Section 1. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the salary figure opposite the word "Salary of Chief Inspector" under the heading "Board of Boiler Rules" from \$6,300.00 to \$6,800.00 and by changing the amount opposite "Wages and Salaries of Employees" under the heading "Board of Boiler Rules" from \$16,000.00 to \$16,500.00 and changing the totals accordingly.

Section 2. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the salary figure opposite "Salary of Executive Secretary" under the heading "State Department of Labor and Industrial Relations" from \$7,500.00 to \$8,000.00 and changing the totals accordingly.

Section 3. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the amount opposite "Travel" under the heading "Public Archives Commission" from \$1,000.00 to \$2,450.00 and changing the totals accordingly.

Section 4. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the amount opposite the words "Wages and Salaries of Employees" under the heading "Department of Public Welfare" from \$452,000.00 to \$459,740.00 and by changing the amount opposite the words "Contractual Services" under the heading "Department of Public Welfare" from \$59,300.00 to \$59,900.00 and by changing the amount opposite the words "Supplies and Materials" under the heading "Depart-

ment of Public Welfare" from \$13,700.00 to \$14,300.00 and by changing the amount opposite the word "Travel" under the heading "Department of Public Welfare" from \$3,400.00 to \$4,600.00 and changing the totals accordingly.

Section 5. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by adding under sub-section "O. Others" of "Division I" of the "State Board of Education" as follows:

"7. Director of Civil Defense (Total \$11,620.00—State None—Other \$11,620.00)"

"8. Film Librarian (Total \$6,000.00—State None—Other \$6,000.00)"

Section 6. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by adding a sub-section O.—Others under "Division I" of "State Board of Vocational Education—Educational Division" as follows:

"O.—Others"

"I. Manpower Development Training—Total \$11,000.00—State None—Other \$11,000.00)"

Section 7. This Act is a supplementary appropriation Act for the fiscal year commencing July 1, 1964 in the amount of \$13,090.00 and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved July 7, 1964.

CHAPTER 349

AN ACT AMENDING TITLE 11, DELAWARE CODE, PERTAINING TO THE STATE CORRECTIONAL SYSTEM, AND CREATING A DEPARTMENT OF CORRECTION HAVING RESPONSIBILITY FOR THE MAINTENANCE, SUPERVISION AND CONTROL, AND REHABILITATION OF PERSONS COMMITTED TO CORRECTIONAL FACILITIES, ESTABLISHING PROBATION AND PAROLE SERVICES WITHIN SAID DEPARTMENT, AND RELATING GENERALLY TO THE SAID DEPARTMENT OF CORRECTION, ITS OFFICERS, EMPLOYEES, POLICIES, DECISIONS, RESPONSIBILITIES, FINANCES AND PERSONNEL WITHIN ITS JURISDICTION AND CONTROL; PROVIDING FOR CERTAIN OFFENSES; AND MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT; AND COMPLETELY REVISING, RECODIFYING AND AMENDING TITLE 11, DELAWARE CODE, IN RELATION TO SENTENCING, PROBATION, PAROLE, AND PARDONS OF ADULT OFFENDERS, AND PROCEDURES WITH RESPECT TO EXECUTIVE CLEMENCY.

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

Section 1. Title 11, Delaware Code, is amended by repealing Chapter 65, of such Title and enacting in lieu thereof a new Chapter to read as follows:

CHAPTER 65. DEPARTMENT OF CORRECTION**Subchapter I. Purposes and Definitions****§ 6501. Purposes and construction**

This Chapter establishes a Department of Correction. The purpose of this Department of Correction shall be the treatment, rehabilitation and restoration of offenders as useful, law-abiding citizens within the community. To achieve this more effectively in a coordinated and united manner, the Department

of Correction shall be completely responsible for the maintenance, supervision and administration of adult detention and correctional services and facilities of the State, which include institutional facilities and probation and parole services. These institutions and services shall be diversified in program, construction and staff to provide effectively and efficiently for the maximum study, care, custody, training, and supervision and treatment of those persons committed to the institutional facilities or on probation or parole, so that they may be prepared for release, aftercare, discharge or supervision in the community. This Chapter shall be liberally construed so as to effectuate its purposes.

§ 6502. Definitions

As used in this Chapter:

"BOARD" means the Board of Correction established by this Chapter;

"COMMISSIONERS" means the Commissioner of Correction;

"DEPARTMENT" means the Department of Correction as established by this Chapter. Reference in other statutes to the State Board of Corrections or Board of Trustees or workhouse or jail shall be deemed to mean the Department;

"LAW" includes the laws and ordinances of this State, political subdivisions and municipalities thereof;

"OFFENDER" includes any person convicted of a crime or offense as defined in Section 101 of this Title or the ordinances of any incorporated municipality of this State, including a person committed for civil or criminal contempt, except,

(1) a person not yet eighteen years old when adjudged by a Family or Juvenile Court of this State except when committed to the Department in accordance with law, and

(2) a person who has been determined to be mentally ill or criminally inclined and has been committed to another appropriate authority.

Subchapter II. Department of Correction

§ 6504. Establishment

There is established a Department of Correction. Said Department shall be a continuation of and successor to the State Board of Corrections hereto existing.

§ 6505. General Powers and Duties of the Department

(a) The Department, subject only to powers vested in the judicial and certain executive departments and officers of the State, shall have the duties herein set forth and the exclusive jurisdiction over the care, charge, custody, control, management, administration, and supervision of:

1. All offenders and persons under the custody of the Department of Correction.

2. All institutions for the custody, correction, and rehabilitation of persons committed to its care.

3. Such other facilities as may be established by the Department for the safekeeping, correction or rehabilitation of offenders and persons.

4. Probation services for Courts having jurisdiction of offenders, except Family Courts.

5. Parole services for persons within the institutions and facilities of the Department or on parole.

6. Furnishing the Board of Parole adequate office facilities and supplies to properly perform its duties; to transmit the Board of Parole's budget with its own.

7. Providing consultation services and establishing standards on the design and construction of buildings, programs, administration of detention, jail or other facilities, operated by any county or municipality, and to provide a course of training for the personnel of same and establish standards for the same,

with annual inspections, publishing the results of such inspections, as well as statistical and other data on persons held in the same.

8. Operating classification committees, diagnostic and treatment programs, and such other programs as may be desirable to fulfill the purposes of this Chapter.

9. Employing such officers, employees and agents and securing offices and quarters as deemed necessary to discharge the functions of the Department.

10. Receiving all offenders committed to the Department.

11. Executing the orders of the Court as to sentences of corporal and capital punishment.

12. Selling the products of its institutions and farms to other institutions supported in all or part by taxes levied within the State of Delaware; prices to be set as provided by rules of the Department. All funds received from such sales shall be deposited in the General Fund. In the event that there is a surplus of the products of the Department's institutions and farms which cannot be sold to the other institutions supported in whole or part by taxes levied within the State, the Department may sell such surplus products on the open market. All funds received from such sales shall be deposited in the General Fund.

13. To agree with the United States authorities for payment to the General Fund of the State of Delaware of such sums as shall be fixed by the Department for the maintenance and support of offenders committed to the Department under authorities of the United States.

14. May accept as agent for the Youth Services Commission of Delaware any minor properly committed under authority of Section 5312 of Title 31. While any such minor is in the custody of the Department, he shall be held separately and apart from the more hardened offenders, and the Department shall bill monthly the Youth Services Commission for the main-

tenance and upkeep of all such minors in its custody. In all cases where a minor is released from the custody of the Department, the minor shall be redelivered to the Youth Services Commission.

§ 6506. Board of Correction—Composition and Appointment

There shall be a Board of Correction of nine members appointed by the Governor, of persons who have demonstrated interest and preferably have been experienced, in correctional treatment or social welfare. Two members shall be resident of each Kent and Sussex Counties and five members resident of New Castle County. No more than five members shall be of one major political party and no less than four shall be of another major political party. The present members of the State Board of Corrections shall constitute and continue as members of the Board of Correction until their terms expire.

§ 6507. Term

Members shall be appointed for terms of five years.

§ 6508. Vacancies

The Governor shall fill any vacancy, otherwise than through the expiration of a member's term for the unexpired term.

§ 6509. Oath of office

Each member, before entering upon the duties of office, shall take and subscribe to the constitutional oath.

§ 6510. Compensation and expenses

(a) Each member of the Board shall receive \$20 per day as compensation for services when attending a meeting of the Board, not to exceed 36 meetings each year.

(b) In addition, each member shall receive necessary expenses including mileage, incurred in attending such meetings, and performing its duties.

§ 6511. Officers and organization

The Board shall elect from its members a chairman and vice-chairman. Its secretary need not be a member of the Board. It shall provide generally for its organization and its rules for the conduct of its proceedings. A majority vote of the Board of nine members shall be necessary to pass a motion or resolution.

§ 6512. Meetings

The Board shall meet at least twelve times a year and at such other times as the Board or the Chairman shall determine. The Chairman shall call a meeting when requested by a majority of the Board.

§ 6513. Powers of the Board

The Board shall be the general policy-making authority for the Department, not its administrative or executive head, but the administrative or executive head shall be responsible directly to the Board which shall have such other duties as are granted in this Act. The Board shall include in its duties:

1. Establish criteria for the employment of and screening applications for Commissioner.
2. Assist in developing modern personnel policies for the Department, including written job descriptions and qualifications and criteria for the employment of personnel for each position in the Department.
3. Make regular visits in and observations of all Department-operated facilities and services.
4. Continually review Department policy and operation.
5. Study procedures in and the development and progress of the correctional system, including probation and parole, of this State; study and consult with officers and other personnel concerning correctional institutions and probation and parole systems elsewhere; but primarily interpret the Department's responsibilities, problems, functions and needs.

6. Review and frame proposals concerning legislation important to the Department.

Subchapter III. Commissioner of Correction

§ 6515. Office and appointment

The office of Commissioner of Correction is created. He shall be appointed by the Board for an indefinite term at the pleasure of the Board, but shall be removed only for cause. The salary of the Commissioner shall be as fixed by the Board.

The Commissioner shall have had a minimum of an earned graduate degree above that of bachelor's, from an accredited college or university, in one of the behavioral sciences, such as corrections, sociology, psychology, or social work, with five years' experience in the correction field including a responsible administrative position.

He shall be a person of sound character, intellectual maturity, emotional stability, judgment, and ability to work with others and lead others, and with such other attributes that are essential for successful administrative leadership.

§ 6516. Commissioner in charge

The Commissioner is in full and active charge of the Department, and of its facilities and services and is the Chief Executive and Administrative Officer of the Department.

§ 6517. Duties and responsibilities of the Commissioner

(a) The Commissioner shall carry out and provide:

1. For promulgating rules and regulations to carry out his duties and operate the Department which shall not be inconsistent with the general policies of the Board.

2. For the organization, maintenance, control and operation of the Department.

3. For the custody, study, training, treatment, correction and rehabilitation of persons committed to the Department.

4. For regulating the nature and limitations of authorized punishments for violations of the rules established for the government of any institution or facility under the jurisdiction of the Department, but corporal punishment shall not be inflicted therefor; providing by general rule for a merit system for reduction of confinement.

5. For the administration, supervision, operation, management, and control of State correction institutions, farms, or any other institution or facility under the jurisdiction of the Department.

6. For the management and control of institutional labor and industry.

7. For the operation of probation and parole field services.

8. For the employment of such officers, employees and agents as may be deemed necessary to discharge the functions of the Department, together with establishing their qualifications, and the establishment of a merit system, and training programs.

9. For developing a suitable administrative structure providing for divisions, bureaus and services within the Department.

10. For governing the transportation and transfer of offenders and persons between the various institutions and facilities under its jurisdiction or elsewhere as provided in this Chapter, transfers to be made by issued orders, the reasons thereof to be made a matter of record, in each case. No female offender or person shall be transferred unless accompanied by at least one female officer or guard.

11. For managing and supervising the Department and doing any and all things necessary to carry out and to fulfill the purposes of this Chapter.

12. For periodic reports to the Board of an analysis of the institutions and services within the Department, and analysis

and evaluation of the adequacy and effectiveness of personnel and buildings.

Subchapter IV. Divisions of the Department

§ 6520. Establishment of Divisions

There shall be within the Department a Division of Field Services for probation and parole services, and a Division of Statistics, Research and Planning, and such other divisions and subdivisions including a Division of Institutions, with such personnel as the Commissioner shall deem desirable.

Subchapter V. Division of Field Services

§ 6521. Division of Field Services

(a) Director of Field Services

1. The Division of Field Services shall be administered by a Director appointed by the Commissioner. He shall be dismissed only for cause.

2. The Director shall be a person who shall possess a minimum of a bachelor's degree from an accredited college or university and possess an earned graduate degree from an accredited school of social work; have successful experience in probation and/or parole work; have demonstrated administrative ability; possess the sound character and other characteristics conducive to good staff and community relationships.

(b) District Directors

District Director within the Division of Field Services shall possess the minimum qualifications as the Director of the Service.

(c) Case Work Supervisors

Case work supervisors should possess the minimum educational qualifications of a District Director; have successful

experience, with a demonstrated capability for movement toward supervisory position, through at least four years of successful case work practice.

(d) Field Counsellors

Probation and Parole Counsellors and Field Counsellors should have at least a master's degree in an approved school of social work, with knowledge, training and experience as the Commissioner shall determine, except that when suitable persons with a master's degree are unobtainable, a minimum of an earned bachelor's degree in the social sciences and two years' training and/or experience in other aspects of social work may be deemed adequate.

(e) Assistant Field Counsellors

Assistant Probation Officers, Assistant Parole Counsellors and Assistant Field Counsellors shall have completed at least sixty credits in an accredited college or university and/or at least five years' experience of demonstrated ability in the field of penal corrections or related experience. Such counsellors shall meet the entrance requirements of an accredited college or university and be available to enroll in such courses as may be prescribed by the Department.

Such counsellors as selected by the Department should have the ability to work under close supervision, have the ability to get along with people, personal integrity, good physical and mental health and not be prejudiced towards others because of race, religion, social and moral status.

Duties of such counsellors shall be to assist probation, parole counsellors, field counsellors and any other duties that the Department may assign.

Subchapter VI. Diagnostic Services and Special Groups
§ 6523. Diagnostic services

There shall be within the Department a diagnostic service, consisting of one or more branches, to make social, medical,

psychological and other appropriate studies and investigations of persons committed to its care. At the request of any sentencing court, the diagnostic service shall, to the extent possible, receive for study and report to the court, any person who has been convicted and is before the court for sentencing who is subject to commitment to the Department.

§ 6524. Special problem groups

The Department may establish facilities for the treatment of the following persons: alcoholics, prostitutes, drug addicts, and other such groups as the Department shall determine. The Department shall coordinate its work with any other State agency to reduce overlapping or duplication of functions and services.

§ 6525. Treatment of mentally ill and mentally defective inmates: transfer

The Department shall establish resources and programs for the treatment of mentally ill and defective persons, either in a separate facility or as part of other institutions or facilities of the Department. The Department shall coordinate its work with any other State agency to reduce overlapping or duplication of functions and services.

The Commissioner is empowered to transfer to other appropriate State institutions for care and treatment inmates who have been determined to be psychotic or mentally defective. Transfer may also be made to such facilities in other jurisdictions, or to municipal or private facilities upon the consent of responsible administrators of such facilities.

When in the judgment of the administrator of the institution to which an inmate has been transferred he has recovered from the condition which occasioned the transfer, the inmate shall be returned to the Department.

§ 6526. Separate program for youthful offenders; special facilities for witnesses and those awaiting trial

(a) Appropriate separate custodial care and work and training facilities shall be provided for youthful offenders by the Department.

(b) Such special facilities and services also shall be provided for witnesses detained for inability to give bail and those awaiting trial as the Department deems fit and necessary.

Subchapter VII. Classification and Employment

§ 6529. Organization of classification committees

The Department shall classify persons in the several institutions and facilities and shall promulgate regulations in accordance with which one or more classification committees shall be organized and operated.

§ 6530. Classification committee—information

Immediately after a person who is sentenced for 90 days or more is received at any institution under the jurisdiction of the Department, a classification committee shall obtain and file complete information with regard to such person. Similar records may be compiled on persons sentenced to less than 90 days, in accordance with rules and regulations of the Department. When all such existing available records have been assembled, each such classification committee shall determine whether or not any further investigation is necessary, and if so, it shall make such additional investigation. Each classification committee shall determine and prescribe the custodial and rehabilitation program and the care for each person coming under its jurisdiction. The classification committees shall determine the persons who shall work and labor and shall assign persons to jobs, studies and programs according to their abilities and in the manner best calculated to effectuate their training and rehabilitation. Review for reclassification shall occur periodically in accordance with the Department's regulations, or whenever the committee shall deem it advisable.

§ 6531. Treatment programs; classification

Persons committed to the institutional care of the Department shall be dealt with humanely, with effort directed to their rehabilitation, to effect their return to the community as safely and promptly as practicable. The Commissioner shall establish

the following programs, and may establish others: education, including vocational training; work; case work counselling and psychotherapy; library and religious services; commissary; and shall institute procedures for the study of classification of inmates for these purposes. Subject to the limitations of existing structures, rooms for the housing of inmates shall have adequate privacy, light, and sanitary facilities, and personal needs, including facilities for visits by relatives and friends shall be provided at a normal level.

§ 6532. Work by inmates

The Department shall provide opportunities for employment, work experiences and training by all inmates. To the maximum extent possible, these work experiences shall approximate normal conditions of employment in free agriculture and industry, in equipment, management practices, and general procedures. The products of inmate labor and inmate services may be sold to tax-supported departments and institutions and agencies of the State and its governmental subdivisions, and such other employers as the Department shall determine.

Inmates shall be compensated, at rates fixed by the Department for work performed, including institutional maintenance. If adequate for such purpose, the inmate should be encouraged and when approved by the Commissioner, required to support his dependents who may be receiving public assistance during the period of commitment.

The Department may make contractual arrangements for the use of inmate labor by other tax-supported units of government responsible for the conservation of natural resources or other public works.

§ 6533. Outside employment; escape of employed inmate

(a) The Department may adopt rules and regulations governing the employment of trustworthy inmates outside the institutions and facilities under the jurisdiction of the Department.

(b) Any inmate employed under the provisions of subsection (a) of this section shall continue to be in the legal custody of the Department, notwithstanding his absence from an institution by reason of such employment, and any employer of any such person shall be considered the representative of, or keeper for the Department.

(c) Whoever, being an employer or other person, through negligent control of the inmate or otherwise or whoever counsels, advises, aids, assists, abets or procures the escape from the legal control of the Department of any inmate employed under this subchapter shall be fined, or imprisoned, or both.

§ 6534. Payment of compensation

(a) The compensation earned by a person shall be paid to him in whole or in part or in installments as determined by the Department, at the time of his release, except, that the Department may from time to time, in its discretion, or upon the order of a court of competent jurisdiction, pay all or part thereof to any person actually dependent on the offender and the Department may from time to time allow from such compensation an amount to an offender for spending money.

(b) A husband or parent sentenced to imprisonment for desertion or failure to support a wife or child, shall receive for his work compensation, and the same shall be disbursed as provided by Chapter 5 of Title 13.

Subchapter VIII. Discipline, Medical Care and Discharge

§ 6535. Discipline

The Department shall promulgate rules and regulations for the maintenance of good order and discipline in the facilities and institutions of the Department, including procedures for dealing with violations. A copy of such rules shall be provided to each inmate. There shall be a record of charges of infractions by inmates, any punishments imposed, and of medical inspections made.

§ 6536. Medical care

The Department shall promulgate standards for and shall establish health, medical and dental services for each institution including preventive, diagnostic and therapeutic measures on both an out-patient and hospital basis for all types of patients.

The Department may authorize under regulations inmates to be taken, with or without guard, to a medical institution or facility outside the institution.

§ 6537. Inmate contacts with persons outside the institution

The Department shall authorize under reasonable conditions visits to and correspondence with inmates by relatives, friends, and others; and temporary releases of such inmates for such occasions as the death of a member of the inmate's family, or interview of inmates by a prospective employer.

§ 6538. Furloughs

The Department shall promulgate regulations under which inmates, as part of a program looking to their release from the custody of the Department or their treatment may be granted temporary furloughs from the institution to visit their families or prospective employers.

§ 6539. Discharge allowance; loans

Persons discharged upon completion of their term or released on parole or mandatory conditional release may be supplied in accordance with the Department's rules and regulations within budget requirements, with satisfactory clothing, and transportation to the point of destination within the State. If the inmate's family is financially able, or if the inmate has resources, these shall be used prior to the use of public funds.

Subchapter IX. General Provisions**§ 6550. Seal—authentication**

The Department shall adopt a seal. Copies of all records and papers in the offices of the Department, certified by an

authorized agent of the Department and authenticated by the seal, shall be evidence with like effect as the original.

§ 6551. Cooperation with other Departments and Agencies

The Department shall cooperate with the Courts and with public and private agencies and offices to assist it in attaining its purposes. The Department may enter into agreements with other Departments of Federal, State and municipal government for the employment of persons committed to the charge of the Department.

§ 6552. Discharge of employees

All discharges shall be for cause and in accordance with regulations and procedures established by the Department. Upon request in writing, any discharged employee shall be given a hearing before the Board.

§ 6553. Compensation of employees

Compensation of employees shall be as fixed by the Commissioner.

§ 6554. Bonds of officers and employees

The Board may require the Commissioner, and any officer or employee of the Department to execute a surety bond with corporate surety to be approved and in such amount as required by the Board, with the condition that he shall faithfully perform the duties of his office, and account for all funds received through his position as Commissioner. The premium for such bond shall be paid from funds of the Department.

§ 6555. Facilities, equipment and supplies

The Department shall acquire by lease, purchase or otherwise, all necessary facilities, equipment, supplies or articles for the carrying out of its duties in the safekeeping, maintenance, improvement and rehabilitation of those in its care.

§ 6556. Offices and quarters

The Department shall secure offices and quarters sufficient for its needs and furnish the same.

§ 6557. Lands and buildings

The Department may acquire by lease, purchase or otherwise, and hold in the name of the State of Delaware for the use of the Department, all necessary lands and buildings for the carrying out of its duties and functions.

§ 6558. Contracts, limitations for interest

No officer or employee of the Department may be directly or indirectly concerned or interested in any contract, purchase or sale made by the Department or by its authority, or may accept any reward or gift, or any promise of any reward or gift, directly or indirectly from any person interested in any contract, purchase or sale made by the Department, or its authority, and every officer and employee shall make report to the said Department of all such offenses coming to his knowledge; nor shall any member of the Board, or anyone in the family of a member, hold any other office or position in the Department.

§ 6559. Annual Report

The Commissioner and Board shall make a report every year on or before November 15 to the Governor, showing the financial operation of the Department for the preceding year, together with adequate statistical information concerning the persons committed to the Department, or under the supervision of the Department, or under the supervision of the Department's field service, with such research reports, analysis, planning, evaluations and recommendations as may appear necessary to the advancement of the interest of the Department and its objectives. A copy of said report shall be sent to each member of the General Assembly and shall be made available to other agencies and citizens, as desired.

§ 6560. Police powers of correctional officers and employees; limitations

All correctional officers and employees of the Department shall have the full power of a State police officer while on duty:

1. At one of the correctional institutions, or
2. In charge of prisoners at any place within the State and while going to or returning from such duty, or
3. Searching for escaped prisoners; provided, however, that only those correctional officers and employees who have been sworn in by the Commissioner shall have the power of a police officer hereunder. The Board shall provide appropriate identification for all such correctional officers and employees.

§ 6561. Furnishing contraband; penalty

Whoever furnishes to any person committed to the jurisdiction of the Department:

1. Any intoxicating liquor or narcotic drug of any kind except as prescribed by a physician for medical treatment, or
2. Any money without the knowledge and consent of the Department, or
3. Any deadly weapon or part thereof or any instrument or article which may be used to effect an escape, shall be punished by fine or imprisonment, or both.

§ 6562. Incarceration upon arrest by private detective

All persons arrested by private detectives or private detective agencies on State, county or municipal warrants, or in any other manner, shall be incarcerated only in the custody of the Department or in a place provided by the State, county or municipality for the incarceration of persons.

§ 6563. Violation of Section 6562 of this Title

Whoever, being a private detective, violates the provisions of Section 6562 of this chapter shall be fined not less than \$100 nor more than \$500, or in default of the payment of such fine, imprisoned not less than six months nor more than one year.

Section 2. All employees of the State Board of Corrections at the time this Act becomes effective shall continue and be deemed to be employees of the Department of Correction. Said employees and said persons who shall become employees of the Department under Section 3 hereunder, shall receive full credit for the time employed by the State Board of Corrections or Court or governmental agency, in computing the number of years of service required to receive pension benefits within the meaning of the State Employees Pension Plan or any State pension plan adopted in lieu thereof. Nothing herein contained shall be construed to alter the pension status or to grant pensions to any employees who are not in the employ of the Department on or before one year from the date this Act becomes effective. No employee of the Department shall be entitled to the pension benefits provided herein until he has completed one year as an employee of the Department or the State Board of Corrections or Court or governmental agency immediately prior thereto and has met all the other requirements of the State Employees Pension Plan or any State pension plan adopted in lieu thereof.

Section 3. All probation and parole officers and other employees engaged directly in probation work for the Municipal Court and parole work for the Parole Board shall become and be deemed to be employees of the Department one year from the date this Act becomes effective; provided, however, the Commissioner by order may accelerate this date. Upon the said probation and parole officers and other employees becoming employees of the Department, all statutes pertaining to the method of their appointment and the method of payment of their compensation shall be repealed; provided further, however, that any agency paying said compensation to said employees shall continue to pay the same until an appropriation has been made to the Department assuming such payment.

Section 4. The sum of One Hundred Thirty-four Thousand, Five Hundred Fifteen Dollars (\$134,515) is hereby appropriated to the Department of Correction to be expended as follows during the fiscal year ending June 30, 1965:

Salaries and Wages	\$98,300
Office Expense	15,000

Travel	11,000
Operations	1,100
Repairs and Replacements	1,200
Equipment	7,915
	<hr/>
	\$134,515

Section 5. The sum appropriated in Section 4 is a supplementary appropriation and the money appropriated is to be paid by the State Treasurer out of the General Fund of the State of Delaware.

Section 6. Any funds herein appropriated not expended by June 30, 1965, will revert to the General Fund.

Section 7. Title 11, Delaware Code, is completely revised, recodified and amended by substituting for Chapter 43 pertaining to probation, Chapter 77 pertaining to parole and Chapter 79 pertaining to pardons, a new Chapter 43 as follows:

CHAPTER 43. SENTENCING, PROBATION, PAROLE AND PARDONS

Subchapter I. Purposes, Construction and Definitions

§ 4301. Purposes and construction

This Chapter shall be construed to the end that the treatment of persons convicted of crime shall take into consideration their individual characteristics, circumstances, needs and potentialities, as revealed by a case study, and that whenever it appears desirable in the light of the needs of public safety and their own welfare, such person shall be dealt with, at restricted liberty in the community, by a uniformly organized system of constructive rehabilitation, under probation or parole supervision instead of in a correctional institution.

§ 4302. Definitions

As used in this Chapter:

"BOARD" means the Board of the Department of Correction.

"BOARD OF PARDONS" means that Board as established by the Constitution and laws.

"CONDITIONAL RELEASE" means the release of an offender from incarceration to the community by reason of diminution of the period of confinement through merit and good behavior credits. A person so released shall be known as a Releasee.

"COURT" means Superior Court, Court of Common Pleas, and Municipal Court of the City of Wilmington.

"DEPARTMENT" means the Department of Correction.

"COMMISSIONER" means the Commissioner of the Department.

"LAW" means the laws of this State, including any ordinance of any subdivision or municipality.

"JUDGE" means any Judge of any Court as herein defined.

"OFFENDER" means any person who has been brought within the jurisdiction of the Superior Court, Courts of Common Pleas and the Municipal Court of the City of Wilmington, or within the scope of duties of the Board of Parole or the Board of Pardons.

"PAROLE" means the release by the Parole Board of an offender from incarceration to the community prior to the expiration of his term, subject to the supervision and guidance of the Department. A person placed upon parole shall be known as a Parolee.

"PAROLE BOARD" means the duly established Board of Parole as the paroling authority of the State.

"PRESENTENCE INVESTIGATION" means the procedure by which the Court subsequent to conviction but prior to sentencing, obtains information concerning the offender sufficient to evaluate his conduct and to determine his potentialities for rehabilitation, with appropriate recommendations for judicial disposition. Said presentence investigation shall be embodied in a written report.

"PROBATION" means the sentencing without imprisonment, of an offender by judgment of the Court following establishment of guilt, subject to the conditions imposed by the Court, including the supervision and guidance of the Department's Field Services. A person placed upon probation or under suspended sentence under supervision shall be known as a Probationer.

"PROBATION AND PAROLE COUNSELLOR" means an employee of the Department with qualifications and having powers and responsibilities pertaining to investigation, supervision and otherwise provided by law or determined by the Department within the scope of this Chapter.

"MERIT AND GOOD BEHAVIOR CREDITS" means that diminution of the period of confinement, as provided by law, by reason of industrious and cooperative conduct.

Subchapter II. Probation and Parole Services

§ 4321. Probation and Parole Counsellors

The Department and its Probation and Parole Counsellors shall conduct such presentence and preparole investigations or perform such other duties under this Chapter as may be ordered by the Court, Parole Board or Department; provided, however, that all presentence investigations and reports for the Superior Court, the Court of Common Pleas for Kent County, and the Court of Common Pleas for Sussex County, shall be prepared as provided in Section 4336, Title 11, Delaware Code, herein enacted. The Department shall furnish to each person released under the supervision of the Department a written statement of the conditions of his probation or parole and shall instruct him regarding these conditions. The Counsellors, under the supervision of the Department, shall prepare an evaluation and plan of treatment aimed at alleviation of those conditions which brought about the criminal behavior of each of his charges, and shall attempt in each case to effect a satisfactory adjustment between the individual and his needs and the demands of society. The Counsellors shall keep informed of the conduct and condition of persons in their charge, shall aid them to

secure employment, shall exercise supervision over them, and see that they fulfill the conditions of their release, and shall use all suitable methods to aid and encourage them to bring about improvement in their conduct and conditions and to meet their probation or parole obligations. The Counsellors shall keep detailed records of their work; shall supervise the collection and dispersal of all monies in accordance with the orders of the Court and Department; and shall make such reports in writing and perform such other duties which the rules and regulations of the Department require or which the Court, the Board of Parole or the Commissioner may require. Probation and Parole Counsellors shall have all the powers of a constable under the laws of this State.

§ 4322. Protection of records

The presentence report (other than a presentence report prepared for the Superior Court, the Court of Common Pleas for Kent County, or the Court of Common Pleas for Sussex County), the preparole report, the supervision history, and all other case records obtained in the discharge of official duty by any member or employee of the department shall be privileged and shall not be disclosed directly or indirectly to anyone other than the Courts as herein defined, and the Family Court, the Board of Parole, the Board of Pardons, the Attorney General's Office, or others entitled by this Chapter to receive such information; except that the Court may, in its discretion, permit the inspection of the report or parts thereof by the offender or his attorney or other persons who in the judgment of the Court have a proper interest therein, whenever the best interest of the State or welfare of a particular defendant or person makes such action desirable or helpful. No person committed to the Department shall have access to any of said records. The presentence reports prepared for the Superior Court, the Court of Common Pleas for Kent County, and the Court of Common Pleas for Sussex County, shall be under the control of those Courts respectively as heretofore.

Subchapter III. Probation and Sentencing Procedures

§ 4331. Presentence investigation

No offender shall be sentenced to six months or more, with probation, suspension, commitment or otherwise, or fined, where

commitment in lieu thereof would be six months or more, before a written report of presentence investigation is presented to and considered by the Court. The Court may, in its discretion, order a presentence investigation for an offender convicted of any crime.

Whenever an investigation by the Department is ordered by the Court, the Department should inquire promptly into such things as the circumstances of the offense; the motivation of the offender; the criminal record, social history, behavior pattern and present condition of the offender. The report of the presentence investigation should include an evaluation of the offender's criminal conduct, and should note where in the judicial alternatives of the Court may play a role in the rehabilitation of the offender as a law-abiding citizen. All local and State agencies shall make available to the Department such records as the Department may request. The investigation should include physical and mental examination of the offender, when, in the opinion of the Court it is desirable. As soon as practicable or as ordered by the Court, the presentence report shall be forwarded to the sentencing Judge of the Court in each case.

The Department may conduct any additional investigations or perform any other case services in the community, with the preparation of appropriate reports, as may be desirable to facilitate an institutional treatment program aimed at rehabilitation of the offender.

§ 4332. Sentence and modification

The Court may, after conviction or after a pleas of guilty or nolo contendere for any crime or offense not capital:

- (1) Impose a fine as provided by law for the offense;
- (2) Impose a fine and place the offender upon probation;
- (3) Commit the offender to the Department, with or without a fine, or with any other punishment, as provided by law for the offense;
- (4) Suspend the imposition or execution of sentence;

- (5) Place the offender upon probation;
- (6) Impose a period of imprisonment and place the offender upon probation to commence when he is released from prison.

Notwithstanding anything herein to the contrary, probation or a suspended sentence shall not be substituted for imprisonment where the statute specifically indicates that a prison sentence is mandatory or may not be suspended.

On imposing a fine the Court may authorize its payment in installments. In adjudging an offender to probation the Court shall direct that he be under the supervision of the Department, with the Court order specifying those conditions under which the offender may remain at liberty on probation.

In committing an offender to the Department the Court shall fix the maximum term of incarceration.

Where modification of judgment is not provided by Rule of Court, the Court may modify a judgment within 90 days after it is ordered. Dispositions other than commitment to the Department, and such commitments which are revoked shall not entail the loss by the offender of any civil rights, except as provided in the State Constitution.

The Court may direct that one placed on probation be released on his entering into a recognizance, with or without surety, and during such period as the Court directs, that he appear and receive sentence when called upon, and in the meantime that he keep the peace and be of good behavior.

The Court may, if it thinks proper, direct that the offender pay the costs of the prosecution or such portion of it as is directed by the Court and may further impose such terms and conditions to be complied with by the offender during such period as it deems proper.

At any time within the period mentioned in the recognizance, but not afterwards, the Court may, upon being satisfied

by information on oath that the offender has failed to observe any of the conditions of his recognizance, or any of the terms or conditions of his probation, issue process for his apprehension and thereupon, without any further proceedings, impose sentence upon him.

If such offender fully complies with all of the terms and conditions of his recognizance and with all terms and conditions of his probation during the entire period prescribed by the Court, the plea or verdict of guilty entered by or recorded against such offender shall be stricken from the records of the Court.

§ 4333. Conditions of probation or suspension of sentence

The Department may adopt standards concerning the conditions of probation or suspension of sentence which the Court may use in a given case. The standard conditions shall apply in the absence of any other specific or inconsistent conditions imposed by the Court. The presentence report may recommend conditions to be imposed by the Court. However, nothing herein contained shall limit the authority of the Court to impose or modify any general or specific conditions of probations or suspension of sentence. The Department may recommend, and by order duly entered, the Court may impose and may at any time order modification of any conditions of probation or suspension of sentence. Before any such conditions are modified, a report by the Department shall be presented to and considered by the Court. The Court shall cause a copy of any such order to be delivered to the Department and to the Probationer.

§ 4334. Period of probation or suspension of sentence; Termination

The period of probation or suspension of sentence shall be fixed by the Court, but in no event shall the total period of probation or suspension of sentence exceed the maximum term of commitment provided by law for the offense or one year, whichever is greater; provided, that in all cases where no commitment is provided by law, the period of probation or suspension of sentence may not be more than one year. Probation or

suspension of sentence may be terminated by the Court at any time and upon such termination or upon termination by expiration of the term, an order to this effect shall be entered by the Court.

§ 4335. Arrest for violation of conditions; subsequent disposition

The Court may issue a warrant for the arrest of a probationer for violation of any of the conditions of probation or suspension of sentence, or a notice to appear to answer to a charge of violation. Such notice shall be personally served upon the probationer. The warrant shall authorize officers to return the probationer to the custody of the Court or to the Department.

The Commissioner or any Probation Counsellor, when in his judgment there has been a violation of any condition of probation or suspension of sentence, may arrest such probationer without a warrant, or may deputize any other officer with power of arrest to do so by giving him a written statement setting forth that the probationer has, in the judgment of the Commissioner or Probation Counsellor, violated the conditions of his probation or suspended sentence. The written statement delivered with the probationer by the arresting officer to the official in charge of the place of detention shall be sufficient warrant for the detention of the probationer. When an arrest is made by a Probation Counsellor, the Department shall present to the detaining authority a written statement of the circumstances of violation. Provisions regarding release on bail of persons charged with crime shall be applicable to the probationers arrested under these provisions.

Upon such arrest and detention, the Department shall immediately notify the Court and shall submit in writing a report showing in what manner the probationer has violated the conditions of probation or suspension of sentence. Thereupon, or upon arrest by warrant as herein provided, the Court shall cause the probationer to be brought before it without unnecessary delay, for a hearing on the violation charge. The hearing may be informal or summary. If the violation is es-

tablished, the Court may continue or revoke the probation or suspension of sentence, and may require the probation violater to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed.

A probationer for whose return a warrant cannot be served, shall be deemed a fugitive from justice or to have fled from justice. If it shall appear that he has violated the provisions of his probation or suspended sentence, the Court shall determine whether the time from issuing of the warrant to the date of his arrest, or any part of it, shall be counted as time served on probation or suspended sentence.

§ 4336. Presentence investigation; Superior Court, Courts of Common Pleas in Kent and Sussex Counties; presentence officers

(a) Presentence Officers and Assistants

1. The Superior Court may appoint a suitable person in each of the counties of the State to conduct such presentence investigations and to perform such other duties, within or without the county of his residence, as the Court may direct. Each person so appointed shall reside in the county for which he shall be appointed and shall hold office at the pleasure of the Superior Court. Each of such persons shall be the chief presentence officer and shall be an officer of the Court, and shall receive as compensation an annual salary to be fixed by the Court.

2. The Superior Court may also appoint not more than three assistant presentence officers in New Castle County and one assistant presentence officer in Kent County and one assistant presentence officer in Sussex County who shall have the same powers and perform the same duties as the chief presentence officers. The Court may also appoint one or more office stenographers in each of the counties for the proper functioning of presentence investigation and reporting. The salaries of any such assistant presentence officers and office stenographers shall from time to time be fixed by the Court, and they

shall hold office at the pleasure of the Court. They shall perform the duties prescribed by law or by order of the Court.

3. In case of absence or disqualification of any presentence officer or assistant presentence officer the Superior Court may appoint a presentence officer pro tempore who shall receive as compensation for each day's service a sum equal to the per diem compensation of the salary of the presentence officer as prorated. The compensation so paid for any excess over 30 days' absence of any presentence officer or assistant presentence officer in any one year shall be deducted from the salary of such presentence officer or assistant presentence officer.

(b) Badges

Each presentence officer and assistant presentence officer shall be provided by the Levy Court of the respective counties with a badge of office upon which shall be inscribed the words, "Officer, Superior Court, Delaware".

(c) Compensation

The chief presentence officer and the assistant presentence officer shall be officers of the Superior Court. The Court shall certify to the respective Levy Courts and to the respective County Treasurers the names and addresses of the several persons appointed to the offices and positions authorized by this section, the several dates of their appointments, and the compensation to be paid them, and their salaries shall be paid in the same manner as the salaries of other county officers are paid.

(d) Investigations for the Superior Court

Each presentence officer and each assistant presentence officer shall make such presentence investigation for the Superior Court as it shall direct, including an inquiry into such things as the circumstance of the offense, the motivation of the offender, the criminal record, social history, behavior pattern, and present condition of the offender. The report thereof shall be in such form and cover such subjects as the Superior Court shall direct.

(e) Investigation for the Court of Common Pleas
for Kent County

Each presentence officer and each assistant presentence officer appointed in Kent County as aforesaid shall also with the approval of the Superior Court make such like presentence investigations for the Court of Common Pleas for Kent County as said Court shall order. The report thereof shall be in such form and cover such subjects as that Court shall direct.

(f) Investigations for the Court of Common Pleas
for Sussex County

Each presentence officer and each assistant presentence officer appointed in Sussex County as aforesaid shall also with the approval of the Superior Court make such like presentence investigations for the Court of Common Pleas for Sussex County as said Court shall order. The report thereof shall be in such form and cover such subjects as that Court shall direct.

Subchapter IV. Parole

§ 4341. Parole Board; selection, appointment and removal

(a) The Board of Parole is continued, with the present members, to serve until the expiration of the terms of office for which they were appointed.

(b) The term of office for each subsequent appointment shall be for three years. The Governor shall annually appoint one person of demonstrated interest in correctional treatment or social welfare to the Board to succeed a member whose term has expired. A vacancy shall be filled by the Governor within 60 days, the person to serve the balance of the unexpired term. A member shall hold office until a successor has been appointed and qualified.

(c) The Governor may remove a member of the Board only for disability, inefficiency, neglect of duty or malfeasance in office. Before such removal the Governor shall give the member a written copy of the charges against him and shall fix

the time when he can be heard in his defense, which shall not be less than ten days thereafter. Upon removal, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and the findings thereupon, with a report of all the proceedings.

§ 4342. Organization

(a) The Board shall annually elect a Chairman from its members. It shall appoint a Secretary.

(b) The Board shall adopt an official seal of which the Courts shall take judicial notice.

(c) Suitable and adequate quarters shall be obtained by the Board.

§ 4343. Duties

The Board shall:

(1) Be the paroling authority for the State.

(2) Establish rules and regulations for the conduct of its own proceedings, and rules of procedure for the effective enforcement of the provisions of this chapter. Copies of said rules and regulations shall be published and may be obtained upon request.

(3) Determine the salary of any employee within the total appropriation in addition to proper expenses.

(4) Meet at least once a month, for the transaction of business, and a sufficient other number of times as shall be necessary adequately to perform its duties under this Chapter.

(5) Keep a record of its acts and notify each applicant for parole, and the Department of its decisions.

(6) Advise with the Department in the formulation and establishment of policies and procedures, fully to carry out

the objectives of parole and correctional treatment in the best interests of the public.

(7) Cooperate with the Department in preparing the annual report of the Board to be submitted to the Governor and make available and submit to the Department all statistical and other data of its work and compilation and analysis of dispositions as it shall require. The Board may make a separate statement or include such statement in the report of the Department to the Governor.

§ 4344. Compensation and expenses

(a) Each member of the Board shall receive \$20 per day as compensation for services when attending a meeting of the Board, not to exceed 36 meetings each year.

(b) In addition, each member shall receive necessary expenses including mileage, incurred in attending such meetings, and performing his duties.

§ 4345. Review prior to parole

Within one year after his confinement has begun and at such intervals thereafter as the Board may determine, or when requested by the Department, the Board shall consider all pertinent information regarding each person who might thereafter become eligible for parole, including the presentence report, progress reports submitted by the Department, and reports of such physical and mental examinations as have been made, to determine what progress is being made in preparing the person for release. In all cases where the sentence is five years or less, the Board shall review each case at least once every year; in all cases where the sentence is more than five but ten years or less, the Board shall review each case at least once every two years; and in all cases where the sentence is more than ten years or where the prisoner is sentenced for life, the Board shall review each case at least once every three years.

§ 4346. Eligibility for parole

(a) A person confined to any correctional facility administered by the Department may be released on parole by the

Board if he has served one-third of the term imposed by the Court, such term to be reduced by such merit and good behavior credits as have been earned, or 120 days, whichever is greater. For the purpose of this subchapter, "Court" shall include any Court committing an offender to the Department.

(b) Consistent with law, the Board, upon written recommendation of the Court which imposed the sentence, or the Department, may reduce the minimum term of eligibility when the Board is satisfied that the best interest of the public and the welfare of the person will be served by such reduction. Such reduction in the minimum term of eligibility for parole shall be by order of the Board stating the specific date when said person shall become eligible for parole; but such reduction of the minimum term of eligibility for parole shall have no effect on the maximum limits of the sentence. The order of reduction by the Board shall be made in open hearing.

(c) 1. The authority of the Board shall include those persons whose maximum terms have been commuted by the Governor.

2. For all purposes of this section, a person sentenced to imprisonment for life shall be considered as having been sentenced to a fixed term of 45 years.

(d) Consistent with law, the Board may adopt such other rules as it deems proper or necessary with respect to the eligibility of persons for parole, the conduct of parole hearings or conditions to be imposed upon parolees.

(e) Whenever the physical or mental condition of any person confined in any institution demands treatment which the Department cannot furnish, the Department may, if such action seems necessary for the well-being of such person, recommend that the case be considered by the Board of Parole at a regular or special meeting. When such case is so considered, the Board of Parole, if satisfied that removal from the institution is necessary for the well-being of such person, may order the release of such person on parole without regard to the time already served by such person. The Board of Parole shall

parole in such case only when arrangements have been made for the treatment of the person in some institution. The Board of Parole may impose any conditions of parole in such case, may revoke such parole without hearing at any time and for any cause, and order the return of the person to the Department.

§ 4347. Parole authority and procedure

(a) A parole may be granted when in the opinion of the Board there is reasonable probability that the person can be released without detriment to the community or to himself, and where in the Board's opinion parole supervision would be in the best interest of society and an aid to rehabilitation of the offender as a law-abiding citizen. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. A person shall be placed on parole only when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen.

(b) Within one month prior to the time an offender is scheduled for a parole hearing, the Department shall submit a progress report with parole recommendations to the Parole Board, and the Department shall submit a carefully evaluated parole plan with recommendations.

(c) Before ordering the parole of any person, the Board shall have the person appear before it and shall interview him.

(d) All paroles shall issue upon order of the Board duly adopted. Said order shall recite the conditions thereof, which may be altered as the Board may determine, and a copy shall be provided to the parolee and the Department.

(e) Every person while on parole shall remain in the legal custody of the Department but shall be subject to the orders of the Board of Parole.

(f) Where civil rights would otherwise be forfeited, they shall be forfeited only during any period of incarceration.

(g) The period served on parole or conditional release shall be deemed service of the term of imprisonment, and sub-

ject to the provisions contained in Section 4352 herein relating to a person who is a fugitive from or has fled from justice, the total time served may not exceed the maximum term or sentence. When a person on parole or conditional release has performed the obligations of his release for such time as shall satisfy the Board that his final release is not incompatible with the best interest of society and the welfare of the individual, the Board may make a final order of discharge and issue a certificate of discharge to the person; but no such order of discharge shall be made in any case within a period of less than one year after the date of release except where the sentence expires earlier thereto. Such discharge, and the discharge of a person who has served his term of imprisonment, shall have the effect of restoring all civil rights lost by operation of law upon commitment, and the certification of discharge shall so state. Except when discharged herein a person on parole or conditional release shall be on parole until the expiration of the maximum term for which he is sentenced.

§ 4348. Release upon merit and good behavior credits

A person having served his term or terms in incarceration, less such merit and good behavior credits as have been earned, shall, upon release, be deemed as released on parole until the expiration of the maximum term or terms for which he is sentenced. A person may waive his right to conditional release, in which case he shall serve the remainder of his term or terms in prison. Such waiver shall be in writing. Only persons who have been committed for one year or more shall be deemed to be released on parole; provided, the Department by general rule may lower said period of time.

§ 4349. Information from the Department and others

It shall be the duty of the Department to grant to the Board or its representatives, access to any person over whom the Board has jurisdiction under this Chapter, to provide facilities for communicating with and observing such person, and make available to the Board such reports as the Board shall require concerning the conduct and character of any person in the custody of the Department, the institutional plan of treat-

ment for such person or any other facts deemed by the Board pertinent in determining whether the person shall be paroled. It shall be the duty of the Department to furnish to the Board such reports as the Board shall require concerning casework performed in the community with relatives or others connected with the person, investigations of parole plans, or other reports or facts deemed by the Board pertinent in determining whether or not the person shall be paroled. All police upon request shall furnish the Board with any information at their disposal in regard to any person to be considered for parole.

§ 4350. Conduct of hearings on applications for parole

The Board, when hearing applications for parole, shall not be required to hear oral statements or arguments by persons not connected with the Department. The Department shall be entitled to appear personally before the Board and to advise it and be heard with respect to any application for parole being considered. All persons presenting information or arguments to the Board shall submit their statements in writing or otherwise, as the Board may desire. Such hearings may be private.

§ 4351. Witnesses; production of records

The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers and documents necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by any member of the Board. Subpoenas so issued may be served by Department employees or by any person authorized to serve subpoenas by the Rules of Civil Procedure of the Superior Court and shall be served and returned as provided by said Rules. The fees of witnesses shall be the same as allowed in the Superior Court and shall be paid by the State Treasurer from any monies in the Treasury of the State not otherwise appropriated, upon a warrant signed by a member of the Board and its Secretary. Any person who testifies falsely or fails to appear when subpoenaed, or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before said Court is subject. Any Superior Court, upon applica-

tion of the Board, may in its discretion compel the attendance of witnesses, the production of such material, and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such Superior Court.

§ 4352. Return of violator of parole or conditional release; procedure and action on violation

At any time during release on parole or conditional release under parole the Board or any member thereof may issue a warrant for the arrest of a released person for violation of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be served personally upon the person. The warrant shall authorize any officer authorized to serve process in this State to return the person to the actual custody of the correctional facility from which he was released, or to any other suitable detention facility designated by the Board or Department. When in the judgment of the Commissioner or of any Probation and Parole Counsellor, there has been a violation of the conditions of release, he may arrest such parolee or releasee without a warrant, or he may deputize any other officer with power of arrest to do so by giving him a written statement setting forth that the parolee or releasee has, in the judgment of the Commissioner or Probation and Parole Counsellor, violated the conditions of his release. The written statement delivered with the person by the arresting officers to the official in charge of the facility to which the person is brought for detention shall be sufficient warrant for detaining him.

After making an arrest the Department shall present to the detaining authorities a statement of the circumstances of violation. Pending hearing, as hereinafter provided, upon any charge of violation, the person shall remain incarcerated in the institution.

Upon such arrest and detention, the Department shall immediately notify the Board and shall submit a report showing in what manner the person had violated the conditions of release. The Board shall cause the person to be brought promptly

before it for a hearing on the violation charge, under such rules and regulations as the Board may adopt.

If the violation is established by the hearing, the Board may continue or revoke the parole or conditional release, or enter such other order as it may see fit.

A person for whose return a warrant has been issued by the Board shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice.

If it shall appear that he has violated the provisions of his release, the Board shall determine whether the time from the issuing of the warrant to the date of his arrest, or any part of it, shall be counted as time under the sentence.

Any person who commits a crime while at large on parole or conditional release and is convicted and sentenced therefor shall serve the unexpired portion of the term under which he was released concurrently with any new sentence for the new offense.

Subchapter V. Uniform Law for Out-of-State Parolees' Supervision

§ 4358. Terms of the compact between the states

The Governor of this State shall execute a compact on behalf of the State of Delaware with any of the United States legally joining therein in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled "An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for Cooperative Effort and Mutual Assistance in the Prevention of Crime and for other purposes". The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, (herein called "receiving state"), while on probation or parole, if

(a) Such a person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers and parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are expressly waived on the part of states party hereto, as such person. The decision of the sending state to retake a

person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharge from prosecution or from imprisonment for such offense.

(4) The duly accredited officers of the sending state will be permitted to transport persons being retaken through any and all states parties to this compact, without interference.

(5) That the Governor of each state may designate an officer who acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

§ Short title

This subchapter may be cited as the Uniform Law for Out-of-State Parolee Supervision.

Subchapter VI. Clemency

§ 4361. Compelling attendance of witnesses before Board of Pardons

The Board of Pardons as constituted by Article VII of the Constitution of the State of Delaware shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers and documents necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by any member of the Board. Subpoenas so issued may be served by Department employees or by any person authorized to serve subpoenas by the Rules of Civil Procedure of the Superior Court and shall be served and returned as provided by said Rules. The fees of witnesses shall be the same as allowed in the Superior Court and shall be paid by the State Treasurer from any monies in the Treasury of the State not otherwise appropriated, upon a warrant signed by a member of the Board and its Secretary. Any person who testifies falsely or fails to appear when subpoenaed, or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before said Court is subject. Any Superior Court, upon application of the Board, may in its discretion compel the attendance of witnesses, the production of such material, and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such Superior Court.

Upon the request of the Board of Pardons, the Department, to the extent authorized by the Commissioner, shall make investigations and recommendations and report thereon with respect to any application before the Board of Pardons.

Subchapter VII. Diminuation of Confinement

§ 4371. When diminuation given

A person committed to the Department may merit diminution of his confinement by his behavior, fidelity and compliance with the rules.

§ 4372. Rate of reduction of confinement

When a person has not been guilty of any violation of discipline, or any rules of the Department and has labored with diligence and fidelity:

(1) for each month commencing on the first day of his arrival at the facility he shall be allowed a reduction of five days from the period of his sentence;

(2) when a person has passed one year of his sentence, less the reduction of his sentence as provided in paragraph (1) of this section then from that time he shall be allowed a reduction of seven days for each month from his sentence;

(3) when a person has passed two years of his sentence, less the reduction of his sentence as provided in paragraphs (1) and (2) of this section, then from that time he shall be allowed a reduction of nine days for each month from his sentence;

(4) when a person has passed three or more years of his sentence less the reduction of his sentence as provided in paragraphs (1-3) of this section, then from that time he shall be allowed a reduction of ten days for each month from his sentence.

§ 4373. Forfeiture and restoration of granted time

For violation of the rules and discipline, or for want of diligence and fidelity in his actions, the Department may deduct a portion or all of a person's previously allowed time and may subsequently restore any such deductions if the conduct of the person so warrants. The Department's actions shall be in accordance with rules and regulations and shall be subject to approval of the Commissioner.

Section 8. The provisions of this Act are hereby extended to all persons who, at the effective date hereof, may be on probation or parole, with the same force and effect as if this Act had been in operation at the time they were placed on probation or parole, or persons eligible to be placed on probation or parole under any provisions of this Act.

Section 9. All presentence reports and probation and parole services to be rendered by the Department as provided by this Act in Section 4321 and thereafter, shall continue to be rendered as heretofore and by the personnel appointed by the Superior Court and all the referrals for such reports and services by the Courts and Board of Parole shall continue as heretofore; provided, that such referrals and services shall after the expiration of one year from the date this Act becomes effective be as provided in this Act; and further provided, that the Commissioner by order from time to time may provide for the acceleration of the transfer of said services and referrals as provided in this Act to the Department, to the end that the transfer of services shall be coordinated with the hiring of Department personnel and the taking over of such services by the Department.

Section 10. All other Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Section 11. If any part of this Act shall be held to be unconstitutional such holding shall not affect any other part.

Approved July 8, 1964.

NOTE: In the codification for the Delaware Code, § 6525 was codified as § 6525 (a)-(c); § 6532 was codified as § 6532 (a)-(c); § 6560 was codified as § 6560 (a) and (b), § 4331 was codified as § 4331 (a) and (b); § 4332 was codified as § 4332 (a)-(e); § 4335 was codified as § 4335 (a)-(d); § 4352 was codified as § 4352 (a)-(g); and § 4361 was codified as § 4361 (a)-(d).

CHAPTER 350

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF CORRECTIONS TO BE USED
FOR SALARIES AND WAGES OF EMPLOYEES.**

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

Section 1. The sum of Sixty-five Thousand Dollars (\$65,000.00) is hereby appropriated to the State Board of Corrections to be used for salaries and wages of employees.

Section 2. This Act is a Supplementary Appropriation Act for the fiscal year commencing July 1, 1964, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved July 8, 1964.

CHAPTER 351

AN ACT MAKING AN APPROPRIATION TO THE PRISONERS AID SOCIETY OF DELAWARE FOR THE OPERATION OF THE 308 WEST RESIDENCE.

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. The sum of Seventeen Thousand Dollars (\$17,000.00) is hereby appropriated to the Prisoners Aid Society of Delaware to cover the expenses of the 308 West Residence in operating the program as provided for by Chapter 322, Volume 51, Laws of Delaware, said sum to be paid during the fiscal year commencing July 1, 1964, in quarterly installments upon proper request signed by the duly authorized officers of the said Society.

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 of Delaware not otherwise appropriated.

Section 3. The Prisoners Aid Society of Delaware shall make its Report concerning the operations of said 308 West Residence to the Governor and the General Assembly at least annually.

Approved July 8, 1964.

CHAPTER 352

AN ACT TO ESTABLISH AN EDUCATIONAL TELEVISION BOARD FOR THE STATE OF DELAWARE TO SET FORTH THE DUTIES AND POWERS OF SUCH BOARD AND TO PROVIDE APPROPRIATIONS FOR THE OPERATIONS THEREOF.

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

Section 1. Title 14, Delaware Code, is amended by adding thereto a new chapter to read:

CHAPTER 43. EDUCATIONAL TELEVISION

§ 4301. Educational Television Board

There is established the Educational Television Board hereinafter referred to in this chapter as the "Board".

§ 4302. Composition of the Board

The Board shall be composed of the following nine members:

(a) The six members of the State Board of Education appointed by the Governor, their terms on the Board to be concurrent with their terms of office as members of the said State Board of Education;

(b) The President of the University of Delaware or an alternate from its faculty designated by him; one other member of the faculty of the University who shall be designated by the President thereof from time to time for this purpose and who shall serve at the President's pleasure, and

(c) The President of Delaware State College or an alternate from its faculty designated by him.

§ 4303. Officers

Immediately after the enactment of this chapter, and thereafter on or about July 1 of each year, the Board shall elect from

among its own members a Chairman and a Vice Chairman, who shall serve until their successors are elected; they may be elected to succeed themselves. The State Superintendent of Public Instruction shall serve ex officio as Secretary and Executive Officer of the Board.

§ 4304. Duties and powers

(a) The Board shall be responsible for establishing and maintaining an educational television network designed primarily to assist, strengthen, augment and enrich the operation of the public schools of the State of Delaware and of the University of Delaware and of Delaware State College.

(b) The Board may contract with other State agencies for space, equipment, supplies, and personnel, and pay for the same.

(c) The Board may contract with other public or non-public agencies, institutions, organizations, or groups, to make its facilities available on a cost-reimbursement basis. Any funds received as such reimbursement shall be deposited to the credit of the Board with the State Treasurer and may be used by the Board within the same fiscal year in which they were received without further authorization.

(d) The Board may hire such personnel, purchase or rent such facilities, equipment and supplies, and contract for such consultant services as shall be consistent with paragraph (a) of this section.

(e) The Board may appoint such advisory committee or committees as shall be of assistance in carrying out the purposes of this chapter.

Section 2. There is hereby appropriated to the Educational Television Board established herein for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the sum of One Million, Three Hundred Twenty-Five Thousand Dollars (\$1,325,000.00) to be expended as follows:

Capital Investment for resources center:	\$ 425,000.00
Cable network rental (up to three channels) including a separate distribution system within each school district or local area as approved by the Board:	500,000.00
Operations of resources center	400,000.00
	<hr/>
	\$1,325,000.00

Section 3. There is hereby appropriated to the Educational Television Board, established herein the sum of Five Hundred Thousand Dollars (\$500,000) for the cost of cable network rental for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 4. There is hereby appropriated to the Educational Television Board, established herein the sum of Six Hundred Thousand Dollars (\$600,000) for the cost of operation of the resources center for the fiscal year beginning July 1, 1965, and ending June 30, 1966.

Section 5. The appropriations made herein shall be subject to review by the Budget Commission on July first and January first of each fiscal year.

Section 6. None of the sums appropriated herein shall revert to the General Fund until the fiscal year for which they are allocated has ended.

Section 7. 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 July 8, 1964.

CHAPTER 353

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BOARD OF GAME AND FISH COMMISSIONERS.**

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

Section 1. The sum of \$8,730 is appropriated to the Board of Game and Fish Commissioners for the fiscal year beginning July 1, 1964, and ending June 30, 1965, to be used for the expense of employing an additional game warden for New Castle County who shall reside in one of the following Hundreds: Pencader, Red Lion, St. Georges, Appoquinimink or Blackbird and to defray the cost of purchasing equipment for his use, said funds to be used as follows:

Salary	\$4,800
Vehicle	2,300
Radio	550
Uniform and Equipment	200
Gas, oil, etc.	880
<hr/>	
TOTAL	\$8,730

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 July 9, 1964.

CHAPTER 354

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE GEORGETOWN SPECIAL SCHOOL DISTRICT
FOR THE PURPOSE OF REPLACING HEATING BOIL-
ERS IN THE MAIN BUILDING.**

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 Georgetown Special School District for the purpose of replacing the two heating boilers in the main school building, together with the removal of old boilers, appurtenances, and foundations, opening and closing of building to admit new boilers, and other expenses necessary to a proper and thorough installation of a new heating plant including realignment or replacement of other equipment and appurtenances; also such incidental expenses as engineering fees, advertising for bids, etc.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1965, 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 July 9, 1964.

CHAPTER 355

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE USE
OF THE MILTON SCHOOL DISTRICT NO. 8 FOR THE
PURPOSE OF PURCHASING AND IMPROVING AN AD-
DITIONAL BUILDING SITE.**

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

Section 1. The sum of \$20,000.00 is hereby appropriated to the State Board of Education for the use of the Milton School District No. 8 for the purpose of purchasing and improving an additional building site and also such incidental expenses in connection with obtaining said site.

Section 2. The funds appropriated shall be used only for the purpose specified and any funds hereby appropriated that remain unexpended on June 30, 1965, shall revert to the General Fund of the State.

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

Approved July 9, 1964.

CHAPTER 356

AN ACT TO AMEND TITLE 29, CHAPTER 69, 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, Chapter 69, Delaware Code, is hereby amended by adding thereto Section 6917 as follows:

§ 6917. Contracts for the Transportation of School Children

(a) The provisions of Title 29, Chapter 69, shall not apply to contracts for the transportation of school children.

(b) All proposed contracts for the transportation of school children shall be submitted to the State Board of Education by the Division of Transportation for their approval. The approval of the State Board of Education shall be by majority vote of the duly appointed members of such Board and a failure of such majority vote shall cause the rejection of the proposed contract with a corresponding return to the Division of Transportation of such rejected contracts and a request for a substituted contract to be submitted.

Approved July 9, 1964.

CHAPTER 357

AN ACT TO AMEND SECTION 2301, TITLE 30, DELAWARE CODE, BY CHANGING THE DEFINITIONS OF HOTELS, MOTELS AND TOURIST HOMES.

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

Section 1. Section 2301, Title 30, Delaware Code, is amended by adding a new sentence at the end of the definition of "Hotel" to read as follows:

"Provided, however, that if such person is engaged in the business less than 4 months out of every year, the rate shall be \$2.50 for each room and \$5.00 for each suite."

Section 2. Section 2301, Title 30, Delaware Code, is amended by adding a new sentence at the end of the definition of "Motel" to read as follows:

"Provided, however, that if such person is engaged in the business less than 4 months out of every year, the rate shall be \$2.50 for each room."

Section 3. Section 2301, Title 30, Delaware Code, is amended by adding a new sentence at the end of the definition of "Tourist Homes" to read as follows:

"Provided, however, that if such person is engaged in the business less than 4 months out of every year, the rate shall be \$2.50 for each room."

Approved July 9, 1964.

CHAPTER 358

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO HARTLY SCHOOL #96.**

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

Section 1. The sum of Six Hundred Dollars (\$600.00) is hereby appropriated to Hartly School #96 to be used to pay for the rental of House Trailers that were used as temporary classrooms for the school.

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

Section 3. Any funds hereby appropriated and not used for the purpose set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved July 9, 1964.

CHAPTER 359

AN ACT TO AMEND TITLE 31, DELAWARE CODE, ENTITLED WELFARE, BY PROVIDING FOR MEDICAL ASSISTANCE FOR THE AGED AND APPROPRIATING FUNDS FOR MEDICAL ASSISTANCE FOR THE AGED.

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

Section 1. § 502, Title 31, Delaware Code, is amended by striking out the period at the end of the first sentence in the definition of "Medical Care" and adding the following: "and for individuals who are found eligible for Medical Assistance for the Aged."; and by inserting between the words "insurance" and "to" in the last sentence of the definition of "Medical Care" the following: "or other appropriate type of pre-paid coverage for the provision of health services and supplies."

Section 2. § 503, Title 31, Delaware Code, is amended by adding thereto a new paragraph (e) as follows:

(e) Eligibility for assistance provided as Medical Assistance for the Aged shall be determined under policies and regulations established by the Department which shall be based on the costs of providing health services and supplies related to the ability of applicants to pay such costs, such ability to be measured by consideration of the maintenance of an adequate standard of living and evaluation of resources. The rules and regulations governing payment for medical assistance rendered to any applicant prior to application shall be established by the Department. Eligibility standards shall be set at a level designed to insure that persons otherwise qualifying shall not be required to sacrifice a decent standard of living in order to provide for themselves needed health services and supplies and the Department shall, at least annually, review such standards and make such adjustments as are appropriate to maintain compliance with this intent. The amount of assistance allowed in each case of Medical Assistance for the Aged shall be sufficient to accomplish the purposes set forth herein but shall not duplicate any other coverage or payment made or available for the costs

of such health services and supplies. No lien shall be imposed on the property of a recipient of Medical Assistance for the Aged or surviving spouse during the lifetime of either as a condition for receiving such assistance and no enrollment fee shall be charged.

Section 3. § 504, Title 31, Delaware Code, is amended by adding thereto a new paragraph (5) as follows:

(5) Medical Assistance for the Aged; assistance granted in the form of Medical Care as defined in Section 502, of this chapter, to persons 65 years of age or over who are not recipients of Old Age Assistance, who are medically needy, as defined by the Department, who are residing in Delaware (without regard to the length of residence in the State) or who are residents of Delaware but absent therefrom.

Section 4. § 505, Title 31, Delaware Code, is amended by striking out the number "(4)" as it appears therein and substituting in lieu thereof the number "(5)".

Section 5. § 517, Title 31, Delaware Code, is amended to read:

§ 517. Hospital and Medical Treatment for Recipients of Old Age Assistance and Medical Assistance for the Aged

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 receiving Old Age Assistance or Medical Assistance for the Aged pursuant to the provisions of this Chapter.

Section 6. There is hereby appropriated to the Department of Public Welfare for the fiscal year beginning July 1, 1964, and ending June 30, 1965, the sum of \$110,000 to provide payments for Medical Assistance for the Aged.

Section 7. The Department of Public Welfare is empowered to expend from this appropriation for the purpose of administration of Medical Assistance for the Aged a sum not to exceed 10% of the amount hereby appropriated.

Section 8. This Act is a supplementary appropriation and the money appropriated herein shall be paid by the State Treasurer out of the moneys of the General Fund of the State of Delaware not otherwise appropriated.

Approved July 10, 1964.

CHAPTER 360

**AN ACT TO AMEND TITLE 29, PART II, DELAWARE CODE,
RELATING TO THE GENERAL ASSEMBLY BY PRO-
VIDING FOR THE COMPOSITION AND REAPPORTION-
MENT THEREOF.**

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

Section 1. Title 29, Part II, Delaware Code, is amended by adding at the beginning thereof a new chapter to read as follows:

**CHAPTER 6. COMPOSITION OF AND REAPPORTIONMENT
OF THE GENERAL ASSEMBLY****Subchapter I. General Provisions****§ 601. Composition of the House of Representatives**

The House of Representatives shall be composed of 35 members, who shall be chosen to hold office for 2 years. The State shall be divided into 35 Representative Districts, from each of which shall be chosen, by the qualified electors thereof, one representative.

§ 602. Composition of the Senate; Staggered terms

The Senate shall be composed of 18 members, who shall be chosen to hold office for 4 years. The State shall be divided into 18 Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. The terms of office of the several Senators shall be staggered so that not more than 9 Senators shall be elected at each biennial General Election.

§ 603. Allocation of Representative Districts

(a) There shall be 8 Representative Districts in the City of Wilmington.

(b) There shall be 16 Representative Districts in New Castle County outside the City of Wilmington.

(c) There shall be 5 Representative Districts in Kent County.

(d) There shall be 6 Representative Districts in Sussex County.

§ 604. Allocation of Senatorial Districts

(a) There shall be 4 Senatorial Districts in the City of Wilmington.

(b) There shall be 8 Senatorial Districts in New Castle County outside the City of Wilmington.

(c) There shall be 3 Senatorial Districts in Kent County.

(d) There shall be 3 Senatorial Districts in Sussex County.

§ 605. Numbering of Districts

(a) Each Representative District and each Senatorial District shall be designated by number. The numbers shall run consecutively throughout the State.

(b) The Representative Districts in the City of Wilmington shall be numbered from 1 through 8 and the Senatorial Districts therein shall be numbered from 1 through 4.

(c) The Representative Districts in New Castle County outside the City of Wilmington shall be numbered from 9 through 24 and the Senatorial Districts therein shall be numbered from 5 through 12.

(d) The Representative Districts in Kent County shall be numbered from 25 through 29 and the Senatorial District therein shall be numbered from 13 through 15.

(e) The Representative District in Sussex County shall be numbered from 30 through 35 and the Senatorial Districts therein shall be numbered from 16 through 18.

§ 606. Staggered Senatorial Districts

(a) The Senators from the 1st, 3rd, 5th, 7th, 9th, 11th, 13th, 15th and 17th Senatorial Districts shall be elected for a four year term in 1964 and for a four year term every 4 years thereafter.

(b) The Senators from the 2nd, 4th, 6th, 8th, 10th, 12th, 14th, 16th and 18th Senatorial Districts shall be elected for a 2 year term in 1964 and for a 4 year term in 1966 and for a 4 year term every 4 years thereafter.

§ 607. Determining district boundaries

The General Assembly shall determine the boundaries of the several Representative and Senatorial Districts within the City of Wilmington and within the several counties by an act of the General Assembly in such manner as there shall be substantial equality of population among the several Representative Districts and among the several Senatorial Districts.

§ 608. Publishing District boundaries

The Secretary of State, shall cause copies of the act setting forth the several Representative and Senatorial Districts to be published in a newspaper of general circulation published in each of the 3 Counties once a week for 2 consecutive weeks within a period of 20 days after the act establishing the district boundaries becomes law.

§ 609. Redistricting after each census

The apportionment provided for by this Chapter shall continue in effect until the official reporting by the President of the United States of a succeeding Federal Decennial Census. After the official reporting of a Federal Decennial Census, the General Assembly shall reapportion and redistrict the State in such manner so that the several Representative Districts shall be substantially equal in population and in such manner so that the several Senatorial Districts shall be substantially equal in population. Such apportionment shall thence continue in effect until the next succeeding Federal Decennial Census.

Approved July 13, 1964.

CHAPTER 361

AN ACT TO SET THE BOUNDARIES OF THE REPRESENTATIVE AND SENATORIAL DISTRICTS OF THE GENERAL ASSEMBLY.

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

Section 1. Chapter 6, Title 29, Delaware Code, is amended by adding thereto the following sub-chapters:

Subchapter II. General Assembly Districts in the City of Wilmington

§ 621. Boundaries of General Assembly Representatives Districts in the City of Wilmington

The boundaries of the several General Assembly Representative Districts in the City of Wilmington shall be as follows:

(a) First Representative District

The first Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at the intersection of the City boundary line with the center of Concord Avenue; thence Southerly along the center of Concord Avenue to the center of Baynard Boulevard; thence Northeasterly along the center of Baynard Boulevard to the center of Twenty-sixth Street; thence Southeasterly along the center of Twenty-sixth Street to the center of Northeast Boulevard; thence Northeasterly along the center of Northeast Boulevard to its intersection with the City boundary line; thence generally Northwesterly along the City boundary by its various meandering courses to the point of beginning.

(b) Second Representative District

The second Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at the intersection of the City Boundary Line with the center of Concord Avenue; thence Southwesterly along the City Boundary Line to the intersection thereof with the center line of the Brandywine River; thence down the center of the Brandywine River to a point where it intersects with the center of Northeast Boulevard; thence Northeasterly along the center of Northeast Boulevard to the point where it intersects with the center of Twenty-sixth Street; thence Northwesterly along the center of Twenty-sixth Street to the center of Baynard Boulevard; thence Southwesterly along the center of Baynard Boulevard to the center of Concord Avenue; thence Northerly along the center of Concord Avenue to the point of beginning.

(c) Third Representative District

The third Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at a point in the intersection of the center of Market Street with the center of Brandywine River; thence in a Southerly direction along Market Street to the center of Fifteenth Street; thence Easterly along the center of Fifteenth Street to the intersection thereof with the center of King Street; thence Southerly along the center of King Street to its intersection with the center of Thirteenth Street; thence Easterly along Thirteenth Street to the center of Walnut Street; thence along the center of Walnut Street in a Southerly direction to the intersection thereof with the center of Fourth Street; thence in an Easterly direction along the center of Fourth Street to its intersection with Christiana Avenue; thence along the center of Christiana Avenue to the center of the Christiana River; thence along the center of the Christiana River to its intersection with the Westerly shore of the Delaware River; thence along the Westerly shore of the Delaware River in a Northerly direction to the intersection of the City Boundary Line; thence along said Northerly boundary line of the City of Wilmington to its intersection with the center of Northeast Boulevard; thence in a Southwesterly direction along the center of Northeast Boule-

ward to its intersection with the center of the Brandywine River; thence up and along the center of the Brandywine River Northwesterly to the point of beginning.

(d) Fourth Representative District

The fourth Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at a point in the center of the Brandywine River and the center of Adams Street, if extended; from said point Southwesterly along the center of Adams Street to the center of Delaware Avenue; thence along the center of Delaware Avenue to the center of Jefferson Street; thence Southerly along the center of Jefferson Street to the center of Ninth Street; thence Easterly along the center of Ninth Street to the center of West Street; thence Southerly along the center of West Street to the center of Seventh Street; thence Easterly along the center of Seventh Street to the center of Tatnall Street; thence Southerly along the center of Tatnall Street to the center of Second Street; thence Westerly along the center of Second Street to the center of Washington Street; thence Southerly along the center of Washington Street to the center of Front Street; thence Westerly along the center of Front Street to the center of Maryland Avenue; thence Southwesterly along the center of Maryland Avenue to its intersection with the City Boundary Line; thence Southeasterly along the various meanderings of the City Boundary Line to the intersection of the same with the Delaware River; thence Northerly along the Westerly shore of the Delaware River to the center of the Christiana River; thence along the center of the Christiana River to the center of Christiana Avenue; thence Westerly over the Third Street Bridge to Fourth Street; thence Westerly along the center of Fourth Street to Walnut Street; thence Northerly along the center of Walnut Street to the center of Thirteenth Street; thence Westerly along the center of Thirteenth Street to the center of King Street; thence Northerly along the center of King Street to the center of Fifteenth Street; thence Westerly along the center of Fifteenth Street to the center of Market Street; thence North-

erly along the center of Market Street to the center of the Brandywine River; thence Northwesterly up the Brandywine River to the point of beginning.

(e) Fifth Representative District

The fifth Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at the intersection of the center line of Delaware Avenue and the center line of Adams Street; thence along the center of Delaware Avenue to the center of Jefferson Street; thence Southerly along the center of Jefferson Street to the center of Ninth Street; thence Easterly along the center of Ninth Street to the center of West Street; thence Southerly along the center of West Street to the center of Seventh Street; thence Easterly along the center of Seventh Street to the center of Tatnall Street; thence Southerly along the center of Tatnall Street to the center of Second Street; thence Westerly along the center of Second Street to the center of Washington Street; thence Southerly along the center of Washington Street to the center of Front Street; thence Westerly along the center of Front Street to the center of Broom Street; thence Northerly along the center of Broom Street to the center of Sixth Street; thence Easterly along the center of Sixth Street to the center of Adams Street; thence Northerly along the center of Adams Street to the point of beginning.

(f) Sixth Representative District

The sixth Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at a point in the center line of the Brandywine River and the intersection of the center line of Adams Street, if extended; thence from said point of beginning Southwesterly along the center of Adams Street to the center of Sixth Street; thence Westerly along the center of Sixth Street to the center of Union Street; thence Northerly along the center of Union Street

to the center of Kentmore Parkway; thence Northeasterly along the center of Kentmore Parkway to the intersection thereof with the center of Riddle Avenue; thence Northwesterly along the center of Riddle Avenue, if extended, to the center of the Brandywine River; thence Southeasterly down the Brandywine River to the point of beginning.

(g) Seventh Representative District

The seventh Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at a point where the center of Maryland Avenue and Lancaster Avenue intersect; thence from said point Southwesterly along the center of Maryland Avenue to the City Boundary Line; thence Northwesterly along the City Boundary Line in its various courses and distances until the same intersects with the center of Union Street; thence along the center of Union Street to the center of Lancaster Avenue; thence Southeasterly along the center of Lancaster Avenue to the center of duPont Street; thence Northerly along the center of duPont Street to the center of Sixth Street; thence Southeasterly along the center of Sixth Street to the center of Broom Street; thence Southerly along the center of Broom Street to the center of Lancaster Avenue; thence Easterly along the center of Lancaster Avenue to the point of beginning.

(h) Eighth Representative District

The eighth Representative District shall comprise: All that area within the boundary limits of the City of Wilmington, bounded as follows:

Beginning at a point where the center of Union Street and the Southeasterly boundary of the City of Wilmington intersect; thence along the center of Union Street Northeasterly to the center of Lancaster Avenue; thence Southeasterly along the center of Lancaster Avenue to the center of duPont Street; thence Northeasterly along the center of duPont Street to the center of Sixth Street; thence Northwesterly along the center

of Sixth Street to the center of Union Street; Northeasterly along the center of Union Street to the center of Kentmore Parkway; thence Easterly along the center of Kentmore Parkway to the center of Riddle Avenue; thence Northerly along Riddle Avenue, if extended, to the center of the Brandywine River; thence Westerly up the center of the Brandywine River to the point where the same intersects with the City Boundary Line; thence Southerly along the said City Boundary Line along its various meanderings and courses to the point of beginning.

§ 622. Boundaries of the General Assembly Senatorial Districts in the City of Wilmington

The boundaries of the several General Assembly Senatorial Districts in the City of Wilmington shall be as follows:

(a) First Senatorial District

The first Senatorial District shall comprise: All that area within the boundary limits of the City of Wilmington which lies North of the center line of the Brandywine River and Northwest of Northeast Boulevard.

(b) Second Senatorial District

The second Senatorial District shall comprise: All that area within the boundary limits of the City of Wilmington bounded as follows:

Beginning at a point where the City Line and Northeast Boulevard intersect; from that point South along the center line of Northeast Boulevard to the center of the Brandywine River; thence Northwesterly up the center of the Brandywine River to a point where Adams Street, if extended, would intersect said River; thence Southwesterly along the center of Adams Street to the center of Delaware Avenue; thence southwesterly along the center of Pennsylvania Avenue to the center of Jefferson Street; thence Southerly along the center of Jefferson Street to the center of Ninth Street; thence Easterly along the center of Ninth Street to the center of West Street; thence Southerly along the center of West Street to the center of Seventh Street;

thence Easterly along the center of Seventh Street to the center of Tatnall Street; thence Southerly along the center of Tatnall Street to the center of Second Street; thence Northwesterly along the center of Second Street to the center of Washington Street; thence Southerly along the center of Washington Street to the center of Front Street; thence Westerly along the center of Front Street to the center of Maryland Avenue; thence Southwesterly along the center of Maryland Avenue to the City Boundary Line; thence generally along the City Boundary Line in a Southeasterly direction by its various courses and meanderings to the place or point of beginning.

(c) Third Senatorial District

The third Senatorial District shall comprise: All that area within the limits of the City of Wilmington, bounded as follows:

Beginning at a point in the center of Brandywine River and the center of Adams Street, if extended, from said point of beginning running along the Northwesterly boundary line of the Second Senatorial District to the intersection of the center line of Maryland Avenue with the center line of Broom Street at or near the City boundary; thence in a Northeasterly direction along the center of Broom Street to the center of Pennsylvania Avenue; thence along the center of Pennsylvania Avenue in a Northwesterly direction to the center of Clayton Street; thence Northerly along the center of Clayton Street to the center of Lovering Avenue; thence Westerly along the center of Lovering Avenue to the center of Scott Street; thence Northeasterly along the center of Scott Street, if extended, to the center of the Brandywine River; thence down the Brandywine River to the place and point of beginning.

(d) Fourth Senatorial District

The fourth Senatorial District shall comprise: All that area within the boundary limits of the City of Wilmington West of the line drawn as follows:

Beginning at a point at the intersection of Broom Street and Maryland Avenue at the City Line; North along the center of Broom Street to the center of Pennsylvania Avenue; thence

West along the center of Pennsylvania Avenue to the center of Clayton Street; thence North along the center of Clayton Street to the center of Lovering Avenue; thence West along the center of Lovering Avenue to the center of Scott Street; thence North along the center of Scott Street, if extended, to the center of the Brandywine River.

Subchapter III. General Assembly Districts in New Castle County Outside the City of Wilmington

§ 631. Boundaries of the General Assembly Representative Districts in New Castle County outside the City of Wilmington

The boundaries of the several General Assembly Representative Districts in New Castle County outside the City of Wilmington shall be as follows:

(a) Ninth Representative District

The ninth Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the Delaware River and the northern boundary of the City of Wilmington; thence northwesterly along the northern boundary of the City of Wilmington to its intersection with the centerline of Washington Street; thence northerly and easterly along the centerline of Washington Street and Washington Street Extension to its intersection with the centerline of the Philadelphia Pike; thence northeasterly along the centerline of the Philadelphia Pike to its intersection with the centerline of Holly Oak Road; thence southeasterly along the centerline of Holly Oak Road and Holly Oak Road extended to its intersection with the Delaware River; thence southwesterly along the Delaware River to its intersection with the northern boundary of the City of Wilmington.

(b) Tenth Representative District

The tenth Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the Delaware River and the Delaware-Penn-

sylvania border; thence northwesterly along the Delaware-Pennsylvania border to its intersection with the centerline of the Baltimore and Ohio Railroad right-of-way; thence southwesterly along the centerline of the Baltimore and Ohio Railroad right-of-way to its intersection with the Northern Branch of Holly Oak Creek; thence southeasterly along the centerline of the Northern Branch of Holly Oak Creek to its intersection with the centerline of Harrison Avenue extended (in Gwinhurst); thence southwesterly along the centerline of Harrison Avenue extended to its intersection with the centerline of Holly Oak Road; thence southeasterly along the centerline of Holly Oak Road and Holly Oak Road extended to its intersection with the Delaware River; thence northeasterly along the Delaware River to its intersection with the Delaware-Pennsylvania border.

(c) Eleventh Representative District

The eleventh Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the Baltimore and Ohio Railroad right-of-way and the Delaware-Pennsylvania border; thence northwesterly along the Delaware-Pennsylvania border to its intersection with the centerline of Foulk Road; thence southwesterly along the centerline of Foulk Road to its intersection with the centerline of Silverside Road; thence southeasterly along the centerline of Silverside Road to its intersection with the centerline of Marsh Road; thence southerly along the centerline of Marsh Road to its intersection with the centerline of Wilson Road; thence southwesterly along the centerline of Wilson Road to its intersection with the centerline of Shellpot Creek; thence southerly along the centerline of Shellpot Creek to its intersection with the centerline of Baynard Boulevard (Carrcroft); thence easterly along the centerline of Baynard Boulevard to its intersection with the centerline of Marsh Road; thence southerly along the centerline of Marsh Road to its intersection with the centerline of Washington Street Extension; thence southeasterly along the centerline of Washington Street Extension to its intersection with the centerline of the Philadelphia Pike; thence northerly along the western boundaries of Districts Nine and Ten to the Delaware-Pennsylvania border.

(d) Twelfth Representative District

The twelfth Representative District shall comprise: All that portion of Brandywine Hundred bounded by a line beginning at the intersection of the centerline of Foulk Road and the centerline of Silverside Road; thence westerly along the centerline of Silverside Road to its intersection with the centerline of the Concord Pike; thence southerly along the centerline of the Concord Pike to its intersection with the northern boundary of the City of Wilmington; thence easterly along the northern boundary of the City of Wilmington to its intersection with the centerline of Washington Street; thence northeasterly along the centerline of Washington Street and Washington Street Extension to its intersection with the centerline of Marsh Road; thence northerly along the western boundary of District Number Eleven to the intersection of the centerlines of Foulk and Silverside Roads.

(e) Thirteenth Representative District

The thirteenth Representative District shall comprise: All that portion of Brandywine Hundred not included in Districts Number Nine, Ten, Eleven and Twelve plus all that portion of Christiana and Mill Creek Hundreds bounded by a line beginning at the intersection of the Delaware-Pennsylvania border and the centerline of the Brandywine Creek; thence southerly along the centerline of the Brandywine Creek to its intersection with the northern boundary of the City of Wilmington; thence westerly and southerly along the boundary of the City of Wilmington to its intersection with North duPont Road; thence southwesterly along the centerline of North duPont Road to its intersection with the centerline of Faulkland Road; thence westerly along the centerline of Faulkland Road to its intersection with the centerline of Duncan Road; thence northwesterly along the centerline of Duncan Road to its intersection with the centerline of McCannons Church Road; thence northerly along the centerline of McCannons Church Road to its intersection with the centerline of the Old Wilmington Road (Goldings Bridge Road); thence northwesterly along the centerline of Old Wilmington Road to its intersection with the Delaware-Pennsyl-

vania border; thence northeasterly along the Delaware-Pennsylvania border to its intersection with the centerline of the Brandywine Creek.

(f) Fourteenth Representative District

The fourteenth Representative District shall comprise: All that portion of Mill Creek and White Clay Creek Hundreds bounded by a line beginning at the intersection of the Delaware-Pennsylvania border and the centerline of the Old Wilmington Road (Goldings Bridge Road); thence southeasterly along the centerline of Old Wilmington Road to its intersection with the centerline of McCannons Church Road; thence southerly along the centerline of McCannons Church Road to its intersection with the centerline of Duncan Road; thence southeasterly along the centerline of Duncan Road to its intersection with the centerline of Milltown Road; thence southwesterly along the centerline of Milltown Road to its intersection with the centerline of Limestone Road; thence southeasterly along the centerline of Limestone Road to its intersection with the centerline of the Kirkwood Highway; thence southwesterly along the centerline of the Kirkwood Highway to its intersection with the centerline of Harmony Road; thence southerly along the centerline of Harmony Road to its intersection with the centerline of the White Clay Creek; thence westerly along the centerline of the White Clay Creek to its intersection with the centerline of Muddy Run; thence southeasterly along the centerline of Muddy Run to its intersection with the centerline of Creek Road and North College Avenue; thence southerly along the centerline of Creek Road and North College Avenue to its intersection with Main Street; thence westerly along the centerline of Main Street to its intersection with the centerline of the Elkton Road; thence southwesterly along the centerline of the Elkton Road to its intersection with the northern bundary of Pencader Hundred; thence westerly along the northern boundary of Pencader Hundred to its intersection with the Delaware-Maryland border; thence northerly along the Delaware-Maryland and Delaware-Pennsylvania border to its intersection with the centerline of Old Wilmington Road.

(g) Fifteenth Representative District

The fifteenth Representative District shall comprise: All that portion of Mill Creek Hundred not included in Districts Number Thirteen and Fourteen.

(h) Sixteenth Representative District

The sixteenth Representative District shall comprise: All that portion of White Clay Creek and Pencader Hundreds bounded by a line beginning at the intersection of the Christiana Creek and the White Clay Creek; thence westerly along the centerline of the White Clay Creek to its intersection with the centerline of Harmony Road; thence westerly and southerly along the southern boundary of District Number Fourteen to the intersection of the centerline of the Elkton Road and the northern boundary of Pencader Hundred; thence easterly along the northern boundary of Pencader Hundred to its intersection with the centerline of Marrows Road; thence northerly along the centerline of Marrows Road to its intersection with the centerline of Newark Road; thence northeasterly and southeasterly along the centerline of Newark Road to its intersection with the centerline of Chestnut Hill Road; thence northeasterly along the centerline of Chestnut Hill Road to its intersection with the centerline of the Christiana-Newark Road; thence southeasterly along the centerline of the Christiana-Newark Road to its intersection with the Christiana Creek; thence northeasterly along the centerline of the Christiana Creek to its intersection with the White Clay Creek.

(i) Seventeenth Representative District

The seventeenth Representative District shall comprise: All that portion of Christiana Hundred bounded by a line beginning at the intersection of the western boundary of the City of Wilmington and the centerline of North duPont Road; thence southwesterly along the centerline of North duPont Road to its intersection with the centerline of Faulkland Road; thence westerly along the centerline of Faulkland Road to its intersection with the centerline of Little Mill Creek; thence southeasterly along the centerline of Little Mill Creek to its intersection with

the centerline of the Kirkwood Highway; thence easterly along the centerline of the Kirkwood Highway to its intersection with the western boundary of the Town of Elsmere; thence southerly and easterly along the boundary of the Town of Elsmere to its intersection with the boundary of the City of Wilmington; thence northerly along the boundary of the City of Wilmington to its intersection with the centerline of North duPont Road.

(j) Eighteenth Representative District

The eighteenth Representative District shall comprise: All that portion of Christiana Hundred bounded by a line beginning at the intersection of the western boundary of the Town of Elsmere and the Baltimore and Ohio Railroad right-of-way; thence westerly along the centerline of the Baltimore and Ohio Railroad right-of-way to its intersection with the centerline of Dodson Avenue; thence southerly along the centerline of Dodson Avenue to its intersection with the centerline of Boxwood Road; thence westerly along the centerline of Boxwood Road to its intersection with the centerline of Centerville Road; thence southerly along the centerline of Centerville Road to its intersection with the centerline of the Newport-Gap Pike; thence southerly along the centerline of the Newport-Gap Pike to its intersection with the boundary of the Town of Newport; thence easterly and southerly along the boundary of the Town of Newport to its intersection with the Christiana Creek; thence southwesterly along the centerline of the Christiana Creek to its intersection with the centerline of the White Clay Creek; thence westerly along the centerline of the White Clay Creek to its intersection with the centerline of the Red Clay Creek; thence northerly along the centerline of the Red Clay Creek to its intersection with the centerline of Faulkland Road; thence easterly along the centerline of Faulkland Road to its intersection with Little Mill Creek; thence southeasterly along the western boundary of District Number Seventeen to its intersection with the centerline of the Baltimore and Ohio Railroad right-of-way.

(k) Nineteenth Representative District

The nineteenth Representative District shall comprise: All that portion of Christiana Hundred not included in Districts Number Thirteen, Seventeen and Eighteen.

(l) Twentieth Representative District

The twentieth Representative District shall comprise: All that portion of New Castle Hundred bounded by a line beginning at the intersection of the southern boundary of the City of Wilmington and the centerline of Alternate U. S. 13 (South Heald Street); thence northwesterly along the southern boundary of the City of Wilmington to its intersection with the centerline of the Christiana Creek; thence southwesterly along the centerline of the Christiana Creek to its intersection with the centerline of Ogleman Road (Route 7); thence southerly along the centerline of Ogleman Road to its intersection with the centerline of the New Castle Frenchtown Turnpike; thence north-easterly along the centerline of the New Castle Frenchtown Turnpike to its intersection with the centerline of the DuPont Boulevard; thence northeasterly along the centerline of the DuPont Boulevard to its intersection with the centerline of Alternate U. S. 13; thence northeasterly along the centerline of Alternate U. S. 13 to its intersection with the southern boundary of the City of Wilmington.

(m) Twenty-first Representative District

The twenty-first Representative District shall comprise: All that portion of New Castle Hundred bounded by a line beginning at the intersection of the Delaware River and the southern boundary of the City of Wilmington; thence northwesterly along the southern boundary of the City of Wilmington to its intersection with the centerline of Alternate U. S. 13 (South Heald Street); thence southwesterly along the centerline of Alternate U. S. 13 to its intersection with the centerline of the DuPont Boulevard; thence southwesterly along the centerline of the DuPont Boulevard to its intersection with the centerline of Landers Lane extended; thence southeasterly along the centerline of Landers Lane and Blue Hen Road extended (in Collins Park) to its intersection with the Delaware River; thence north-easterly along the Delaware River to its intersection with the southern boundary of the City of Wilmington.

(n) Twenty-second Representative District

The twenty-second Representative District shall comprise: All that portion of New Castle Hundred bounded by a line beginning at the intersection of the centerline of the New Castle Frenchtown Turnpike and the centerline of Ogleman Road (Route 7); thence southerly along the centerline of Ogleman Road to its intersection with the centerline of the Red Lion Creek; thence easterly along the centerline of the Red Lion Creek to its intersection with the Delaware River; thence north-easterly along the Delaware River to its intersection with the centerline of Blue Hen Road extended; thence northwesterly along the southwestern border of District Number Twenty-One to its intersection with the centerline of the DuPont Boulevard; thence southwesterly along southeastern border of District Number Twenty to its intersection with the centerline of Ogleman Road.

(o) Twenty-third Representative District

The twenty-third Representative District shall comprise: All that portion of New Castle County south of a line beginning at the intersection of the Delaware-Maryland boundary and the centerline of the Chesapeake-Delaware Canal; thence easterly along the centerline of the Chesapeake-Delaware Canal to its intersection with the centerline of Route 71 (at the Old Summit Bridge, the eastern boundary of Pencader Hundred); thence northeasterly along the centerline of Route 71 to its intersection with the centerline of Red Lion Creek; thence easterly along the centerline of Red Lion Creek to its intersection with the Delaware River.

(p) Twenty-fourth Representative District

The twenty-fourth Representative District shall comprise: All those portions of White Clay Creek, New Castle, Pencader and Red Lion Hundreds not included in Districts Number Nine to Number Twenty-three inclusive.

§ 632. Boundaries of the General Assembly Senatorial Districts in New Castle County outside the City of Wilmington

The boundaries of the Senatorial Districts in New Castle County outside the City of Wilmington shall be as follows:

(a) Fifth Senatorial District

The fifth Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Nine and Ten created herein.

(b) Sixth Senatorial District

The sixth Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Eleven and Twelve created herein.

(c) Seventh Senatorial District

The seventh Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Thirteen and Fourteen created herein.

(d) Eighth Senatorial District

The eighth Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Fifteen and Sixteen created herein.

(e) Ninth Senatorial District

The ninth Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Seventeen and Eighteen created herein.

(f) Tenth Senatorial District

The tenth Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Nineteen and Twenty created herein.

(g) Eleventh Senatorial District

The eleventh Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Twenty-one and Twenty-two created herein.

(h) Twelfth Senatorial District

The twelfth Senatorial District shall comprise: All that portion of New Castle County contained in Representative Districts Number Twenty-three and Twenty-four created herein.

Subchapter IV. General Assembly Districts in Kent County

§ 641. Boundaries of the General Assembly Representative Districts in Kent County

The boundaries of the several General Assembly Representative Districts in Kent County shall be as follows:

(a) Twenty-fifth Representative District

The twenty-fifth Representative District shall comprise all of the heretofore existing and constituted First, Third and Fourth Representative Districts of Kent County.

(b) Twenty-sixth Representative District

The twenty-sixth Representative District shall comprise all of the heretofore existing and constituted First, Third and Fourth Election Districts of the Second Representative District of Kent County.

(c) Twenty-seventh Representative District

The twenty-seventh Representative District shall comprise all of the heretofore existing and constituted Fifth Representative District of Kent County and all of the heretofore existing and constituted Second Election District of the Second Representative District of Kent County.

(d) Twenty-eighth Representative District

The twenty-ninth Representative District shall comprise all of the heretofore existing and constituted Seventh and Eighth Representative Districts of Kent County and the heretofore existing and constituted First Election District of the Sixth Representative District of Kent County.

(e) Twenty-ninth Representative District

The twenty-ninth Representative District shall comprise all of the heretofore existing and constituted Second Election District of the Sixth Representative District of Kent County and all of the heretofore existing and constituted Ninth and Tenth Representative Districts of Kent County.

§ 642. Boundaries of the General Assembly Senatorial Districts in Kent County

The boundaries of the several General Assembly Senatorial Districts in Kent County shall be as follows:

(a) Thirteenth Senatorial District

The Thirteenth Senatorial District shall comprise all of the heretofore existing and constituted First, Third, Fourth, Sixth, and Ninth Representative Districts of Kent County.

(b) Fourteenth Senatorial District

The Fourteenth Senatorial District shall comprise all of the heretofore existing and constituted Fifth and Seventh Representative Districts of Kent County and all of the heretofore existing and constituted Second Election District of the Second Representative District of Kent County.

(c) Fifteenth Senatorial District

The Fifteenth Senatorial District shall comprise all of the heretofore existing and constituted Eighth and Tenth Representative Districts of Kent County and all of the heretofore

existing and constituted First, Third, and Fourth election districts of the Second Representative District of Kent County.

Subchapter V. General Assembly Districts in Sussex County

§ 651. Boundaries of the General Assembly Representative Districts in Sussex County

The boundaries of the several General Assembly Representative Districts in Sussex County shall be as follows:

(a) Thirtieth Representative District

The thirtieth Representative District shall comprise all of the heretofore existing and constituted First Representative District of Sussex County and all of the heretofore existing and constituted First and Third election districts of the Second Representative District of Sussex County.

(b) Thirty-first Representative District

The thirty-first Representative District shall comprise all of the heretofore existing and constituted Third Representative District of Sussex County and all of the heretofore existing and constituted Second election district of the Second Representative District of Sussex County.

(c) Thirty-second Representative District

The thirty-second Representative District shall comprise all of the heretofore existing and constituted Fourth and Fifth Representative Districts of Sussex County.

(d) Thirty-third Representative District

The thirty-third Representative District shall comprise all of the heretofore existing and constituted Sixth Representative District of Sussex County and all of the heretofore existing and constituted Second Election District of the Seventh Representative District of Sussex County.

(e) Thirty-fourth Representative District

The thirty-fourth Representative District shall comprise all of the heretofore existing and constituted Eighth Representative District of Sussex County and all of the heretofore existing and constituted First Election District of the Seventh Representative District of Sussex County and all of the heretofore existing and constituted Third Election District of the Tenth Representative District of Sussex County.

(f) Thirty-fifth Representative District

The thirty-fifth Representative District shall comprise all of the heretofore existing and constituted Ninth Representative District of Sussex County and all of the heretofore existing and constituted First and Second Election Districts of the Tenth Representative District of Sussex County.

§ 652. Boundaries of the General Assembly Senatorial Districts in Sussex County

The boundaries of the several General Assembly Senatorial Districts in Sussex County shall be as follows:

(a) Sixteenth Senatorial District

The Sixteenth Senatorial District shall comprise all of that portion of Sussex County in Representative Districts Thirty and Thirty-one created herein.

(b) Seventeenth Senatorial District

The Seventeenth Senatorial District shall comprise all of that portion of Sussex County in Representative Districts Thirty-two and Thirty-three created herein.

(c) Eighteenth Senatorial District

The Eighteenth Senatorial District shall comprise all of that portion of Sussex County in Representative Districts Thirty-four and Thirty-five created herein.

Subchapter VI. Effectuation

§ 661. Preparing and filing maps of districts

(a) The respective Departments of Elections shall cause to be prepared by Registered Land Surveyors maps of each county showing the boundaries of the several General Assembly districts.

(b) The Registered Land Surveyors who prepare the maps shall certify on them as to their correctness and the respective Departments of Elections shall cause the appropriate maps to be recorded in the Recorders Office in the County for which the maps are prepared. Upon such recording, the maps shall be prima facie evidence in all judicial proceedings as to the correctness of the boundaries.

(c) The several Departments of Elections shall cause such additional copies of the maps, as they deem necessary to properly advise the public, to be prepared and distributed.

Approved July 13, 1964.

CHAPTER 362

**AN ACT TO AMEND SECTIONS 2716 AND 2717 TITLE 10,
DELAWARE CODE, RELATING TO THE APPOINTMENT
OF SPECIAL CONSTABLES.**

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

Section 1. § 2716 (a), Title 10, Delaware Code, is amended by striking said section in its entirety and inserting in lieu thereof the following:

(a) The Governor shall upon the application of any individual firm, corporation or civic association incorporated under the laws of this State and having an office, place of business or resident agent in this State, appoint such person, or persons as said individual, firm, corporation or civic association may recommend or designate to act as special constables for the protection of the property belonging to, or under the control of such individual, firm or corporation or any property situate in the specific locality from which the members of any civic association shall reside and for the preservation of peace and good order in and about the premises occupied by such individual, firm or corporation or the general locality of the residence of any member of any civic association.

Section 2. § 2716 (d), Title 10, Delaware Code, is amended by inserting the words "civic association" after the word firm as the same appears in said section.

Section 3. § 2716 (e), Title 10, Delaware Code, is amended by inserting the words "civic association" after the word firm as the same appears in said section.

Section 4. § 2716 (f), Title 10, Delaware Code, is amended by inserting the words "civic association" after the word firm as the same appears in said section.

Section 5. § 2717 (a), Title 10, Delaware Code, is amended by inserting the words "civic association" after the word firm as the same appears in said section.

Approved July 17, 1964.

CHAPTER 363

**AN ACT TO APPROPRIATE AND TRANSFER MONEYS
FROM THE CAPITAL INVESTMENT FUND FOR THE
PURPOSE OF OBTAINING LANDS AT OR NEAR CAPE
HENLOPEN, DELAWARE.**

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

Section 1. There is hereby appropriated and transferred from the Capital Investment Fund existing under Chapter 62, Title 29, Delaware Code, enacted by Chapter 32, Volume 54, Laws of Delaware, to the Joint Committee on Fort Miles, created by Senate Concurrent Resolution No. 27 of the 122nd General Assembly, such sum, not in excess of \$100,000 as may be necessary, for the purpose of obtaining from the Federal Government the lands at Cape Henlopen, Delaware, formerly used as part of Fort Miles and for temporary custodial care of the same.

Section 2. Such sums as may be needed to pay the federal government for the conveyancing of the lands deemed excess to the needs of the United States to the State of Delaware and such sums as may be needed for the temporary custodial care of such lands and facilities and to pay any costs in connection with such conveyancing shall be appropriated and transferred from the Capital Investment Fund to the Joint Committee on Fort Miles upon vouchers signed by the Chairman and Secretary of the said Joint Committee.

Section 3. The Joint Committee shall expend the funds appropriated and transferred to the said Joint Committee upon vouchers signed by the Chairman and Secretary of the said Joint Committee.

Approved July 21, 1964.

CHAPTER 364

AN ACT TO AMEND SECTION 108, TITLE 15, DELAWARE CODE, RELATING TO THE COMPENSATION OF MEMBERS OF THE DEPARTMENTS OF ELECTIONS AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. Section 108, Title 15, Delaware Code, is amended to read as follows:

The President of each Department shall receive as compensation for his services a salary of fifteen hundred dollars (\$1,500) per year and each member of each Department shall receive as compensation for his services a salary of one thousand dollars (\$1,000) per year.

Section 2. The sum of eight thousand five hundred dollars (\$8,500) is appropriated to the Departments of Elections to carry out the purposes 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.

Section 4. This Act shall become effective July 1, 1964.

Approved July 20, 1964.

CHAPTER 365

AN ACT TO AMEND SECTION 2302, TITLE 21, DELAWARE CODE, PERTAINING TO THE APPLICATION FOR CERTIFICATE OF TITLE AND AMEND SECTION 2306, TITLE 21, DELAWARE CODE, PERTAINING TO THE ISSUANCE OF CERTIFICATE OF TITLE AND AMEND SECTION 2503, TITLE 21, DELAWARE CODE, PERTAINING TO THE TRANSFER OF CERTIFICATE OF TITLE AND REGISTRATION CERTIFICATE.

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

Section 1. § 2302, Title 21, Delaware Code, is amended by adding a new subsection thereto as follows:

(c) No application for an original certificate of title shall be accepted by the Department from any person under 21 years of age unless said certificate is signed by at least one parent or guardian of said person stating that they consent to said application.

Section 2. § 2306, Title 21, Delaware Code, is amended by adding a new sub-section thereto as follows:

(d) The Department shall not issue a certificate of title to any person under 21 years of age unless at least one parent or guardian of said person shall sign said certificate stating that they consent to the issuance of same.

Section 3. § 2503, Title 21, Delaware Code, is amended by adding a new sub-section thereto as follows:

(c) The Department shall not transfer any certificate of title or registration certificate to any person under 21 years of age unless at least one parent or guardian of said person shall sign said certificate of title or registration certificate stating that they consent to the transfer of same.

Approved July 21, 1964.

CHAPTER 366

**AN ACT MAKING A SUPPLEMENT APPROPRIATION IN
THE FISCAL YEAR ENDING JUNE 30, 1965, TO HONOR
AN OBLIGATION INCURRED IN THE FISCAL YEARS
1956-57 TO 1962-63.**

WHEREAS, George Feehley, a teacher in the Lord Baltimore School, did not receive full salary credit for experience for the school years 1956-57 to 1962-63; and

WHEREAS, he was paid a total of \$960.00 less than the amount to which entitled; and

WHEREAS, the debt incurred is a lawful State obligation,

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 \$960.00 to be paid to George Feehley, Lord Baltimore School, during the fiscal year ending June 30, 1965, for the full salary credit for experience for the school years 1956-57 to 1962-63.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1965, and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved July 21, 1964.

CHAPTER 367

AN ACT TO AMEND CHAPTER 5, TITLE 10, DELAWARE CODE, IN RESPECT TO LAW CLERKS FOR THE SUPERIOR COURT.

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

Section 1. Chapter 5, Title 10, Delaware Code, is amended by adding the following new section thereto.

§ 523. Law Clerks

(a) The Superior Court may appoint and remove at pleasure such law clerks as shall be necessary for the proper operation of the Court not to exceed two law clerks in New Castle County, one law clerk in Kent County, and one law clerk in Sussex County.

(b) Each law clerk shall receive such compensation from the respective counties as shall from time to time be determined by the Levy Courts in the respective counties. Special arrangements may be made as to part-time law clerks where the Court finds it expedient to do so.

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

Section 2. This Act shall be effective July 1, 1964.

Approved July 21, 1964.

CHAPTER 368

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 2,
SECTION 25, OF THE CONSTITUTION OF THE STATE
OF DELAWARE, RELATING TO ZONING IN SUSSEX
COUNTY.**

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 2, § 25 of the Constitution of the State of Delaware, is amended by inserting after the words "municipalities and the County of" in the second line thereof the words "Sussex and the County of".

CHAPTER 369

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 2,
SECTION 25, OF THE CONSTITUTION OF THE STATE
OF DELAWARE, RELATING TO ZONING IN KENT
COUNTY.**

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 2, § 25 of the Constitution of the State of Delaware, is amended by inserting after the words "municipalities and the County of" in the second line thereof the words "Kent and the County of".

CHAPTER 370

**AN ACT TO AMEND ARTICLE FIVE, SECTION 2, 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. § 2, Article Five of the Constitution of the State of Delaware is amended by striking out the word "male" as the same appears in the first sentence thereof.

NOTE: Despite the title, this act merely proposes an amendment to the Constitution. For the amendment to become effective it must be agreed to by the 123rd General Assembly.

CHAPTER 371

**AN ACT PROPOSING AN AMENDMENT TO ARTICLE 2,
SECTION 15, OF THE CONSTITUTION OF THE STATE
OF DELAWARE, RELATING TO COMPENSATION, EX-
PENSES, AND ALLOWANCES OF MEMBERS OF THE
GENERAL ASSEMBLY AND THE PRESIDENT OF THE
SENATE.**

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 15, Article 2, of the Constitution of the State of Delaware is amended by striking the first paragraph thereof and inserting in lieu thereof a new paragraph to read:

The President of the Senate and the members of the General Assembly shall receive an annual salary of Four Thousand Five Hundred Dollars (\$4,500), payable quarterly. The members shall receive no other compensation for services as such members but shall be entitled to the usual expenses of transportation and the stationery allowance as provided by the Constitution and Laws of the State.

CHAPTER 372

**AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE,
RELATING TO MOTOR VEHICLES AND THE UNIFORM
RULES OF THE ROAD AND OTHER MATTERS BY
ADOPTING A SAVING CLAUSE.**

WHEREAS, The General Assembly by Chapter 160, Volume 54, Laws of Delaware, repealed Chapter 41, Title 21, Delaware Code, relating to motor vehicles, and adopted new Chapters 41 and 42, Title 21, Delaware Code; and

WHEREAS, The General Assembly intended at the time of enactment, that Section 5 of Chapter 160, Volume 54, Laws of Delaware, be a saving clause preserving all causes of action, including criminal and civil, arising out of traffic accidents or violations under the prior Chapter 41, Title 21, Delaware Code; and

WHEREAS, The General Assembly wants to make said intent conclusively clear and wants all causes of action, including civil and criminal, arising before the effective date of Chapter 160, Volume 54, Laws of Delaware, that is, June 5, 1964, saved and preserved; NOW, THEREFORE,

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 160, Volume 54, Laws of Delaware, is amended by adding thereto a new section to read:

Section 9. The provisions of this act do not apply to violations or traffic accidents or to causes of action and/or judgments arising therefrom prior to June 5, 1964. Prosecutions for such offenses and violations shall be governed by the prior law which is continued in effect for that purpose, as if this Act is not in force. All violations, offenses, prosecutions and criminal appeals under the prior law are saved and preserved. All civil

causes of action based upon or under the prior law arising out of traffic accidents prior to June 5, 1964, and judgments thereon or appeals therefrom are saved and preserved.

Section 2. The General Assembly finds that it intended at the time of enactment of Chapter 160, Volume 54, Laws of Delaware, that Section 5 of said act be a saving clause and that Section 1 of this Act is a conclusive clarification of that intent and as such is applicable from the date of enactment of the said Chapter 160, Volume 54, Laws of Delaware, on June 5, 1964.

Section 3. If any section or provision of this Act, or the application thereof to any person, thing or circumstances is held invalid, such invalidity shall not affect the provisions or application of this Act that can be given effect without the invalid provisions or application and to this end the provisions of this Act are declared to be severable.

Approved August 6, 1964.

CHAPTER 373

AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$110,230,550.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,550.00 FOR THE PROPOSED AMENDMENTS".

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

Section 1. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by changing the salary figure opposite the words "Wages and Salaries of Employees" under the heading "State Board of Agriculture—Weights and Measures" from \$35,000.00 to \$36,550.00 and changing the totals accordingly.

Section 2. Chapter 291, Volume 54, Laws of Delaware, is hereby amended by adding under sub-section "O" "Others" of "Division I" of the "State Board of Vocational Education—Educational Division" as follows:

2. Occupational Information and Career Service (Total \$9,000.00 State—None—Other \$9,000.00)

Section 3. This Act is a supplementary appropriation Act for the fiscal year commencing July 1, 1964, in the amount of \$1,550.00 and the money appropriated shall be paid from the General Fund of the State of Delaware.

Approved August 11, 1964.

CHAPTER 374

AN ACT PERMITTING MILLSBORO SCHOOL DISTRICT NO. 23 TO TRANSFER SURPLUS FUNDS FROM A DEBT SERVICE LOCAL FUNDS ACCOUNT TO THE MILLSBORO LOCAL FUNDS ACCOUNT.

WHEREAS, the Millsboro School, District No. 23 has a surplus of approximately \$27,153.00 in the account entitled Millsboro School District No. 23 Debt Service Local Funds Account; and

WHEREAS, the said Debt Service Account exceeds in amount any fiscal requirements for the funds therein by some \$20,000.00; and

WHEREAS, a Referendum was duly held on June 20, 1964, in the Millsboro School, District No. 23, in which approval of the transfer of \$20,000.00 from the Millsboro School, District No. 23 Debt Service Local Funds Account (81-860-00) to the Millsboro School, District No. 23 Local Funds Account (80-860-00) was requested; and

WHEREAS, the voters of said Millsboro School, District No. 23 approved the transfer of said sum of \$20,000.00 from the Debt Service Account to the Local Funds Account, by a vote of One Hundred and one (101) in favor of said transfer and Nine (9) votes against said transfer;

NOW, THEREFORE,

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

Section 1. The Millsboro School, District No. 23 is hereby authorized and empowered to transfer the sum of \$20,000.00 from the Millsboro School, District No. 23 Debt Service Local Funds Account (81-860-00) to Millsboro School, District No. 23, Millsboro Local Funds Account (80-860-00).

Approved August 11, 1964.

CHAPTER 375

**AN ACT APPROPRIATING FUNDS TO THE CHIEF JUSTICE
OF THE SUPREME COURT OF THE STATE OF DELA-
WARE, TO PROVIDE OFFICE SPACE, A SECRETARY,
TRAVEL EXPENSE AND OFFICE SUPPLIES FOR THE
DEPUTY ADMINISTRATOR TO THE CHIEF JUSTICE.**

WHEREAS, the General Assembly by passage of House Bill No. 579 which was signed into law by the Governor, authorized a Deputy Administrator for the Chief Justice of the Supreme Court of the State of Delaware at a salary stipulated in said law; and

WHEREAS, no allowances were made for the expenses of said Deputy Administrator in carrying out his duties,

NOW, THEREFORE,

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

Section 1. The sum of \$7,090.00 is hereby appropriated to the Chief Justice of the Supreme Court of the State of Delaware to provide expenses for his Deputy Administrator as follows:

Office Space Rental	\$2,090.00
Travel Expense	1,000.00
Secretary Wages	3,500.00
Office Supplies	500.00
<hr/>	
Total	\$7,090.00

Section 2. This Act is a supplementary appropriation for the fiscal year commencing July 1, 1964 and the money appropriated shall be paid from the General Fund of the State of Delaware. Any money unexpended from this appropriation as of June 30, 1965, shall revert to the General Fund.

Approved August 11, 1964.

CHAPTER 376

AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY INCREASING THE SALARY OF THE GOVERNOR.

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

Section 1. Title 29, Section 2101, Delaware Code, is hereby amended by striking the figures "\$17,500" and inserting in lieu thereof the figures "\$25,000".

Section 2. The provisions of this act shall become effective on January 19, 1965.

Approved August 21, 1964.

CHAPTER 377

**AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE,
RELATING TO ALCOHOLIC LIQUORS, TO PERMIT THE
SALE OF BEER ONLY BY A PERSON DISPENSING
FOOD AT HORSE RACE TRACKS IN THE STATE OF
DELAWARE.**

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

Section 1. Section 513, Title 4, Delaware Code, is amended by adding thereto a new sub-section to read:

Any person in charge of dispensing food at a horse race track may apply for a license to purchase from the Commission or through the Commission, as provided in Section 702 of this Title, and to receive, keep and sell beer only, for consumption on the premises, as draft beer or in individual containers, at bars, counters or similar contrivances.

Section 2. Section 543 (c), Title 4, Delaware Code, is amended by making the period at the end thereof a semi-colon and adding thereafter:

Provided, however, the Commission in its discretion may grant a license for the sale of beer only, for consumption on the premises, to any person dispensing food at a horse race track, at bars, counters or similar contrivances.

Section 3. Section 555, Title 4, Delaware Code, is amended by adding a new paragraph at the end thereof to read:

(q) For a license to sell beer only at a horse race track \$500.00.

Section 4. Section 712, Title 4, Delaware Code, is amended by adding thereto the following:

This section shall not apply to any person dispensing food and beer only at a race track.

Approved August 21, 1964.

CHAPTER 378

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO BENJAMIN BANNECKER SCHOOL, MILFORD SPE-
CIAL SCHOOL DISTRICT.**

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

Section 1. The sum of Thirty-Five Thousand Dollars (\$35,000) is hereby appropriated to Benjamin Bannecker School, Milford Special School District, to be used for repairs and replacements.

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

Section 3. Any funds hereby appropriated and not used for the purpose set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved August 21, 1964.

CHAPTER 379

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE BINGO CONTROL COMMISSION.**

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

Section 1. The sum of (\$582.43) Five Hundred Eighty-Two Dollars and Forty-Three Cents is appropriated to the Bingo Control Commission to be used for travel expenses.

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 August 21, 1964.

CHAPTER 380

AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS TO THE AMOUNT OF \$110,230,550.00 FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965, "BY CHANGING THE SALARY OF THE LIBRARIAN FOR THE LIBRARY COMMISSION FOR THE STATE OF DELAWARE.

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

Section 1. Section 1 of Chapter 291, Volume 54, Laws of Delaware, is amended by striking the words and figures "(Total \$7,500.00—State \$7,000, Other \$500.00)" as they appear in lines one and two under "Library Commission For The State of Delaware" and inserting in lieu thereof the words and figures "(Total \$9,000.00—State \$7,000.00, Other \$2,000)."

Approved August 21, 1964.

CHAPTER 381

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO PHILLIP C. SHOWELL SCHOOL NO. 210 TO PAY
EXPENDITURES INCURRED DURING PRIOR FISCAL
YEARS.**

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

Section 1. The sum of \$4,000 (Four thousand dollars) is hereby appropriated to Phillip C. Showell School No. 210 to pay expenditures incurred during prior fiscal years, but said appropriation is to be expended only upon the approval of the State Budget Commission.

Section 2. This Act is a Supplementary Appropriation and the monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State of Delaware not otherwise appropriated.

Section 3. All parts or portions of the sums appropriated by this act which, on the first day of July, 1965, shall not have been paid out of the State Treasury, shall revert to the General Fund.

Approved August 21, 1964.

CHAPTER 382

AN ACT TO AMEND CHAPTER 309, VOLUME 54, LAWS OF DELAWARE, BY STRIKING SAID TITLE AND INSERTING A NEW TITLE TO READ: "AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO BORROW ON THE CREDIT OF THE COUNTY A SUM OF MONEY NOT EXCEEDING NINE HUNDRED AND FIFTY THOUSAND DOLLARS TO BE EXPENDED FOR THE ACQUISITION OF ADDITIONAL LANDS TO BE USED FOR THE PURPOSE OF BUILDING AN ADDITION OR ADDITIONS TO THE KENT COUNTY COURT HOUSE, THE CONSTRUCTION OF SUCH ADDITION OR ADDITIONS, AND FOR THE MAKING OF SUCH ALTERATIONS AND REPAIRS TO THE EXISTING COURT HOUSE AS THE LEVY COURT SHALL DEEM NECESSARY AND EXPEDIENT" AND BY RAISING THE RATE OF INTEREST FOR WHICH THE BONDS AUTHORIZED MAY BE ISSUED FOR.

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

Section 1. Amend Chapter 309, Volume 54, Laws of Delaware by striking its title and enacting in lieu thereof a new title to read:

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

Section 2. Amend Section 4 of Chapter 309, Volume 54, Laws of Delaware, by striking the words "not exceeding three

per centum per annum" where they appear in said section and inserting in lieu thereof the words "not exceeding four per centum per annum".

Approved August 21, 1964.

CHAPTER 383

AN ACT TO AMEND THE LAW RELATING TO APPOINTMENT AND ELECTION OF SCHOOL BOARDS AND TO PROVIDE FOR FIVE MEMBER SCHOOL BOARDS.

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

Section 1. § 302, Title 14, Delaware Code, is amended to read:

§ 302. Districts to which chapter applies

(a) This chapter applies to all Districts in Kent and Sussex Counties except the William C. Jason Comprehensive High School, the William W. M. Henry Comprehensive High School, the Sussex County Vocational-Technical Center, the Kent County Vocational-Technical Center and all Districts in New Castle County except the Alexis I. duPont Special School District, the Louis L. Redding Comprehensive School District and the Wilmington Public School District and to any School District whose board members are appointed pursuant to § 2507, Title 14, Delaware Code.

Section 2. § 306, Title 14, Delaware Code, is amended by striking the word "four" where it appears therein and inserting in lieu thereof the word "five".

Section 3. § 307, Title 14, Delaware Code, is amended by striking the word "four" where it appears therein and inserting in lieu thereof the word "five".

Section 4. § 323, Title 14, Delaware Code, is amended by adding the following thereto: the fifth member may reside in either Kent or Sussex County.

Section 5. § 324, Title 14, Delaware Code, is amended to read:

§ 324. New Districts; selection of School Board members

(a) Whenever a new District is created by the consolidation of existing Districts or otherwise, the then functioning School Boards of the District, if there is one, shall continue to act as such until a new School Board is duly constituted. If the District is one which is newly created, the State Board of Education shall at once appoint 5 suitable persons to constitute the School Board of the District and they shall take office immediately and serve until a new School Board is elected and shall qualify. In the case of the consolidation of existing Districts, the State Board of Education shall select from the School Boards of the Districts consolidated, 5 suitable persons to constitute the School Board of the consolidated District and they shall take office immediately and serve until a new School Board is elected and shall qualify.

(b) The first election of the new School Board members shall be held on the second Saturday of May following the date of creation or consolidation.

(c) The provisions of this chapter shall govern such first election, except as otherwise provided in subsection (d) of this section.

(d) At the first election, 5 members of the School Board of the District shall be elected, one of whom shall be elected for 1 year, one for 2 years, one for 3 years and one for 4 years and one 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 the 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.

(e) 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.

(f) Notwithstanding the above provisions of this section, in the case of the consolidation of 2 or 3 existing districts, each offering education by Grades 1 through 12, 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 at first 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) At each election following consolidation, 1 member shall be elected from the consolidated district for a term of 5 years.

(g) In the event that a district not offering education in Grades 1 through 12, should seek to consolidate with a district offering education in Grades 1 through 12, such consolidation shall not alter the structure of the Board of the district offering education in Grades 1 through 12 and the Board of the district offering education in Grades 1 through 12 shall become the Board of the consolidated district.

Section 6. Chapter 5, Title 14, Delaware Code, is amended to read:

CHAPTER 5. APPOINTED SCHOOL BOARDS

§ 501. Definitions

As used in this chapter—

“District” means a School District or a Special School District, or both;

“School Board” means a Board of School Trustees of a School District or a Board of Education of a Special School District, or both;

"School Board member" or "member of a School Board" means a member of a Board of School Trustees of a School District or a member of a Board of Education of a Special School District, or both.

§ 502. Districts to which chapter applies

(a) This chapter applies to the following district in New Castle County: Alexis I. duPont Special School District.

§ 503. Board of School Trustees of School District

In each School District there shall be a Board of School Trustees which shall have the powers and duties prescribed in this title.

§ 504. Board of Education of Special School District

In each Special School District there shall be a Board of Education which shall have the powers and duties prescribed in this title.

§ 505. Selection of School Board members

The members of the School Boards in the Districts to which this chapter applies shall be appointed by the Resident Judge of New Castle County.

§ 506. Number and qualifications of School Board members

Each School Board shall be composed of 5 members who shall be citizens of the State and residents of the District. In the case of a Special School District, no more than three members of the Board shall be of the same political party.

§ 507. Term of office

Each School Board member shall be appointed for a term of 5 years commencing on the first day of July following his appointment and until his successor shall qualify.

§ 508. Vacancy on School Board

A vacancy in any School Board to which this chapter applies shall be filled by the Resident Judge of New Castle County for the unexpired term.

§ 509. New School Board in consolidated District; election

Whenever a District to which this chapter as applicable is consolidated with another District, the new consolidated board shall be elected in accordance with the provisions of Chapter 3 of this title.

Section 7. § 511, Title 14, Delaware Code, is repealed.

Section 8. The provisions of this act shall become effective for the election or appointment of terms commencing on July 1, 1965.

Section 9. At the annual school election to be held in 1965, in each district subject to the provisions of Chapter 3 of Title 14, Delaware Code, two members shall be elected instead of one member. The person receiving the highest vote shall be elected for a term of 5 years. The person receiving the the next highest vote shall be elected for a term of 4 years. Thereafter successors shall be elected for a term of 5 years. In the event that at least two persons do not file for election, the remaining members of the board may fill the vacancies for 4 or 5 years as the case may be.

Section 10. The Resident Judge of the Superior Court of New Castle County shall appoint 2 persons to be members of any boards the members of which are appointed pursuant to Chapter 5, Title 14, Delaware Code, for terms beginning July 1, 1965. One person shall be appointed for a term of 5 years and one for a term of 4 years; thereafter all appointments shall be for a term of 5 years.

Section 11. This act shall not apply to the School District of the City of Wilmington or to any School District whose board members are appointed pursuant to § 2507, Title 14, Delaware Code.

Section 12. § 323, Title 14, Delaware Code, is amended to read:

§ 323. Milford Special School District; Board Membership

(a) Notwithstanding anything to the contrary contained elsewhere in this Chapter, the Board of Education of the Milford Special School District shall consist of only 4 members, 2 of whom shall reside in that portion of the District lying in Kent County and 2 of whom shall reside in that portion of the District lying in Sussex County.

(b) A vacancy on the Board of Education of Milford Special School District for any cause shall be filled by the remaining members of the Board. The person so appointed shall serve until the next election, at which time a successor shall be elected for the unexpired term. The appointee shall reside in the same county in which the vacancy occurred.

Section 13. § 308, Title 14, Delaware Code, is amended to read:

§ 308. Number of School Board Members Elected each year

One member of each School Board shall be elected at each annual school election to succeed the member whose term will expire on the following first day of July except the first election following the enactment of this bill into law when two school board members shall be elected, one for a term of five years and the other for a term of four years. The person having the highest number of votes shall be elected for a five year term and the person with the next highest number of votes shall be elected for a four year term.

Approved August 21, 1964.

CHAPTER 384

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS AND FOR IMPROVEMENTS TO THE PUBLIC SCHOOL SYSTEM OF THE STATE AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO VARIOUS AGENCIES OF THE 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. There is appropriated to the agencies of the State set forth in Section 6 hereof the sum of Twenty-four Million, Seven Hundred ninety-eight thousand, sixty dollars (\$24,798,060.00), or so much thereof as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be used for the purposes set forth in Sections 6 and 7 of this Act and may be used for costs incidental to the projects set forth in Sections 6 and 7 of this Act, including but not limited to design, planning, land acquisition, acquisition of utility and service areas, construction, repairing, remodeling, equipping, landscaping and inspection costs.

Section 2. Any of said appropriated funds remaining unexpended at the end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 3. The said sum of Twenty-four Million, Seven Hundred ninety-eight thousand and sixty dollars (\$24,798,060.00) shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable. For purpose of identification, the bonds issued pursuant to this authorization Act may be known, styled or referred to as "Capital Improvement Bonds of 1965".

Section 4. There is hereby appropriated from the General Fund of the State 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 current fiscal year 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 current fiscal year. 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 5. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act 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 (or notes which are not to be funded by the issuance of 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.

Section 6. The moneys appropriated in Section 1 hereof shall be expended by the following named agencies or commissions for the uses set forth herein:

- | | |
|---|------------|
| (a) State Board of Agriculture, for construction of a new Agriculture Building in Dover Area | \$ 850,000 |
| (b) State Highway Department, for replacement of Electronic Repair Buildings of the Communications Division | 62,000 |

(c)	State Board of Corrections, for construction of visiting rooms in Kent and Sussex Counties and for the planning for a new corrections center	350,000
(d)	Delaware State College, for construction of classroom building and home economics facilities and improvement of roads and planning for two dormitories and future campus expansion	1,759,000
(e)	State Forestry Department for land acquisition and construction of shop at Redden State Forest and a ranger facility at Blackbird State Forest	59,000
(f)	State Board of Health, for construction of sewerage treatment facilities	75,000
(g)	Delaware State Hospital, for planning for future improvements, construction of roads and replacement of cottage group at hospital for mentally retarded	1,065,000
(h)	State Park Commission, for construction of improvements at Lums Pond and Trap Pond	40,000
(i)	University of Delaware, for construction of athletic and education buildings and drainage system and improvements to Agriculture Hall, Robinson Hall, Hullihen Hall and classrooms and laboratories	4,386,000
(j)	State Welfare Home and Hospital for Chronically Ill at Smyrna, for improvements to main kitchen and construction of addition to Prickett Building	789,000
(k)	Youth Services Commission, for the construction of a detention home for Kent and Sussex Counties and a Security and Treatment Center	2,250,000

(l) State Board of Education, for school construction purposes as more particularly set forth in Section 7 of this Act	7,613,060
(m) State Board of Corrections, for acquisition of site, and construction of new State Correctional Institution	5,500,000
TOTAL	\$24,798,060

Section 7. The sum of \$7,613,060 appropriated by Section 6 of Act to the State Board of Education for school construction purposes or so much thereof as shall be necessary to carry out the purposes of this Act, shall be allocated 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
Felton #54	\$ 15,000	\$ 9,000	\$ 6,000
Delmar Public School #163	45,000	27,000	18,000
Magnolia School #50	7,500	4,500	3,000
Millsboro #204	75,000	75,000	.....
Mount Pleasant Special	2,500,000	1,500,000	1,000,000
Newark Special	4,840,000	2,904,000	1,936,000
Rehoboth Special	15,000	9,000	6,000
Richardson Park #20	100,000	60,000	40,000
DelaWarr #47	1,670,000	1,002,000	668,000
Stanton #38	2,787,600	1,672,560	1,115,040
Wm. C. Jason High	350,000	350,000	.....
TOTAL	\$12,405,100	\$7,613,060	\$4,792,040

Section 8. The sums of money allocated and appropriated for school construction purposes pursuant to Sections 6 and 7 of this act shall be expended in accordance with the provisions of Chapter 75, Title 29, Delaware Code.

Section 9. Any unexpended funds authorized by this Act remaining after the completion of the Construction authorized by this Act, other than the funds allocated and appropriated for school construction purposes pursuant to Section 7 and Section 8 of this act which are subject to the provisions of Chapter 75, Title 29, Delaware Code, shall be deposited in a special account and such funds shall be applied against future capital improvement bond requirements.

Section 10. None of the moneys appropriated by this act shall be used prior to July 1, 1964. No construction authorized by Section 6 of this act shall be started nor any moneys shall be borrowed for the construction authorized by Section 6 of this Act later than 2 years after the effective date of this Act, except such moneys as are necessary to complete construction started prior to two years after the effective date of this Act.

Section 11. This Act may be known, styled or referred to as the "Annual Capital Improvement Act of 1965".

Section 12. The appropriation made to the State Board of Corrections in Section 6 (m) herein shall be expended for the purchase of land and the construction of a new correctional institution.

Approved August 21, 1964.

CHAPTER 385

AN ACT APPROPRIATING FUNDS TO THE STATE PARK COMMISSION FOR DEVELOPMENT AND MAINTENANCE OF THE LANDS AT CAPE HENLOPEN.

WHEREAS, The State of Delaware is about to receive title to lands formerly a part of Fort Miles at Cape Henlopen; and

WHEREAS, a reasonable sum of money should be spent to begin development and maintain these lands as a State Park for the enjoyment of the people of our State,

NOW, THEREFORE,

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

Section 1. The sum of One Hundred Seventy-Two Thousand Six Hundred Fifty Dollars (\$172,650.00) is hereby appropriated to the State Park Commission to be used as follows:

Salaries and Wages of Employees	\$43,700
Travel	300
Other Contractual Services	28,650
Supplies and Materials	10,025
Capital Outlay	39,975
Capital Improvements	50,000

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

Approved August 21, 1964.

CHAPTER 386

AN ACT TO AMEND CHAPTER 7 OF TITLE 13, DELAWARE CODE, RELATING TO THE CONSENT OF MARRIED MINORS TO THE PERFORMANCE OF DIAGNOSTIC AND THERAPEUTIC PROCEDURES.

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

Section 1. That Chapter 7 of Title 13, Delaware Code, be and it is hereby amended by the addition of the following new section at the end of the said chapter:

§ 707. Married Minors' Consent to Diagnostic and Therapeutic Procedures

The consent of a married minor, or if a married minor be unable to give consent by reason of physical disability, then the consent of the spouse of such married minor, to the performance by any licensed Medical, Surgical, Dental or Osteopathic Practitioner, or any hospital, or their agents or employees, of any lawful diagnostic, therapeutic or post-mortem procedure upon or in respect of such minor or any minor child of such minor, shall, notwithstanding the minority of such minor or the spouse of such minor, be valid and legally effective for all purposes and shall be binding upon such minor, his parents, spouse, heirs, executors and administrators as effectively as if such minor or the spouse of such minor were twenty-one (21) years of age or upwards. The consent hereinabove referred to shall be the sole consent necessary for the performance of diagnostic and therapeutic procedures in connection with such minor and shall obviate the requirement of parental consent in such cases.

Approved August 28, 1964.

CHAPTER 387

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO STATE EMPLOYEES' PENSION PLAN BY INCREASING BENEFITS FOR PENSIONERS NOT QUALIFIED FOR OLD AGE INSURANCE BENEFITS.

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

Section 1. Title 29, Delaware Code, is hereby amended by adding a new Section 5531 to read as follows:

§ 5531. Supplemental benefits; limitation; supplemental benefits payable to surviving spouse

Any other provision of this Chapter notwithstanding, any pensioner hereunder who has attained the age of 62 years and who retired from state service prior to June 30, 1955, shall be paid a supplemental monthly benefit in the amount of \$3 for each year of covered employment earned by such employee in excess of 15 such years, but in no event more than \$50 a month. The supplemental payment under this section shall be reduced by the amount of any primary benefit payable to the pensioner as old age insurance benefits under the Federal Social Security Act regardless of whether or not the right to such old age insurance benefits was earned in state service.

The surviving spouse of a pensioner who was eligible under this section, or of a pensioner who died prior to July 1, 1964, but who would otherwise have been eligible hereunder, shall, until the death or remarriage of such surviving spouse, receive a supplemental pension equal to one-half ($\frac{1}{2}$) the amount which

(a) an eligible pensioner was or shall be receiving under the provisions of this section at the time of his death, or

(b) a pensioner, deceased prior to July 1, 1964, would have otherwise been eligible to receive under this section.

Section 2. This act shall become effective July 1, 1964.

Approved August 28, 1964.

CHAPTER 388

AN ACT TO AMEND TITLE 29, DELAWARE CODE, SECTION 5525.

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

Title 29, Delaware Code, Section 5525 is amended by striking sub-section (a) and inserting a new sub-section (a) in lieu thereof as follows:

(a) In determining an employee's eligibility under this chapter, such employee shall be considered to have been in covered employment for any period or periods during which he was employed by any county or municipality of this State.

Approved August 28, 1964.

CHAPTER 389

AN ACT TO AMEND CHAPTER 4, TITLE 24, DELAWARE CODE, IN RELATION TO THE PROFESSION OF BARBERING.

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

Section 1. Title 24, Delaware Code, is hereby amended by the addition of a new Section 432 to read as follows:

§ 432. Instructional Barbering Schools

Nothing contained in this Chapter shall affect the instructional program of Barbering as conducted in the State of Delaware schools. Any student who has completed the prescribed course in Barbering in the public schools of this State will be eligible to take State Board tests in order to meet the requirements of licensing under this Chapter.

Approved August 28, 1964.

CHAPTER 390

AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, BEING AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965, BY INCREASING THE APPROPRIATION TO THE DEPARTMENT OF PUBLIC WELFARE.

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

Section 1. Section 1 of Chapter 291, Volume 54, Laws of Delaware, is amended by striking the words and figures appearing under the heading "Department of Public Welfare" in said Section 1 and inserting in lieu thereof the words and figures:

Department of Public Welfare

Salary of Director (Total \$13,000—State \$6,000—other \$7,000)	\$ 6,000.00
Salaries for Medical Care	8,928.00
Wages and Salaries of Employees	507,677.00
Other Personal Services	3,000.00
Travel	4,000.00
Contractual Services	66,990.00
Supplies and Materials	16,600.00
Capital Outlay	18,255.00
Reimbursements to Counties	634,700.00
Old Age Assistance Grants	195,500.00
Medical Care	118,500.00
Aid to Disabled Grants	160,000.00
Aid and Service to Needy Families	586,150.00
Direct Care—Child Welfare Service	670,000.00
TOTAL.....	\$2,996,300.00

Section 2. The sum of \$264,000.00 is appropriated to the Department of Public Welfare for the fiscal year beginning July 1, 1964, and ending June 30, 1965, for the purpose of effecting the increased appropriation authorized by Section 1 of this act.

Section 3. The totals appearing in Chapter 291, Volume 54, Laws of Delaware, are hereby amended to reflect the changes authorized by this act.

Section 4. 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 August 28, 1964.

CHAPTER 391

AN ACT TO PROVIDE AN EXTENSION OF TIME WITHIN WHICH CERTAIN APPROPRIATED SCHOOL CONSTRUCTION FUNDS ARE TO REVERT TO THE STATE OF DELAWARE AND TO THE DEBT SERVICE ACCOUNT OF A SCHOOL DISTRICT

WHEREAS, by 52 Delaware Laws, Chapter 345, the sum of \$740,700.00 was appropriated to the Smyrna Special School District of which \$444,420.00 was the State Share and \$296,280.00 was the Local Share; and

WHEREAS, by Act of the General Assembly signed into law April 16, 1963, being 54 Delaware Laws, Chapter 16, the State Share of the funds so appropriated was to revert to the State of Delaware and the Local Share to the debt service account of the Smyrna Special School District, one year after pupil occupancy of the newly constructed facilities; and

WHEREAS, the Smyrna Special School District encountered unforeseen obstacles to the completion of their construction program which have unduly delayed the expenditure of the sums appropriated; and

WHEREAS, pupil occupancy of the new construction took place on or about September 1, 1963, although the construction was not accepted from the contractor until on or about January 31, 1964,

NOW, THEREFORE:

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

Section 1. The time within which the State Share of the School Construction Appropriation hereinabove referred to shall be extended up to and including one year from the date of acceptance of the newly constructed school facilities in the Smyrna Special School District which reversion date shall be January 31, 1965.

Section 2. The time within which the Local Share of the School Construction Program hereinabove referred to shall revert to the debt service account of the Smyrna Special School District shall be extended up to and including one year from the date of acceptance of the newly constructed school facilities which reversion date shall be January 31, 1965.

Approved August 28, 1964.

CHAPTER 392

AN ACT TO AMEND CHAPTER 6, SECTION 602, TITLE 14, DELAWARE CODE, BY PROVIDING FOR TRANSFER OF PUPILS BETWEEN SCHOOL DISTRICTS WITHOUT REGARD TO INSTRUCTIONS OFFERED BY A SENDING DISTRICT.

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

Section 1. Chapter 6, Title 14, Delaware Code, is hereby amended by striking the second sentence of § 602 sub-paragraph (a) in its entirety.

Approved August 28, 1964.

CHAPTER 393

**AN ACT TO AMEND SECTION 2308, TITLE 31, DELAWARE
CODE, RELATING TO THE 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 by striking the figure "\$85." as it appears in lines 10 and 11 and inserting in lieu thereof the figures "\$150."

Approved October 29, 1964.

CHAPTER 394

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION.**

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

Section 1. The sum of \$19,700.00 is appropriated to the State Board of Education for the fiscal year beginning July 1, 1964, and ending June 30, 1965, to be expended for an Adult Education high school extension program.

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 October 29, 1964.

CHAPTER 395

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE PUBLIC DEFENDER.**

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

Section 1. The sum of \$40,000.00 is appropriated to the Public Defender for the fiscal year beginning July 1, 1964, and ending June 30, 1965, to be expended as follows:

Wages and Salaries of Employees	\$34,000.00
Contractual Services	3,000.00
Supplies and Materials	1,500.00
Capital Outlay	1,500.00
	<hr/>
	\$40,000.00

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 October 29, 1964.

CHAPTER 396

AN ACT TO AMEND CHAPTER 291, VOLUME 54, LAWS OF DELAWARE, BEING AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1965, BY INCREASING THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR IMPLEMENTATION OF EDUCATIONAL TELEVISION.

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

Section 1. Section 1 of Chapter 291, Volume 54, Laws of Delaware, is amended by adding the following words and figures at the end of the appropriations under the heading "State Board of Education" in said Section 1:

Implementation of Educational Television \$110,000

Section 2. The sum of \$110,000 is appropriated to the State Board of Education for the fiscal year beginning July 1, 1964, and ending June 30, 1965, for the purpose of effecting the increased appropriation authorized by Section 1 of this act.

Section 3. The totals appearing in Chapter 291, Volume 54, Laws of Delaware, are hereby amended to reflect the changes authorized by this act.

Section 4. 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 October 29, 1964.

CHAPTER 397

AN ACT APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF VETERANS OF WORLD WAR I, WORLD WAR II AND KOREAN CONFLICT WHO DIED WHILE IN THE SERVICE OF THE ARMY, NAVY, MARINE CORPS, AIR FORCES OR COAST GUARD OF THE UNITED STATES OR WHO DIED FROM DISEASE, WOUNDS OR DISABILITIES 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 \$15,000 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 Force or Coast Guard of the United States of America, and who were killed or who may hereafter be killed, while in such service, and/or who may have died or may hereafter die from disease, wounds or disabilities arising, and/or resulting from such services, either in World War I, World War II or Korean Conflict, for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

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 3 or more consecutive years 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 arriv-

ing 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 supplies, and other incidental items in connection with the education and/or training of such children in a sum not to exceed \$500 for any one child for any one year.

Section 4. The amounts that may be due or become due to any such educational or training institution not in excess of the amount specified in Section 3 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 thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon vouchers signed by the State Auditor, but said expenses shall not exceed the sum of \$1000 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 any moneys in the General Fund of the State of Delaware not otherwise appropriated.

Approved October 29, 1964.

CHAPTER 398

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE HIGHWAY DEPARTMENT TO BE USED
FOR THE CORRECTION OF A CERTAIN SAFETY AND
HEALTH HAZARD IN NEW CASTLE COUNTY.**

WHEREAS, There is surface water running from certain streets and roads in Garfield Park adjacent to public park lands in New Castle County into a large ditch; and

WHEREAS, this presents a hazard to the health and safety of Delaware citizens who live in this area,

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 Twenty Thousand Dollars (\$20,000.00), to be used to obtain any necessary easements and to remedy the situation in Garfield Park, New Castle County caused by the surface waters running from the streets and roads into the large ditch.

Section 2. This Act is a Supplementary Appropriation and the monies appropriated shall be paid from the monies in the General Fund of the State, not otherwise appropriated.

Section 3. Any funds hereby appropriated and not used for the purpose set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved November 17, 1964.

CHAPTER 399

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE SEVERAL COUNTY BOARDS OF ELECTIONS.**

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

Section 1. The sum of \$25,000.00 is appropriated to the New Castle County Board of Elections for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 2. The sum of \$7,500.00 is appropriated to the Kent County Board of Elections for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 3. The sum of \$7,500.00 is appropriated to the Sussex County Board of Elections for the fiscal year beginning July 1, 1964, and ending June 30, 1965.

Section 4. 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.

Section 5. Any sums appropriated herein which are not expended by June 30, 1965, shall revert to the General Fund.

Approved November 17, 1964.

CHAPTER 400

AN ACT TO AMEND TITLE 7, DELAWARE CODE, BY PROVIDING FOR APPROPRIATIONS FOR THE ACQUISITION OF PUBLIC PARK, RECREATION AND CONSERVATIONS LANDS FROM THE CAPITAL INVESTMENT FUND CREATED BY CHAPTER 32, VOLUME 54, LAWS OF DELAWARE.

WHEREAS, the land area of the State of Delaware is limited and its continuing population growth now demands, and will in the future increasingly demand, that suitable portions of that area be set aside and preserved for public use as parks and open spaces for recreation and conservation; and

WHEREAS, the acquisition costs of such lands is likely substantially to increase in the future; and

WHEREAS, neighboring states have undertaken extensive programs of acquisition of such lands, thereby causing this State to suffer comparative disadvantage; and

WHEREAS, acquisition by this State is necessary for the present and future welfare of its citizens and for the protection of property values and the preservation of the tax bases; and

WHEREAS, Chapter 32, Volume 54, Laws of Delaware, established a Capital Investment Fund from revenues derived to the State of Delaware from taxation pursuant to Chapter 11, Title 30, Delaware Code, of capital gains upon divested stock of the character referred to in Section 1148 of said Chapter 11 and made the Budget Commission the custodian and administrator of this fund,

NOW, THEREFORE,

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

Section 1. Title 7 of the Delaware Code, is hereby amended by adding at the end thereof a new chapter as follows:

CHAPTER 58

STATE AID FOR ACQUISITION OF PUBLIC LANDS FOR PARK, RECREATION AND CONSERVATION PURPOSES

§ 5801. There is appropriated Three Million Two Hundred Fifty Thousand Dollars (\$3,250,000.00) from the Capital Investment Fund, when first available, established by Chapter 32, Volume 54, Laws of Delaware, to be distributed by the Budget Commission of the State of Delaware as follows:

- (a) 61.5 per centum thereof to the State Park Commission.
- (b) 23 per centum thereof to the Board of Game and Fish Commissioners.
- (c) 15.5 per centum thereof to the Levy Courts of three Counties of the State and to the City of Wilmington in the proportion set out by Section 5804 of this Chapter.

§ 5802. The appropriation made to the State Park Commission by the provisions of Section 5801 (a) of this Chapter shall be employed by the said Commission for the acquisition of lands and waters, any and all interests therein, for the use as or in connection with state parks. This appropriation should be turned over to the State Park Commissioner upon the presentation by the Commission to the Budget Commission a description of the proposed acquisition by the State Park Commission and the consideration to be paid for such acquisition.

§ 5803. The appropriation made to the Board of Game and Fish Commissioners by the provisions of Section 5801 (b) of this Chapter shall be employed by the said Board for the acquisition of lands and waters, and any and all interest therein, for use as or in connection with the functions of the Board of Game and Fish Commissioners. This appropriation should be turned over to the Board of Game and Fish Commissioners upon the presentation by the Commission to the Budget Commission

a description of the proposed acquisition by the Board of Game and Fish Commission and the consideration to be paid for such acquisition.

§ 5804. The appropriation made by Section 5801 (c) of this Chapter shall be employed on a matching basis in the acquisition of lands and waters, and any and all interest therein, for use as or in connection with municipal parks and open spaces for public use. The money so appropriated shall be distributed subject to the limitations hereinafter set forth to the Levy Courts of the Three Counties of the State and to the City of Wilmington in the following percentages:

New Castle County	39.95 percent
Kent County	24.03 percent
Sussex County	24.87 percent
City of Wilmington	11.15 percent

Upon the submission to the Budget Commission of the State of Delaware of the requisition of any of the said Levy Courts or the said City setting forth;

(a) A description of the proposed acquisition by or for any incorporated municipality within the County of such Levy Court, or proposed to be acquired by the said Levy Courts or by the said City, for the purposes aforesaid, and

(b) The consideration to be paid for such acquisition, and

(c) A certification from the State Planning Office that the proposed acquisition has been referred to the County Planning Commission for the County making the requisition, if a said Commission exists, or to the Commission on Zoning and Planning of the City of Wilmington if that City is making the requisition. If no County Planning Commission exists for a County making a requisition, then the proposed acquisition will be referred to the State Planning Office. The report and findings of the appropriate planning agency must be included in this certification, and in the case of the County and City Planning Agencies, the report and findings will be submitted to the State

Planning Office. If no report or findings are documented within sixty days of the date that the proposed acquisition was received by the appropriate Planning Agency, then it will be assumed that the findings of the referral are in accord with the proposal for the purposes of this section,

(d) A certification by the State Park Commission of Delaware that the County or City making the requisition satisfied the following requirements:

(1) A satisfactory program utilizing the property to be acquired.

(2) A legally constituted recreation or park agency having responsibility to carry out the contemplated program.

(3) Satisfactory administrative and financial arrangements necessary for the contemplated program.

The Budget Commission of the State of Delaware shall issue payment to the Levy Court or the said City submitting such requisition in the amount requested thereby, but not in excess of seventy-five per centum of the purchase price to be paid for such acquisition; provided, however, that the aggregate of all payments made to any of the said Levy Courts or to the City of Wilmington pursuant to this Section shall not at any time exceed the percentage of the monies theretofore allocated to such Levy Court or to the said City by the foregoing provisions of this Section.

§ 5805. Any monies paid by the Budget Commission to any Levy Court or to the City of Wilmington upon a requisition submitted pursuant to the provisions of Section 5804 of this Chapter, which shall not within six months next following after the date of such payment have been employed by the recipient thereof for the acquisition described in such requisition, shall be forthwith refunded to the Budget Commission to be re-deposited in Capital Investment Fund.

§ 5806. Before the State Park Commission of Delaware or the Board of Game and Fish Commissioners may acquire title

to property under the provisions of this Chapter, the acquisition proposal shall be referred to the State Planning Office and the Office shall indicate the consistency of the proposed acquisition with the State Comprehensive Development Plan for Delaware. If no report is made by the State Planning Office within sixty (60) days of the date the proposed acquisition is received by said Office, then concurrence of the State Planning Office will be assumed for the purpose of this section.

§ 5807. No land for which the title to any facilities acquired in whole or in part with the use of monies appropriated by this Chapter may be converted to uses other than those originally intended without the approval of the State Planning Office. The State Planning Office shall approve no conversion of land unless the Office finds that such conversion is essential to the orderly development and growth of the area involved and is in accord with the applicable comprehensive plans and the State Comprehensive Development Plan. The State Planning Office shall approve any such conversions only upon such conditions as the office deems necessary to assure the substitution of other land of at least equal fair market value and equivalent usefulness and location. If said facilities shall cease to be used for the purpose for which they were acquired as authorized by this Chapter without the approval by the State Planning Office as outlined in this section, then said title shall automatically upon the cessation of such use, vest absolutely in the State of Delaware.

§ 5808. The Appropriation made pursuant to the provisions of Section 5804 shall be on a matching basis and the Levy Court or municipality requesting such appropriation must make available 25 percent of the purchase price of any proposed acquisitions in the form of deposited funds and any park lands already held by such Levy Court or municipality shall not be considered as representing said Levy Courts or municipalities matching share, and although monies received from the Federal Government under any land acquisition program of the Federal Government may be used in a program of the Levy Court or said City along with the funds appropriated by this Chapter, such funds shall not constitute the 25% matching funds needed by said Levy Courts or said City.

Section 2. This act shall be affected upon its approval by the Governor.

Section 3. No funds provided for in this Act shall be used for the acquisition of public park, recreation and conservation lands by eminent domain.

Approved November 24, 1964.

CHAPTER 401

A SUPPLEMENTARY APPROPRIATION ACT FOR THE FISCAL YEAR COMMENCING JULY 1, 1964, TO THE DELAWARE ARCHAEOLOGICAL BOARD FOR SALARIES, EQUIPMENT AND EXPENSES.

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

Section 1. The sum of \$22,150.00 is hereby appropriated out of the General Fund of the State of Delaware from monies not otherwise appropriated to the Delaware Archaeological Board for the following purposes:

Salary of Archaeologist	\$ 7,500.00
Wages and Salaries of Employees	4,400.00
Travel	500.00
Contractural Services	7,150.00
Supplies and Materials	600.00
Capital Outlay	2,000.00
Total.....	<hr/> \$22,150.00

Section 2. This Act is a supplementary Appropriation Act for the fiscal year ending June 30, 1965, and any funds remaining unexpended as of that date shall revert to the General Fund of the State of Delaware on the aforesaid date of June 30, 1965.

Approved December 2, 1964.

CHAPTER 402

**AN ACT TO AMEND CHAPTERS 13, 17 AND 21, TITLE 14,
DELAWARE CODE, RELATING TO EDUCATION.**

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

Section 1. Section 1303, Title 14, Delaware Code, is hereby stricken in its entirety and the following new Section 1303 substituted in lieu thereof:

§ 1303. State supported uniform salary schedules and classifications

The Salary schedules and classifications set forth in this chapter shall be permanent State supported uniform salary schedules and classifications which shall govern, subject to the provisions of Section 1304 of this title and Chapter 17 of this title, the amounts of the salaries that shall be paid in each district, the State Board of Education, and the State Board of Vocational Education to the employees covered by the schedules.

Section 2. Section 1304, Title 14, Delaware Code, is hereby stricken in its entirety and the following new Section 1304 substituted in lieu thereof:

§ 1304. Salaries in excess of State supported uniform salary schedules

(a) Nothing contained in this chapter shall prevent any Board of Education or Board of School Trustees from paying an additional amount of salary to any employee, if the additional amount is supplied by other funds than those supplied by State appropriation except as provided for in subsection (b) of this section.

(b) Those whose salary is paid in whole or in part from subsections 1305 (a) and (b) of this Chapter may be paid an additional supplementary salary from State appropriation for Division III "Equalization" as defined in this Title provided it

is a uniform salary schedule based on training and experience and that such supplementary schedule has been filed by the school district with the State Board of Education and the State Budget Director by September 30 of each fiscal year.

(c) Each school district shall also have on file with the State Board of Education and the State Budget Director any salary schedules paid from other than State funds for any school employee by September 30 of each fiscal year.

Section 3. Section 1702, Title 14, Delaware Code, is amended by striking the word "two" as it appears in the second line before the word divisions and inserting in lieu thereof the word "three" and further amend Section 1702, Title 14, Delaware Code, by striking the period at the end of said section and adding the following:

"; Division III, the State Board of Education shall recommend to the Budget Director the amount which shall be appropriated to each school district for the purposes of Equalization on a Unit Basis and shall make available to the Budget Director all data on which such recommended amounts are based. The Budget Director shall establish the amount which shall be recommended to the Legislature for appropriations to each school district on a Unit Basis (for the purpose of equalization).

Section 4. Section 1705, Title 14, Delaware Code, is hereby stricken in its entirety and the following new Section 1705 substituted in lieu thereof:

(a) The funds appropriated to each school district for salaries included in Division I shall be determined in accordance with State supported salary schedules. No State funds except as provided for in subsection (b) of this section shall be appropriated to any school district to provide salaries for teachers in excess of one teacher for each unit of pupils in such school district. No State funds from Division I shall be appropriated to any school district to provide salaries for more teachers than shall actually be employed in such school district.

(b) Any school district may employ additional teachers out of State funds appropriated in Division III "Equalization" provided the district complies with Section 1304, of this Title.

Section 5. Section 1707, Title 14, Delaware Code, is amended by inserting after the words "Division II" the words "and Division III" in both places as the same appear in said paragraph.

Section 6. Section 1707 (a), Title 14, Delaware Code, is amended by adding a new sub-section to read as follows:

(3) The State Board of Education shall recommend to the Budget Director the amount which shall be appropriated for each unit in the one, two, three teacher schools and shall make available to the Budget Director all data on which such recommended amounts are based. The Budget Director shall establish the amount which shall be recommended to the Legislature for appropriation to each unit (for the purpose of equalization).

Section 7. Section 1708 (a), Title 14, Delaware Code, is hereby amended by adding at the end thereof:

Division III. Equalization

Total Division 1, Division II and Division III

Section 8. Section 1709, Title 14, Delaware Code, is amended by adding a new sentence to the end thereto to read as follows:

But nothing contained herein shall prohibit the transfer of Division III funds to Division I to comply with Sections 1304, 1705 and 1712 of this Title or Division II.

Section 9. Section 1712, Title 14, Delaware Code, is hereby stricken in its entirety and the following new Section 1712 substituted in lieu thereof:

§ 1712. Salaries in excess of State supported uniform salary schedules

(a) Nothing contained in this chapter shall prevent any Board of Education or Board of School Trustees from paying an additional amount of salary to any employee, if the additional amount is supplied by other funds than those supplied by State appropriation except as provided for in subsection (b) of this section.

(b) Those whose salary is paid in whole or in part from subsections 1305 (a) and (b) of this Chapter may be paid an additional supplementary salary from State appropriation for Division III "Equalization" as defined in this Title provided it is a uniform salary schedule based on training and experience and that such supplementary schedule has been filed by the school district with the State Board of Education and the State Budget Director by September 30 of each fiscal year.

(c) Each school district shall also have on file with the State Board of Education and the State Budget Director any salary schedules paid from other than State funds for any school employee by September 30 of each fiscal year.

Section 10. Chapter 17, Title 14, Delaware Code, is amended by adding thereto a Section 1718 to read as follows:

§ 1718. Definition of Terms

(a) "Unit" shall mean unit as defined in Section 1703 of this Chapter.

(b) "Division III" shall mean equalization funds as provided under Section 1708 of this Chapter.

(c) "Full Valuation" shall be the assessed valuation of the taxable property adjusted for the difference in ratio of assessed to true valuation in each of the three counties for the current fiscal year.

(d) "Assessed Valuation" shall be the value established by the legally constituted authority as the basis of real property taxation in each of the three counties for the current fiscal year.

(e) "District Ability" of each school district shall be determined by dividing the full valuation of the real taxable property by the number of units of pupils in the public schools of the district as of September 30 of the current fiscal year.

(f) "State Average Ability" shall mean the total full valuation of all taxable property according to the county assessment board figures divided by the total number of units in the public schools of the State as determined by the Department of

Public Instruction as of September 30 of the current fiscal year.

Section 11. Section 1719, Title 14, Delaware Code, is hereby stricken in its entirety and the following new Section 1719 substituted in lieu thereof:

§ 1719. Determination of School Budgets

(a) For the school year ending June 30, 1966, and in each school year, thereafter, every school district providing funds from local taxation for current expenses in excess of the basic State appropriations receivable under the provisions of Section 1701 through Section 1710 of this Chapter and other sections of the law shall be eligible for additional financial support from State funds on an equalized basis.

(b) To be eligible for additional financial support, each school district, except for those districts having no taxing system as provided for in Section 1720 of this Title, must provide funds for current expenses as described in subsection (a) of this Section and must have approval of such a tax through a local referendum, except for the Board of Education in Wilmington.

(c) The State Board of Education shall recommend annually the amount to be appropriated on an equalized basis for each unit to the State Budget Director.

Section 12. Chapter 17, Title 14, Delaware Code, is amended by adding thereto a Section 1720 to read as follows:

§ 1720. Equalization of Financial Support

(a) The funds budgeted for current expenses under the provisions of Section 1719 of this Chapter shall be shared by the State and the school districts in such a way as to equalize the financial burden of the school districts. The percentage to be provided by the State shall be determined by application of the following formula:

$$\frac{1.00 \text{ minus } 1/2 \text{ (Local district ability per unit)}}{\text{(State average ability per unit)}}$$

(1.00 less one-half the local district ability divided by the State average ability per unit)

provided that the State's share shall in no case be less than 20 percent (20%) nor more than 80 percent (80%).

Those districts having no taxing system shall receive no less than 80 percent (80%) from the State. Districts operating a vocational school shall receive the maximum 80 percent (80%) from the State for each vocational unit.

Section 13. Chapter 17, Title 14, Delaware Code, is amended by adding thereto a new Section 1721 to read as follows:

§ 1721. Determination of the relative ability of each school district

The State Superintendent of Public Instruction shall make an annual determination of the relative ability of each school district as defined in Section 1718 (b), Chapter 17 of this Title for the purpose of equalization of State aid to the various school districts. Thereupon, the State Board of Education shall verify the findings of the State Superintendent of Public Instruction and verify the funds required to implement this act to the Budget Director. The Budget Director shall recommend to the Legislature the amount that should be appropriated for the purpose of Equalization to each school district.

Approved December 2, 1964.

Resolutions

CHAPTER 403

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF MARCH 17th TO MARCH 23, 1963, AS NATIONAL TALL CEDARS OF LEBANON WEEK.

WHEREAS, The Tall Cedars of Lebanon of the United States of America has been among the Nation's leaders in its effort to encourage public response to the needs for medical and scientific research into the causes and possible cure of muscular dystrophy; and

WHEREAS, The public health of our Nation is constantly imperiled by this disease; and

WHEREAS, Research units sponsored by the Tall Cedars of Lebanon at the Institute of Muscle Diseases in New York City offer hope that an effective method of combating muscular dystrophy may be found; and

WHEREAS, The Tall Cedars of Lebanon continues its selfless devotion to the philanthropic principles of its Founders in the participation of its members in civic projects throughout the Country;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate concurring therein, that the week of March 17th to March 23, 1963, be designated as National Tall Cedars of Lebanon Week in the State of Delaware; and the Governor of the State of Delaware is authorized and requested to issue a proclamation calling upon all citizens of the State of Delaware to acquaint themselves with the programs of the Tall Cedars of Lebanon and to lend their support to its efforts wherever possible.

Approved March 13, 1963.

CHAPTER 404

HOUSE JOINT RESOLUTION

**PROVIDING FOR A JOINT COMMITTEE TO INVESTIGATE
EDUCATIONAL TELEVISION IN THE STATE OF SOUTH
CAROLINA AND ELSEWHERE, AND AUTHORIZING
THE NECESSARY EXPENSES THEREFOR.**

WHEREAS, the State of South Carolina has initiated a statewide system of closed circuit educational television for the public schools of that state; and

WHEREAS, it is the desire of the Governor and the 122nd General Assembly of the State of Delaware to be well informed on all the possible steps that can be taken to improve the efficiency and the quality of the educational program of our State; NOW, THEREFORE,

BE IT RESOLVED by the House of the 122nd General Assembly of the State of Delaware, the Senate concurring therein, that a Joint Educational Television Committee be and the same is hereby created to consist of the Chairman of the Senate Education Committee, four members of the Senate appointed by the President Pro Tem of the Senate, the Chairman of the House Education Committee, four members of the House of Representatives appointed by the Speaker of the House, the Governor and four persons appointed by the Governor; and

BE IT FURTHER RESOLVED that said Joint Educational Television Committee shall inspect the education television facilities now in operation in the State of South Carolina and other nearby areas and report to the Second Session of the 122nd General Assembly; and

BE IT FURTHER RESOLVED that the members of the committee shall be reimbursed for their actual travel expenses incurred as members of the committee. Payment of the actual expenses of the committee shall be made by the State Treasurer out of any moneys not otherwise appropriated upon vouchers approved by the Chairman of the House and Senate Committees on Education and the State Auditor of Accounts.

Approved March 29, 1963.

CHAPTER 405

SENATE JOINT RESOLUTION

TO COMMEMORATE THE CENTENNIAL OF THE BIRTH OF HENRY FORD, FOUNDER OF THE FORD MOTOR COMPANY, AND TO ACKNOWLEDGE HIS PROFOUND AND LASTING CONTRIBUTIONS TO THIS NATION'S SOCIAL, ECONOMIC AND CULTURAL PROGRESS.

WHEREAS, the members of the 122nd General Assembly of the State of Delaware have learned that as Henry Ford was born on July 30, 1863, the company he founded is, throughout this year, celebrating the centennial of his birth; and

WHEREAS, Mr. Ford effectively put the world on wheels by bringing to realization his dream of building "a motor car for the great multitudes", the storied Model T, thereby freeing the farmer from his isolation, bringing closer together the most distant parts of the country and giving unprecedented mobility to the American people; and

WHEREAS, Mr. Ford, as father of the moving assembly line, showed the way to mass production techniques which have enabled this nation to become the most productive nation in the history of the world and which have raised the living standards of the American people by making available to all a rich variety of useful and time-saving products; and

WHEREAS, by his introduction of the \$5-a-day wage and the 8-hour day, Mr. Ford enabled employees to become customers for the products that industry manufactures, thus creating mass markets and, more importantly, starting a peaceful social revolution that has resulted in the American worker's achieving a stature and standard of living unequalled throughout the world; and

WHEREAS, the company that Mr. Ford founded continues to contribute to the economy of this country;

THEREFORE:

BE IT RESOLVED, that the members of the 122nd General Assembly of the State of Delaware adopt this tribute to the memory of Henry Ford in recognition of his enduring contributions to the social, economic and cultural values of our times; and

BE IT FURTHER RESOLVED, that a properly authenticated copy of this resolution be sent to Mr. Henry Ford, II, grandson of Mr. Ford and present Chairman of the Board of Directors of Ford Motor Company, as a message of congratulations to the company on the centennial of the birth of its founder.

Approved April 16, 1963.

CHAPTER 406

HOUSE CONCURRENT RESOLUTION

**RELATIVE TO THE PROPOSED AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES, RELATING
TO THE QUALIFICATIONS OF ELECTORS.**

WHEREAS, at the Second Session of the 87th Congress of the United States, begun and held at the City of Washington on Wednesday, the Tenth day of January, 1962, 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, within seven years from the date of its submission, shall be valid to all intents and purposes as part of the said Constitution, viz:—

ARTICLE ———

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

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 122nd 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 of General Services, 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 May 8, 1963.

CHAPTER 407

SENATE JOINT RESOLUTION

PROVIDING FOR THE WITHDRAWAL FROM THE SOUTHERN REGIONAL EDUCATION COMPACT.

WHEREAS, by virtue of that certain Senate Joint Resolution adopted April 5, 1955, and set forth as Chapter 646, Volume 50, Laws of Delaware, the General Assembly of the State of Delaware adopted the Southern Regional Education Compact; and

WHEREAS, the Compact in part provides and sets forth a means for withdrawal therefrom which reads as follows:

"After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two (2) years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact"; and

WHEREAS, the State of Delaware has found the objectives most worthwhile, yet it is believed that Delaware cannot materially contribute to or benefit from the Compact's objectives,

NOW, THEREFORE:

BE IT RESOLVED, by the Senate of the 122nd General Assembly of the State of Delaware, the House of Representatives concurring therein, that

Section 1. The State of Delaware does hereby withdraw from the Southern Regional Education Compact subject to the agreements, covenants and obligations therein set forth and binding upon the State.

Section 2. The Secretary of the Senate of the 122nd General Assembly is directed to send forthwith a certified copy of this Senate Joint Resolution to the Board of Control for Southern Regional Education, and the Secretary of the Senate of the 122nd General Assembly shall notify said Board in writing of the withdrawal of the State of Delaware from said Compact such withdrawal to become effective as therein provided, to-wit two (2) years after written notice is submitted to the Board accompanied by a certified copy of the requisite legislative action.

Approved May 8, 1963.

CHAPTER 408

HOUSE JOINT RESOLUTION

PROVIDING FOR THE WITHDRAWAL FROM THE SOUTHERN REGIONAL EDUCATION COMPACT.

WHEREAS, by virtue of that certain Senate Joint Resolution adopted April 5, 1955, and set forth as Chapter 646, Volume 50, Laws of Delaware, the General Assembly of the State of Delaware adopted the Southern Regional Education Compact; and

WHEREAS, the Compact in part provides and sets forth a means for withdrawal therefrom which reads as follows:

After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this compact if such withdrawal is approved by its legislatures, such withdrawal to become effective two (2) years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact; and

WHEREAS, the State of Delaware has found the objectives most worthwhile, yet it is believed that Delaware cannot materially contribute to or benefit from the Compact's objectives;

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate concurring therein, that

Section 1. The State of Delaware does hereby withdraw from the Southern Regional Education Compact subject to the agreements, covenants and obligations therein set forth and binding upon the State.

Section 2. The Chief Clerk of the House of Representatives of the 122nd General Assembly is directed to send forthwith a certified copy of this House Joint Resolution to the Board of Control for Southern Regional Education, and the Chief Clerk of the House of Representatives of the 122nd General Assembly shall notify said Board in writing of the withdrawal of the State of Delaware from said Compact, such withdrawal to become effective as therein provided, to-wit: two (2) years after written notice is submitted to the Board accompanied by a certified copy of the requisite legislative action.

Became effective on May 8, 1963, without the approval of the Governor and in accordance with Section 18, Article III of the Constitution of Delaware.

CHAPTER 409

SENATE JOINT RESOLUTION

**RELATING TO THE CONTINUANCE AND EXPANSION OF
AIR SERVICE IN DELAWARE.**

WHEREAS, for a number of years the only scheduled commercial airline service in the State of Delaware has been provided at the Greater Wilmington Airport; and

WHEREAS, Eastern Air Lines requested permission of the Civil Aeronautics Board to terminate scheduled flight operations at the Greater Wilmington Airport; and

WHEREAS, Allegheny Airlines has discontinued its east-west flights from the Greater Wilmington Airport and has failed to provide adequate service between Greater Wilmington Airport and New York and the New England area; and

WHEREAS, the air transportation needs of the citizens of the State are increasing as Delaware expands both residentially and industrially; and

WHEREAS, the existence of convenient airline service is an important asset in attracting new employers and in stabilizing the existing commercial climate; and

WHEREAS, the Federal government has for a number of years recognized the importance of airport facilities in Delaware and has contributed to their operation through subsidies to passenger carriers, construction of runways and installation of safety devices; and

WHEREAS, the gradual deterioration of flight schedules at the Greater Wilmington Airport has forced a great many Delawareans to spend valuable time and money traveling out of the State to terminals where convenient flight schedules are available; and

WHEREAS, this inconvenience will be magnified in future years as the number of Delaware air travelers increases,

NOW, THEREFORE,

BE IT RESOLVED, by the Senate of the 122nd General Assembly of the State of Delaware, the House of Representatives concurring therein that the Members respectfully urge the Civil Aeronautics Board to protect the interests and the economic welfare of the citizens of the State of Delaware by recognizing the necessity of continued and expanded air service to the Greater Wilmington Airport,

BE IT FURTHER RESOLVED, that the Members of the 122nd General Assembly favor the continued and expanded flight schedules of Eastern Air Lines and Allegheny Airlines at the Greater Wilmington Airport; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate of the 122nd General Assembly is directed to send forthwith a certified copy of this Senate Joint Resolution to the New Castle County Airport Commission.

Became effective on July 10, 1963, without the approval of the Governor and in accordance with Section 18, Article III of the Constitution of Delaware.

CHAPTER 410

HOUSE JOINT RESOLUTION

**RELATING TO THE RETURN TO THE STATE OF FORT
MILES AT CAPE HENLOPEN.**

WHEREAS, major segments of the area of Sussex County known as Cape Henlopen (Fort Miles), Delaware, were willingly ceded by the State to the Federal government in a time of need for national defense for a quarantine station, and for Coast Guard purposes; and

WHEREAS, The Federal government no longer has need for the property for the purposes for which the State of Delaware made the cession; and

WHEREAS, there have been several reports prepared by Federal and State Agencies which recognized the importance and suitability of the Cape Henlopen area for State Park development; and

WHEREAS, the Delaware State Planning Office has prepared a "Plan for the Public Utilization of Cape Henlopen" upon the request of the United States Army which supports the desirability of the area as a State Park; and

WHEREAS, the State of Delaware has need of Cape Henlopen as a State Park; and

WHEREAS, the State of Delaware is the logical government which has the knowledge, experience, and authority to develop the Cape Henlopen area as a unit for public use in response to the needs of the people of Delaware; and

WHEREAS, the Federal government is encouraging the States to plan, acquire, and develop State Parks, NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate

concurring therein, that the President of the United States, the Congress of the United States and the U. S. Army take such action as may be necessary to return to the State of Delaware the lands ceded to the United States at Cape Henlopen and its vicinity; and

BE IT FURTHER RESOLVED, that the attention of the President of the United States, the Congress of the United States and the U. S. Army be called to this attempt by the people of Delaware to re-obtain the lands which have been theirs for centuries for use as a State Park; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Delaware members of the Senate and House of Representatives of the 88th Congress and to the Secretary of the U. S. Army, Washington, D. C.; and

BE IT FURTHER RESOLVED, that House Joint Resolution No. 4 be repealed.

Approved September 17, 1963.

CHAPTER 411

SENATE JOINT RESOLUTION

RELATING TO JOHN F. KENNEDY MEMORIAL HIGHWAY.

WHEREAS, John F. Kennedy, a truly great American, endowed with great talents, chose not to use his remarkable personal assets for personal gain but rather devoted his life to the services of his country and received as a reward an assassin's bullet, believed in a greater America and worked tirelessly towards that end; and

WHEREAS, he was a great supporter of arterial highways to bind the nation together and on November 14, 1963, dedicated the Delaware Turnpike as part of the nation's arterial highway system; and

WHEREAS, all the people of Delaware who have experienced a sense of personal loss in his death desire to express in some small way their sorrow over his tragic death and to honor his memory,

NOW, THEREFORE, BE IT ENACTED that the Senate of the 122nd General Assembly, the House of Representatives concurring therein, requests the appropriate governmental bodies in the several states and in the federal government to rename the arterial limited access highway leading from Massachusetts to the nation's capital the "John F. Kennedy Memorial Highway" as a living tribute to this great and dedicated American.

AND BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Governors of the several states concerned and to the appropriate federal officials.

Approved December 23, 1963.

CHAPTER 412

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF MARCH 15th TO MARCH 21st, 1964, AS NATIONAL TALL CEDARS OF LEBANON WEEK.

WHEREAS, The Tall Cedars of Lebanon of the United States of America has been among the Nation's leaders in its effort to encourage public response to the needs for medical and scientific research into the causes and possible cure of muscular dystrophy; and

WHEREAS, The public health of our Nation is constantly imperiled by this disease; and

WHEREAS, Research units sponsored by the Tall Cedars of Lebanon at the Institute of Muscle Diseases in New York City offer hope that an effective method of combating muscular dystrophy may be found; and

WHEREAS, The Tall Cedars of Lebanon continues its selfless devotion to the philanthropic principles of its Founders in the participation of its members in civic projects throughout the Country;

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the 122nd General Assembly of the State of Delaware, the Senate concurring therein, that the week of March 15th to March 21st, 1964, be designated as National Tall Cedars of Lebanon Week in the State of Delaware; and the Governor of the State of Delaware is authorized and requested to issue a proclamation calling upon all citizens of the State of Delaware to acquaint themselves with the programs of the Tall Cedars of Lebanon and to lend their support to its efforts wherever possible.

Approved February 19, 1964.

CHAPTER 413

HOUSE JOINT RESOLUTION

**IN REFERENCE TO THE DEATH OF JAMES H. WOOD,
CUSTODIAN OF THE STATE HOUSE.**

WHEREAS, James H. Wood, the Custodian of the State House, departed this life on July 11, 1964, while still actively engaged in his official capacity; and

WHEREAS, James H. Wood from February, 1961, until the day of his death faithfully served the State of Delaware in performance of his duties as Custodian of State Buildings; and

WHEREAS, during the period that the deceased had charge of the maintenance, upkeep and repair of the State Buildings and Grounds, multitudinous innovations and modernizations were introduced, all to the establishment of a well-kept and beautiful exterior appearance of State owned property and of modern eye appealing and efficient interior of all State Buildings; and

WHEREAS, it is the wish of the General Assembly and His Excellency, the Governor, to give expression to the regret they experienced at the passing of James H. Wood, a prominent figure in his Community and Custodian of the State House at the time of his death,

NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives of the 122nd General Assembly, the Senate concurring therein, that the passing of James H. Wood be noted with sincere and deep regret on the part of His Excellency, the Governor, of the State of Delaware, and all members of the 122nd General Assembly; and

BE IT FURTHER RESOLVED, that the family of the deceased has the full sympathy of the members of the 122nd 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 House of Representatives and of the Senate of the 122nd General Assembly of the State of Delaware.

Approved August 5, 1964.

Executive Orders

CHAPTER 414

STATE OF DELAWARE EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NUMBER THIRTEEN

In compliance with the provisions of Chapter 34, Volume 53, Laws of Delaware, I have this day re-appointed the following individuals to a special commission to investigate and report to the Governor on the re-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 14th day of January, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 415
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER FOURTEEN

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 re-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	

Mrs. Mae Hall McCabe	(Member)
38 Rehoboth Avenue	
Rehoboth, Delaware	

This Executive Order supersedes Executive Order Number 13, dated January 14, 1963, and is being issued because of the resignation of Mr. Harry M. Grieves, a former member of the Commission, on January 18, 1963.

APPROVED this twenty-fourth day of January, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 416
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER FIFTEEN

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 William R. Huey of Swarthmore, Pennsylvania, for authority to repair and replace an existing bulkhead on property owned by him in Fenwick Island, Delaware:

Arthur Dean Betts Nanticoke Annex Seaford, Delaware	(Chairman and Member)
Charles Mills 44 Maryland Avenue Rehoboth, Delaware	(Member)
Mrs. Mae Hall McCabe 38 Rehoboth Avenue Rehoboth, Delaware	(Member)

APPROVED this Fourth day of March, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 417
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER SIXTEEN

In compliance with the provisions of Chapter 34, Volume 53, Laws of Delaware, I have this day re-appointed the following individuals to the special commission to investigate and report to the Governor on the application from the U. S. Army Engineers District, Philadelphia, for permission to establish a temporary disposal area on the east bank of the Delaware River opposite Claymont, Delaware:

Mr. Clifton E. Morris (Chairman and Member)
19 Granite Road
Wilmington, Delaware

Mr. John C. Roman (Member)
7th and Clayton Streets
New Castle, Delaware

Mr. Vincent A. Theison (Member)
715 Blackshire Road
Wilmington, Delaware

APPROVED this 22nd day of March, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 418
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER SEVENTEEN

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 the Fenwick Island Yacht Club to establish a causeway between Route 14 and Seal Island, Sussex County, Delaware:

Arthur Dean Betts, Esquire (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Mrs. Mae Hall McCabe (Member)
38 Rehoboth Avenue
Rehoboth, Delaware

APPROVED this Fourth day of April, 1963

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 419
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER EIGHTEEN

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 Paul J. McClary of Newark, Delaware, for authority to construct a boat pier in Hopkins Prong on Herring Creek, Sussex County, Delaware:

Arthur Dean Betts	(Chairman and Member)
Nanticoke Annex	
Seaford, Delaware	

Charles Mills	(Member)
44 Maryland Avenue	
Rehoboth, Delaware	

Mrs. Mae Hall McCabe	(Member)
38 Rehoboth Avenue	
Rehoboth, Delaware	

APPROVED this Sixteenth day of April, 1963

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 420
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER NINETEEN

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 Gerold W. Maegerle of Newark, Delaware, for authority to construct and maintain a small boat pier in Hopkins Prong on Herring Creek, Sussex County, Delaware:

Arthur Dean Betts (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Mrs. Mae Hall McCabe (Member)
38 Rehoboth Avenue
Rehoboth, Delaware

APPROVED this Sixteenth day of April, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 421
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWENTY

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 Richardson S. Roberts of Haddon Heights, New Jersey, for authority to construct and maintain a small dock in Herring Creek, Indian River Hundred, Sussex County, Delaware:

Arthur Dean Betts (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Mrs. Mae Hall McCabe (Member)
38 Rehoboth Avenue
Rehoboth, Delaware

APPROVED this Twentieth day of June, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 422
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWENTY-ONE

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 Colonial Pipeline Company, a Delaware corporation, for an easement in the subaqueous public lands of the Delaware River:

Mr. Clifton E. Morris (Chairman and Member)
19 Granite Road
Wilmington, Delaware

Mr. John C. Roman (Member)
7th and Clayton Streets
New Castle, Delaware

Mr. Vincent A. Theisen (Member)
715 Blackshire Road
Wilmington, Delaware

APPROVED this 9th day of July, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 423

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWENTY-TWO

In compliance with the provisions of Section 14, Chapter 39, Volume 54, Laws of Delaware, by this Order I certify to the Secretary of State that the provisions of § 6316 of this Chapter are placed into effect on this date to such extent that the Governor may appoint a Budget Director for a term beginning September 1, 1963.

APPROVED this 15th day of July, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 424

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER TWENTY-THREE

WHEREAS, Section 392 (c), Public Law 87-447 (47 USC 390-396), requires that each applicant for a grant for construction of an educational television facility in the State must notify the State Educational Television agency of the submission of such application, and the Secretary of Health, Education and Welfare is to advise such State Educational Television agency concerning the disposition of each such application:

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of Delaware, do hereby order that the Governor's Committee to Study Educational Television be designated as the State Educational Television agency for the State of Delaware, pursuant to Public Law 87-447 (47 USC 390-396), and that the Chairman of said Committee, Mr. James Rosbrow, c/o The Employment Security Commission, 801 West Street, Wilmington, Delaware, be designated as the official mailing address for all Committee correspondence related thereto.

APPROVED this 5th day of August, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 425
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWENTY-FOUR

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 David G. Emmert of 2 Christian Street, Rehoboth Beach, Delaware, for authority to construct a wharf on Herring Creek in Sussex County, Delaware:

Arthur Dean Betts (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Mrs. Mae Hall McCabe (Member)
38 Rehoboth Avenue
Rehoboth, Delaware

APPROVED this Ninth day of August, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 426

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER TWENTY-FIVE

In compliance with the provisions of Section 14, Chapter 39, Volume 54, Laws of Delaware, by this Order I certify to the Secretary of State that the provisions of Section 1; Section 2; Section 3; except for the repeal of § 6317 as set forth therein; Section 4, except that the term "Budget Director" shall not be substituted in lieu of the term "Permanent Budget Commission" as this term appears under the heading "Contingency Fund, Grants-In-Aid," on page 24 of Chapter 31, Volume 54, Laws of Delaware; Section 6; Section 7 and Section 8 of said Chapter 39 are placed into effect beginning September 1, 1963.

APPROVED this 14th day of August, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 427

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWENTY-SIX

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 Mr. John Denton, Delaware Outboard, Incorporated, R. D. No. 2, River Road, New Castle, Delaware, for permission to use six wood barges as jetties on river front property owned by him on the Delaware River:

Mr. Clifton E. Morris (Chairman and Member)
19 Granite Road
Wilmington, Delaware

Mr. John C. Roman (Member)
7th and Clayton Streets
New Castle, Delaware

Mr. Vincent A. Theisen (Member)
715 Blackshire Road
Wilmington, Delaware

APPROVED this 20th day of September, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 428

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER TWENTY-SEVEN

TO: Heads of All State Departments and Agencies
SUBJECT: To Provide a Guide on Ethical Standards for Personnel in the Executive Branch of State Government.

WHEREAS, the maintenance of high ethical and moral standards in the conduct of the functions of the State Government of Delaware is a matter of continuing concern; and

WHEREAS, it is incumbent upon those who occupy positions of high public responsibility and authority to set an impeccable example;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of Delaware, it is hereby ordered as follows:

1. This Order shall apply to all personnel of the Executive Branch of the State Government, including part-time employees, members of all boards and commissions appointed by the Governor, and members of the Governor's Office.

2. No such person shall engage in any outside employment or other outside activity incompatible with the proper discharge of the responsibilities of his office or position. It shall be deemed incompatible with such discharge of responsibilities for any such person to accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value under circumstances in which acceptance may result in,

A. An undertaking to give preferential treatment to any person;

B. Impeding government efficiency or economy;

C. Any loss of complete independence or impartiality;

D. The making of a governmental decision outside official channels, or

E. Any adverse effect on the confidence of the public in the integrity of the Government of the State of Delaware.

3. No such person shall have a personal interest in any business transaction within his area of influence in State Government nor shall he have any private business relationship that may conflict with his public duties. This restriction shall not prohibit, however, ownership of corporate stocks or bonds bought and sold on the public market and shall not prevent members of Boards or Commissions from temporarily disqualifying themselves in the event of conflict of interest.

4. No such person shall receive compensation or anything of monetary value, other than that to which he is duly entitled from the State, for the performance of any activity within the scope of his official responsibilities.

5. Paragraph 4 of this Order shall not preclude

(A) Receipt of bona fide reimbursement for actual travel expenses and other necessary subsistence for which no government payment or reimbursement is made;

(B) Participation in the affairs of charitable, religious, non-profit educational, public service or civic organizations, or the activities of national or state political parties not prohibited by law;

(C) Awards for meritorious public contribution given by public service or civic organizations.

6. Each department and agency head in the Executive Branch of State Government is requested to review or issue internal directives to his department or agency to assure

the maintenance of high ethical and moral standards therein consistent with this directive. Each such department and agency head shall promptly furnish information in writing to the Governor regarding any violation of the guides set forth herein.

7. Nothing in this Order shall be construed to supersede, alter, or interpret any existing law.

APPROVED this twenty-fifth day of September, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 429

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWENTY-EIGHT

Executive Order Number Twenty-Six, appointing Mr. Clifton E. Morris, Mr. John C. Roman, and Mr. Vincent A. Theisen to a special commission to investigate and report on the application of Mr. John Denton for permission to use six wood barges as jetties on river front property owned by him is cancelled as of this date, in accordance with the Attorney General's opinion of September 10, 1963.

APPROVED this 10th day of October, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 430
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER TWENTY-NINE

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 The Pennsylvania Railroad Company for authority to lay a submarine power cable in the Christina River on the downstream side of the swing drawspan at Bridge 3.77, Shellpot Branch, of the Chesapeake Region, Philadelphia, Baltimore, and Washington Railroad, approximately 1.4 miles upstream from the mouth of the waterway, Wilmington, Delaware:

Mr. Clifton E. Morris (Chairman and Member)
19 Granite Road
Wilmington, Delaware

Mr. John C. Roman (Member)
7th and Clayton Streets
New Castle, Delaware

Mr. Vincent A. Theisen (Member)
715 Blackshire Road
Wilmington, Delaware

Approved this 21st day of November, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 431

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY

TO: Heads of All State Departments and Agencies; Public Schools; and All Other Public Bodies or Agencies Expending State-Appropriated Funds, and Subject to 29 Del. Code, § 6519.

SUBJECT: Compliance with 29 Del. Code, § 6519.

WHEREAS, good government administration requires that State agencies, including our public schools, conduct their operations within the budgetary appropriations allotted to them; and

WHEREAS, the Delaware Code, Section 6519, Title 29, specifically states:

"No order or requisition shall be made, nor any engagement entered into, nor shall any expense be incurred by any agency which will result in an expenditure of money in excess of the appropriation made to such agency. No obligation incurred by any officer or employee in violation of this section shall impose any liability upon the State."

and;

WHEREAS, in the past it appears that certain agencies and schools have failed to follow sound fiscal procedures and the above-cited statute, thus placing the General Assembly in the untenable position of appropriating funds to cover what were in effect illegal obligations:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of Delaware, do hereby request that all State agency executives be informed of the provisions of Section 6519, Title 29, Delaware Code; and

I direct the Budget Director to take appropriate steps to prevent violations of this statute and to place all evidence of such violations in the hands of the Attorney General whenever it becomes available.

APPROVED this 10th day of December, 1963.

ELBERT N. CARVEL

By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 432

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-ONE

TO: Heads of All State Departments and Agencies; Heads of All Other Public Bodies or Agencies expending State appropriated funds subject to § 6913, Title 29, Delaware Code Annotated.

SUBJECT: Implementation of the Administration of § 6913, Title 29, Delaware Code Annotated by requiring that contractors submit detailed weekly payrolls to contracting agencies.

WHEREAS, the said § 6913, Title 29, Delaware Code Annotated, applies to every contract in excess of \$2,000 to which this State or any sub-division thereof is party and for which the State appropriated any part of the funds for construction, alterations and/or repair, including painting and decorating of special buildings or public works located within the geographical limits of this State; and which requires or involves the employment of mechanics and/or laborers; and

WHEREAS, the said § 6913, Title 29, Delaware Code Annotated, further requires that the advertising specifications for every such contract shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics as determined by the Department of Labor and Industrial Relations to be prevailing wages in accordance with standards established by the said § 6913; and

WHEREAS, by said § 6913, it is required that each such contract contain a 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, sub-contractor, or their agent; and

WHEREAS, it is therefore the public policy of this State that the wages so specified shall be the minimum wages actually paid to workers on the job and it therefore behooves all public parties to cooperate in the prevention of any deviation therefrom; and

WHEREAS, it has come to our attention that violations of contract requirements have occurred that are difficult to verify because contracting agencies have insufficient information available to them under existing procedures:

NOW, THEREFORE, by virtue of the authority vested in me as Governor of Delaware, it is hereby ordered as follows:

1. This order shall apply to every contract in excess of \$2,000 to which this State or any subdivision 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 this State, and which requires or involves the employment of mechanics and/or laborers.
2. All contracts, the conditions of which are within the purview of § 6913, Title 29, Delaware Code Annotated, shall contain in addition to any stipulations specifically required by law, a stipulation that the following information shall be furnished weekly to the contracting agency by every contractor or sub-contractor in the form of sworn copies of payrolls:
 - A. Identification of the contract
 - B. Payroll period covered
 - C. For each worker listed on the payroll—

- (1) Name of worker
 - (2) Job classification or classifications at which he was employed during the payroll period
 - (3) Hourly rate paid for work at such classification or classifications
 - (4) Number of hours worked at such classification or classifications.
3. This order shall be effective as to any contract for which specifications are advertised on and after the tenth day next after the date of approval of the order.

APPROVED this 10th day of December, 1963.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 433
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-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 Sam Houston Showell, White House Farm, Millsboro, Delaware, for authority to install bulkheads in Indian River Bay in Sussex County, Delaware:

Arthur Dean Betts, Esquire (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Mrs. Mae Hall McCabe (Member)
38 Rehoboth Avenue
Rehoboth, Delaware

Approved this Ninth day of January, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 434
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-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 Tidewater Oil Company for authority to erect an ebb flow barrier in and over a piece of land 1500 feet long by 10 feet wide lying beneath the waters of the Delaware River at the mouth of the intake canal on the Tidewater property in Red Lion Hundred, New Castle County, Delaware:

Mr. Clifton E. Morris	(Chairman and Member)
19 Granite Road	
Wilmington, Delaware	

Mr. John C. Roman	(Member)
7th and Clayton Streets	
New Castle, Delaware	

Mr. Vincent A. Theisen	(Member)
715 Blackshire Road	
Wilmington, Delaware	

Approved this 17th day of January, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 435
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-FOUR

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 Mr. John H. Lehman, 360 Pilottown Road, Lewes, Delaware, for authority to construct a pier on the Lewes and Rehoboth Canal approximately 3200 feet northwesterly from the highway bridge at Lewes, Sussex County, Delaware:

Arthur Dean Betts, Esquire (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Mrs. Mae Hall McCabe (Member)
38 Rehoboth Avenue
Rehoboth, Delaware

Approved this 17th day of January, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 436

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER THIRTY-FIVE

In compliance with the provisions of Section 14, Chapter 39, Volume 54, Laws of Delaware, by this Order I certify to the Secretary of State that all provisions of said Chapter 39, except that the term "Budget Director" shall not be substituted in lieu of the term "Permanent Budget Commission" as this term appears under the heading "Contingency Fund, Grants-in-Aid," on page 24 of Chapter 31, Volume 54, Laws of Delaware, are placed into effect beginning March 1, 1964.

Sections 12 and 13 of said Chapter 39 are to be implemented by the Auditor of Accounts and the Budget Director on March 1, 1964. Each of the aforementioned officers shall, upon receipt of all properties appropriate to the functions transferred to him, so certify this fact to the Governor.

Effective March 1, 1964, the following employees of the Budget Director, or their successors, shall be employed by the Auditor of Accounts:

J. Robert Green
William W. Larrimore
Branche C. Morris
Wilmer W. Powell
Martin C. Ross

Michael R. Shaw
Charles J. Wagner
Bart A. LaQuaglia
Andrea S. Holston

Effective March 1, 1964, the following employees of the Auditor of Accounts, or their successors, shall be employed by the Budget Director:

Mary B. Reed
Marie Callaway
Betty Elliott
Hazel Curtis
Helen Slaughter

Louisa Howard
Helena Porter
Margaret Ross
Mary Alice Bell

Effective March 1, 1964, the following amounts appropriated to the Budget Director are hereby transferred to the Auditor of Accounts:

FROM (Budget Director)		TO (Auditor)	
Salaries of Em-		Salaries of Em-	
ployees	\$19,177.28	ployees	\$19,177.28
(101-0140-02)		(101-0160-03)	
Travel	1,200.00	Travel	1,200.00
(101-0140-20)		(101-0160-20)	
Special Audits		Special Audits	
CPA	4,004.72	CPA	4,004.72
(101-0140-30)		(101-0160-30)	
Repairs and Re-		Equipment	2,000.00
placements	2,000.00	(101-0160-50)	
(101-0140-40)			

Effective March 1, 1964, the following amounts appropriated to the Auditor of Accounts are hereby transferred to the Budget Director:

FROM (Auditor)		TO (Budget Director)	
Office Expense	\$ 768.00	Office Expense	\$ 768.00
(101-0160-10)		(101-0140-10)	
Salaries of Em-		Salaries of Em-	
ployees	13,440.00	ployees	13,440.00
(101-0160-03)		(101-0140-02)	

APPROVED this 26th day of February, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 437

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-SIX

TO: The Delaware Commission on Children and Youth

SUBJECT: Federal Grants under Public Law 88-156, entitled

“Maternal and Child Health and Mental Retardation
Planning Amendments of 1963”

WHEREAS, Public Law 88-156, entitled “Maternal and Child Health and Mental Retardation Planning Amendments of 1963” provides for Federal Grants to provide for the planning of comprehensive State and Community action to combat mental retardation; and

WHEREAS, the said Public Law 88-156 requires that a State Agency be designated to cooperate with the United States Government in this program; and

WHEREAS, the Delaware Commission on Children and Youth, established under Chapter 27 of 31 Delaware Code, is composed of knowledgeable public citizens, some of whom have indicated concern over mental retardation and can effectively handle the proper coordination of this project on the State level; and

WHEREAS, the Delaware Commission on Children and Youth has the authority to receive and spend public funds; and

WHEREAS, the Delaware Commission on Children and Youth does employ an Executive Secretary who is responsible on a full-time basis for direction and supervision of the activities of the agency:

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of Delaware, hereby appoint

the Delaware Commission on Children and Youth to be the Delaware Agency participating under the provisions set forth in the United States of America enacted Public Law 88-156 "Maternal and Child Health and Mental Retardation Planning Amendments of 1963." This State Agency shall cooperate and coordinate with the Federal Department of Health, Education and Welfare officials in effectuating and developing a Mental Retardation Planning Study within the State of Delaware.

APPROVED this 5th day of March, 1964.

ELBERT N. CARVEL

By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 438
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-SEVEN

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 Delaware Storage and Pipeline Company for authority to construct fuel pipelines in Delaware Bay off Port Mahon in Kent County, Delaware:

Maurice A. Hartnett, III (Chairman and Member)
Esquire
State Street and The Green
Dover, Delaware

Mr. Matthew E. Mitten (Member)
Dover-Leipsic Road, R. D. #4
Dover, Delaware

Mr. Ralph Tischer (Member)
304 South State Street
Dover, Delaware

APPROVED this nineteenth day of March, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 439
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-EIGHT

TO: Heads of State Departments and Agencies

SUBJECT: Holidays for State Employees, Memorial Day, May
30, 1964, and Independence Day, July 4, 1964.

WHEREAS, the 30th day of May, known as Memorial Day, and the 4th of July, known as Independence Day, are designated pursuant to 1, Delaware Code, Section 501, to be legal holidays; and

WHEREAS, This year Saturday is the day upon which these two holidays fall; and

WHEREAS, State employees will not receive the benefit of these days inasmuch as Saturday is also a legal holiday under the provisions of Delaware Code, Section 501:

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of the State of Delaware do hereby order (with the exception of those State offices which require emergency services to be rendered on a 24-hour basis) that all State agencies treat Friday, May 29, 1964, and Friday, July 3, 1964, as legal holidays and accord employees the same time off and other benefits as if these were legal holidays.

Approved this fifth day of May, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 440

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER THIRTY-NINE

TO: Heads of all State Departments, Agencies, and School Boards

SUBJECT: Acquisitions and Dispositions of Real Property Held or to be Held in the Name of the State of Delaware or any Agency Thereof.

WHEREAS, A considerable amount of real property is exchanged involving the interests of the State of Delaware; and

WHEREAS, The development and location of State-owned real property affects the long-range physical development of the State as a whole; and

WHEREAS, Economies can be realized by avoiding duplication of State facilities and by avoiding the haphazard purchase and sale of real property; and

WHEREAS, The need exists for centralized review of real property transactions where the State of Delaware has an interest; and

WHEREAS, An inventory of State-owned property must be accurately maintained and kept up to date;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of Delaware, it is hereby ordered as follows:

1. All proposed acquisitions and dispositions of real property held or to be held in the name of the State of Delaware or any Agency thereof will be submitted to the State Planning Office prior to the consummation of the contemplated transaction, except as provided in part 3 of this Order.

2. The State Planning Office will study the proposed transaction, recommend appropriate action and refer the recommendation to the Governor for approval or disapproval. The Governor will notify the State Planning Office of his decision regarding the recommendation. The State Planning Office will notify the proper agency of the Governor's action.
3. In the case of Highway Department projects, the approval of the highway program and authorized modifications thereto shall be deemed as approval for acquiring lands for the rights-of-way, lands severed and/or seriously affected by acquisition of the rights-of-way and lands bearing materials necessary for the execution of projects that have their need established by the program. Acquisitions not included in or established by the program, or authorized revisions thereof, will be subject to parts one and two, above, of this Order. The State Planning Office will be advised of any modifications in the program when such are approved by the State Highway Department.
4. After all real property transactions in which the State of Delaware has an interest have been consummated, the final disposition or acquisition will be reported to the State Planning Office for inventory purposes.
5. All State Agencies contemplating real property acquisitions are urged to contact the State Planning Office for a review of the inventory of existing real property owned by the State.
6. Nothing in this Order shall be construed to supersede, alter or interpret any existing law.

Approved this 5th day of June, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 441
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER FORTY

WHEREAS, House Bill #623 as amended which provides for the creation of an Educational Television Board has been signed into law on July 8, 1964; and

WHEREAS, the work of the Governor's Committee to Study Educational Television has been completed with the passage of this act;

NOW, THEREFORE, I, ELBERT N. CARVEL, by virtue of the authority vested in me as Governor of Delaware, do hereby revoke Executive Order No. 23 as of this date and do hereby designate the Educational Television Board as the State Educational Television Agency for the State of Delaware, pursuant to Public Law 83-447 (47USC390-396).

APPROVED this 24th day of July, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 442
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER FORTY-ONE

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 First State Pipeline Company for an easement or lease across and under the Smyrna River and the Leipsic River in Kent County, Delaware:

Maurice A. Hartnett, III (Chairman and Member)

Esquire
State Street and The Green
Dover, Delaware

Mr. Matthew E. Mitten (Member)
Dover-Leipsic Road, R. D. 4
Dover, Delaware

Mr. Ralph Tischer (Member)
304 South State Street
Dover, Delaware

APPROVED this seventeenth day of September, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 443
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER FORTY-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 First State Pipeline Company for an easement or lease across and under the Delaware River, Chesapeake and Delaware Canal, Appoquinimink Creek, and Smyrna River, in New Castle County, Delaware:

Mr. Clifton E. Morris	(Chairman and Member)
19 Granite Road	
Wilmington, Delaware	

Mr. John C. Roman	(Member)
7th and Clayton Streets	
New Castle, Delaware	

Mr. Vincent A. Theisen	(Member)
715 Blackshire Road	
Wilmington, Delaware	

APPROVED this seventeenth day of September, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 444

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER FORTY-THREE

TO: Heads of all State Departments, Boards, Commissions and Agencies

SUBJECT: Rights of State Employees to Organize in Labor Unions

WHEREAS, this Administration encourages harmonious and cooperative relationships between the State of Delaware and its employees; and

WHEREAS, it would be desirable to provide procedures which facilitate free and frequent communication between the State and its employees, either individually or by and through their authorized representatives; and

WHEREAS, the right to full freedom of association, self-organization and the designation of representatives of their own choosing for the purpose of communicating their views to the State on matters related to the conditions of public employment should be unquestionable; and

WHEREAS, this right should not be subjected to interference, restraint, discrimination or coercion; and

WHEREAS, this Administration continues to support the views that employees, who are members of any union recognized by a State department, board, commission or agency, should be able to pay their monthly membership dues by means of payroll deduction:

NOW, THEREFORE, by virtue of the authority vested in me as Governor of Delaware, it is hereby stated and ordered as follows:

1. Employees shall have the right to organize and designate representatives of their own choice. In the exercise of this right they shall be free from any and all restraint, interference or coercion on the part of supervisory and administrative personnel.
2. There shall be no discrimination against any employee because such employee has formed, joined or chosen to be represented by any labor organization or employee organization. Conversely, the matter of membership in any employee organization is one to be determined by each individual employee. Supervisory employees should not endorse any particular employee organization or, by reason of membership in any such organization show prejudice or discriminate toward any individual employee.
3. It is a fundamental responsibility of supervisors at all levels to consider and, commensurate with authority delegated by the head of the department, board, commission or agency, to take appropriate action promptly upon the grievance of their subordinates. To this end appropriate authority shall be delegated to supervisors by heads of departments, boards, commissions or agencies.
4. The heads of State departments, boards, commissions or agencies—or their designated representatives—are encouraged to hold conferences, at appropriate times, with employees and/or their authorized representatives, on problems relating to conditions of employment and the continued improvements of the public service and are encouraged to discuss with them, wherever practicable, proposed new rules or modifications of existing rules in advance of their promulgation.
5. The provisions of this order and the procedures established hereunder shall be applicable in any department, board, commission or agency to conditions which are in whole or in part subject to the control of the head of such department, board, commission or agency and which

involve safety or health matters, physical facilities, surroundings, material or equipment, supervisory practices, assignment of working hours or personal time allowances, work quotas and all other similar conditions of employment.

6. Whenever the procedures under a Merit System statute, rule or regulation are exclusive with respect to matters otherwise comprehended by this order, they shall apply and shall be followed.
7. Procedures for membership dues collected by payroll deduction shall be accomplished by the employee signing the approved authorization cards for deduction of a monthly amount of dues certified by the secretary of the union or association as being the monthly dues of the local union or association. The total of such dues collected shall be delivered by the State Treasurer to the treasurer of the local union or association.

APPROVED this 24th day of September, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 445
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER
NUMBER FORTY-FOUR

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 Allied Chemical Corporation for authority to reconstruct a pier on the Delaware River in north Claymont, Delaware:

Mr. Clifton E. Morris (Chairman and Member)
19 Granite Road
Wilmington, Delaware

Mr. John C. Roman (Member)
7th and Clayton Streets
New Castle, Delaware

Mr. Vincent A. Theisen (Member)
715 Blackshire Road
Wilmington, Delaware

APPROVED this 7th day of October, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

CHAPTER 446

STATE OF DELAWARE
EXECUTIVE DEPARTMENTEXECUTIVE ORDER
NUMBER FORTY-FIVE

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 Jack Birl to extend the present pier in front of his home at Oak Orchard in the Indian River, Sussex County, Delaware:

Arthur Dean Betts (Chairman and Member)
Nanticoke Annex
Seaford, Delaware

Charles Mills (Member)
44 Maryland Avenue
Rehoboth, Delaware

Mrs. Mae Hall McCabe (Member)
38 Rehoboth Avenue
Rehoboth, Delaware

APPROVED this Twenty-first day of October, 1964.

ELBERT N. CARVEL
By the Governor

(GREAT SEAL)

Attest: ELISHA C. DUKES, Secretary of State

Proclamations

CHAPTER 447

STATE OF DELAWARE EXECUTIVE DEPARTMENT

PROCLAMATION

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. Black & Company, A. Nathanson, Inc., A. W. Holmes Co., A. W. Mitchell Foundation, Inc., ABC Bowling Supplies, Inc., Accurate Microfilm Co., Inc., Ace International Trading Company, Acoustex Chemical Corporation, Activite International, Inc., Ad-Cap. Press, Inc., Adams & Crain, Inc., Adams Feed Co., Inc., Adams Funeral Home, Inc., Advance Drilling Company, Aero Precision—Electronics, Inc., Affiliated Research Foundation, Age Unlimited Corporation, The, Air Compressor Research Council, Inc., Air Duct Installation Company, Inc., Air Freight Corporation of America, Air Lift Association, Air and Space Show, Inc., Aircraft Dynamics, Inc., Aircraft Electronics Company, Aircraft Lessors, Inc., Airport Transfer Co., Alaska Petroleum, Inc., Alaskan Northwest Oil Co., Alaskan Research Corporation, Alba Plumbing & Heating Co., Albright Construction Company, Alfieri's Incorporated, Alfran, Inc., Alimar Foundation, Inc., The, All Steel Welded Truck Corporation,

Allegra's Diner, Inc., Allen D. Cardwell Company, The, Allen Guiberson Oil Corporation, Allied Mason Contractors, Inc., Allied Merchandise Company, Allied-Mission Oil, Inc., Allied Reporters, Inc., Almore Coin Wash, Inc., Alpha Bett Components, Inc., Alpha Tau Iota Fraternity, Inc., Altog, Inc., Alua Corporation, Alvin B. Clark Agency, Inc., Amanda Richards, Inc., Amba Incorporated, Ambee Construction Co. Inc., Amcrete Corporation, American Bowling Equipment Corp., American-Canadian Oil & Drilling Corporation, American Consumer Products, Inc., American Cranberry Exchange, Inc., American Economic and Business Council (Incorporated), American and Foreign Motors, Inc., American Foundation of Dramatic Arts, Inc., American-German Aircraft Corporation, American Guild of Professional Service Organizations, Inc., American-Hellenic Engineered Political Administrators, Ltd., American Home Protective Association, American Homeowners Association, American Laundry Services Unlimited, Inc., American Legion Holding Company of Newark, Delaware, American Missile & Transistor Corporation, American Molecular Corporation, American Motels of Italy Corporation, American Physicians Foundation, Inc., American Promotions, Inc., American Reporting Associates, Inc., American & St. Lawrence Seaway Land Co., Inc., American Small Business Association, Inc., American Sun Petroleum Corp., American Technical Enterprises Corporation, Amocal Corporation, Amusement Industries, Ltd., Anderon Construction Associates, Inc., Andrew Flagg & Co., Andrew L. Burks, Inc., Andrew T. Morrow, Inc., Angier Chemical Co., Inc., Angus Muffler Shops, Inc., Ankay Engineering & Construction Corporation, Annandale Catering Corporation, Annandale Management Corporation, Annanwood Development, Inc., Annapolis Service Station, Inc., Ansell Amusement Company, Antillan Mining Co., Aphrodite Steamship Corporation, Arbee Enterprises, Inc., ARC Projection Corp., Arizona-Golconda Metals, Inc., Art Equipment Co., Inc., Artel Enterprises, Inc., Aruba Products, Inc., Associated Beverages Company, Associated Industrial Products, Inc., Association of Auto Service Stations, Association For Delmar Centennial Celebration, Inc., Association of United Fraternal Buyers Inc., of Delaware, Astravac Corp., Astronautics Exhibits, Inc., Atlantic Advertising Corporation, Atlantic Insurance Agency, Inc., Atlan-

tic Sands Restaurant, Inc., Audubon Company, The, Automatic Redial Corporation, Automation Construction Co., Inc., Automotive Service Co., Avenue Restaurant, Inc.

B and B Harbor and Fleet Service, Inc., B. & B. Supply Co., B. C. & K. Contractors, Inc., B & F Transportation, Inc., B. G. Industries, Inc., B. L. Rucker Drilling Co., B & M Electrical Distributing Company, B & S Poultry Co., Inc., Bac Corporation of New Jersey, Baer, McCarver & Associates, Inc., Bairiki Development Company, Baland Corporation, Bamm Corporation, Banner Vending Co., Inc., Barkap Management Corp., Barnsley Corporation, Barrentan Drilling Products Corporation, Barrentan Testing and Research Corporation, Bart Enterprises, Ltd., Baskin Furs, Inc., Bauer Industries, Inc., Beacon Plastic Printing Co., Beam Natural Gas Company, Bearing Locknut and Machine Co., Inc., Beauty Tone Construction Company, Beauty-Tone Custom Homes, Inc., Beejay Trading Corp., Beglin Hardware, Inc., Belgrade Corporation, Bell Bench Community Builders, Inc., Bell-Cohan, Inc., Ben Scharf, Inc., Beneficial Finance & Thrift Co., Beneficial Plan, Inc., The, Bermar Development Corp., Beste Bros. Inc., Bethel Institutional Pentecostal House of Prayer For All People, Inc., Better Bowling Corp., Biochemical Research, Inc., Biotron Corporation, Biron & Conrad, Inc., Bishop Turnpike Company, Blagden Homes, Inc., Blohm Optician, Inc., Blue Bell, Inc., Blue Hen Flying Club, Inc., Blue Rock Mining Corporation, Blue White Diamond Ring Corporation of America, Bob White's Seafood House, Inc., Bon-Day Publications, Inc., Bonair Corporation, Bonded Body Incorporated, Booth Metal Products Co., Inc., Booth Trucking Co., Inc., Boston-Halifax Corporation, The, Boulevard Laundromat, Inc., Bowen Associates, Inc., Bradley Associates Incorporated, Branaman Enterprises Incorporated, Brand Products, Inc., Brandenburg Boiler Corporation, Brandywine Import-Export Co., Inc., Brandywine Valley Shopping Centre, Inc., Breakthrough, Inc., Breakwater Development Co., Inc., Breleo Corporation, Brentwood Construction Company, Brighton, Inc., Brinkman Enterprises, Incorporated, Brinton's Flower Shop, Inc., Bromo Cedin Corporation, Brookside Park Associates, Inc., Brookside Real Estate and Investment Corp., Brotherhood of Industrial Products Mechanics, Inc., Bruce & Bruce, Inc., Burkhard Realty Co., Business Avia-

tion Transportation Corp., Business Electronics, Inc., Business Engineering and Service Corporation, Butte Highlands Mining Company, Bymart Pharmaceutical and Chemical Corp.

C & G Motors, Inc., C and M Mining Company, Cabana Clubs of America, Inc., Cadence Corporation, Caesar Enterprises, Inc., California Hawaiian Steamship Co., Inc., California Pacific Trading Corporation, Callahan & Topel, Inc., Calvert Enterprises, Inc., Canadian Pacific Sulphur Co., Ltd., Candeloro Realty Company, Canmex Petroleum & Gas Exploration Corporation, Cannon Engineering Company, Canon Oil Company, Canterbury Trailer Park, Inc., Capital Air Service, Inc., Capital Land, Inc., Capitol Games Inc., Capitol Plumbing, Inc. of Laurel, Capitol Plumbing, Inc. of Snow Hill, Cappy-Souied, Inc., Capri Pizzeria & Restaurant, Inc., Carbonless Copytyper Corporation, Cardi-Aid Chemicals & Pharmaceuticals, Inc., Cardinal Cafe, Inc., Cardwell's Foods, Inc., Cardwell Manufacturing Company, Inc., Carl Wieland Enterprises, Inc., Carlak, Inc., Carma, Ltd. of North America, Caro-Del Stores, Inc., Carolina Amusement Corp., Carolina Resources Corporation, Carroll C. Burris, Jr., Inc., Carvol Inc., Casimir, Inc., Catalina Estates, Inc., Catalina Gardens Development Company, Catalina Investment Company, Catholic Daughters of America, Incorporated, Cavendish Uranium Mines Corp., Cedars Hill Farm, Inc., Cee Corporation, The, Celestial Electronic Research & Development Corporation, Centennial Oil Co., Inc., Central States Importers, Inc., Central Truck Brokers, Inc., Century Drilling Company, Inc., Chambliss Construction Company, Chances, Inc., Charles A. Eckman Co., Charles A. Finn Inc., Charles Corporation, Chas. J. Noonan Co., Chatham Corporation, Checws Collection & Protection, Inc., Chelsea Estates, Inc., Chemell Chick Company, Inc., Chemell's Hatchery, Inc., Chennault AFB Housing, Inc., Chennault AFB Housing No. Two, Inc., Chesapeake Terrace, Inc., Chestnut Hill Developers, Inc., Chief Exploration Co., The, Christiana Shipbuilding Corp., Chrysler-Desoto-Dodge-Plymouth Dealer' Ass'n., Inc., Cline-Mark IV Productions, Inc., Cinestat Corporation, Circle Cafe, Inc., Clifton Oil Corporation, Climax Iron and Steel Corporation, Clinton County AFB Housing, Inc., Clinton County AFB Housing No. Four, Inc., Clinton County AFB Housing No. Three, Inc., Clinton County AFB Housing No. Two, Inc., Cloverleaf Land Corporation, Coastal Commerce Corporation, Cobel.

Inc., Colby Design, Inc., Coleman-Morrow, Inc., Collins Construction Company, Colloid Extracts, Inc., Colombian Mining Corporation, The, Colonial Builders, Inc., Colonial Operating Co., Colony Construction Company, Inc., Colorprint Engineers, Inc., Columbian Exploration Enterprises, Inc., Comag Enterprises, Inc., Commercial Sales, Inc., Commercial Travelers of America, Compton Products, Inc., Conam Mining Corporation, Concord Service Station, Inc., Condado Development Corporation, Congoleum-Nairn Recreation Association of Wilmington, Congress House Management Corp., Congressional Properties, Inc., Conn. Ave. Cafe, Inc., Connecticut Development Corporation, Consolidated Finance Company, Constitutional Company, Coral Sands Apartments, Inc., Corinto Marine Corporation, Corner Market, Inc., Coronado Oil & Gas Co., Corporations Incorporated, Co-search, Inc., Costa Mesa Motel, Inc., Cox Distributing Company, Creative Products, Inc., Creative Sales, Inc., Crescent Agency, Inc., Creyton, Inc., Crosby-Hill Associates, Inc., Crucible Steel Casting Company, Cruzan Yacht Corporation, Crystal Inn, Incorporated, Cumberland Development Corp., Cunningham Motors Inc., Custer-Frazier Corporation.

D. L. Boutwell, Inc., Dana Steamship Corporation, Darose, Inc., David Dangel's Sons, Inc., Davidson's Garage, Inc., Davina, Inc., Day Brothers Contracting Company, DC-6 Aircraft Syndicate, Inc., De Luxe Cleaners, Inc., Dealers Analysis Bureau, Inc., Dean Industries, Inc., Deep South Oil Co., Inc., Del Grosso Realty Co., Del-Mar-Va Pools, Inc., Del-Serv, Inc., Delaware City Pharmacy, Inc., Delaware Custom Autorama Association, Delaware Dredgers Association, Delaware Herald, Inc., The, Delaware-Idaho Gold Mining Company, Delaware Realty Company, Delaware Sales & Service Co., Delaware Spiritual Conference, Inc., The, Delaware Swimming Pool Company, Delaware Valley Express, Inc., Delcoa, Inc., Deloris Corporation, The, Delta Specialty Co., Inc., Deltar Worsted Mills, Inc., Denen Electric Company, Inc., Denny, Inc., Deri-Del, Inc., Dery Industries, Inc., Diamond Plumbing Supply Co., Diamond State Janitorial Service, Inc., Diamond State Roller Mills, Inc., Diamond State Shade & Linoleum Co., Diana Shop of Pasadena, Fla., Inc., Dick Lane Enterprises—The Litter-Bug Sign, Inc., Dinkler Motor Inn, Inc., Direct Mail Associates, Inc., Diversified Oil Royalties, Inc., Dixmil, Inc., Donaldson Asphalt Co., Inc., Donaldson Paving Co., Inc.,

Dover Realty Co., Drake Electronics Corp., Drexel Mortgage Company Inc., Drilling Fluids Corporation, Drinkmate, Inc., Droste Imports, Inc., Drucker Co., Du Mont Illinois, Inc., Du Mont National Distributors, Inc., Du Pasquier & Landeau, Inc., Dudley Motors, Inc., Duffy's Meat Market, Inc., Duggan's Distillers Products Corporation, Dulin's Auto Sales, Inc., Dunleith Post No. 34, American Legion, Inc., Dunlinden Liquors, Inc., Dutch Motor Courts, Inc., Dyna-Thrust Corporation, Dynamic Developers, Inc., Dynaseal Lighting Corp.

E & F Homes, Inc., E & H Inc., E. H. P. Corporation, E. H. P. Sales Company, E. J. Pennetto & Associates, Inc., E. J. West & Sons, Inc., E. Voight Co., Inc., E. William Martin Architects, Inc., Eagle Concrete Company, Eastern Carpets, Inc., Eastern Insurance Agency, Inc., Eastern Ventures, Inc., Eastfield Steamship Corporation, Eastlawn Services, Inc., Eden Park Realty Company, Edesco Associates, Inc., Effort Steamship Corporation, Elder Housing & Redevelopment Consultants, Inc., Electricar Manufacturing Corp., Electronic Architecture Foundation, Inc., The, Electronic Computer Service, Inc., Electronic Enterprises, Inc., Electronic Test Instrument Corporation, Elevator Service, Inc., Elfex Company, The, Elger Corporation, Elkhaven Development Co., Elm Manufacturing Co., Elmer H. Brient & Sons, Inc., Elsmere Coal Company, Emesco, Inc., Employers' Compensation Division, Inc., Enan Co., Engineering Improvements & Mfg. Corp., Engineers Royalties, Inc., Enterprise Steamship Corporation, Essex Builders, Inc., Estell Construction Company, Eugene P. Solge, Inc., Euston Lead Company, Inc., The, Evans International Corporation, Everett Associates, Inc., Exchange Stamp Co., Expanded Shale Products, Inc.

F. M. Construction Corporation, Fairbanks Co., Inc., Fairway Apartments, Inc., Falcon Mining Corp., Far East Commerce Corporation, Ltd., Far East General Services Co., Ltd., Fashion Flair Stores, Inc., Federal Adjustment Corporation, Federal Home Finance, Inc., Federal Petroleum Corporation, Feldman, Inc., Fenwick Service and Supply Co., Ferris Associates, Inc., Field And Dickey, Inc., Film Service, Inc., Films for Television of Hollywood, Inc., Finance System Southwest Region, Inc., Fin-nemac, Inc., 1st Chesterfield Corp., First Manhattan Corporation, First New London N. S. B. Quarters, Inc., First Senatorial Re-

publican Association of Kent County, First State Decorators, Inc., First State Insurance Agency, Inc., First State Plumbing & Heating Co., Fisting, Inc., Flag Me Cabs Inc., Flav-R Concentrate Corp., Flick Match Corporation, Flip Top Crown Cap Corp., Florida Mutual Development Corporation, Floridian & East Coast Improvement Corp., Food Carriers Corp., Foreign Economic Research Association, Foreign Investment Foundation, Foreign Petroleum Corporation, Foreign Research and Management, Inc., Form Moulding, Inc., Formgrading & Press Machine Company, The, Ft. Leonard Wood C-11 Housing, Inc., Ft. Leonard Wood C-13 Housing, Inc., Ft. Leonard Wood C-12 Housing, Inc., Fortuf Corporation, The, Foucon Industrial Development Corporation, Foundation for Advanced Research Analysis, Fourth Manhattan Corp., Fox-Marquis Productions, Inc., Frank C. Hurley, Inc., Frontier Fiberglass Industries, Inc., Frontier Mining & Engineering Corporation, Frozen Food Institute, Incorporated, Fuhrmann and Schmidt Sales Company, Fulton Realty Company, Furr Brothers Poultry Co., Inc.

G. E. Suderow, Inc., G. K. Restaurant Corporation, G & L Company, Gainesville Shopping Center Drug Corporation, Gale Realty Corp., Galen Gardens, Inc., Gambic Corporation, Garland and Ran Road Corporation, Garment Cleansers, Inc., The, Gas Maintenance and Construction Company, Gay Engineering Corporation, General Drilling Company, General Grand Encampment of Knights Templar of the United States of America and Canada, Inc., The, General Shipping & Chartering Company, General Supply Corp., General Tung Oil Corporation, Geominerals Corporation, George B. Lockwood, Inc., George J. Fisher, Inc., Gerotor Corporation, Ghana American Development Corporation, Giant Consolidated Industries Corp., Gichner, Inc., Gladstone Steamship Corporation, Glasstronics, Inc., Glen Alden Motel, Inc., Glix-Brand Co., Inc., Glendennin Mines, Inc., Glenn David, Inc., Glide Control Corporation, Global Productions Corporation, Globe Clothing Shop, Inc., The, Glodex, Inc., Gloria Swanson Enterprises, Inc., Golden Era Petroleum Company, Goldenberg Mart, Inc., Golf Institute of America, Inc., Golin Corporation, Good Motels, Inc., Goose Island Van Lines, Inc., Gore Properties, Incorporated, Gotham Services, Inc., Government Enterprises, Incorporated, Grain Agency, Inc., Grand View Park and Development Company, Grant Enterprises, Inc., Graves &

Hughes Contracting Company, Inc., Grayguard, Inc., Grayson P. Beaver, Inc., Great American Investment Corp., Great Slate Products Corp., Greater Caribbean Trading Corp., Greater Delaware Contracting Co., Greater Newark Businessmen's Association Inc., The, Greenbrier Development Corporation, Greenhill Institute of the District of Columbia, Inc., Gregg Radio Group, Inc., Gregson Sales Corporation, Grenell Music Enterprises, Inc., Gro-Spike, Inc., Guaranty Cooperative Management, Inc., Guardian Securities Co., Inc., Gulf States Motors, Inc., Gunco Corporation, Gunhill Corporation, The.

H. D. Hale, Inc., H. Feinberg Furniture Company of Newark, Delaware, H. Haley & Sons, Inc., H. M. Doss & Co., Inc., H. O. K. Engineering Co., H & S Corporation, H. W. Morgan & Co., Inc., Haas Investment Company, Haberle Engineering and Mfg. Co., Inc., Halent, Inc., Haley Builders, Inc., Hamilton Electronics, Inc., Hand Painted Portraits In Silk, Inc., Handyman Incorporated, Hanley Builders, Inc., Hanseatic Exploration Company, Happy Felton Products, Inc., Harco Industries, Inc., Harders Enterprises, Inc., Harmar Catering Corporation, Harmar Management Corporation, Harmony Builders, Inc., Harris and Somers Development Co., Harrison-Palmer, Inc., Harry's Auto Sales, Inc., Harry Consalo, Inc., Harwood Corporation, Hathaway Corporation, Incorporated, Hayden-Wayne Oil & Gas Corp., Hazard's Farm Supply, Inc., Hed Co., Inc., Hegarty & Byrd Realty Co., Inc., Heli-Coil Corporation—Indiana, Heli-Coil Corporation—Ohio, Heliogen Products, Inc., Hemisphere Gas & Oil Corporation, Hendrychs Ford, Inc., Henral Investment Company, The, Henri Morris Incorporated, Henry-Louis Cleaning Company, Henry Retailiau Inc. Herculs Electrodynamics Company, Herington Loan and Investment Corporation, Herr & Futtly Inc., Herzogs Seafood Restaurant Inc., Hibbil, Inc., Highland Development Co., Inc., Hite Motors, Inc., Holly-Tex Productions, Inc., Home Real Estate and Investment Corporation, Home Sales, Inc., Honduran Gold Placers Ltd., Honor Films, Incorporated, Hope Steamship Corporation, Horace Brown Social Club, Inc., Hotel Securities Corporation, House & Garden Furniture, Inc., Housing Foundation of Arizona, Howard L. Donovan and Sons, Inc., Howard Shoe Company, The, Hudcorp, Inc., Hugh J. McCorkle, Inc., Huron Corp., Hurst Electrical Contracting, Inc.

I & M Truck and Bus Washing Equipment, Inc., I. T. Cohen Advertising, Inc., Illinois National Mortgage Company, Imperial Attractions, Inc., Imported Cars, Incorporated, Income Investment Corp., Independent Advisory Committee to the Trucking Industry, Inc., Industrial Associates, Inc., Industrial Products of Delaware, Inc., Industries Incorporated, Inland Gas Corporation, Inmont, Inc., Insul-Proof International Incorporated, Integrated International Engineering Company, Inter-American Oil & Mining Corp., Inter-American Stock Exchange, Inc., Intercoastal Hotel and Land Development Corp., Intercontinental Aviation Services, Inc., Intercontinental Steel Consultants, Inc., Intercontinental Ventures, Inc., International Aspirin Corporation, International Commerce and Navigation Corporation, International Enterprises, Inc., International Exchange & Commerce, Inc., International Food Trading Co., Inc., International Housing Development Corporation, International Industrial Investment Corporation, International Mapping Corporation, International Marbles, Incorporated, International Motion Picture Company, International Oil Participants Corporation, International Precious Stones Corporation, International Research & Development Corporation, International Resources Development Corporation, International Sales & Engineering Corp., International Tabulating Institute of Minnesota, Inc., International Vidoscope, Inc., Interstate Cab Service, Inc., Interstate Oil Exploration Co., Inc., Intertron, Incorporated, Inviso Inc., Isadolriz Mining and Chemical Company, Inc., Isotope Chemical Company, Italo Pre-Fab Co.

J. A. Richards, Inc., J. C. Elliott & Son, Inc., J. F. Davis Restaurant Company of Delaware, J. Francis Blaine Company, Inc., J. L. Bismarck Company, J. Rogers Holcomb, Inc., J. W. Frazer & Co., Inc., J. Wesley Buchanan, Inc., Jackman's Inc., Jaco Corp., Jacobs Company, Jamaica Royale Unit Three, Inc., Jamaica Royale Unit Two, Inc., Jamar Oil Co., James H. Wood, Inc., James J. Doherty Funeral Home, Inc., James L. Sease, Inc., James Otto Trucking Co., James P. Mooney and Company, James Watson & Sons, Co., Jamison Sportswear, Inc., Janet's Apparel Shops, Inc., Jay Co., Jay-Sal Development Co., John Booth, Inc., John F. Reed Productions Incorporated, John I. Haas, Inc., John M. Cherry, Inc., John Mullins & Sons of Delaware, Inc., Johnny and Polly, Inc., Johnson, Inc., Johnson-Saunders Theatres, Inc.,

Joliet Tropical Plantation Company, Jones, Winkelman, Smock Company, Inc., Joseph H. Simons, Inc., Julia Navigation Company, Inc.

K. E. Ashworth Company, Inc., K. T. and P. Associates, Inc., K. U. K. Inc., K-Z Realty Corporation, Kaehn Realty Company, Kaglove, Inc., Kalico Kitchen, Inc., Kalstock Farms, Inc., Kamberta Corp., Kanium Corporation, Kaparn Drilling, Inc., Karen Co., Karparts Distributors, Incorporated, Kartways of America, Inc., Kem-I-Kal, Incorporated, Kent Associates Inc., Kent School of Memorial Counsellors, Inc., Kerpel School of Dental Technology, Inc., Key Products, Inc., Keystone Builders, Inc., Kirk Industries, Inc., Kirk Machinery Corporation, Knox Minerals, Inc., Koala Wool Limited, Kramer Acoustical Co., Inc., Krueger Construction Co., Inc., Krueger Scientific Laboratories, Inc., Kwikopy Co., Kyron Foundation, Inc.

L. E. Farley, Inc., La Salle College Company, The, Lake Forest Development Company, Lamar, Inc., Land Liquidators, Inc., Laramie-Alaska Development Company, Inc., Latam Aero Leases, Inc., Laurel Appliance Center, Inc., Laurel Furniture & Appliance Center, Inc., Lauritano's Inc., Leathercraft Corporation of America, Lee Dye Works, Inc., Leemath Industries Corp., Lenco Corporation, Lenhart Lumber Corporation, Leonard Richards, Inc., Lesand Distributors, Inc., Levis Investment Company, Inc., Lewis D. Wall, Inc., Liberty Motors, Inc., Lievers Investment Company, Light Metals Corp., Limelight Productions, Inc., Lite-X Corporation, Litho Offset Supply Company of Delaware, Little Acorn Investment Co., Livilu Products Corporation, Lockrem Mines Corp., Locust Corporation, Locust Petroleum Corp., Lone Star Stevedoring, Inc., Loomfixers Loom Works, Inc., Lorie Allman Originals, Inc., Loudler Corporation, Love Organization, Inc., The, Lucerne Corporation, Lundberg Air Exploration Co., Inc., Lunn Laminates Company.

M. A. L. Land Development Corp., M. A. Sokolka Corporation, The, M. B. Fairchild, Inc., M. E. Blatt Co., M & L Development Corporation, Machine Steel Products Corporation, Macinar Incorporated, Macon Plumbing & Heating Co., Madison Drug Co. of Armenia Center, Inc., Magness Shopping Mart, Inc., Magnolia Supply Company, Inc., Majax Minerals Corporation,

Malone Cement Construction Co., Inc., Malone & Slater, Inc., Management, Engineering & Development Corp., Manganese Battery Corporation, Maple View Farm, Inc., Marau-Copau Mining Company, Inc., Marco Ranch Company, Mardele Enterprises, Inc., Margrite Corporation, The, Marian Martin, Inc., Marine Supply Company, Mariners Steamship Agency Inc., Marion Wright, Inc., Marshall Ford Sales and Service, Inc., Martis Steamship Corp., Marvel Repeater Razor Co., Maryland Avenue Liquor Store Co., Maryland Conduit, Inc., Max Ein Minerals Corporation, Max Schriber, Inc., Maxwell Dynaometer Company, Maxwell Home Service, Inc., McCann Contracting Co., Inc., McIver Art and Publications, Incorporated, McIver & Company, McLean Development Corporation, Meade Metal And Manufacturing Corporation, Medearis Industries, Inc., Mel's Auto Body Co., Inc., Mercury Enterprises, Incorporated, Merritt Homes, Inc., Messerschmitt Motor and Engineering Corporation of America, Metal Life Inc., Metzgar Equipment Co., Inc., Mica & Beryl Corporation, The, Michigan Industries Company, Micro Jewel Corporation, Micronaire Electro Medical Products Corporation, Mid-Continent Constructors, Inc., Mid-Continent Housing Corp., Mid-Eastern Investment Corporation, Mid-State Plumbing & Heating, Inc., Mid-West Laundries, Incorporated, Middle Atlantic Planning Corporation, Midway Shopping Center, Inc., Midwest Sponsors, Inc., Milani International Automotive Imports, Inc., Miles Agricultural Research Foundation, The, Mill End Shop of Dayton, Inc., Mill End Shop of Kansas City, Inc., Mill End Shop of Louisville, Inc., Mill Furniture Store, Inc., Miller's Motor Freight, Inc., Millsap Oil & Gas Co., Milton Poultry Co., Inc., Miner & Welch Company, Minerals Investors Co., Inc., Mining & Petroleum Advisors, Inc., Minnekota Petroleum Corporation, Misco Industries, Inc., Misco Precision Casting Company, Mississippi Terminal Company Incorporated, Mr. Service Club, Inc., Mrs. America Homemakers, Incorporated, Mrs. America Investors, Incorporated, Mitchell's Appliances, Inc., Mobile Housing Institute, Inc., Mode Insurance, Inc., Modern Kitchens, Inc., Modern Radio & TV Service Co., Mohawk Cedar Log Homes, Inc., Mohawk Lumber Company, Molco Drill & Pin Co. of Ohio, Inc., Monaco & Son, Inc., Monarch Enterprises, Inc., Montagua Mineral Well Co., Montego Villas, Inc., Monticello Lumber Corporation, Mooney & Hill Co., Moore International Corporation, Mormur Games, Inc., Morris & Company, Inc., A Delaware Corporation,

Mortgage Financing Corporation, Moss Enterprises, Inc., Moss Stores, Inc., Mount Prospect Country Club, Inc., Mundorff Beverage Company, Municipal Tax Free Income Fund, Inc., Music Society of America, Mutual Fund Distributors Inc., Myco Company, Inc.

N & R Operating Corporation, Nagler Helicopter Company, Inc., Napier Corporation, The, Nathan A. Siegel and Associates, Inc., Nation Wide Realty Co., Inc., National Association of Small Business, Inc., National Bellas Hess Mexico Corporation, National Builders Mortgage & Finance Corp., National Commercial Turnpikes, Incorporated, National Convention Halls, Inc., National Council of Millinery Associations, National Dairymen's Association Inc., National Electronic Research & Development Corp., National Gas Corporation, National Institute of Professional Services, Inc., National Interests, Inc., National Land & Investing Corporation, National Land Service Corp., National Lumberman's Association of America, National Oil and Chemical Co., National Ornamental Iron Manufacturers Association, National Petroleum Bureau, Inc., National Pharmaceutical Association, Inc., The, National Quaker Maid Restaurant System, Inc., National Religious Broadcasters, Inc., National Reporting Associates, Inc., National Steel Products Corporation, National Trading Corporation, National Vitamin Corporation, Nationwide Development and Leasing Corp., Nationwide Properties, Inc., Nationwide Small Business Capital Investing Corporation, Nautilus Camps of America, Inc., Neptune, Inc., New Castle Greyhound Racing Association, New Castle Investment Corp., New Cornelia Extension Copper Corp., New England Airlines, Inc., New England Service Corporation, New Freeway Investment Company, New Jersey Finance & Discount Corporation, Newark Building & Supply, Inc., Newark Funeral Home, Inc., Newark Stationers, Inc., Newport Drive-In, Inc., Niasol Products Company, Inc., Nicholas Electronics, Inc., Nolan Loan Co., Inc., Nordel Corporation, North Shore Shopping Center Drug Corporation, North Versailles Catering Corporation, North Versailles Management Corporation, Northcutt Import Cars, Inc., Northern Plywood Corp., Northfield Manor Homes, Inc., Northwest Land & Timber, Inc.

Oasis Liquor Mart, Inc., Ocean Barging Corporation, Ocean Tramp, Inc., Oceanic Industries Corporation, Oceanview Towers, Inc., Oil and Gas Corporation of America, The, Oklahoma-Delaware Corporation, Olin's Rent-A-Car System, Inc., 119 Corporation, The, Operators' Management Company, Optics Agency of Delaware, Inc., Orbits, Incorporated, Oro Valley, Inc., Ouachita Mining & Exploration Co., Overseas, Inc., Overseas Investment Corporation of America, Owens Enterprise, Inc., Ozark Construction Company, Inc.

P A C Construction Company, P-I-P of Illinois Inc., P. J. Gruber & Co., Inc., P. L. C. & G., Inc., P. S. Cummins, Inc., Pacific Isle Steamship Corporation, Pacific Pulp Company, Pacific Ranger Steamship Corporation, Pacific Thunder Steamship Corporation, Pacvan Corporation, Palmer House Products, Inc., Palms Motel Corp., Palmyra-Modesto Grain Company, Inc., Pam Homes, Inc., Pan American Land & Development Co., Inc. of Brasil, Pan American Mud & Chemical Company, Papell Investment Company, Pappas Paper Products Company, Paramount Homes Corp., Park Bowl, Inc., Parlynn Enterprises, Inc., Parklynn-Greenville Pharmacy, Inc., Parklynn-Hockessin Pharmacy, Inc., Parkview Builders, Inc., The, Pas Crab Co., Inc., Pathways, Inc., Paul Comly French and Associates, Inc., Pay-Less Fabrics, Inc., Peachtree Sales Corporation, Pencader Construction Corp., Pencader Realty Company, Pendale Nurseries, Inc., Peninsula Building Supply Co., Penn Construction Corp., Penn-U. S. Industrial, Inc., Penn-drew Masonry Company, Pennsylvania Counties Gas Corporation, Pension Mutual Fund, Inc., The, Permanent International Exposition, Inc., Permindex, Inc., Perpetual Care Cemetery Corporation, Pershing Square Financial Corporation, Personal Finance Company of Maplewood, Personal Finance Company of Wyoming, Personal Finance & Thrift Company, Petro-Nuclears, Inc., Petroleum Diamond Drilling Association, Petroleum Financial Corporation, Philadelphia Plan, Inc., Philadelphia Studebaker Dealers Advertising Association, Inc., Philmont Chapel Incorporated, Phosphate Rock Institute Incorporated, Photo Enterprises, Inc., Physio-Control Company, Inc., Physo-Drug and Chemical Corp., Pickens Manufacturing Co., Pico Freight, Inc., Piedmont Enterprises, Inc., Pierce-Arms. Co., Pilot Investment Corporation, Pin Money Exchange, Incorporated, Pine Tree State Candies Corp., Pinebrook Foundation, Inc., Pitt International

Corporation, Pitt Investing Corporation, Pittsburgh Mineral Industries Corporation, Pittsburgh Studebaker Dealer Advertising Association, Inc., Planet Exploration Corporation, Plastics Sales Company, Plasticslab, Inc., Play Center, Inc., Plymouth Carry-Out Shop, Inc., Pocketune Records, Inc., Polin Poultry Co., Inc., Poll-A-Vac, Inc., Polymer Engineering & Development Corp., Port Mahon Wharf Co., Inc., Porter Hotels System, Inc., Portra-color, Inc., Posture Service, Inc., Potomac Appliance and TV Corp., Power Steamship Corporation, Practice Golf, Inc., Precon Electronics Corp., Prefect Theatres, Inc., Prime Realty Corp., Princess Vogue Shops, Inc., Process-General Engineers, Inc., Products Development Corporation, Property-America Corporation, Providence Trading Corporation, Prudential Commercial Corporation, Public Development Corp., Public Relations Associates Inc. of Delaware Valley, Public Utilities Fund, Inc., Pusey and Jones Corporation, The.

Quaker Sew-Vac Stores, Inc., Quality Belts, Inc.

R. A. Bland Electric Co., R. B. R. Film Productions, Inc., R. I. Bong AFB Housing, Inc., R. I. Bong AFB Housing No. Eight, Inc., R. I. Bong AFB Housing, No. Five, Inc., R. I. Bong AFB Housing No. Four, Inc., R. I. Bong AFB Housing No. Seven, Inc., R. I. Bong AFB Housing No. Six, Inc., R. I. Bong AFB Housing No. Three, Inc., R. I. Bong AFB Housing No. Two, Inc., Ranch Estates, Inc., Raulston Construction Co., Ray Colomb's Incorporated, Reade Engineering Company, Inc., Realty Associates, Inc., Reciprocal Security Association, Redskin's Lounge, Inc., Regal Investment Corp., Registered Rides, Inc., Registered-Tested Cars of Puerto Rico, Inc., Rehoboth Dispensary, Inc., Rein-gold Investment Company, Rent-A-Bag Company, Inc., Resources Development Corporation, Retirement Assurance Corporation, Rex Bucket and Fabricating Corporation, Richard A. Blythe, Incorporated, Richardson, Bonds and Train, Inc., Richmond Catering Corporation, Richmond Management Corporation, Ricky Ties, Inc. of Pittsburgh, Riverside Liquors, Inc., Riverside Motors, Inc., Riverside News Center, Inc., Riverside Pharmacy, Inc., Robert J. Stamp, Inc., Robinson Theatrical & Sports Promotions, Ltd., Rock Island Southern Corporation, Roger, Inc., Roller Derby T. V. Inc., Rose Fashions, Inc., Rosensohn Enterprises,

Inc., Ross, Incorporated, Royal Crown Bottling Company of Reading, Inc., Royal Recording International, Inc., Ruco, Inc., Rusco Window & Supply Co., Inc.

S & C Corporation, S. E. Hosiery Corporation, S. F. Corporation, S. T. Z. Corp., St. Georges Construction Co., St. Michaels Russian Fraternal Society, Sales Promotion Counselors, Inc., San-Pat Oil & Gas Corporation, Sarasota Plaza Drug Corporation, Saxony Properties, Inc., Scalemobile Corporation, Scani-valve Sales Co., Schloemann Engineering Corporation, Science Capital Corp., Scott Container Corp., Scott Industrial Specialties Co., Scott Industries, Inc., Scott Rambler, Inc., Seaboard Oil Corp., Second New London N. S. B. Quarters, Inc., Security Investors Corporation, Security Manufacturing Company, Security Terminal Square, Inc., Sefton Co., Inc., Senior Citizens, Inc., Sennett Pictures Corporation, Sentinel Aviation Corporation, Sentinel International Division, Inc., Sentinel Service Corporation, Servaround Company, Sheehan Bros. Inc., Shoyer Styleline Homes, Inc., Sigmund's Beauty Supply Co., Signs Associates, Inc., Silk Portrait Sales, Inc., Silver Savings Stamps, Inc., Silvercroft Corp., Simpson's Associates Incorporated, Sip'n Snack Shoppes, Inc., 608 Company, The, 605 Market Street Corp., Skating Derby, Inc., Skot, Inc., Slater and Rogers, Inc., Smyrna Parkway Manor, Inc., Snapfingers' Country Club, Inc., Social Security Improvement Association, Solcliff Inc., Solid Nitrogen Corporation, South Bowers Fire Co., Inc., South Coast Oil Company, Inc., South-Hill, Inc., South Western Carbonic Corporation, South Western Minerals Corporation, Southeastern Terminal & Steamship Co., Southern Consolidated Manufacturing Corp., Southern Development Corporation, Southern Geophysical Company, Inc., Southern Pulp and Paper Co., Southern Real Estate Development Corp., Southtown Auto Service Co., Southwest Oil Corporation, Southwestern Royalties of America, Inc., Space Systems & Industrial Automation, Inc., Spanall of the Americas, Inc., Speculative Securities Corporation, Speedy Wash, Inc., Spirit Steamship Corporation, Spring Hill Realty Company, Spruce Fur Company, Stamper and Adkins, Inc., Stancato National School of Accordion of Atlanta, Inc., Stancato National School of Accordion of Billings, Inc., Stancato National School of Accordion of Boise, Inc., Stancato National School of Accordion of Houston, Inc., Stancato National School of Accordion of Levittown, Inc., Stan-

cato National School of Accordion of Norristown, Inc., Stancato National School of Accordion of Phoenix, Inc., Stancato National School of Accordion of Wilmington, Inc., Standard Development Corporation, Standard Electric Equipment Corporation, Standard Equities, Inc., Stanphyle Corporation, Star Point Oil Company, Starco of Arizona, Inc., Starjack Corp., Stat-Track, Inc., State Street Land Co., Inc., Statehouse Motor Hotel Corporation, Station Realty Co., Stefran Corporation, Stellar Publications, Inc., Stelling Development Corporation, Stephen Laurie Manufacturing Co., Inc., Stereo-Dynamics Corp., Sterling Engineering Corporation, Steroid Drug Corporation, Steuben Television Antenna System, Inc., Stevenson Motor Company, Inc., Streat Manufacturing & Sales Corporation, Suburban Express Company, Sulco Freight, Inc., Sulfalloy Corporation, Sullivan Brothers, Inc., Sulphur Exploration Company, Sulphur Industries Company, Inc., Summit Laboratories, Incorporated, Sunnybrook Co., Inc., Sussex Pools, Inc., Sussex Service Company, Inc., Suzy-Q Cleaners, Inc., Swish, Inc., Swope Company, Inc., The, Syndi-Tape, Inc., Synthol Chemical Corp.

Taco Construction Corp., Tall Size Shops, Inc., Tally-Ho, Inc., Tamarac Gas and Oil Company, Inc., Tanker Traders Corp., Tape Cable Electronics Corp., Tate Automatic Fire Alarm Company, Taylor Lumber Co., Inc., Tec-Animation, Inc., Tec Supplies Division of Grayguard, Inc., Technology, Inc., Tel-Rad Sales & Survey Co., Tele-Snap, Inc., Telelegion, Inc., Telephone Answering and Recording Corporation, Telephone Industries, Inc., Tele-rama, Inc., Temco, Inc., Tempron Corporation, The, Ten Limited, Inc., Terminal Hotel, Inc., Terrytown Construction Corp., Texas K. Oil Company, Texas Royalties & Recovery Corporation, Texas State Oil and Gas Corporation, Texolene Transport Company, Inc., Theatre Installations, Inc., Third New London N. S. B. Quarters, Inc., Third Ward Veterans Club of Wilmington Delaware, Inc., Thomas Drywall Corporation, Thomas Motor Sales, Inc., Thompson-Stansbury Corporation, Thomson Implement Company, Inc., Thor Oil and Gas Corporation, Thornton Funeral Home, Inc., 347 North Brand, Inc., Three-L-Corporation, Three Rivers Sand Company, Thunderbird Oil Company, Inc., Times Square Trading Corp., Timmons & Steen, Inc., Titan Enterprises, Inc., Tom Wheeler, Inc., Top Twenty Tunes, Inc., Topsham ARB Housing Inc., Topsham AFB Housing No. Two, Inc., Totem Oper-

ating Co., Inc., Toulson Holding Company, Inc., Tour-Travel International, Inc., Town & Country Steak House, Inc., Trading Company, Inc., The, Traffic Controls, Inc. of Delaware, Trans-Alloys Corporation, Trans-American Manufacturing and Equipment Corporation, Trans-American Oil and Mining Corporation, Transmar Oil Company, Transocean International Corporation, Transportation Research Inc., Transwestern Investment Company, Inc., Trash Removers, Inc., Travelers Acceptance Corporation of America, Tri-State Enterprises Co., Tri-State Maintenance Corporation, Tri-State Petroleum Corporation, Triad Drilling Co., Triangle Motor Hotel, Inc., Triangle Leasing Corp., Triangle Operating Corp., Triangle Realty Co., Tricerri Trading Corporation, Trio Builders, Inc., Troenly Illinois Corporation, Tubular Fabrics Corp., Turner Timber Corporation, Twin-Chex Corporation, Twinlock, Inc.

U. S. Mail Pioneers and Associates, Inc., U. S. Economic Development Corp., U. S. Land Service Corp., U. S. Marine & Foreign Securities, Ltd., U. S. Parking Corporation, U. S. Quinine, Inc., Unilectro Connectors & Systems, Inc., Unit Productions, Incorporated, United Business Consultants, Inc., United Distributors, Inc., United Home Owners Association, United Mobile Homes, Inc., United Mortgage Investment Corp., United Sanitary Corporation, United Sponsor, Inc., United States Chemical & Dye Works, Inc., United States Credit Export Corporation, United States Overseas Investing Corp., United States Motion Picture Corporation, United Steel Fabricating Corporation, Universal Aircraft Corporation, Universal Consultants Corporation, Universal Holdings, Inc., Universal Investors Incorporated, Universal Thermo Panel Distributing Corp., Uranium International Corp., Utarco Uranium Corporation.

V-Chek, Inc., Vacation Publications, Inc., Van Cort, Incorporated, Van Daalen & Associates, Inc., Van's Inc., Vansant Bros., Inc., Varel Corporation, Venezuelan and American Textile Industries, Inc., Vermilya-Brown Company, Inc.—Interna-

tional Division, Video News, Inc., Vincent & Joseph, Inc., Virard, Inc., Virginia Real Estate Exchange, Incorporated, Vitalo Brothers, Inc., Vitapix Corporation, Vitapix-Guild Programs, Inc., Vitro Idaho Minerals Corp., Voice of Truth Film Corp., Voiture Locale No. 4, La Societe Des 40 Hommes Et 7 Chevaux, Inc.

W. and B. Contracting Co., W. Evers & Son Storage Co., W. J. Mailley & Co., Inc., W - R Corporation, W. & S. Blackinton, Incorporated, Walden Manufacturing Company, Inc., Waldorf, Inc., Wall Street Investors Club, Inc., Walls and Andrews, Inc., Walt, Inc., Wand Cab Corp, Wantagh Mining Corporation, Warwick Plumbing and Heating, Inc., Waste Disposal Services, Inc., Water Resources Engineers, Inc., Waters Management & Engineering Corporation, Waterways U. S. A., Inc., Wattpar Corporation, Webb & Brown, Inc., Webster Square Plaza Drug Corporation, Wesgeco Corporation, West Coast Land, Incorporated, Westbrook Way Inc., Western Equities Corporation, Western Realty, Inc., Western Resources Corporation, Westfield Steamship Corporation, Wheatland Hotel Corporation, Wheeling Motor Rental Lessee Company, Whig National Party, Inc., White Way Laundry, Inc., Wil-Elks, Inc., Wilco, Inc., Wilin Corporation, Wilkes-Barre Anthracite Corporation, William C. Bartosh, Inc., William G. Moore and Son, Inc. of Delaware, William James, Inc., William Penn Athletic Association, Inc., Williams Plaza Drug Corporation, Wilmington Boneless Beef Company, Wilmington Chapter No. 1, American Gold Star Mothers, Inc., Wilmington Investment Corp., Wilmington Lodge No. 470 B'Nai B'Rith, Inc., Wilson Box & Manufacturing Co., Inc., Wingo Motel Corporation, Winslow Ventures, Inc., WMAK, Inc., Wonder Baker, Inc., Wonder Building Corporation of America, Wonder Steel Truss, Inc., Woodall's Hauling Service, Inc., Woodland Apartments, Section Two, Inc., Woodrow Construction Company of Florida, Word Motor Company, Inc., World Carriers, Inc., World Imports Corporation, World Press Association, Inc., The, World Steel Cor-

poration, World Trade & Investment Corp., World-Wide Artists, Inc., Worldwide Service Corporation, Wright Homes of Delaware, Inc., Wynne Record, Inc.

Yorktowne Builders, Inc., Young Discoveries Incorporated.

IN TESTIMONY WHEREOF, I, ELBERT N. CARVEL,
Governor of the State of Delaware, have here-
unto set my hand and caused the Great Seal to
be hereunto affixed this seventeenth day of
January, in the year of our Lord one thousand
nine hundred and sixty-three, and of the Inde-
pendence of the United States of America, the
one hundred and eighty-seventh.

"GREAT SEAL)

By the Governor:
ELBERT N. CARVEL

ELISHA C. DUKES, Secretary of State

CHAPTER 448

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, The Tall Cedars of Lebanon of the United States of America continue its selfless devotion to the philanthropic principles of its Founders through participation of its members in civic projects throughout this Nation; and

WHEREAS, Members of this public-spirited fraternal organization have assumed leadership in the continuing effort to encourage public response to the needs for medical and scientific research into the causes and possible cure of muscular dystrophy, a disease that imperils the health of many Americans; and

WHEREAS, Research units sponsored by the Tall Cedars of Lebanon at the Institute of Muscle Diseases in New York City offer hope that an effective method of combating muscular dystrophy may be found; and

WHEREAS, the 122nd General Assembly of the State of Delaware has, by passage of House Joint Resolution #2, designated the week of March 17 to March 23, 1963, for the observance as National Tall Cedars Week in the State of Delaware, and has authorized and requested the Governor of the State of Delaware to issue a proclamation "calling upon all citizens of the State of Delaware to acquaint themselves with the programs of the Tall Cedars of Lebanon and to lend their support to its efforts wherever possible"; now,

THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do proclaim the period March 17 to March 23, 1963, as

NATIONAL TALL CEDARS WEEK

in the State of Delaware and urge all Delawareans to participate in its observance.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover this
(GREAT SEAL) fifteenth day of March in the year of our Lord,
one thousand nine hundred and sixty-three, 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 449
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the New Sweden Company sent an expedition in the two ships "Kalmar Nyckel" and the "Fogel Grip.... to establish a colony in the Delaware River Valley and on or about March 29, 1638, the ships moored at "Rocks" in the river named Christina in honor of the then Queen of Sweden; and

WHEREAS, the expedition under the command of Peter Minuit established a colony and built a fortification at this location named Fort Christina, which exercised authority along much of the west side of the Delaware River; and

WHEREAS, Fort Christina was the first settlement of the Colony of New Sweden and the first permanent settlement in the Delaware River Valley, as well as the first permanent settlement in the State of Delaware, which marked the introduction of government, religion, education, legal procedures, agriculture, commerce and industry in our State; and

WHEREAS, the three hundredth anniversary was fittingly observed in 1938 by state, national and international participation including the dedication of Fort Christina State Park and the presentation of the notable monument by Carl Milles as a gift from the People of Sweden to the People of the United States of America to commemorate the significant settlement in the Delaware River Valley and State of Delaware; and

WHEREAS, Friday, March 29, 1963, will mark the three hundred and twenty-fifth anniversary of the settlement of New Sweden at Fort Christina in 1638 and the first permanent settlement in the State of Delaware, as well as the twenty-fifth anniversary of the dedication of Fort Christina Monument with suitable commemorative exercises in 1938 at which H. R. H. Prince Bertil of Sweden represented his Country;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Friday, March 29, 1963, as

DELAWARE SWEDISH COLONIAL DAY

and request citizens, Members of the Legislature, public officials, schools, churches, patriotic and historical societies, and other organizations to participate in the rededication exercises at Fort Christina and join with the City of Wilmington to welcome our distinguished visitors, including the Vice President of the United States and Prince Bertil of Sweden, to view the special exhibits displayed at the Delaware Art Center for this occasion, and that State, county, city and town governments display on that day the flags of the United States, the State of Delaware, and the City of Wilmington, 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) eighteenth day of March in the year of our Lord, one thousand nine hundred and sixty-three, 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 450

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we are ever conscious of 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, our woodlands are an important source of revenue, they are also an important resource for their beauty and shade which adds color to our countryside and serves as shields for our birds and other wildlife; and

WHEREAS, our forefathers, in recognition of the benefits and influence of these bountiful gifts upon the lives and fortunes of our people and their responsibilities to posterity, sought to communicate to their successors an understanding and appreciation 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 proclaimed as Arbor and Bird Day.

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim, Friday, April 26, 1963, as

ARBOR AND BIRD DAY

in the State of 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 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) 11th day of April in the year of our Lord, one
thousand nine hundred and sixty-three, 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 451

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, United States Public Law designates May 1st of every year as National Loyalty Day; and

WHEREAS, by Joint Resolution of the Delaware General Assembly, 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 hard-won rights such as free speech, freedom of assembly, freedom of the press, and the right to worship as one chooses; and

WHEREAS, each American 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, 1963, as

LOYALTY DAY

in Delaware and urge all citizens of this State, on this occasion, to join in reaffirming their undivided allegiance to the govern-

ment of the United States and the ideals which it defends 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) 29th day of April in the year of our Lord, one
thousand nine hundred and sixty-three, 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 452
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, it is highly appropriate that a special day be set aside for the purpose of honoring our Mothers; 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; and

WHEREAS, because of 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, to be 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; now

THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim Sunday, May 12, 1963, 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 the people of our State to join with me in saluting and congratulating Mrs. Emily Anna Engle Lewis, of near Seaford, who as our 1963 Delaware Mother of the Year, 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) 29th Day of April in the year of our Lord, one
thousand nine hundred and sixty-three, 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 453

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is highly appropriate that grateful Americans everywhere should pause on a designated "Memorial Day" 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 might remain free; and

WHEREAS, the President of the United States of America, by the authority of the Congress, has set aside May 30, 1963, as a day when we should honor the memory and deeds of our valiant fallen war heroes; 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 Thursday, May 30, 1963, as

MEMORIAL DAY

and urge the people of our State to participate in exercises, graveside 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, patriotic Americans, remain faithful 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) 7th day of May in the year of our Lord, one thousand nine hundred and sixty-three, 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 454

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, an amendment to Section 2, Article II of the Constitution of the State of Delaware became effective January 17, 1963; and

WHEREAS, said amendment provides that the Governor shall, within 120 calendar days after the effective date of said amendment, file a plan for redistricting and reapportioning with the Secretary of State and shall forthwith issue a proclamation of redistricting and reapportioning; and

WHEREAS, the United States District Court for Delaware has declared said constitutional amendment to be in conflict with the Constitution of the United States of America and therefore null and void; and

WHEREAS, the Supreme Court of the State of Delaware has advised the Governor that the decision of the United States District Court is not final until the deadline for appeal has passed, and further advised that the Governor should in the meantime carry out the provisions of Section 2, Article II of the Constitution of the State of Delaware;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim a plan of redistricting and reapportioning as follows:

1. The Second Representative District of New Castle County is hereby divided into two new Representative Districts as follows:

District "A" shall consist of all that portion of the said Second Representative District north of a line beginning at the intersection of the northwestern boundary of the City of Wilmington and the center line of Concord Avenue,

thence southeasterly along the center line of Concord Avenue to its intersection with the center line of Twenty-third Street, thence easterly along the center line of Twenty-third Street and its center line extended to the Delaware River.

District "B" shall consist of all that portion of the said Second Representative District not included in District "A".

2. The Fifth Representative District of New Castle County is hereby divided into two new Representative Districts as follows:

District "A" shall consist of all that portion of the said Fifth Representative District east of a line beginning at the intersection of the center line of Eighth Street and the center line of Clayton Street, thence southerly along the center line of Clayton Street to its intersection with the southern boundary of the City of Wilmington.

District "B" shall consist of all that portion of the said Fifth Representative District not included in District "A".

3. The Sixth Representative District of New Castle County is hereby divided into four new Representative Districts as follows:

District "A" shall consist of all that portion of the said Sixth Representative District bounded by a line beginning at the intersection of the Delaware River and the northern boundary of the State of Delaware, thence along the boundary of the State of Delaware to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way, thence southwesterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the center line of Silverside Road, thence easterly along the center line of Silverside Road to its intersection with the center line of Holly Oak Road, thence easterly along the center line of Holly Oak Road and its center line extended to its intersection with the Delaware River, thence northeasterly along the Delaware River to the point of the beginning.

District "B" shall consist of all that portion of the said Sixth Representative District east of the center line of the Baltimore and Ohio Railroad right-of-way and not included in District "A".

District "C" shall consist of all that portion of the said Sixth Representative District east of a line beginning at the intersection of the center line of Concord Pike and the boundary of the City of Wilmington, thence northerly along the center line of Concord Pike to its intersection with the center line of Foulk Road, thence northeasterly along the center line of Foulk Road to its intersection with the northern boundary of the State of Delaware, and not included in Districts "A" and "B".

District "D" shall consist of all that portion of the said Sixth Representative District not included in Districts "A", "B" and "C".

4. The Seventh Representative District of New Castle County is hereby divided into three new Representative Districts as follows:

District "A" shall consist of all that portion of the said Seventh Representative District north of a line beginning at the intersection of the center line of the Lancaster Turnpike and the center line of North duPont Road, thence southerly along the center line of North duPont Road to its intersection with the center line of Faulkland Road, thence westerly along the center line of Faulkland Road to its intersection with Chestnut Run, thence southerly along the course of Chestnut Run to its intersection with the center line of the Kirkwood Highway, thence Westerly along the center line of the Kirkwood Highway to its intersection with the Red Clay Creek.

District "B" shall consist of all that portion of the said Seventh Representative District south of a line beginning at the intersection of the center line of Maryland Avenue and the southern boundary of the City of Wilmington, thence southwesterly along the center line of Maryland Avenue to

its intersection with the center line of Boxwood Road, thence westerly along the center line of Boxwood Road to its intersection with the center line of Dodson Avenue, thence along the center line of Dodson Avenue and its center line extended to its intersection with the center line of the Baltimore and Ohio Railroad right-of-way, thence easterly along the center line of the Baltimore and Ohio Railroad right-of-way to its intersection with the western boundary of the Town of Elsmere, thence northerly along the boundary of the Town of Elsmere to its intersection with the center line of the Kirkwood Highway, thence westerly along the center line of the Kirkwood Highway to its intersection with the Red Clay Creek.

District "C" shall consist of all that portion of the said Seventh Representative District not included in Districts "A" and "B".

5. The Eighth Representative District of New Castle County shall be divided into two new Representative Districts as follows:

District "A" shall consist of all that portion of the said Eighth Representative District bounded by a line beginning at the intersection of the Red Clay Creek and the center line of Faulkland Road, thence westerly along the center line of Faulkland Road to its intersection with the center line of Duncan Road, thence southerly along the center line of Duncan Road to its intersection with the center line of Milltown Road, thence westerly along the center line of Milltown Road to its intersection with the center line of Limestone Road, thence northerly along the center line of Limestone Road to its intersection with Mill Creek, thence southerly along the course of Mill Creek to its junction with White Clay Creek, thence easterly along the course of the White Clay Creek to its junction with the Red Clay Creek, thence northerly along the course of the Red Clay Creek to the point of beginning.

District "B" shall consist of all that portion of the said Eighth Representative District not included in District "A".

6. The Tenth Representative District of New Castle County shall be divided into three new Representative Districts as follows:

District "A" shall consist of all that portion of the said Tenth Representative District south of a line beginning at the intersection of the center line of Blue Hen Road extended and the Delaware River, thence westerly along said extended center line of Blue Hen Road to its intersection with the center line of New Castle Avenue, thence southerly along the center line of New Castle Avenue to its intersection with the boundary of the Town of New Castle, thence south and westerly along the boundary of the Town of New Castle to its intersection with the center line of Basin Road, thence northwesterly along the center line of Basin Road to its intersection with the Christiana River.

District "B" shall consist of all that portion of the said Tenth Representative District bounded by a line beginning at the intersection of the center line of Landers Lane and the center line of New Castle Avenue, thence southerly along the center line of New Castle Avenue to its intersection with the boundary of the Town of New Castle, thence south and westerly along the boundary of the Town of New Castle to its intersection with the center line of Basin Road, thence northwesterly along the center line of Basin Road to its intersection with the Christiana River, thence northeasterly along the course of the Christiana River to its intersection with the southern boundary of the City of Wilmington, thence easterly along the southern boundary of the City of Wilmington to its intersection with the center line of South Market Street, thence southerly along the center line of South Market Street to its intersection with the center line of the duPont Boulevard, thence southwesterly along the center line of the duPont Boulevard to its intersection with the center line of the Road (Route 40) leading to the Delaware Memorial Bridge, thence easterly along the center line of said Road (Route 40) leading to the Delaware Memorial Bridge to its intersection with the center line of Landers Lane, thence southeasterly along the center line of Landers Lane to its intersection with the center line of Linstone Avenue, thence southeasterly along

the center line of Linstone Avenue to its intersection with the center line of Glen Avenue, thence southwesterly along the center line of Glen Avenue to its intersection with the property line of the Colwyck Junior High School, thence easterly along the property line of said school to its intersection with the center line of Landers Lane, thence southeasterly along the center line of Landers Lane to its intersection with the center line of New Castle Avenue, the point of the beginning.

District "C" shall consist of all that portion of the said Tenth Representative District not included in Districts "A" and "B".

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 May in the year of our Lord,
One Thousand Nine Hundred and Sixty-three,
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 455

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the untimely death of Pope John XXIII was a tragic loss to people of all faiths; and

WHEREAS, his wonderful spirit, his dedicated leadership, and his devout love of his fellowmen generated a global warmth and understanding unprecedented in our history; and

WHEREAS, it is the sincere desire of Delawareans of all faiths to express the deep sorrow we feel,

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby direct and proclaim that our National and State flags be flown at half-mast from all public buildings in Delaware on Thursday, June 6, 1963.

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) fifth day of June in the year of our Lord, one thousand nine hundred and sixty-three, 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 456

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 pursuit of happiness; and

WHEREAS, this Declaration and the great country to which it gave birth stand as a fount of hope and promise for Americans and all the peoples of the world; and

WHEREAS, on this July 4th, patriotic Americans everywhere are being asked to help revive an old form of celebrating the anniversary of American Independence with the ringing of bells—from churches, from government buildings, from commercial buildings—recalling the joyous clangor that greeted news of this great history-making event 187 years ago;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim that Thursday, July 4, 1963, 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.

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 June in the year of our Lord, one
thousand nine hundred and sixty-three, 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 457

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 associates have been major factors in providing the high standards of living which we presently enjoy; and

WHEREAS, it is appropriate that the contributions of working men and women to the economy and welfare of our State should be suitably recognized; and

WHEREAS, the first Monday in September is traditionally set aside to honor the workers of America; and

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 2, 1963, 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
(GREAT SEAL) 15th day of August in the year of our Lord,
one thousand nine hundred and sixty-three, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 458

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on October 12, citizens of South American countries and our neighbors of North America, will join all Americans 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 471 years ago by Christopher Columbus; and

WHEREAS, this annual observance serves to remind us of the courage and contributions made by 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, Sec. 501 of the Delaware Code, sets aside the 12th 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 Saturday, October 12, 1963, as

COLUMBUS DAY

and I urge all Delawareans, particularly those who are connected with our schools and colleges, to mark with appropriate ceremonies this 471st anniversary of the discovery of America.

I request that the American Flag and the Flag of the State of Delaware be flown 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
(GREAT SEAL) 4th day of October in the year of our Lord,
one thousand nine hundred and sixty-three, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 459
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 freedom and the rights and privileges we today enjoy; and

WHEREAS, the establishment and maintenance of good schools in Delaware is essential to our progress and 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 problems such as shortages of teachers, classrooms and financial support which can be solved only by public understanding and public action; and

WHEREAS, a rapidly changing world which comprehends the doubling of present knowledge within the next generation requires that education change to meet these new challenges while giving full recognition of the worth of the individual, the obligations of responsible citizenship, the dignity of constructive employment, and the value of basic moral and spiritual values; and

WHEREAS, the new tool, Educational Television, needs to be immediately put to work so that increased efficiency in the communication of knowledge between the class room teacher and the student can be assured; and

WHEREAS, under provisions of Chapter 41, Section 4111, Title 14 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 10-16, 1963, as

AMERICAN EDUCATION WEEK

and do earnestly request all citizens and all organizations interested in education and the welfare of children to become further acquainted with the advancing programs of education and to rededicate themselves to the need for strengthening and improving this essential safeguard of our nation.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
(GREAT SEAL) said State to be hereunto affixed at Dover this
fourth day of October, in the year of Our Lord,
one thousand nine hundred and sixty-three, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 460

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 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 those veterans who, banded together in various organizations, are leaders in proclaiming the American Way of Life and who continue to work for peace in the world; and

WHEREAS, Title 1, Sec. 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, 1963, 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 shore, 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 now traditional Veterans Day exercises to be held at the Delaware Memorial Bridge Plaza the afternoon of Sunday, November 10.

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) 1st day of November in the year of our Lord,
one thousand nine hundred and sixty-three, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 461
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 days of the Plymouth Colony to set aside an annual occasion to rise in prayer and thanksgiving for the many blessings which have been bestowed upon us; and

WHEREAS, we should continuously strive for the unity that joins 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 we who have more than our actual needs; and

WHEREAS, all faiths are demonstrating the meaning of being "our brother's keeper" by sponsoring Share-Our-Surplus programs; and

WHEREAS, support of these programs shows our own appreciation of the blessings we have received and provides an outstanding example of brotherhood; and

WHEREAS, Paragraph 501, Chapter 5, Title 1 of the Delaware Code, as amended, states 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 that Thursday, November 28, 1963, be observed as

THANKSGIVING DAY

in Delaware. This is a day to share with our loved ones in giving thanks for the abundance that we Americans enjoy today. Let us share our good fortune with others and carry into positive action the true spirit of brotherhood.

Let us 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 bloodshed in 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) 1st day of November in the year of our Lord,
one thousand nine hundred and sixty-three, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 462

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, our late beloved President, John Fitzgerald Kennedy, on November 22, 1963, gave his life in the service of his Nation; and

WHEREAS, it is given to us, the living, to carry forward the great works which he so courageously initiated; and

WHEREAS, it is appropriate that the people of Delaware commemorate with humility and gratitude the spirit of our heroic statesman and President:

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, by authority vested in me by the Constitution of the said State in that behalf, do order that Monday, November 25, 1963, shall be declared

A DAY OF MOURNING IN THE STATE OF DELAWARE when all schools, State Offices and State Agencies (except those required for public safety) shall be closed to enable all to observe this solemn day in our history with appropriate attendance of religious services in memory of our fallen President, and to give thanks to Almighty God for his life of dedicated service to all humanity; and

I FURTHER DECLARE a period of mourning throughout the State of Delaware for a period of thirty days, beginning November 22, 1963, when all National and State Flags shall be flown at half mast.

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
23rd day of November in the year of our Lord,
one thousand nine hundred and sixty-three, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 463
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, Richard Bassett, Gunning Bedford, Jr., Jacob Broom, John Dickinson, and George Read represented Delaware in the Federal Constitutional Convention which drafted a form of government for the former thirteen original colonies; and

WHEREAS, these representatives followed the directions of the General Assembly to uphold the rights of the smaller states; and

WHEREAS, by keeping the citizens of Delaware informed through speeches, newspapers and John Dickinson's "Letters of Fabius", they were aware of the value of this new system of government; and

WHEREAS, elections were held to send ten delegates from each county to attend a special Constitutional Convention in Dover, where on December 7, 1787, they unanimously ratified the new Federal Constitution; being 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 176th 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 Saturday, December 7, 1963, as

DELAWARE DAY

and urge 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
(GREAT SEAL) 22nd day of November in the year of our Lord,
one thousand nine hundred and sixty-three, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 464

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

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 A Credit Corp., A. & E. Transportation, Inc., A F S C M E Housing Corporation, A. H. Harris & Associates of Peoria, Ltd., A and H Trading Co., Inc., A & L Corporation, A & M Corporation, A & M Specialties, Inc., A & V Home Improvement Co., Abbott Eastern, Inc., Able Development Corporation, Acorn Construction Co., Inc., Acoustics, Inc., Acoustivac, Inc., Active Young Republicans of the Hundred of New Castle, Inc., Ad Co., Adams and Sons, Inc., Admiral Fiberglass Corp., Advance Enterprises, Inc., Advance Janitor & Paper Supply Co., Advanced Insurance Management Company, Advisors Associates Incorporated, Ahearn and Soper, Inc., Air Traffic Control Inc., Airnautics, Incorporated, Airport Fueling Systems, Inc., Airway Rapid Transit Service, Inc., Alaco, Inc., Alaska Consolidated Oil Co. Inc., Alaska Oil & Mineral Co., Inc., Alegna Corporation, Alfran Distributors, Inc., Allbon Industries, Inc., Allen, McFarland & Company, Alliance Corporation, Allied Barrel Sales Corporation, Allied Industrial Manufacturing Company, Inc., Allied Lending Corporation, Allied Shippers Association, Inc., Aluminum Alloyers of America, Inc., Alvarez-Van Sickle, Inc., American Advertising Corporation, American Australian Investments, Inc., Am-

erican Chem-Kote, Inc., American Christian Alliance, Ltd., American Diversified Securities, Inc., American Equities, Inc., American European Travel Project, Inc., American Fuse Corporation, American Home-Service Association, American Jet Corporation, American Life Fund Inc., American Ministerial Association, American Moroccan Mining Investment Corporation, American Rare Metals Corp., American Resources Corporation, American Steel and Materials Company, American Telemetry Corporation, American Theater Association of Paris, Incorporated, The, American Velocitation Corporation, American Watershed Council, Inc., Americana Credit Card Corporation, Americans of African Ancestry, Inc., Amex of Delaware, Inc., Amsko Distributors, Inc., Anchor Oil Co., Inc., Ancon Copper Corporation, Andre Dubonnet, Incorporated, Antler Development Corporation, Apa International, Inc., Apartment Operating Company, Apex Producing Corporation, Appaloosa Oil of Australia Ltd., Appaloosa Oil of New Zealand Ltd., Appeltized Products Corp., Appliance Discount Corporation of Delaware, Applied Communication Systems, Inc., Applied Science, Inc., Appoquinimink Stables, Inc., Aquarex Laboratories, Inc., Archmere, Inc., Arden Folklore Foundation, Inc., Argonaut Offshore Loading, Inc., Aries Chemicals, Inc., Aritemp Laboratories, Inc., Arizona Metallurgical Co., Inc., Armour Oil Company, Arnold Productions, Inc., Artalo Enterprises, Inc., Arthur Lawrence Publishing Company, Asiatic-American Industrial Corporation, Aslan Geriatrics Foundation, Associated Distributors, Inc., Associated Motors, Inc., Associated Subcontractors of America, Inc., The, Astrotherm Corporation, Atlantic Craftsmen, Inc., Atlantic Foundation, The, Atlantic Heating Co., Atlantic Investment Company, Atlantic National Realty & Construction Corporation, Atlantic and Pacific Airlines, Inc., Atlantic States Leasing Corporation, Atlas Coal Corporation, Atlas International Corp., Atlas Telephone Equipment Company, Audio Language Laboratories, Inc., Audubon Gas & Oil Co., Inc., Aurora Carson Pirie Scott & Company, Austin Farms, Inc., Auto Rebuilders Supply, Inc., Automated Receipting Systems Corporation, The, Automatic Telephone Dialer, Inc., Automotive Workers Club, Autronic Electronics Corporation, Avia, Inc., Aviation Enterprises Corporation, Azalea Oil & Gas Corporation.

B. & B. Motor Sales, Inc., B & M Steel Construction Co., Bab Service, Inc., Bahan Corporation, Bar-Bloch Corporation, Bar Steel Corp., Barge Service, Inc., Barnhart-Morrow Oil & Gas Company, Barranca Production Company, Basic Chemicals, Inc., Beachcomber Magazine, Inc., Beam Chemical Industries, Inc., Beaumont Title Corporation, Beauty Tone Pre Fab Homes, Inc., Beckett Bros., Inc., Beckley's, Inc., Belmont, Inc., Bernhard Fashions, Inc., Beryllium Exportation and Development Corp., Better Feeds, Inc., Bi-State Flooring Corp., Biotex, Inc., Birad Corporation, Bittermann Electric Company, Inc., Bloomington National Corp., Blue Biard Coal Company, Blue Hen Mobile Radio Club of Delaware, Inc., Blue Hen Oyster Farms, Inc., BMB Engineering, Inc., Boating Capital Securities Corp., Bob Toulson Pharmacy, Inc., Bob's Variety Store, Inc., Bohemian Surf Properties, Inc., Booker T. Washington Land and Mortgage Company, Boostair Sales & Financing Corporation, Bosche Weld Construction Corporation, Bowl-A-Bite International Ltd., Bowling Development Corp., Bowser Parking System, Inc., The, Boyington International Electrical Company, Bramow Enterprises, Inc., Brandywine Engineers, Inc., Brandywine Feed Service, Inc., Brandywine Hundred Square Club, Brentwood Supply, Inc., Brick Homes of Delaware, Inc., Bridges Research Foundation, Bridgeville Tuesday Night Club, Brinkman's Realty Corp., Broadmor Corporation, Brook-Dale Builders, Inc., Brookridge Development Corp., Brown and Nellor, Inc., Brownlee Business Forms, Inc., Bruce Manufacturing Corp., Buck Wilson, Inc., Builders & Developers Corp., Buon Corporation, The, Burks & Spencer Auto Sales, Inc., Burlington Carson Pirie Scott & Company, Burr Insurance Agency Co., Burton Oil & Gas Development Corporation, Byrne Organization, Inc.

C. A. L. F. C., Inc., C. A. Short & Co., Inc., C. A. Short, Inc., C. C. Burris & Sons Co., C & C Enterprises, Inc., C. & E. Marshall Co., C I M R Incorporated, C & N Sheet Metal Works, Inc., California Land Grants, Inc., California Starr Land Corporation, Cam Chemical Co., Cambridge Development Corporation of California, Canadian American Associates, Ltd., Canal Dry Cleaners, Inc., Cantrell & Cochrane - Peninsular Corporation, Cantrell and Company, Inc., Cape End Corporation, Capital Enterprises, Inc., Capitol City Real Estate Corp., Capri Pools, Inc., Captains Club, Inc., Car Fair Corporation, The, Cardinal

Building & Constructors Inc., Cargo Brokerage Corporation, Caribbean & Southeastern Development Corporation, Carl J. Schuh Foundation, Inc., The, Casey J. Wilken Products Co., Caslon Press, Inc., The, Castle Distributors, Inc., Castle Investment Co., Cave Co., CBS Corporation, Cedarhurst Lawrence Warehouse, Inc., Centaur Oil and Gas Corporation, Central Bureau of Traffic Violations, Inc., Central Cab Co., Inc., Century Chemical Corporation, Cepi-American, Inc., Certified Temporaries Incorporated, Chain Vending, Inc., Championship Bowling Lanes, Inc., Chandler Motor Co., Inc., Chanterreau, Inc., Charles Kreisler, Inc., Charles M. Upham International Corporation, Charmil, Inc., Chelemer Investment Corporation, Chematomics, Inc., Chemical Shipping Corporation, Chemon Corporation, Chez Coiffeurs Salons, Inc., Chief Mountain Company, China Sea Development Corporation, Christian Press Service, Incorporated, Church of Divine Science of Life Inc., Churchill Steamship Corporation, Churchill's Restaurant & Bar, Inc., Circle 8 Cafe, Inc., Citizens Investment Corporation, Circuitronics, Inc., Clairhaven Corp., Clayton Bowling Supply Corporation, City Auto Sales, Inc., City Bankers Corporation, City Cab Co., City Fish Market, Inc., Clearfield Village Civic Association, Clement Moore Associates Incorporated, The, Clouthier Research Corporation, Clowe & Davis, Inc., Club 400, Inc., Co-Operative Restaurant Corporation, Coast Airlines, Inc., Cochran Motors, Inc., Cochrans' Bus Company, Inc., Coin Machine Industries Corporation of Texas, Coker System, Inc., Cole the Florist, Inc., Coleman Du Pont Road, Incorporated, Coli, Inc., Coliowa Uranium Corporation, Colloidal Lubricants, Inc., Colonnade Construction Corporation, Columbia Cab Co., Columbia Farms Corporation, Columbia Neon Sign Company, Columbiu Corporation of America, Comfort Spring Corporation of Delaware, Command Industries Corporation, Commercial and Industrial Consultants, Inc., Commercial Research and Development Corporation, Communication Development Corporation, Community Improvement Association, Inc., Como Corp., Comstock Historical Foundation, Concent Holding, Ltd., Concert Hall Society, Inc., Concord Pharmacy Inc., Concrete, Incorporated, Condor of Delaware, Inc., Congress Enterprises, Inc., Conray Merchandising Corp., Consharp Corporation, Inc., Consolidated Cargo Carriers, Inc., Consolidated Farm Commodities Corporation, Consolidated Vitamin Corporation, Consumers Research and Sales Corporation, Continental Fiberglass Corpora-

tion, Continental Produce Co., Continental Silica Corporation, Contract Sales Carson Pirie Scott & Company, Conway-Roberts, Inc., Cook Street Shopping Center, Inc., Cornwell Electronics, Inc., Corporate Advisers, Ltd., Corporate Counsellors, Inc., Corporate Financial Services, Inc., Cosmedic Corporation of America, Cosmopolitan Happiness, Inc., Council of Liberal Churches (Universalist-Unitarian) Incorporated, Country Club Corporation of America, Country Club Developers, Inc., Court Inn, Bucks County, Inc., Coverbond Corp., Coyne Realty Corporation, Craftsmens Underwriters Agency, Inc., Cransberry Iron and Steel Co., The, Creative Chemicals & Electronics, Inc., Credit Card Leasing Corporation, Credits, Loans and Collections, Incorporated of Washington, D. C., Crest Brands, Inc., Cretaceous Natural Resources Corp., Cristofv Corporation, The, Cronk, McKelvey & Yaworsky, Inc., Cross Keys Utility Construction Co., Inc., Crown Aluminum Company of Delaware, Inc., Crown Carpet Mills, Inc., Crystal Marine, Inc., Cullen Minerals Corporation, Currey Sales Associates, Inc.

D. & W. Mason Contractors, Inc., Dalmid Oil & Uranium, Inc., Dalt Adams & Associates, Inc., Dandrug Products Corporation, Danville Carson Pirie Scott & Company, Dardick Corporation, Dataservice Corporation, Dateline Publications, Inc., Daut Bros., Inc., Davidson & Weinberg, Inc., De Met Co., Deacons and Deaconesses Union of the Missionary Baptist Church of Wilmington, Debutante Foundation, Ltd., The, Decatur Carson Pirie Scott & Company, Defender Coatings Corp., Dega Investments, Inc., Del Campo Construction Co., Inc., Del Campo Improvement Co., Inc., Del-Chanin, Inc., Del City Apartments, Inc., Del Consolidated Industries, Inc., Del-Fax, Inc., Del Mar Hosiery Corporation, Del Rogers Corporation, Delaware Chemical Engineering & Development Company, Delaware Concrete Company, Delaware Decorating Co., Inc., Delaware Hardware Company, Delaware House, Inc., Delaware Optometric Association, Delaware Oyster Farms, Inc., Delaware Retail Liquor Association, Delaware Steel Warehouse, Inc., Delaware Valley Vending Company, Delaware Valley on Wheels, Inc., Delcampo Baking Company, Delcor Syndicate, Del Oil & Gas Corporation, Delmar Real Estate Corporation, Delmarva Claims Service, Inc., Delmarva Communications, Inc., Delray Construction Co., Delta Hardwood Lumber Corporation, Delta Investment Company,

Delta Smelting Corporation, Deni Company, Inc., The, Des Moines National Corp., Destroilet Corporation, Dever Metal Works, Inc., Devon, Incorporated, Dexter Sales & Engineering Co., Inc., The, Diamond Credit Company, Diamond Decorators, Inc., Diamond State Bus Lines, Inc., Diamond State Development Corporation, Discopress Industries, Inc., Discount World of Washington, D. C. Inc., District of Columbia Nursing & Convalescent Home Association, Dittbrenner Associates, Inc., Doman Helicopters, Inc., Dominick, Inc., Domino Petroleum, Ltd., Don Fortune Publishing Co., Inc., Don W. Brantley Drilling Corp., Dorothy Fischer, Inc., Dorothy Lamour, Inc., Dover Downtown Park and Shop, Inc., Dover Recreation, Inc., Dow Realty Company, Draco, Inc., Dray Corporation, The, Dream House Builders Co., Drilled-In Caisson Corporation, Durazzo, Inc., Durham Telefilms, Inc., Durox Corporation.

E. F. Drew Distributing Co., Inc., E. L. Durbin & Co., E. M. Abbott & Eon, Inc., Eagle Associates, Inc., Eagle Rod and Gun Club, Earl's Cafe, Inc., Earl's Tire Service, Inc., East Coast Imports, Inc., East Coast Laundrycenter, Inc., East Coast Realty Corporation, East West Carriers System, Inc., Eastern Consolidating & Distributing Co., Inc., Eastern Development Company, Eastern Electronics, Inc., Eastern Shore Amateur Radio Club, Eastern Shore Petroleum Company, Easy Method Auto Driver Training School, Inc., Ecomo Corp., Econowash of Ocean View, Inc., Ecto Chemical Corporation of Delaware, Ecurie Edmonds, Inc., Edelweiss Apartments, Inc., Edga Investments, Inc., Edgehill Developers, Inc., Edward Savage Co., Eighteen, Inc., Elburz Corporation, Electric Truck Company of America, Inc., Electro Astronautics International Corp., Electromatic Industries, Inc., Electronic and Chemical Research Corporation, Electronic Communications, Inc., Electronic Plastic Inc., Elfran Construction Company, Elk River Development Co., Elkland Transportation, Inc., Ellen-Kay Enterprises, Inc., Elwin Engineering, Inc., Empire Industries, Inc., Empire Productions, Inc., Epic Pharmaceutical Corporation, Esk Manufacturing, Inc., European Employment Service, Inc., Evans Oil & Gas Company of Kentucky, Executive Capital Corporation of America, Exercycle of Delmarva, Inc., Exhibition Ship Company, Inc., Erie Natural Gas Company, Inc.

F. J. F. Corp., Fairfield Construction Co., Fairfield Realty Co., Fajaraca Corporation, Falling Rock Gas Company, Fantabulous, Inc., Farm Direct Agriculture Supply Corporation, Farm Equipment Co., Inc., Federal Employees Finance & Insurance Corp., Feingarten Galleries, Inc., Fenwick, Delaware, Inc., Ferro, Inc., Fiber-Brite Awning Fabricators, Inc., Finance Management System of America, Incorporated, Firebar Corporation, First Funding Corporation, First National Finance Corporation, First Pacific Trading Corporation, First Securities Company of Florida, First State Sales, Inc., Flash-Maid Midwest Corporation, Fleet Universal Corporation, Florida Development Corp., Floweraids, Inc., Floyd Durham, Inc., Floyd Williams Oil Industries, Inc., Flying Commuter, Inc., The, Foam Rubber Center, Ltd., Foam Rubber Center of Wilmington, Ltd., Fonit Electronics Corporation, Foremost Motors, Inc., Forest Estates, Inc., "Forever Yours" Album, Incorporated, Forrest E. Peters, Inc., Forrest Gardens, Inc., Forsberg and Decicco Studios, Incorporated, Fotoform International, Inc., Foulke's Supertessen, Inc., Four State Life Agency Inc., France Jet Motors, Ltd., France Jet World Distributing, Ltd., Frank A. Kremser and Sons, Inc., Franklin's Enterprises, Inc., Freda's Market, Inc., Freudenheim, Inc., Freeport Carson Pirie Scott & Company, Frontier Oil Lease & Royalty Company, Fuller Publishing Company, Inc., Funo Corporation, Future Products, Inc.

G and G Corporation, The, G. N. G. Productions, Inc., G. S. W. Corporation, Galesburg Carson Pirie Scott & Company, Galway Parking Co., Inc., Garden State Acoustical Company, Gardner M-E-L Co., Garmac Toothbrush Company, Inc., Gasconade Mining Company, Gateway Company of Ohio, Gateway Engineering Company of Maryland, Gaunart Corporation, Gaylord-Shelton Inc., General Aluminum Corporation, General Compost Corporation, General Fertilizer Corporation, General Home Equipment Company, Inc., General Hydraulic Company, General Jobbing Company, General Management Associates, Inc., General Management Company Inc. of Delaware, General Purchasing Corporation, General Spray of Southern Del., Inc., General Universal Corporation, General Wood & Paper Products Corporation, George Meir, Inc., George O'Toole, Inc., Geotis Industries, Inc., Ghanita Enterprises, Incorporated, Gibraltar Coin Company, Ginny Steward's Bowling Lanes, Inc., Girl Friday Services

Inc., Glade Mountain Manganese Co., Globe Products - United Services, Inc., Globe Shopping Centers, Inc., Golf Enterprises, Inc., Goodearth Development Corporaton, Inc., Goodride Inc., Goodwill Industry, J. Q. A. Martin, Incorporated, Gordon Broadcasting of San Francisco, Inc., Gordon, Incorporated, Gorin Realty Co. Inc., Goudie Industries, Inc., Government Projects Corporation, Governor Printz Inn, Inc., Grady Sales Corporation, Grand Island Baseball Club, Inc., Grange Pharmacy, Inc., Graphic Arts Studio, Inc., Grazing, Inc., Greentree Catering Corporation, Greentree Management Corporation, Greenville Securities & Investment Company, Greeting Cards Exclusively, Inc., Gregory Park Incorporated, Greige Products, Inc., Griebel Limited, Grimes and Paoline, Inc., Griswold Aeronautical Corporation, Groman Candy Company, Inc., Group Investors, Inc., Growth Finance Corporation of America, Guide Publishing Company, Inc., Gulf-Tex Development, Inc., Gwaltney and Wootten, Inc., Gyro Metal Products, Inc.

H. C. Malcom & Sons, Inc., H. J. Bolz Machinery Co., H. Jimco, Inc., H. R. Bates, Jr., Inc., H. R. Truskin, Inc., H. T. Medford Properties, Inc., H. W. Blendt, Inc., Hadley Contracting & Construction Company, Haggard Mills, Inc., Hal's Exchange, Inc., Haldane Institute, The, Hallmarw Petroleum & Drilling Corp., Handel Society, Inc., Hanks Manufacturing Company, Incorporated, The, Happy House Foundation, Inc., Happy House, Inc., Harco Equipment Corp., Hardware & Machinery Export Corp., Harmil, Incorporated, Harold B. Hughes, Inc., Harry Schwartz Foundation, The, Haslen Rental Corporation, Haslen Service Corporation, Hasson & Elsen Towing Corp., Hatfield Fair Grounds Bazaar, Inc., Hawkins & Milner, Inc., Hawthorn Supply Company, Hellenic Metals Corporation, Henlopen Avenue Realty Corp., Henry Nelkin Foundation Inc., The, Hewgley Drilling Company, High Point O. P. O. Inc., Highland Manor Farm, Inc., Highway Safety, Incorporated, Hill's Jitney Service, Inc., Hillsgrove Transportation, Inc., Hilton's & Cunningham, Inc., Hilton's of Portland, Incorporated, Hitt Heating and Air Conditioning Company, Hobbies, Incorporated, Holiday Builders, Incorporated, Holiday Development Co., Holiday Park Properties Inc., Holley Corporation of America, Hollywood Ice Revue, Inc., Holyoke Shopping Center Drug Corporation, Home Comfort, Inc., Home Owners, Inc., Hope Lodge No. 21 of the I. O. O.

F. of the State of Delaware in the City of Wilmington, Horwitz Market, Inc., Hotels Development Corporation, House'n' Home, Inc., House of Kent Corporation, The Howard Cabs, Inc., Howland Construction Co., Hoya Incorporated, Hudson Hosiery Shop of Wilmington, Inc., Humphreys-Godwin Company, Hussmann-San Antonio, Incorporated, Hussmann-Tampa, Incorporated, Hyatt Panama Manganese Company, The, Hynes Securities Corporation, Hy-Tex Foods, Inc.

I. A. Wyner Co. of California, Inc., I and F Construction Company, The, I. M. Isoe Foundation, Inc., Iceland, Inc., Indel Co., Indian Creek Smokeless Coal Company, Indian Head Pontiac, Inc., Indian Ridge Management Corporation, Indian River Lines, Inc., Indian River Plumbing and Heating Co., Inc., Indoor Trap Shoot Inc., Innmasters Incorporated, Insurance Associates, Inc., Intel, Inc., Inter-American Hospital Association, Inc., Intercontinental Displays Corporation, Intercontinental Films, Inc., Intermountain Exploration & Engineering Co., International Artists, Incorporated, International Audio Productions, Inc., International Automatic Foods, Ltd., International Boating Association, Inc., The, International Corporation Lawyers Club, International Corporation for Public Affairs and Development, International Corrugating Company, International Data Processing Corporation, International Dinner of the Month Club, Inc., International Dynamics Corporation, International Exhibitors Service Corp., International Farm Services, Inc., International Film 16, Inc., International Football League, Inc., International Hotel Development Corporation, International Iron, Inc., International Mosaic Corporation, International Spiritualist Society, Incorporated, International Telefilm Corporation, International Trading Corp., Interstate Commercial Corporation, Interstate Mortgage Brokers and Discount Association, Inc., Investamerica Management Corporation of California, Investment Corporation of North America, Iota Mud Company, Inc., Island Research, Inc.

J. A. M. Corp., J. E. Milam Construction Company, Inc., J. E. Milam Equipment Company, Inc., J. & E. Stevens Company, J. George Staib Inc., J. J. Haley, Inc., J. Q. A. Martin Products Company, J. R. Cumberland, Incorporated, J. T. Land & Cattle Company, J. W. Allen Foundation, Inc., Jam-Am Trading, Inc., James A. Andrew Ins. Agency, Inc., James B. Thomas, Inc.,

James Shop, Inc., Jazztone Society, Inc., The, Jemscope Sales Corporation, Jemscope Service Laboratories, Inc., Jensen Associates, Inc., Jet Motor Sales, Inc., Jet Rental Service, Inc., Joan Corporation, The, Joda Contracting Co., Joed Realty Co., Jof, Inc., John A. Carlson Company, John Basilone Society, John C. Ogilvie, Inc., John D. Pelham, Inc., John M. Yeatman Company, Inc., John P. Harris Corporation, The, Johnson & Kelly Hotel Supply Company, Inc., The, Joliet Carson Pirie Scott & Company, Jondoe Construction Co., Jones Moving and Storage Co., Inc.

K. C. Hill, Inc., K & S Engineering Co. Inc., Kamac Oil & Gas Corporation, Kar-Fone, Inc., Karr Supply Co., Inc., Kasara Electronics, Inc., Kasara Kruiser, Inc., Keefe Extinguisher Company, The, Keller Corporation, Kem-I-Kal Engineering Laboratories, Inc., Kennedy-Rambler, Inc., Kent Holding Company, Kent Plumbing Supply Co., Kewanee Carson Pirie Scott & Company, Keystone Construction Company, Kiehart Corporation, Kirk Sheet Metal Co., Kiwanis Club of Frankford, Inc., Kleinpaste & Rollene, Inc., Knickerbocker Fashions, Inc., Knox Electric Company, Inc., Knox-Lee Incorporated, Konrad's, Inc., Kurt Schoen Dance Studios No. 2, Inc., Kwick Steak Company, Kwik-Way Service Supply, Inc., Kyona Corporation.

L. A. Pickett, Inc., L. C. Morris Co., Inc., L. H. Management Corporation, L. M. K. Inc., L P Gas Savings Stamp Company, Inc., L. & R. Trading Corp., L. R. Vessels, Jr. Company, L. S. S. Inc., Lakeview Country Club, Lamontex Reserves, Inc., Land Investment Corp., Landex International, Inc., Larchmont Fund, Inc., Larpenteur National Corp., LaSalle Paint Products, Inc., Latino Films, Inc., Laurel Cabinet Works, Inc., Laurel FF Enterprises Inc., Laurel Mills, Inc., Lawrence Investment Corp., Le Tourneau Asbestos Corporation, Lea River Lines, Inc., Lectour, Inc., Lee's Sub Shop, Inc., Leewood Estates, Inc., Lehigh Finishing Co., Lisan Enterprises, Inc., Lena Horne Beauty Products Inc., Leslie's of Eastern Plaza, Inc., Life Fund Advisors, Inc., Life Fund Distributors, Inc., Likins-Foster Biggs Corp., Likins-Foster El Paso Corp., Lilkins-Foster Monterey Corp., Likins-Foster Ord Corp., Limestone Liquors, Inc., Limetal Corporation, Lincoln Associates, Inc., Lincoln Western League Baseball Club, Inc., Linde Land and Development, Inc., Linde's Sporting Goods, Inc., Lindy's Delicatessen, Inc., Linn Avenue Corporation, Lin-

stan, Inc., Lisard Development Corp., Little Creek Volunteer Fire Company, Livigen Laboratories Sales Company, Inc., Llewellyn and Company, Inc., Long Elevator and Machine Co., Inc., Lorillard Research Foundation, Inc., The, Louis Furriers, Inc., Lucas Auto Co., Lynch & Hickman, Inc., Lynch Realty Company, Lyndale Corporation, Lypall, Inc.

M & H Mobile Park Home, Inc., M & M Fairfax Delicatessen, Inc., M. and S. Home Improvement Co., Macner, Inc., Madison Gardens, Inc., Magic Kingdom, Inc., Magna Development Corp., Maine Line Auto Sales Inc., Maintcorr, Inc., Malden Carpet Mills, Inc., Mall Tool Company, Management Sciences Corporation, The, Mancari's Italian Restaurant, Inc., Mandell Industries Corporation, Manufacturers Direct Promotions, Inc., Maple Hill Corporation, Marinas Corporation of America, Mark Miller, Inc., Marwet Builders, Inc., Markets & Management, Inc., Marlowe Chemical Company, Inc., Marmat Construction Co., Marsh Road Animal Haven, Inc., Mary-Ellen Enterprises, Inc., Massachusetts Pigeon Hole Parking Corp., Matex Co., Inc., Mats Aero Club—Dover Chapter, Maume Foundation, Inc., The, Mayfair Restaurant Corporation, Mayor's Committee for a Beautiful Wilmington, Inc., McArthur Advertising Corporation of Detroit, McArthur Advertising Corporation of St. Louis, McArthur Advertising Corporation of Washington, McArthur Advertising Studios, Inc., McKenzie Development Corporation, Medina Lodge No. 1 of A. F. & A. M. Inc., Megadyne Electronics, Inc., Meldale Industries, Inc., Memorial Investments, Inc., Merchandise World of Pittsburgh, Inc., Merit Construction Co., Meryle E. Uffelman Inc., Metals Management, Incorporated, Meyer Mineral Separation Company, Meyle-Spangler Associates, Incorporated, Mid-Central Tel-Hotel Corp., Middle Atlantic Investment Company, Middle East Petroleum Corporation, Midway Beverage Mart, Inc., Midwest Automatic, Inc., Midwest Development Corporation, Midwest Freight Forwarding Company, Miller's Pharmacy, Inc., Millsboro Purchasing Co., Inc., Mineralag Corporation, The, Mines of America Inc., Mission Oil of Oklahoma, Inc., Mirafoam Industrial Sales of Illinois, Inc., Mitsui Bussan Inc., Mo-Bar Hydraulics Co., Mobile Home Midwestern Division, Inc., Modern Cemetery Company, Modern Education Distributors, Inc., Moline Carson Pirie Scott & Company, Molinum Corporation, Monoxit Pantex Corporation, Monticello Stables, Inc., Moore's Maid

Service, Inc., Moore's New & Used Cars, Inc., Morgan Development Corporation, Morrison & Company, Inc., Motor Mileage Leasing Corporation, Mount Pleasant Corporation, Mulroy Builders, Inc., Multiple Services, Incorporated, Municipal Employee's Political Organization, Inc., Murray Jewelers, Inc., Musical Masterpiece Society, Inc., The, Mutual Mortgage Management Company.

N. L. Wartel, Inc., N-States Oil & Gas Company, Inc., Nanticoke Garment Co., Inc., Nathan Schwab & Sons, Inc., National Anesthesia Corporation, National Art League Service, Inc., National Association for Service to the Retired and Pensioned, Inc., National Association of Development Companies, National Automobile Insurance Company, National Business Conselors, Inc., National Capital Investment Corporation, National Coal & Supply Company, National Committee for Municipal Bonds, Inc., National Development Corporation, National Drug Plan, Inc., National Dynamics Corporation, National Fidelity Corporation, National Foundation Schools, Inc., National Institute of Commerce and Technology, Inc., National Motors, Inc., National Natural Gas Consumers Union, National Nurseries Sales Corp., National Oil Corporation, National Optical Plan, Inc., National Pool Properties, Inc., National Products, Inc., National Promotions, Inc., National Resources, Inc., National Retail Board of Trade, Inc., National Shopping Cities, Inc., National Sportman, Inc., National Women's Realty Association, National Yeast Company, The, Nationwide Government Employees Finance & Insurance Corp., Nationwide Safti Brake Centers of Wilmington, Inc., Natrona Merchandise World, Inc., Nepenthe Corporation, New Castle Businessmen's Association, New Castle Liquors, Inc., New Castle Motel, Inc., New England Forwarding Company, Inc., New Jersey Milk Products Co., Inc., New Products Corporation, New Venture Board of Trade Inc., New York Gothams Corp., New York & Gulf Capital Corporation, Newark Concrete Company, New Port Enterprises, Inc., Nicoud Manufacturing Co., Ninth Ward Democrats, Inc., Noll's Baking Co., Non-Partisan Committee for Good Government, Inc., Nor-Feld of Delaware, Inc., Nor-Feld Materials, Inc., Norita Shipping Corp., Norescot Foods Corporation, North American Middle East Development Corp., North American Paper Process Co., Inc., North Fenwick, Inc., Northeastern Engineering Corporation, Northern Illinois

Tractor & Equipment Co., Northern States Construction Co., Northwest Dover Heights Construction Co., Novi Sales and Service Co., Inc., Nurserymen's Research Foundation, Inc.

O. P. O. Savannah, Inc., Oakhaven Corp., Ocean Transport Company, Inc., Office & Clerical Services, Inc., Offutt AFB Housing No. Eight, Inc., Offutt AFB Housing No. Seven, Inc., Offutt AFB Housing No. Six, Inc., Ohio Steel Products Company, OHM Electronics, Inc., Oil & Gas Development Company, Inc., Olan Industries, Inc., Olney Acceptance Corporation, 109 Corporation, 113 Diner, Inc., 1702 12th Street, Inc., Opera Society, Inc., The, Opmac Credit System, Inc., Orbitronics Corp., Ore Industries, Limited, Ottawa Carson Pirie Scott & Company, Over Seas Import Corporation, Overland Industries, Inc.

P. B. S. Investment Corporation, P. H. C. Home Owners Club, Inc., P. H. Cummings & Co., P & J Development Corp., Pacific Aircon, Inc., Pacific Cattle Co., Pacific Engineering Corporation, Padevco, Inc., Palo, Inc., Pan American Banking Corporation, Pan American Financial Corporation, Pan American Transport Company, Parcoa Systems, Inc., Parkonomics Corporation, Patricia Drilling Co., Pearson's Pharmacy, Inc., Peerless Turbine Corporation, Pega Palo, Inc., Pendel Newspapers, Inc., Pendergraft and Stake, Inc., Peninsula Finance Company, Peninsula Flying Co., Inc., Peninsula Realty Corporation, Peninsula Sand & Stone Co., Penn Valley Mortgage Company, Pennrose, Inc., Pennwoven, Inc., Penthouse Dry Cleaning Company, People's League, Inc., Peoples Lobby, Incorporated, Peoria Carson Pirie Scott & Company, Perco Construction Company, Pere Marquette Insurance Agency, Inc., Perfex, Inc., Perfume by Georges, Inc., Permac Products Corp., Permachem Home Products Corp., Peter J. Bottazzi Aircraft Sales Incorporated, Petrochemicals, Inc., Petroleum States Development Company, Peuchen Engineering Corporation, Philadelphia Pharmacists Guild, Inc., Physical Measurements Corp., Piedmont Petroleum Corp., Piggy-Back Corp., The, Pioneer Development Company, Inc., Pioneer Enterprises, Inc., Pioneer Fence Company, Inc., Pioneer Manufacturing Company, Pipeline Engineering Surveys, Inc., Piscataway Land Development Company, Plastic Engineering Corporation, Play Communities, Incorporated, Plaza Financial Corporation, Plymouth City, Inc., Polan Banks Enterprises, Inc., Polan Banks Interna-

tional Pictures, Inc., Polaris Motel, Inc., Pollack Interiors, Inc., Poplar Oils Co., Portable Jon of Baltimore, Inc., Porter Developers, Inc., Portodon Incinerator Co., Poultry Equipment Sales Corporation, Precision Construction, Inc., Preferred Development Corporation, Prepano Incorporated, Presidential Apartments, Inc., Preston Mining Company, Pretty Polly Products, Inc., Prices Corner Enterprises, Inc., Products Research Co., Inc., Professional Athletes Bowling Assoc., Inc., Program Publishing Company, Inc., Progressive Associates, Inc., Progressive Clay Co., Prudential Wares, St. Louis, Inc., Puerto Rico Fruit Co., Inc., The, Pure Cane Sugar Company, Inc., Pure Silicon Company, Inc.

Quality Beverages, Inc., Queens Chapel Investment Corporation, Quincy Carson Pirie Scott & Company, Quinn Investment Company.

R. and H. Filter Co., Inc., R. J. Brown Industries, Inc., R. & M. McCormick, Inc., R & S Builders, Inc., R. & S. Engineering Co., Inc., Rainbow Ridge Project No. 1, Inc., Randolph Properties, Inc., Ray E. Thompson & Sons, Inc., Ray Hoey, Inc., Ray Johnson Machine Works, Inc., Ray's Rug Service, Inc., Raynor Apartments, Incorporated, Rector's Restaurant, Inc., Redwall Corporation, Regency Finance Company, Inc., Regent Corporation, The Regis Western Corporation, Rehoboth Bay Water Ski Co., Inc., Rehoboth Beverage Mart, Inc., Reilly Residential Co., Relay & Mechanical Research, Inc., Reldiew, Inc., Reliance Cabinet Company, Inc., Relnac Corporation, Rem Engineering Co., Repeat Development Corporation, Reproduction Research, Inc., Research & Security Corporation, The, Reserve Water Corporation, Restaurant Credit Corporation of America, Retail Floor Coverings Council, Inc., Revere Builders, Inc., Rex Electric Supply, Inc., Reynolds Supply Co., Inc., Rice Brothers, Inc., Rich Holding Corp., Richey, Browne & Donald, (Delaware), Inc., Richie Builders, Inc., Richmond Hill Development Co., Inc., Rippon Estates, Inc., Rite-Way Auto Top Company, Inc., Riverside Industries, Inc., Road Runner of America, Inc., Robert Claire, Inc., Robert R. Carl Associates, Inc., Robert Wade & Sons, Inc., Robinson Motors, Inc., Robinson Oil Corporation, Rochesterites of Virginia, Incorporated, Rockford Carson Pirie Scott & Company, Roosevelt Motors, Inc., Rotavion, Inc., Rothlein Security

Service, Inc., Rotojet Turbines Limited, Royal Gas Products Corporation, Royal Hawaiian Motels, Inc., Royal United Transports, Inc., Royalty Distributing Co., The, Royersford Manufacturing Corporation, Ruffing Products, Incorporated, Ruthello Corporation, Ryal Corporation, Ryan Corporation.

S. & W. Tank Painting — Maintenance Co., Safety Light Equipment, Inc., Sag-No-Mor Jersey By Wyner, Inc., St. James Development Corp., St. Joe Consolidated Mines Corp., Saiant Lo Construction Company, Inc., Salvador Run, Inc., Sam's Delicats-sen, Inc., Sam Snead Productions, Inc., Samana Corp., Samco, Inc., Samuels Realty Co., Sanctuary of Faith Church, Inc., Sanitary Rendering Company, Scandinavian Overseas Trade Co., Inc., Schaaake & Company, Inc., Schoenthaler and Associates, Inc., Scholnick, Inc., Schreiber, Inc., Schulte-Redline Company, The, Scientific and Medical Corp., Inc., Scott Land & Grain Co., Sea-Highways, Inc., Sea-Land Trucking Corporation, Sea Wall Motel, Inc., Seaboard Air Service, Inc., Seaboard Chemical Company, Inc., Seaflight Corporation, Seafood Products, Inc., Sealake Shipping Corporation Seamaster, Inc., Second Realty Corporation, Security Small Business Association, Inc., Segal's, Inc., Selznick Releasing Organization of Brazil, Ltd., Sem, Incorporated, Service Instrument Corporation, Service Terminal Corporation, 777 Lease Management Corporation, Seven Seas Airlines, Inc., Sham-rock Realty Corp., Shaw-Baker Chemical Company, Shepherd Park Bakery, Inc., Sherman Ambassador Operating Corporation, Shielcoat International, Inc., Shillingsburg Oyster Company, The, Shore Builders, Inc., Shore Spray Service, Inc., Shore Trucking Co., Shull Home Improvement Co., Shur Construction Co., Inc., Shur-Shot Oil & Gas Company, The, Sigma Alpha Kappa Inc., Siguard Scholle, Inc., Sijo, Inc., Silvermarsh Roads Company, The, Sima Shipping Co., Simplified Farm Record Book Company of Illinois, Simplified Farm Record Book Company of Kentucky, Simplified Farm Record Book Company of South Carolina, Simplified Farm Record Book Company of Virginia, Sincere Cleaners, Inc., Sinclair Oil and Refining Company, Sioux Production Co., Sly Industries, Inc., Smith's Pharmacy, Inc., Smyrna Flying Club, Inc., Snak-King Corp., Society of Automotive Service Managers, Inc., Soltow, Inc., Son-Mark Industries, Inc., Sonatronics Corporation, Southeastern Industrial Models, Inc., Southern Broadcasting Company, Southern California Development

Corporation, Southern California Land Development Corporation, Southern Produce, Inc., Space Fund, Inc., The, Space Toys, Inc., Spandeck Corporation, Specialty Rock Products, Inc., Spec-tron, Inc., Sperber Company, Spring Valley Enterprises, Inc., Stagedoor, Inc., Stan's Shooting Supplies, Inc., Standard Engi-neering Company of Washington, D. C., Standford Corporation, The, Starcher & Co., Incorporated, Starfire Development Cor-poration, Starmeyr, Inc., Starr Engineering Company, State Con-tracting Co., State Housing Corporation, Steak Ranch Incor-porated, Steamer Avalon, Inc., Steller-Vision, Inc., Stemmer Run Corporation, Stevens Bros. and the Miller-Hutchison Co., Inc., Stone Hall School and Camp Corporation, Stone's Unique Shoe Store Inc., Storch Aluminum Bearings, Inc., Storm King, Inc., Stratton Mountain Corporation, Straw Corporation, Strong Pro-ductions, Inc., Suckow Borax Mines Consolidated, Inc., Sugar Grove Manganese Company, Sulgrace Corporation, Summit Phar-macal Co., Inc., Sunburst Madison Oil Corporation, Sundance Petroleum and Uranium Company, Sunny Hunny Shoppes of Del-aware, Inc., Sunshine Land Development Corp., Superior Electri-cal Industries, A Corporation, Superior Films, Inc., Supreme Council of the Brotherhood, Inc., Sutton Leasing of Delaware, Inc., Sweet Sands Oil Corporation, Swift Business Machines Cor-poration, S & S Enterprises, Inc., Squan Marina Inc.

T V Funfare, Inc., Taft Corporation, Tall Size Shops of Ohio, Inc., Tandy Leather Company of Delaware, Inc., Tastee Freez of Greece, Inc., Tasti-Cup Coffee Corp., Taylor Construc-tion Corporation of Dover, Teagle Transportation Corporation, Technical Institute of Arts and Sciences, Inc., Technical Invest-ment Corporation, Techtro Corporation, Tele-Pac, Inc., Telenar Corporation, The, Telog Corporation of Pennsylvania, Television Capital Management Corporation, Telitronics Corporation, Tel-tron Corporation, Tempest International Corporation, Tenth Columbus Club, Termionix Industries Corporation, Thermo-Jet International Corporation, Thermoseal Insulation, Inc., 33 In-dustrials Fund, Inc., The, Tho-Nol, Inc., Thomas, Inc., 300 Sportsmen's Club, The, Thrifty Appliance Service, Inc., Thunder-bird Foundation, Tilt, Inc., Timber Products Inspection Service, Inc., Times Publications, Inc., Tinywood Kartoon Time, Inc., Totts Pharmacal Corp., Town & Country Lincoln-Mercury, Inc., Towers Marts International, Inc., Toytronics Corporation, Trac-

tor Transport Company, Trans-Carolina Pipeline Corporation, Trans European Car Rental System, Inc., Trans-Fun Co., Trans-Videotape Productions, Inc., Transatlantic Real Estate Corporation, Transcar Corp., Transcontinental Oil Corporation, Trans-electron, Inc., Transportation Equipment Development Corporation, Transicam Industries, Inc., Travelcar, Inc., Travellers Budget Service, Inc., Treasure Trails Incorporated, Tremont Enterprises, Inc., Tricolore Imports, Inc., Triple A Distributors, Inc., Triumph Industries Corp., Tropic Tone Inc., Tropicana Motel Inc., Elat, Israel, Trustor's Corporation, Trustees of the Wilmington Annual Conference of the M. E. Church, Tugs & Barges, Inc., Twin Auto Parts, Inc.

U. S. Designers Corporation, U. S. Fusel Quartz and Manufacturing Corporation, U. S. Industrial Maintenance Corp., U. S. Lands Incorporated, U. S. Petrol Reserves, Inc., U. S. Systems, Inc., Ultra Chrome Incorporated, Ultra Laboratories, Incorporated, Ultra Products Corporation, Uncle Pinky's, Inc., Union Grill, Incorporated, Union Gulf Line, Ltd., Union Managanese Mining Company, Union Shopping Center Drug Corporation, United Employees Insurance Co., United Minerals & Metals Corporation, United States Foreign Investment Company, United States Glass Company, Inc., United States International Airways, Inc., United States Pari-Mutuel Corporation, United Trading & Development Corporation, Universal Broadcasting Company, Universal Insurance Service, Inc., Universal Land Development Corporation, Universal Lithium Corp., Universal Leasing Corp., Universal Pen Corp., Universal Water Purification Corp., Up-Town Sales, Inc., Utica Transport Company, Inc., The.

V. G. V. Sales Corporation, V-J Building Corporation, V. L. Sweeny Company, V. P. A. Realty Company, Val-Lo Will Farms, Inc., Valley Forge Ltd., Inc., Van-Ships, Inc., Vapo-Gas Corporation, Vendamatic Inc. of Lake Charles, Vermont Tissue Mills Inc., Verti-Gyro Company, Vic Verity Publicans Inc., Vickers-Crow Mines, Inc., Viking Parking Services, Inc., Village Bakery, Inc., The, Vincent Associates, Ltd., Vipaco, Inc., Vision-Voice-Value Incorporated, Vita-Grass Corporation, Vital Interest, Inc., Volunteer Service Coupons Inc.

W. D. G. Pharmacy, Inc., W. E. Moore Lectromelt Furnaces and Lectrodryer Products, Inc., W. P. McFarland & Company, Inc., Wallace Process Piping Company of Delaware, Walnut Street Friendly Club, Walnut Street Liquors, Inc., Walter Belle Jr. Co. Inc., The, Walter J. Taylor & Company, Walton Walk, Ltd., Wane Management Service, Inc., Ward Mushroom Corporation, Warehouse Points, Inc., Washington Estates, Inc., Water Conversion Corporation of America, Water Systems International, Inc., We Grow Grass, Inc., Webster Farm, Inc., Weidler Construction Corp., Weissing Lumber Co., Inc., Werner Industries, Inc., West Mesa Industries, Inc., The, West River Inc., Western Growth Corporation, Western Hemisphere Constructors, Inc., Western Homes, Inc., Western Standard Company, Westview Maintenance Corporation, Wheeler Fibre Glass Boat Corporation, Whitney Reduction Company, The, Wiita Oldsmobile, Inc., Wil-Del Rod and Gun Club, Wilbur-Rogers Boston Corporation, The, Wilbur-Rogers Charlotte Corporation, The, Wilbur-Rogers Richmond Corporation, The, Wilbur-Rogers Southgate Corporation, The, Wilbur-Rogers Wilmington Corporation, The, Wilbur-Rogers Woodward Corporation, The, Wilbur-Rogers Worcester Corporation, The, Wm. H. Husted & Company, Inc., William Penn Supply Corporation, William Brothers Overseas Company, Williams Realty Corp., Williams & Son, Inc., Wilmat, Inc., Wilmington Kart Club, Inc., Wilmington Men's Social Club, Wilmington Milk Dealers' Association, Wilmington Steel Fabricating Co., Wilmington Union of Women's Christian Temperance Union, Wilrich American Petroleums Inc., Wiltbank-Czygan, Incorporated, Windsor-Fifth Avenue, Inc., Wines and Company, Inc., Winged Instrument & Accessory Corp., Winnetka Carson Pirie Scott & Company, Wolf and Wolf, Ltd., Woodbury Plating Co., Woodcrest Fire Department, Inc., World Credit Corporation, World Industries, Inc., World Recovery Association, Inc., World Suppliers, Inc., World Wide Life Insurance Company, Worthy Bros. Contracting Co., Inc., Wyoming Oil Company.

Y-H Corp., Y-K Management Corp., Yacht Haven Apartments, Inc., Yacht Shelters, Inc., Yax Pontiac-Cadillac Co., Yeomans & Mitton, Inc., Yeomans & Mitton Products, Inc., York Iron Works, Inc., York Mining Industries, Inc., Ytong Corporation of America.

Zebra Corporation, The, Zenith Artists, Inc., Zinn Paint Company, Inc.

IN TESTIMONY WHEREOF, I, ELBERT N. CARVEL,
Governor of the State of Delaware, have here-
unto set my hand and caused the Great Seal to
(GREAT SEAL) be hereunto affixed this twentieth day of Jan-
uary, in the year of our Lord one thousand nine
hundred and Sixty-four, and of the Independ-
ence of the United States of America, the one
hundred and eighty-eighth.

By the Governor:

ELBERT N. CARVEL

ELISHA C. DUKES, Secretary of State

CHAPTER 465

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, The Tall Cedars of Lebanon of the United States of America has been among the Nation's leaders in its effort to encourage public response to the needs for medical and scientific research into the causes and possible cure of muscular dystrophy; and

WHEREAS, the public health of our Nation is constantly imperiled by this disease; and

WHEREAS, Research units sponsored by the Tall Cedars of Lebanon at the Institute of Muscle Diseases in New York City offer hope that an effective method of combating muscular dystrophy may be found; and

WHEREAS, The Tall Cedars of Lebanon continues its selfless devotion to the philanthropic principles of its Founders in the participation of its members in civic projects throughout the Country; and

WHEREAS, House Joint Resolution 7, passed recently by the 122nd General Assembly, provides that the week of March 15 to March 21, 1964, be designated as National Tall Cedars of Lebanon Week in the State of Delaware and authorizes the Governor of the State of Delaware to issue an appropriate proclamation marking this occasion:

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim the period March 15 to March 21, 1964, as

NATIONAL TALL CEDARS OF LEBANON WEEK
in the State of Delaware, and urge the people of our State to acquaint themselves with the programs of the Tall Cedars of Lebanon and to lend their support to its commendable efforts to combat Muscular Dystrophy.

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) 24th day of February in the year of our Lord,
one thousand nine hundred and sixty-four, and
of the Independence of the United States of
America, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 466

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Sunday, March 29, 1964, will mark the three hundred and twenty-sixth 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 has 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 Sunday, March 29, 1964, as

DELAWARE SWEDISH COLONIAL DAY

and request that on this day, and in the days following, our schools, churches, patriotic and historical societies, and other institutions and organizations commemorate this historic occasion with appropriate ceremonies. I also request State, county, city and town governments to disulay on such occasions 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 during the period of observance.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the
said State to be hereunto affixed at Dover this
(GREAT SEAL) 23rd day of March, in the year of Our Lord, one
thousand nine hundred and sixty-four, and of
the Independence of the United States of Amer-
ica, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 467

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we should be ever conscious of the need and 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 providing an important source of revenue, our woodlands also provide the beauty and shade which adds color to our countryside and serves as shields for our birds and other wildlife; and

WHEREAS, our forefathers, in recognition of the benefits and influence of such bountiful gifts showered upon the lives and fortunes of future generations, sought to communicate to their successors an understanding and appreciation of our natural assets 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 proclaimed as Arbor and Bird Day;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim, Friday, April 24, 1964, as

ARBOR AND BIRD DAY

in the State of Delaware, and urged schools and civic organizations to hold appropriate exercises on that day to stimulate mass consciousness and appreciation 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) 1st day of April in the year of our Lord, one
thousand nine hundred and sixty-four, and of
the Independence of the United States of Amer-
ica, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 468

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; 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 our great Nation was founded; and

WHEREAS, there have been varied attempts over the last two centuries to stifle and destroy the 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 for 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, 1964, as

LOYALTY DAY

in Delaware and urge that on his day all citizens of our State join in reaffirming their undivided allegiance to the government of the United States and the ideals which it defends and preserves. Civic groups are urged to join with our veterans in ceremonies and exercises that will appropriately demonstrate such loyalty, and in display of our National Emblem and the Delaware Day 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) 14th day of April, in the year of our Lord, one
thousand nine hundred and sixty-four, and of
the Independence of the United States of Amer-
ica, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 469

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is highly appropriate that a specific day be set aside for the purpose of honoring our Mothers; and

WHEREAS, because of 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 10, 1964, as

MOTHER'S DAY

in Delaware, and urge all of our citizens 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. Margaret Moffett O'Neill of near Smyrna, our 1964 Delaware Mother of the Year.

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) 27th day of April in the year of our Lord, one
thousand nine hundred and sixty-four, and of
the Independence of the United States of Amer-
ca, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 470

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is highly appropriate that grateful Americans everywhere should pause on a designated "Memorial Day" 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 might remain free; and

WHEREAS, the President of the United States of America, by the authority of the Congress, has set aside May 30, 1964, as a day when we should honor the memory and deeds of our valiant fallen war heroes; 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 Saturday, May 30, 1964, as

MEMORIAL DAY

and urge the people of our state to participate in exercises, graveside 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, patriotic Americans, remain faithful 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) 8th day of May in the year of our Lord, one
thousand nine hundred and sixty-four, and of
the Independence of the United States of Amer-
ca, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 471

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 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 great country to which it gave birth stand as a fount of hope and promise for Americans and all the peoples of the world; and

WHEREAS, on this July 4th, patriotic Americans everywhere are being asked to help revive an old form of celebrating the anniversary of American Independence with the ringing of bells—from churches, from government buildings, from commercial buildings—recalling the joyous clangor that greeted news of this great history-making event 188 years ago;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby proclaim that Saturday, July 4, 1964, 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 everyone to join in this display of our national and state colors in recognition of the significance of this great event in our history.

I request that all churches, government buildings and other edifices possessing bells arrange for the ringing of these bells on this Independence Day so that everyone in this great nation may be made fully aware of the historic significance of this occasion.

While we as citizens are enjoying this holiday, let us pause to give thanks to Almighty God for the blessings and privileges we enjoy as members 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) 15th day of June in the year of our Lord, one
thousand nine hundred and sixty-four, and of
the Independence of the United States of Amer-
ca, the one hundred and eighty-eighth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 472

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the skill, ingenuity and courage of the American worker, coupled with his determination to raise the standard of living for himself and his associates, have been major factors in providing the high standards of living which we presently enjoy; and

WHEREAS, it is appropriate that the contributions of working men and women to the economy and welfare of our State should be suitably recognized; and

WHEREAS, the first Monday in September is traditionally set aside to honor the workers of America; and

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 7, 1964, 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
(GREAT SEAL) 20th day of August in the year of our Lord,
one thousand nine hundred and sixty-four, and
of the Independence of the United States of
America, the one hundred and eighty-ninth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 473

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 31, 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 to the honor rolls of this Nation; and

WHEREAS, in order to expand the significance of the November 11 observances 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 those veterans who, banded together in various organizations, are leaders in proclaiming the American Way of Life and who continue to work for peace in the world; and

WHEREAS, Title 1, Sec. 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, 1964, 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 I 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 now traditional Veterans Day exercises to be held at the Delaware Memorial Bridge Plaza the afternoon of Sunday, November 8.

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) 29th day of September in the year of our Lord,
one thousand nine hundred and sixty-four, and
of the Independence of the United States of
America, the one hundred and eighty-ninth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 474

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on October 12, citizens of South American countries and our neighbors of North America will join all Americans 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, the fine Italian hand of earlier craftsmen is reflected in our civilization and culture; and

WHEREAS, Delawareans of Italian descent are daily making outstanding contributions to this great nation in every conceivable field of endeavor; 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 472 years ago by Christopher Columbus; and

WHEREAS, this annual observance serves to remind us of the courage and contributions made by 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, Sec. 501 of the Delaware Code sets aside the 12th 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 Monday, October 12, 1964, as

COLUMBUS DAY

and I urge all Delawareans, and particularly those who are connected with our schools and colleges, to mark with appropriate ceremonies this 472nd anniversary of the discovery of America.

I request that the American Flag and the Flag of the State of Delaware be flown 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
(GREAT SEAL) 2nd day of October in the year of our Lord, one
thousand nine hundred and sixty-four, and
of the Independence of the United States of
America, the one hundred and eighty-ninth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 475
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, our progress in promoting world and domestic peace and in assuring advances in the frontiers of medicine, science, the arts, industry, and the social sciences depends in large part on the fullest educational opportunities for all; and

WHEREAS, it has been demonstrated that education pays dividends in better human relations, in improved earning power, in personal fulfillment, in good citizenship, in economic growth, in better communities, and in improved international relations; and

WHEREAS, the establishment and maintenance of good schools in Delaware is essential to our progress and prosperity, and to assure that our State will make its contributions to a strong national defense; and

WHEREAS, the nation's schools and the schools of Delaware continue to be confronted by problems such as shortages of teachers, classrooms and financial support, which can be solved only by public understanding and public action; and

WHEREAS, the State of Delaware has established the Educational Television Board and appropriated funds to make closed circuit and broadcast ETV available to every school in the State, thereby becoming the First State in the Union to make this medium of communication available to every school of a state; and

WHEREAS, the State of Delaware has established the Adult High School Extension Program to help combat the school drop-out problem and to aid those Delawareans seeking to up-grade their educational skills; and

WHEREAS, under provisions of Chapter 41, Section 4111, Title 14 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 8-14, 1964, as

AMERICAN EDUCATION WEEK

and do urge all citizens and all organizations interested in education and the welfare of children to become further acquainted with the advancing programs of education and to rededicate themselves to the need for strengthening and improving this essential safeguard of our Nation.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this 19th day of October in the year of our Lord, one thousand nine hundred and sixty-four, and of the Independence of the United States of America, the one hundred and eighty-ninth.

(GREAT SEAL)

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 476

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Herbert C. Hoover, the 31st President of the United States, departed this life on October 20, 1964; and

WHEREAS, he served this Nation with outstanding distinction as President of the United States, Chairman of the Hoover Commission, Secretary of Commerce, and as Director of the American Relief Administration from 1918 to 1923; and

WHEREAS, Herbert C. Hoover was an inspiring example of dedication to the welfare of humanity during his life; and

WHEREAS, it is appropriate that the people of Delaware give respectful remembrance to his contributions to all mankind;

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, by authority vested in me by the Constitution of the said State in that behalf, do order that all of the flags of our State be flown at half-mast for a period of thirty days ending Wednesday, November 18th, and I urge that appropriate memorial services be held throughout our State in memory of this life of dedicated service to our Nation and to the world at large.

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 October in the year of our Lord, one thousand nine hundred and sixty-four, and of the Independence of the United States of America, the one hundred and eighty-ninth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 477
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

In accordance with the provisions of Section 4302, Title 15, Delaware Code, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim and make known that on the third day of November, 1964, that being the Tuesday next after the first Monday of said month, an election will be held in the several counties of this State, at the places in the several election districts respectively, at which the General Election in the said State is held, for the purpose of choosing by the citizens of this State having the right to vote for representatives in the General Assembly, three electors for the election of a President and a Vice President of the United States of America.

IN WITNESS WHEREOF, I, 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) twenty-second day of October, in the year of
Our Lord, One thousand nine hundred and sixty-
four, and of the Independence of the United
States of America, the One hundred and Eighty-
ninth.

ELBERT N. CARVEL, Governor

ELISHA C. DUKES, Secretary of State

CHAPTER 478

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL

GOVERNOR OF THE STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 3rd day of November, in the year of our Lord one thousand nine hundred and sixty-four, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the purpose of choosing by ballot three Electors for the election of a PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES;

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said counties respectively for such Electors, were cast as follows, to wit:

NEW CASTLE COUNTY

John M. Conway	91,752
J. Allen Frear	91,752
Raymond V. West	91,752
Russell W. Peterson	54,767
James Rodimak	54,767
Frank Grier	54,767
Herbert B. Wood	282
Dorothy L. Hilyard	282
Raymond R. Green	282
Edward A. Breining	92
Lawrence C. Kemp	92
Floyd B. Smith	92

KENT COUNTY

John M. Conway	12,981
J. Allen Frear	12,981
Raymond V. West	12,981
Russell W. Peterson	9,006
James Rodimak	9,006
Frank Grier	9,006
Edward A. Breining	15
Lawrence C. Kemp	15
Floyd B. Smith	15
Herbert B. Wood	52
Dorothy L. Hilyard	52
Raymond R. Green	52

SUSSEX COUNTY

John M. Conway	17,971
J. Allen Frear	17,971
Raymond V. West	17,971
Russell W. Peterson	14,305
James Rodimak	14,305
Frank Grier	14,305
Herbert B. Wood	91
Dorothy L. Hilyard	91
Raymond R. Green	91
Edward A. Breining	6
Lawrence C. Kemp	6
Floyd B. Smith	6

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Electors, the result appears as follows, to wit:

Whole number of votes for	
John M. Conway	122,704
Whole number of votes for	
J. Allen Frear	122,704

Whole number of votes for Raymond V. West	122,704
Whole number of votes for Russell W. Peterson	78,078
Whole number of votes for James Rodimak	78,078
Whole number of votes for Frank Grier	78,078
Whole number of votes for Herbert B. Wood	425
Whole number of votes for Dorothy L. Hilyard	425
Whole number of votes for Raymond R. Green	425
Whole number of votes for Edward A. Breining	113
Whole number of votes for Lawrence C. Kemp	113
Whole number of votes for Floyd B. Smith	113

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby declare that John M. Conway, J. Allen Frear and Raymond V. West have received the highest vote at the election aforesaid, and therefore have been and are duly and legally elected Electors for the election of a President and Vice President of the United States.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Thirteenth day of November in the year of our Lord one thousand nine hundred and sixty-four and of the Independence of the said State the one hundred and eighty-ninth.

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 479

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL
GOVERNOR OF THE STATE*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 3rd day of November, in the year of our Lord one thousand nine hundred and 64 that being the Tuesday next one thousand nine hundred and sixty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States for the Constitutional term, to commence on the 3rd day of January in the year of our Lord one thousand nine hundred and sixty-five.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

NEW CASTLE COUNTY

John J. Williams	74,830
Elbert N. Carvel	71,484
Joseph P. Hollon	71

KENT COUNTY

John J. Williams	11,647
Elbert N. Carvel	10,140

SUSSEX COUNTY

John J. Williams	17,305
Elbert N. Carvel	15,226

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for	
John J. Williams	103,782
Whole number of votes for	
Elbert N. Carvel	96,850
Whole number of votes for	
Joseph B. Hollon	71

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby declare that John J. Williams has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the 3rd day of January in the year of our Lord one thousand nine hundred and sixty-five.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 13th day of November in the year of our Lord one thousand nine hundred and sixty-four and of the Independence of the said State the one hundred and eighty-ninth.

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 480
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL
GOVERNOR OF THE STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 3rd day of November, in the year of our Lord one thousand nine hundred and sixty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the Eighty-Ninth 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.	82,062
James H. Snowden	62,868
George A. LaForest	76

KENT COUNTY

Harris B. McDowell, Jr.	12,418
James H. Snowden	9,129

SUSSEX COUNTY

Harris B. McDowell, Jr.	17,881
James H. Snowden	14,257

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the Eighty-Ninth 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.	112,361
Whole number of votes for	
James H. Snowden	86,254
Whole number of votes for	
George A. LaForest	76

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 Eighty-Ninth Congress of the United States.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 13th day of November in the year of our Lord one thousand nine hundred and sixty-four and of the Independence of the said State the one hundred and eighty-ninth.

ELBERT N. CARVEL

By the Governor:

ELISHA C. DUKES, Secretary of State

CHAPTER 481
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL
GOVERNOR OF THE STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 3rd day of November, in the year of our Lord one thousand nine hundred and sixty-four, 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 for 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

Charles F. Moore	81,069
Frank M. Durnall	63,087

KENT COUNTY

Charles F. Moore	12,441
Frank M. Durnall	8,946

SUSSEX COUNTY

Charles F. Moore	17,754
Frank M. Durnall	14,367

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly de-

livered 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	
Charles F. Moore	111,264
Whole number of votes for	
Frank M. Durnall	86,400

NOW, THEREFORE, I, ELBERT N. CARVEL, Governor of the State of Delaware, do hereby declare Charles F. Moore has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Auditor of Accounts for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the thirteenth day of November in the year of our Lord one thousand nine hundred and sixty-four, and of the Independence of the said State the one hundred and eighty-ninth.

By the Governor:

ELBERT N. CARVEL

ELISHA C. DUKES, Secretary of State

CHAPTER 482

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL

GOVERNOR OF THE STATE

To all Persons to whom these Presents shall come, Greeting:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 3rd day of November, in the year of our Lord one thousand nine hundred and sixty-four, 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	81,119
W. Glenn Matthews	63,397

KENT COUNTY

Belle Everett	12,219
W. Glenn Matthews	9,357

SUSSEX COUNTY

Belle Everett	17,770
W. Glenn Matthews	14,361

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly de-

livered 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 111,108

Whole number of votes for

W. Glenn Matthews 87,115

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 State Treasurer of the State of Delaware.

(GREAT SEAL)

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the thirteenth day of November in the year of our Lord one thousand nine hundred and sixty-four, and of the Independence of the said State the one hundred and eighty-ninth.

By the Governor:

ELBERT N. CARVEL

ELISHA C. DUKES, Secretary of State

STATE OF DELAWARE
DEPARTMENT OF STATE
DOVER

November 4, 1964

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 122nd General Assembly at its first regular session which convened on Tuesday, the first day of January, A. D. 1963 and terminated without formal adjournment sine die at the beginning of the second regular session of the 122nd General Assembly and at its second regular session which convened on Tuesday, the fourth day of February, A. D. 1964 and terminated without formal adjournment sine die with the election of the members of the 123rd 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.

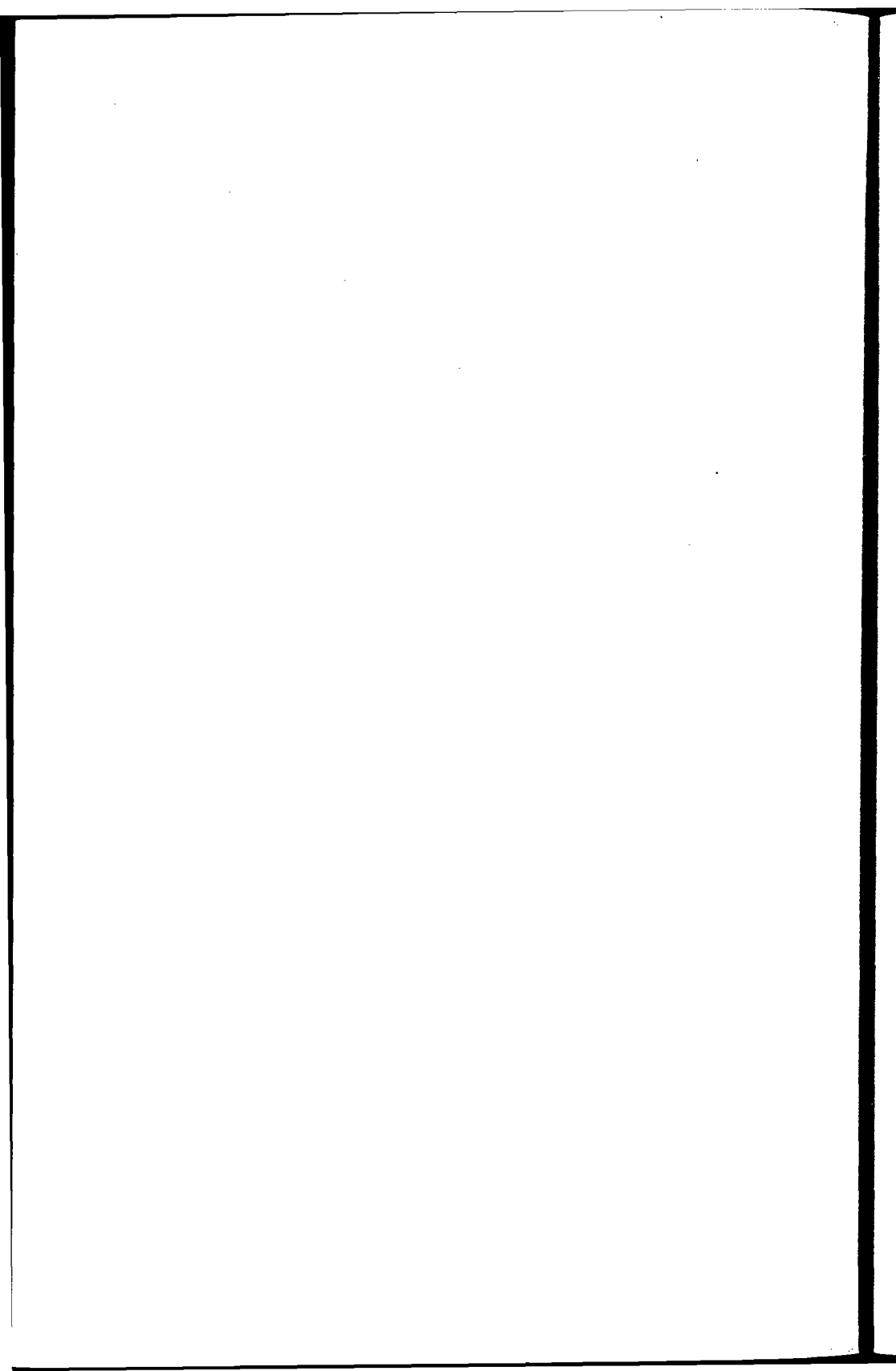
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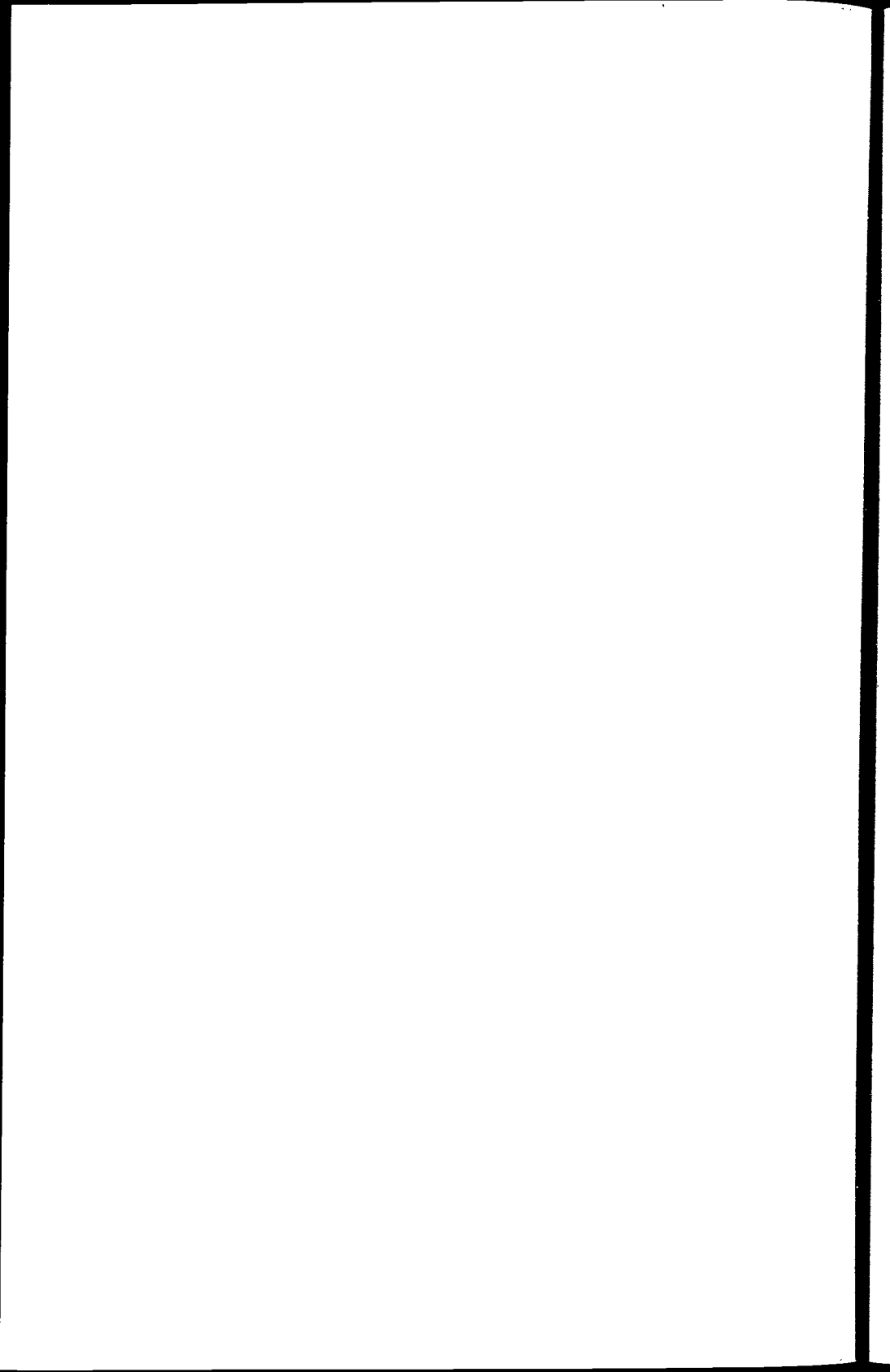
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